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Aceh Government Authority Against Granting Of Business Rights And Building Rights After The Birth Of Law No 11 Years 2006 About Aceh Government

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Abstract: The government has issued various general rules of both national and special terms that apply to certain regions, which contain the submission of part of the government's land authority to the local government. Related to the business rights and use rights of the building is the land affairs whose authority is in the government. But along with the validity of law No. 11 year 2006 about the Aceh government which makes the province of Aceh in this case as an area recognized by the central government with special autonomy, specialized in the land affairs of Aceh Government has been authorized by the central government to manage the affairs of the land, namely as mentioned in Article 213 Act No. 11 year 2006 on the Aceh Government stating that: Every Indonesian citizen in Aceh has the right to land in accordance with statutory regulations. The Aceh Government and/or district government/city authorities govern and manage the provisions, utilization and legal relationship with respect to land rights by acknowledging, respecting, and protecting existing rights including customary rights in accordance with national norms, standards, and procedures. The right to land as referred to in paragraph (2) shall include the authority of the Aceh Government and/or the District/city government to provide business rights and use rights in accordance with the applicable norms, standards and procedures. Section 214 states that the Aceh Government is authorized to provide building rights and business rights for domestic investment and foreign investment in accordance with applicable norms, standards and procedures. Further provisions on the procedure for granting the right referred to in paragraph (1) shall be governed by Qanun Aceh. With the above two rules, you can see the Division of authority between the Government and the Aceh regional government in relation to the granting of permits for business rights and rights of this building to the Aceh Government. This research uses normative juridical legal research methods. Based on the results of the study and research that the authority owned by the Aceh government based on the Law of Aceh Governmentis not separated from the various rules that are related to the land that is now still held by the central government and in Aceh itself there are constraints due to the unformed Qanun about the land and legally that the local government is allowed to exercise or be given authority about the land in accordance with article 18 Constitution 1945. Arranged to the Aceh Government to immediately form Qanun and carry out the transfer of Aceh land Agency by consulting with the central government.

Keywords: Government Authority, Business Rights, and Building Rights.

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I. INTRODUCTION

In the land affairs in Indonesia referring to Law No. 5 of 1960 on Basic agrarian Regulations and related to the authority of local government Area of land also mentioned in Law No. 23 of 2014 on local government in this law mentioned that land affairs is a government affairs that is national nature, in other words the affairs of government whose authority is in the central government and in carrying out the authority there is a division of affairs between the central government and local governments, where the land affairs is the business of a concurrent government that is a rule of government that is divided between the central government and provincial governments and district/city governments.

The affairs of the Land based on Law No. 5 of year 1960 concerning the basic regulation of agrarian trees is a concern that land affairs is a government affairs while the local government is only carrying out the duties of land based on (Ilyas Ismail, 54: 2010):

1. The delegation of authority to the Governor as representatives of government and/or government agencies in accordance with the principle of deconcentration, and
2. Assignment to local governments based on the principle of co-administration.

In its development and on the basis of regional demands in various forms and models, the government issued various rules of good general that is valid nationally or special that apply to a particular region, which contains the submission of a part of the government's land authority to the local government. Related to the business rights and use rights of the building is the land affairs whose authority is in the government.

Related to the understanding of business rights and building rights as contained in Law No. 5 of 1960 concerning agrarian Trees article 28 (1) mentioned that, "Business rights are the right to pursue land directly controlled by the State, within the period as mentioned in article 29, for agriculture, fisheries or livestock companies". Meanwhile, in section 35 (1) which says, "Building rights are the right to establish and have buildings on a non-own ground, with a period of at least 30 years".

The authority of the District government of Aceh in the provision of business rights and use rights before the enactment of Law No. 11 of 2006 about the government of Aceh, that the authority has been a long time in the provincial government, which is carried out as stipulated in the regulation of the Minister of the Interior number 5 year 1973 stating that the implementation of land affairs which became the regional government, and so far is implemented by the Sub-Division in the Governance Bureau of the governance of the Secretariat of Nangroe Aceh Darussalam, as well as in the Regency/city government (Ilyas Ismail, 56: 2010).

But along with the validity of law No. 11 year 2006 about the government of Aceh which makes the province of Aceh in this case as an area recognized by the central government with special autonomy, special in the land of Aceh government has been authorized by the central government to manage the affairs of the land, namely as mentioned in Article 213 Act No. 11 year 2006 concerning Aceh government which states that:

1. Every Indonesian citizen in Aceh owns the right to land in accordance with statutory regulations.
2. The Aceh Government and/or district government/city authorities govern and manage the provisions, utilization and legal relationship with respect to land rights by acknowledging, respecting, and protecting existing rights including customary rights in accordance with national norms, standards, and procedures.
3. The right to land as referred to in paragraph (2) shall include the authority of the Aceh government and/or the District/city government to provide business rights and building rights in accordance with the applicable norms, standards and procedures.

Further article 214 states that the Aceh government is authorized to:

1. The Aceh government is authorized to provide building rights and business rights for domestic investment and foreign investment in accordance with applicable norms, standards and procedures.
2. Further provisions on the procedure of granting the right referred to in paragraph (1) shall be governed by Qanun Aceh.

Following the provisions above the Government has issued government Regulation No. 3 year 2015 about the government's national authority in Aceh in which article 10 (2) PP No. 3 year 2015 mentions that:

1. The authority to grant rights and permits relating to the land by the Government of Aceh for the rights of buildings and business rights in accordance with the provisions of legislation.
2. Aceh Regency/city government is entitled to propose to the Ministry of Agrarian and Spatial/National Land Agency for the granting of rights and permits relating to land use rights and business rights.

With the above two rules when viewed clearly the division of authority between the Government and the Aceh regional government related to the granting of license to the rights of use and the rights of this building to the government of Aceh, however, in order not to be mistaken, it is also necessary to observe the regulation of the head of National Land agency No. 2 year 2013 on the delegation of land rights granting authority and land registration activities said that the granting of land rights is the determination of the Government granting a right to the land of the state , The authority to grant land rights to the head of the government office, head of the regional office of the National Land Agency, and head of the National Land Agency of the Republic of Indonesia.

By looking at the above conditions give the idea that the authority in the granting of business rights and use rights building is still in the central government which then at the level of implementation is carried out by the Office of the Territory of the National Land Agency as a vertical institution located in the province and land Office Regency/city which is directly responsible to the head of the National Land Agency of the Republic of But if according to article 213 and 214 Law No. 11 year 2006 about Aceh government it can be understood that there is authority that is in the local government of Aceh, further that after the authority is not found any explanation in Law No. 11 year 2006 about the Aceh government and in government Regulation No. 3 year 2015 such authority and in what form in fact, the government of Aceh is related to the granting of rights and permits on the rights of use and the rights of the building so that it may cause a lack of understanding and can be misinterpreted at the level of implementation of Article 213 and 214 Act No. 11 year 2006 concerning Aceh government and article 10 (2) Government Regulation No. 3 year 2015.

With the distribution of authority, there has been a division of the authority of business rights granting and use of building rights between the central government and the ACEH regional government. In this situation, it may pose a very important question as to why only the business rights and building rights are given while the

other rights are not given, but it can be seen that it is essentially a property and the other right is a right that should be priority to the people considering the property is the strongest right if compared with other rights (Ismail, 2015).

Although government Regulation No. 3 year 2015 as form of derivative or order of Article 213 Act No. 11 year 2006 concerning Aceh government has been realised, but it is not also able to answer the question of authority that is in the government of Aceh in good regard to the granting of business rights and rights of this building, therefore urgent to be careful here what is the authority of the Government of Aceh related to the granting of business rights and rights of building and what is the reason The law is given the authority of the business rights and the building rights in comparison to the other rights to the Government of Aceh and the journey of historical Authority prior to the enactment of Law No. 11 of 2006 concerning the Government of Aceh in relation to the authority of business rights and building rights in the Aceh local government.

Based on the explanation above, it can be taken to identify the problem i.e. whether that is the authority of the local government of Aceh in the granting of business rights and building rights after the enactment of law number 11 year 2006.

The research method used in this research is normative legal research, which is the approach done by researching the first written legislation established by state agencies or competent officials. As for the object of study in normative research are secondary data which is the primary legal material and secondary legal material by through library research. While the specification of this research is descriptive analytical, descriptive seeks to illustrate the application of a rule of law and its implementation. Analysis is a careful, thorough and systematic explanation of the objects that will be examined, in the law of the State in particular and in the matter of the authority of the Aceh Government in the granting of the establishment and use rights of the building.

Based on the data obtained from the research results, then the data is collected and classified according to the need to be able to answer the problems studied. Further data collected by qualitative analysis of legal materials. From the results obtained then deduced to the problem with presented in the form of scientific work.

II. LITERATURE REVIEW

A. Right To Land In National Legal System

Land is part of the earth called the Earth's surface, the land is one of the objects that are organized by agrarian law. The land that is set in the Agrary law is not the land in its various aspects, but the land of the juridical aspect is directly related to the land rights that are part of the Earth's surface as stipulated in article 4 paragraph (1) of law No. 5 of 1960 on agrarian trees that determine "on the basis of the right to control of the state as mentioned in article 2 shall be determined that there are various rights to the Earth's surface land , which is called the land can be given to and can be the people of either themselves or together with others and legal entities.

Article 4 paragraph (2) of law No. 5 of 1960 on agrarian fundamentals determines; "The rights to the land referred to in paragraph (1) of this article give authority to use the land in question, so also the body of Earth, water and space thereon is necessary for the sake of the purpose of dealing with the use of the land within the boundaries under this law and the regulations of the Higher law.

The right to land is a right that authorizes the rightsholders to use and take advantage of the land in which it is said. The word "use" implies that the right to land is used for the sake of establishing buildings, while the word "take advantage" contains the notion that land rights are not for the sake of establishing buildings, but to be used for agricultural activities, fisheries, farms, and plantations (Arba, 11: 2015).

The rights to the land as referred to above are set in the laws of the land. The object of land law is the right to land. What is meant by mastery of the land is the right that contains a set of powers, obligations and or prohibitions for the rightsholders to do something about the land being struck. Something that can be, obliged or forbidden to be made, which is the content of the right of mastery that is the criterion or benchmark of the differentiator and between the rights of the possession of the land set in the law of land (Arba, 13: 2015).

Effendi Perangin said that the land law is the whole rule of law, whether written mauun that is not written that governs the rights of mastery over the land which are the legal institutions and the concrete relations of the law. Meanwhile Budi Harsono said: The law of the land is the provisions of the law governing the rights of mastery over the land can be organized into one entity which is a system. The law of the land is not governing land in all aspects, but it regulates one aspect i.e. the legal aspect of which is called rights to the land (Arba, 11: 2015).

The right to land rights is a right that contains a set of powers, obligations or prohibitions for the rightsholders to do something about the land being struck. Something that can, is mandatory or forbidden to be made which is the content of that mastery rights which becomes the criterion or benchmark of the differentiator among the rights of possession of the land governed by the law of land. The rights of land tenure in the laws of the national land have the following hierarchy:

1. Indonesian rights to the land,

2. Right of control of the state over land,
3. The rights of customary legal community Ulayat,
4. Individual rights to land that include:
   a. Land rights,
   b. representative of land property rights,
   c. The right to land warranties (rights),
   d. The right of Mili over unit of house.

Thus the law of the land is the entire rules of law, both written and unwritten, all of which have the same regulatory object that is the right to the land as a legal institution and as a concrete legal relationship, public and private aspects, compiled systematically, so that it becomes a unity that is a system.

The object of land law is the rights of mastery over land divided into 2 (two) parts, the land as a legal institution. The rights to this land are:

1. Rights of mastery, not yet linked to the land and certain legal persons or entities as the subject or its rightsholders.
2. The rights to the land as a concrete legal relationship. The rights to the possession of this land have been linked to certain rights as objects and certain legal persons or entities as the subject of rightsholders.

There are 2 (two) kinds of principles regarding the relationship between the right to land rights holder with the right to its soil, namely:

1. The principle of accessie or principle of attachment, that between buildings and plants on it is a unity with land. The right to land by itself, as the law encompasses also the possession of the buildings and crops that are on the land being struck, unless there is another agreement with the parties who build or plant it. Legal action about the land by itself because of the laws of building and plants that are on it. This principle is contained in the Civil Code of Law chapters 570 and 571.
2. Horizontale base Scheiding or horizontal separation principle, is that the buildings and plants that are on the ground are not part of the ground. The right to land not only itself covers the possession of the buildings and plants on it. The legal act of the land does not itself include buildings and plants belonging to the land. If the legal action is considered to include the building and the plants, then this should be expressly stated in the deed that proves the legal action in question.

B. Principles of National Land Law

In law No. 5 of 1960 on Basic agrarian Regulations, contains some of the following basic principles (Widjaja, 10: 2012):

1. The principal principle, this principle is reflected in the provisions of article 1 of the Law No. 5 of 1960 on Basic agrarian regulations that determine "that the entire territory of Indonesia is the unity of soil, water of all Indonesian people who unite as the nation of Indonesia. All the earth, water and space, including the natural wealth contained therein within the territory of the Republic of Indonesia as a gift of God Almighty is the earth, water and space of the nation of Indonesia and is a national wealth. That the relationship between Indonesia and the Earth, water and space is the relationship that Versita lasting.
2. Principle of State power; This principle is reflected in the provisions of article 2 paragraph (1), (2) and (3) Act No. 5 year 1960 concerning the basic rules of agrarian principles which include said that the State is not necessary and not in place as the owner of land, the State as the organization of power of all people (nation) at the highest level to achieve the greatest prosperity of Indonesia.
3. Principle of recognition of ulayat; This principle is reflected in the provisions of article 3 of the Law No. 5 years 1960 concerning the basic rules of agrarian principles that determine "that the right of ulayat from the provisions of the customary law, shall subdue the right at the appropriate place on condition, that the rights of the Ulayat so long as the fact is still present and must be in accordance with the interests of the national and state and should not be conflicting with other higher legislation
4. The principle of all land rights have social functions; This principle is reflected in the article 6 of the Law No. 5 of 1960 on Basic agrarian regulations which determines that "all rights to social functioning land" of this provision means that the right to any land on a person cannot be justified, that the land will be used (not used) solely for his or her own personal interests. Especially if it raises losses for the community. The use of land must be in accordance with its circumstances and the nature of its rights, so it is beneficial to the welfare and happiness that has a good and beneficial to society and the country.
5. Nationality principle; This principle is reflected in the provisions of article 9 Jo. Article 21 paragraph (1) is said "that only Indonesian citizen can have property rights on land". Further in article 26 paragraph (2) it is stated that the transfer of property rights to foreigners is prohibited. But to the stranger can have land with the right to use (Section 42). Similarly for legal entities only for government-appointed legal entities that can have proprietary rights, while others may have other rights (business rights, building rights and rights).

6. Principle of equality of rights; This principle is reflected in article 9 paragraph (2) of Law No. 5 year 1960 concerning basic agrarian regulations. In law No. 5 of 1960 concerning the basic rules of agrarian fundamentals does not distinguish between men and women's rights. Article 9 paragraph (2) states "that every Indonesian citizen, both male and female, have the opportunity to acquire a right to land and to benefit and result both for themselves and his family '.
7. Principle of protection for weak citizens; To provide protection to the citizens whose economy is weak to the strong citizens have been set several provisions, among others:
   a. In article 11 paragraph (1) is set regarding the legal relationship between the person/legal entity with the Earth, the water and the space and its authority in order to be prevented from mastering the livelihood and the work of others that exceed the limit. While in verse (3), there is clearly a protection against the interests of the economy of the vulnerable.
   b. In article 13 stated that the monopoly efforts in the field of agrarian can only be done by the government and by law.
8. The principle that the agricultural land must be employed or actively sought by the owner himself. Principle II is reflected in the provisions of article 13 Jo. Article 17 of the Law No. 5 of year 1960 on Basic agrarian Regulations. In Article 13 Jo. Article 17 is determined by the minimum and maximum tenure/possession of the agricultural land. The provisions are described again in the rules of the implementation, namely the law No. 56 year 1960. The terms are intended to achieve the intent of the principle.
9. Principle of planning; This principle says that in order to achieve the goals of the nation and state above, it is set in article 14, which is to be allocated the plan of the allotted, use and stock of the Earth, water and space for the various interests of the people's lives and countries. With these plans, the use of land can be done in a organized and orderly manner so as to bring maximum benefit to the country and the people.

To accomplish what is meant in the above principles, then in law No. 5 of 1960 on Basic agrarian Regulations itself contains the provisions in article 2 paragraph (2) namely:

1. "On the basis of provisions in article 33 paragraph (3) of the Constitution 1945 and the matters as referred to in article 1, earth, water and space, including the natural wealth contained therein it is at the highest level ruled by the state, as the organization of the power of all people.
2. The right to control of the country is intended in paragraph (1) of this article authorizes to:
   a. Regulate and administer the provisions, use, supplies and use of the Earth, water and space.
   b. Determine and govern the legal relations between people and the Earth's water and space.
   c. To determine and regulate the relationship between the people and the acts of the Law concerning the Earth, the water and the space.

On the basis of these provisions, the State as the supreme organization of power is given the authority to regulate the Earth, water and space, as well as the natural wealth contained therein in order to be used and properly utilized in order to achieve the ideals of Indonesian nation that is a fair and prosperous society.

C. Land Policy Based On The Presidential Regulation On The National Land Agency

With to law as a tool to facilitate the interests of growth and accumulation of capital of the sectoral institutions has given various new rights to source agrarian resources for activities that are large capital of agrarian resources. It needs correction to legal politics that has been in effect and expected national land law system continues to adhere to the principle of national land that has been recommended by the United Nations (PBB) in the people of the route namely: the principle of the unity of agrarian law for all regions of homeland (Mohammad Hatta, 22: 2005):

1. Deletion of right Domein verrklaring.
2. Social function of land rights.
3. Recognition of agrarian law based on customary law and recognition of the rights of Ulayat or the right of territory.
4. Equality of fellow Indonesian citizen between men and women.
5. The implementation of the reform of relations between citizens with land or with Earth, water and space.
6. Plan general use, supplies, maintenance of the earth, water and space.
7. The principle of nationality.

Maria SW Sumardjono, argues in order to build national land law, especially in the establishment of a regulation-meeting, the required approach that reflects the proactive mindset and is based on a critical and objective attitude. In the face of the challenge it can at least record two kinds of reactions arising. The reaction, based on the legalistic approach, and its conservative stance, is difficult to accept new developments and tends to reject it on the grounds that it is not explicitly in a statute.

The existence of the National Land Agency that has duties and obligations in the field of land is affirmated in the regulation of the President number 20 year 2015 about the National Land Agency. In one

consideration of the publication of this presidential regulation is that the land is an adhesive of the unitary State of the Republic of Indonesia so that it needs to be organized and managed nationally to maintain the sustainability of the system of life of the nation and state.

This fact shows that the phenomenon of decentralization in the field of land through the model of autonomy to the autonomous region is not a reality because the government still maintains the existence of the National Land Agency as a body that is nationally responsible as a body that is nationally responsible for maintaining the continuity of the system of nation-life and state in the field of land. On the other hand, the granting of land authority to the local government based on the model Madebewind or the assignment of the administration obtained the settings in which the position of the National Land Agency which carries out government duties in the field of land nationwide, regional and sectoral (Gunawan, 88: 2009).

III. THE AUTHORITY OF THE ACEH LOCAL GOVERNMENT ON THE GRANTING OF BUSINESS RIGHTS AND USE RIGHTS AFTER THE ENACTMENT OF LAW NO. 11 YEAR 2006

Aceh Province in the governance of the Government, in addition to running the regional autonomy widest, but in the specificity of the governance in Aceh based the law No. 11 year 2006 about the government of Aceh. Broadly, the authority that is the responsibility of government bureaucracy in Aceh is the authority in the sense of giving a broad opportunity to organize and manage their own households including economic resources, digging and empowering initiatives, creativity and democracy, improving the participation of the Community, digging and implementing governance that matches the sublime value of the people's life of Aceh. Optimally the People's representative Council of Aceh in advancing governance and applying Islamic sharia in community life.

The first legislation produced by the legislature (Parliament) is the law that grants legislative rights to the Indonesian National Committee in these areas. Although this law is not intended to provide autonomy to these areas, the political implications of which it causes are very tangible, i.e. giving political power to areas to determine the political direction of each (Karim, 4: 2006).

Still at the level of political practice, the experience of Indonesian empirical, especially after the era of Liberal democracy revealed clearly, the commitment to give the political expression space for the areas is very viscous. Even in the history of government in Indonesia once had a ministry that is specifically intended to address the problems of local governments namely the Ministry of Autonomy and Inter-regional relations. It took 40 years before the ministry with the same subctance presented in the first cabinet of President Abdurrahman Wahid. Between this period and also-despite the release of special TAP MPR on regional autonomy-in Abdurrahman Wahid cabinet after Reshufle regional autonomy is the issue of the Ministry of Home Affairs, even only slumped into the issue of one of the Directorate General, this at the same time reveals the lack of central political concern on this issue.

Based on regional autonomy, the field of land is mandatory affairs which is the authority of provincial government and district/city government, as stated in article 13 paragraph (1) of Law No. 32 year 2004 which has been replaced with Law No. 23 year 2014 on local government. In particular, the authority of land is reaffirmated in article 16 paragraph (1) Letter K and article 17 letter K Law No. 11 year 2006, that the defence service is mandatory affairs that is the authority of the Aceh government and Regency/city government. Land area does not include compulsory affairs which is the implementation of privileges of the Government of Aceh and Regency/city government in Aceh.

According to article 16 paragraph (2) of law No. 11 of 2006, the compulsory affairs of the Aceh Government includes:

1. Organizing religious life in the form of the implementation of Islamic sharia for its adherents in Aceh while maintaining the harmony of life among religious people;
2. Implementation of customary life of Islamic Islam;
3. Organizing quality education and adding local content materials in accordance with Islamic sharia;
4. Role of scholars in the determination of Aceh policy;
5. Implementation and management of Hajj in accordance with statutory regulations.

The land field is one of government affairs that is handed over the regional autonomy under the laws of the local government. If linked with article 2 of the Agrarian Code of Law, based on the mastering rights of the State, the authority in the Land field is in the central government. In article 2 paragraph (4) of the law, it is stated that "the right to master the state of the implementation can be strengthened to the public areas and indigenous peoples, only necessary and should not contradict the government regulation" in the explanation of article 2 of the Agrarian Code of Law mentioned. That with the delegation of authority to enforce the state's right to rule the land is carried out in the framework of the task Medebewind (the principle of aid). It means that the affairs of the Government is carried out by local government devices based on orders from the central

government, rather than being handed over into autonomous government matters decentralized (Fitri, 256: 2015).

But in explicitly based on article 14 of the Agrarian Code, the actual land authority can be handed over to the local government in a decentralized manner, namely article 14 determines:

1. By remembering the provisions of article 2 paragraph (2) and (3), article 9 paragraph (2) and article 10 paragraph (1), the Government in order socialism of Indonesia, making a general plan on the supply, provision and use of the Earth, water and space as well as the natural wealth contained in the album:
   a. for state purposes;
   b. For the purposes of worship and other sacred purposes, according to the one true divine basis;
   c. For the purposes of community life centers, social, culture and other welfare;
   d. For the purpose of developing agricultural production, livestock and in line with it;
   e. For the purposes of development of industry, transmigration and mining.
2. Based on the general plan in paragraph (1) of this article and given the rules concerned, the local government governs the supply, appropriation and use of the Earth, water and space for its territory sesusai with their respective circumstances.

Broadly, the authority to be the responsibility of the Government in Aceh is the authority in the sense of giving a broad opportunity to organize and administer the household itself including economic resources, digging and empowering initiatives, social and democracy, improving the community participation, digging and implementing governance that matches the sublime value of people's lives. At the conceptual state of the state, the struggle above is revealed through the inclusion of regional autonomy principles early in the Indonesian constitution as it is clearly revealed in article 18 of Constitution 1945 following the explanation. At the level of political practice, accommodation of regional diversity is presented in the expression of the first eight (8) Proipinsi, the day after the Constitution 1945 applied. This continues with the inclusion of various constitutional foundations of important political products that are assumed to have the capacity to frame central government relations with areas in harmony and balance.

The implementation of regional autonomy in Indonesia began since the end of New Order administration. With the implementation of regional autonomy, the region is given rights, authority, and self-care affairs of its government and significance. It is also described in article 1 Figure 16 of Law No. 23 of 2014 on local government (Local Government Law) explaining that regional autonomy is the right, authority, and obligation of an autonomous region to govern and manage its own government affairs and the interests of local communities in the unitary State system of the Republic of Indonesia.

The issue of government authority since the era of regional autonomy based on law No. 22 of 1999 about local government which was later revised by law No. 32 year 2004 and the last by law No. 23 of 2014 increasingly met. On the one hand, regional autonomy gives authority to the area to manage the affairs of his household in accordance with regional peculiarities, but on the other hand the government needs to set a number of main rules so that the implementation does not cause various turmoil in the body of the local government itself due to the dissatisfaction of the policy taken by the central government. Although the area at full authority, there remains a mechanism that allows each region to implement according to the form and contents of its authority that has been standardized nationally (Gunawan, 88: 2009).

In connection with the local government after several changes and the last law of the period by law No. 23 of 2104. For Aceh with Law No. 11 of 2006 on the Aceh government, this is indicative of the will to renew the relationship between the central government and the local governments of the pattern of relations whose point of contact is in deconstentration and medebewind being decentralized. Deconcentration and Medebewind are expressions of the centralization of policy creation. In decentralization there is autonomy in policy making so that the distance between the people and policymakers is closer, because it can be expected that the resulting policy will be more in accordance with the people's lives and can be expected to also increasingly open access to the people in policy making (Ilyas, 2018).

Related to the authority of the local government in the land affairs is the delegation to the area in the framework of regional autonomy is the implementation of national Land Law. This is affirmed in article 2 paragraph (4) of Law No. 5 of 1960 on agrarian trees that the right to master from the country, the implementation can be strengthened to the regional areas and indigenous law societies, is merely necessary and not contrary to government regulations. Meanwhile, in the explanation of article 2 of the Law No. 5 of 1960 concerning agrarian trees mentioned that thereby, the delegation of authority to exercise the right of mastery of the state over the land was carried out in the framework of the task Madebewind.

Among the many government authorities delegated to the autonomous region, one of the most common powers that lead to problems that lead to the overlap of authority is the area of land. This deserves serious attention because the field of land is a very crucial field that is safely linked to the interests of many people. If the issue of authority of the land is arranged in such a way, the service of defence to the public will be hampered and will eventually pose its own problems in the later days.

Centralization of land authority is not only the occurrence of financial imbalances between the central government and local governments sourced from the land sector but also has a lot of harm to the institutional system of indigenous peoples, because it erode the customary laws governing the land. Decentralization is the right joint to accommodate, transmit and serve well the properties, specific different from each region, it can not be done with the principle of deconcentration, because deconcentration as a centralization element is the implementation of central policy that is national. Although deconcentration can hold adjustment with local circumstances but can not do anything differently at all from the national policy. A national policy is considered nationally because it is unlikely to meet any needs that are solely local, except in very special circumstances.

In addition to the ability to accommodate, transmit and serve the nature of specific local circumstances, the decentralized joints are more precise because of the more decentralization guarantees a sense of calm and safety. Decentralization is a more precise means of deconcentration in maintaining the integrity of the unitary state. Decentralization gives the people of the region to jointly assume the responsibility of realizing the welfare and nurturing the integrity of the unitary State through their participation in local governance.

Government reference on Land Authority pursuant to article 33 paragraph (3) Constitution 1945 and article 2 of Law No. 5 of year 1960 is the central government's business is normative, without reviewing the philosophical values contained in article 33 paragraph (3) Constitution 1945 ie the possession of land by the state aims to charge of prosperity of people. These objectives can be done in the maintenance of decentralized regional autonomy. In the context of land, this provision will at least cause obscurity when we associate with article 33 The Constitution of 1945 which is the backup of the Agrarian Law No. 5 year 1960 in the article is not mentioned about the possibility of submission of the Earth, water and natural wealth contained therein to the local government, but should be mastered by the state and used for maximum for the prosperity of It is expressly stated that the field must be controlled by the country to create prosperity of people. As explained in article 2 of the Law No. 5 of 1960 based on the authority contained in the Law of the national land, it turns out that the establishment of national Land Law and its implementation according to its nature and essentially a central government authority.

When looking at the framework for autonomy in Law No. 22 of year 1999, the delegation of authority in autonomy is about the field of government. Although the provisions of article 11 paragraph (2) of the law include authority in the field of land. Does not necessarily include authority in the field of national land law. Therefore the land as one of the areas of government that must be implemented by the Regency/city in article 11, should not be digested that the authority of the field is wholly in the district/city. The authority that is in the Regency/city on the land of the limited nature and not national.

The implementation bestowed upon the area within the framework of regional autonomy is the implementation of national Land Law. This is affirmed in article 2 paragraph (4) of Law No. 5 of year 1960 concerning agrarian trees that the right to master from the country, its implementation can be strengthened to the regional areas and indigenous law societies, simply necessary and not contrary to government regulations. Meanwhile, in the explanation of article 2 of the Law No. 5 of 1960 concerning agrarian trees mentioned that thereby, the delegation of authority to exercise the right of mastery of the state over the land was carried out in the framework of the task Madebewind.

Authority that the perpetrator can be bestowed on the local government stipulated in article 2 paragraph (2) letter a Law No. 5 of 1960 on agrarian trees, that is the authority to govern and administer the provisions, use, inventory of land in the area concerned, as intended in article 14 paragraph (2) of Law No. 5 of 1960 on agrarian trees covering the planning of agricultural and non-agricultural land in accordance with the circumstances of each district.

But along with the validity of law No. 11 year 2006 about the government of Aceh which makes the province of Aceh in this case as an area recognized by the central government with special autonomy, special in the land affairs when it is associated with article 18 Constitution 1945 that the land authority that exists in the central government can be bestowed on the regional and customary law community.

IV. CONCLUSION

Aceh Province, in addition to the autonomy of the widest, also applies special autonomy given under the law No. 18 year 2001 on special autonomy for the province of Aceh and has been revoked and replaced by law No. 11 of 2006 which is broad and specialized in government organizing in Aceh province. Pursuant to Law No. 23 of 2014 on local government, the authority to grant of business rights and use rights is one of the mandatory affairs of local government and district/city government. The Aceh government needs to immediately make a concept and a clear transfer team with regard to clarifying the authority related to business rights and building rights in order to be implemented in Aceh in accordance with the provisions of Article 213 and 214 of the Aceh government law.

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