



Ownership of Rights to Land Access to Citizen Perspective of Wahbah Az-Zuhaili

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Abstract: Everything that exists in the heavens and the earth including the land in the Islamic view belongs to Allah SWT. But God gives authority to humans to manage and own it. A person's ownership of land gives him the power to interpret it. Ownership in Islam consists of private and public property rights, but neither is absolute. Because, in every property owned by a person there are other people's rights. Thus, one's ownership of land must carry out its social function. However, there are cases of landowners blocking access to and from local residents' houses on the basis of property rights. The purpose of this research is to find out the factors causing the closure of access in and out of the road, how it is regulated in Indonesia and how the concept of ownership of land rights which is access in and out according to Wahbah az-Zuhaili. This type of research is empirical juridical using a case approach (*living case approach*) and conceptual approach (*conceptual approach*). Data were collected by interview, observation and document study methods. Then the data is processed with qualitative methods. The results of this study indicate that the closure of access in and out of the road that occurred in Kampung Bukit Kota Padangsidempuan violated the concept of ownership in the form of milkiyah rights where the concept of land ownership in Islam has limitations, not all assets can be owned individually (individually), one of which is assets owned by have public utilities including roads. In accordance with the opinion of Wahbah az-Zuhaili, that a person's penance for his property should not cause harm to many people.

Keywords: Ownership, Land, Access, Road Closure, Wahbah Zuhaili

1. Introduction

Everything in the heavens and the earth including the land belongs to Allah SWT alone. Soil is one of the important production factors that must be utilized optimally. Humans are not the absolute owner of everything in the universe, including land. However, ownership only applies at the level of social relations among human beings. And even that is within limits as long as the ownership does not cause harm to oneself and others, but on the contrary is useful especially for social interests.

Ownership is something that always exists until it is seen as one of the most basic aspects of human life. So it is not uncommon for friction, problems, or conflicts to occur

due to property rights¹. Issues regarding land rights are indeed often encountered, one of which is regarding road access which is closed due to development, both by the government and landowners of the road. Sometimes a person or community that has lived for a long time and built an ordinary house through an access road, suddenly closes it due to developments from both the government and landowners on the access road. This is of course detrimental to the people or communities that previously built houses because the access normally passed has been closed by the construction. Moreover, this is the only access road and has no other alternative roads, as happened in Bukit Village, Padangsidempuan City. The road was closed by the landowners with the initials S and R, where 7 (seven) families became victims of the closure which made it difficult for them to go in and out of their houses. The reason for the closure arose due to a discrepancy between one of the residents in the neighborhood and the right owner, which in the end resulted in the right owner building a wall approximately 2 (two) meters high which closed off access to the neighbors' way in and out. This of course has a bad impact on other neighbors who are actually innocent of what happened.

The researcher also found previous research that discussed closing access for neighbors to enter and exit the main road. Such as research from Abdul Hafid Firdaus which explains that the act of closing access to and out of neighbors is against the law of the Civil Code because one of the reasons it harms other people also does not fulfill the concept of property rights in Islam. Then, research conducted by Anugerah Majid and Abdi Wijaya which explains the settlement of disputes over land ownership rights according to the views of Imam al-Shafi'i and Imam Ahmad bin Hanbal. The difference in this study with previous research is in the location of the research and this study will discuss this by focusing on the opinion of Wahbah Az-Zuhaili.

The Concept of Ownership according to Sheikh Wahbah Az-Zuhaili in his book *fiqhul islam wa adillatuhu* in the form of ownership rights where the concept of land ownership in Islam has limitations, not all property can be owned individually (individuals), one of which is property that has public benefits including roads and The misappropriation done by a person against his property rights must not cause harm to many people. So in this research, the researcher aims to find out the factors that cause the closure of road access in Kampung Bukit Kota Padangsidempuan, how arrangements are made for privately owned land that is access for citizens and how the ownership of land that is access for citizens is viewed from a perspective Wahbah Az-Zuhaili.

¹ Diah Permata Megawati, Patimah, and Istiqamah. "Review of Islamic Law on Land Ownership in Law No. 5 of 1960." *Scientific Journal of Islamic Family Law Students* 3, no.2 (2022): 311-325, <https://doi.org/10.24252/qadauna.v3i2.22226>

2. Method

Empirical juridical legal research is the type of research used in this research, namely field research by conducting an assessment of applicable legal provisions and what actually happens in society. In this case the researcher went directly to the location in order to obtain accurate data regarding the road closure that occurred in Bukit Village, Padangsidempuan City. Furthermore, the approach used is the case approach (*living case approach*) where the approach is used to examine cases that occur in the field, and the conceptual approach (*conceptual approach*) to find out how the concept is actually applied in the ownership of land rights. Field data was collected through observation, interviews and document study. Then, the data is processed by qualitative methods. This research will describe and explain how the legal studies are related to the closing of access roads for residents that occurred in Bukit Village, Padangsidempuan City from the perspective of Wahbah Az-Zuhaili.

3. Discussion

3.1 Closure of Entry and Exit Access for Residents in Bukit Village, Padangsidempuan City

The case of closing residents' access to and from this road went viral on social media, as has been reported by suarasumut.id², lensakini.com³, daerah.sindonews.com⁴ and many more. Based on the researcher's interview with the Lurah and Kepling Wek II Kampung Bukit Kota Padangsidempuan explained that the problem of this research arose starting with a mismatch between one of the residents who was a neighbor of the right owner, which in the end resulted in the right owner building a wall approximately 2 (two) meters high. block access to neighbors. This of course has a bad impact on other neighbors who are actually innocent of what happened.⁵

Initially, 7 (seven) heads of families were the victims of the closure of entry and exit access. Residents find it difficult because of the construction of walls that prevent them from going in and out of the house. What's more, it is difficult for children to get out and have to climb the wall with the help of their parents because they cannot climb a wall that is higher than their body when they want to go to and from school. The 7 (seven)

² Riki Chandra, "The road to the resident's house is walled by the hotel owner, 23 people in Padangsidempuan cannot leave the house," *SuaraSumut.id*, February 14, 2022, <https://sumut.suara.com/amp/read/2022/02/14/201708/jalan-ke-rumah-warga-ditembok-pemilik-hotel-23-jiwa-di-padangsidempuan-tak-bisa-keluar-rumah>.

³ Amru, "Viral! Road Access is Closed by Buildings, A Number of Residents in Sidimpuan Are Isolated and Cannot Leave the House," *Now Lens*, February 14, 2022, <https://lensakini.com/berita-pilihan/viral-akses-jalan-ditutup-bangunan-sejumlah-warga-di-sidimpuan-terisolir-dan-tidak-bisa-keluar-rumah/>.

⁴ Zia Nasution, "Access roads are closed by buildings, 7 families in Padangsidempuan cannot go out and do activities," *SINDOnews*, February 14, 2022, <https://daerah.sindonews.com/newsread/685905/717/akses-jalan-ditutup-bangunan-7-kk-di-padangsidempuan-tak-bisa-keluar-beraktivitas-1644836573>.

⁵ Results of interviews with the Village Head and Kepling Wek II Kampung Bukit, Padangsidempuan City, on July 11, 2023, at the Padangsidempuan City Head Office

households tried to reject what the landowner had done in building a wall covering their house because the road was the only access for them to get in and out of the road leading to the house.

Through interviews with the initials Ras one of the victims affected by the closure it is known that this road used to be a through road which has been used as a medium for the traffic of residents, which is called the Alley of Peace. But now it doesn't exist and is closed by the land owner on the basis of property rights.⁶

As reported by [sindonews.com](https://www.sindonews.com)⁷, various efforts have been made by residents, such as meeting with the Head of North Padangsidempuan Sub-District and Head of Satpol PP. In fact, according to a statement from Mrs⁸, DPRD members have come to stop the construction of a wall that closes the road to residents' houses. However, only one week later the construction continued until the wall closed the road to the residents' houses.

According to Mr. Lurah and Mr. Kepling, mediation has been carried out several times. In a mediation meeting between the landowner and the residents affected by the closure of access to and from the road, the landowner had initially tried to offer a way of peace with the residents through the option where the landowner intended to open a 2 (two) meter road to the residents, but 1 (one) meter is given voluntarily to be borrowed clothes and another 1 (one) meter the inn asks for compensation.

The agreement from the land owner to grant land for an entrance of about 1x13 meters has been made, which ultimately resulted in 3 (three) households having access to and from the road, however, there were still 4 (four) households who found it difficult to enter and leave the house and begged the the owner of the land so that 2 (two) meters are given.

The mother with the initials R (one of the victims of the closure) confirmed this, but she said the residents felt unable to compensate for the loss of another 1 (one) meter road, currently the land owner has voluntarily opened a 1 (one) meter road to residents. , but to his own house he still couldn't get through because it was at the end and still closed by a wall which in the end it was difficult to get out every day. He admits that he has to make his own way through the bathroom door and through difficult roads to get in and out of the house.

This closure case has been going on for a very long time until now and mediation has been carried out 16 (sixteen) times by the city government, residents and landowners,

⁶ The results of an interview with the mother with the initials R (one of the victims of the closure of access in and out of the road in Kampung Bukit Kota Padangsidempuan), on July 12 2023, in Kampung Bukit Kota Padangsidempuan.

⁷ Zia Nasution, "Access roads are closed by buildings, 7 families in Padangsidempuan cannot go out and do activities," *SINDOnews*, February 14, 2022, <https://daerah.sindonews.com/newsread/685905/717/akses-jalan-ditutup-bangunan-7-kk-di-padangsidempuan-tak-bisa-keluar-beraktivitas-1644836573>.

⁸ Admins, "Report Mayor Sidempuan! Try to look at the road access to the walled houses of residents and 4 isolated families," *SumutJelajahNews.id*, 25 July 2022, <https://sumut.jelajahnews.id/lapor-wali-kota-sidempuan-coba-tengok-akses-jalan-rumah-warga-ditembok-dan-4-keluarga-terisolir/?amp=1>.

but still no solution has been found. Residents hope that their concerns and complaints so far will always be heard by landowners by opening access roads to their homes.

3.2 Regulations on the Ownership of Land Rights for Entry and Exit of Residents

Land ownership in Indonesia is not governed by just one law, many laws are interrelated and related to regulate people's ownership (rights) of land, including the Civil Code, Law Number 2 of 1960 concerning Production Sharing Agreements, Law Number 56 of 1960 Concerning the Determination of Agricultural Land Areas, Law Number 1 of 1958 concerning the Elimination of Particle Lands, Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), Law Number 41 of 2004 concerning Waqf, Law Number 20 of 2011 concerning Flats, Law Number 28 of 2002 concerning Buildings, Law Number 1 of 2011 concerning Housing and Residential Areas, Law Number 4 of 1996 concerning Mortgage, Law Number 42 of 1999 Concerning Fiduciary Guarantees, Law Number 39 of 2014 concerning Plantations, Law Number 26 of 2007 concerning Spatial Planning, Law Number 41 of 1999 concerning Forestry. However, only the Basic Agrarian Law (No. 5/1960) regulates the types or types of land rights.⁹

Property rights are regulated in Articles 20-27 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA). Law No. 5 of 1960 is the implementation of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia is the constitutional basis for the formation of national land law politics, which contains 2 (two) things namely:¹⁰

- a. The land, water, and natural wealth contained therein are controlled by the state
- b. The purpose of the state to control the earth, water, and the natural wealth contained in it is to maximize the prosperity of the people¹¹.

In the UUPA, it is stated that land rights are a legal relationship between people and land whose designation, use and utilization must be in accordance with the type/type of land rights granted by the State. All land rights, such as ownership rights, usufructuary rights, building use rights, and usufructuary rights are proven by certificates of land rights.

Property rights according to the provisions of Article 20 paragraph (1) of the UUPA are hereditary rights, the strongest and most fulfilled that people can have over land bearing in mind the provisions of Article 6 of the UUPA¹². In this sense it does not mean that property rights are absolute, unlimited and inviolable rights, as referred to in eigendom rights, but to show that among land rights, property rights are the strongest and most complete rights. Property rights as the strongest rights mean that these rights

⁹ Gunanagara, *State and citizen rights to land in various countries*, (Google Book: Gunanegara, 2020), 90-91.

¹⁰ Article 33 paragraph (3), the 1945 Constitution of the Republic of Indonesia

¹¹ Long live Santoso, *Land Rights, Management Rights, and Ownership Rights on Flats Units* (Depok: Kencana, 2017)

¹² Article 20 paragraph (1), Law Number 5 of 1960 Concerning Basic Agrarian Regulations (UUPA)

are not easily erased and easily defended against interference from other parties.¹³ This means that the authority of a property right holder is unlimited, as long as it is not limited by the authorities. Therefore, apart from being hereditary, strongest and fullest, ownership rights can also be transferred and transferred to other parties.

Based on Article 20 paragraph (2) of the UUPA "Property rights can be transferred and transferred to other parties".¹⁴ That is, property rights can be transferred to other parties due to legal events. Apart from being able to transfer to the heirs of the right holder, property rights can also be transferred by way of buying and selling, grants, exchanges, grants by will, and other actions intended to transfer property rights.

In the Criminal Code it is stated about eigendom, which in its provisions gives the most extensive rights to landowners with the provision that they must pay attention to the provisions of Article 6 of the UUPA which states that "All land rights have a social function"¹⁵. The elucidation of the article states that if land rights are confronted with public interests, these interests must take precedence over personal interests.

This is also emphasized in the description of the general explanation II point 4 of the UUPA which states that all land rights have a social function, that any land rights that exist in a person cannot be justified, that the land will be used (or not used) solely for his personal interests. , especially if it causes harm to society. Of course, the closed access road as a result of being built or used for other functions by the owner of the right to the land is detrimental to people or communities who previously used the access road that they usually used, therefore the land owner who closes the access road can be sued and asked to compensate for the loss.

This is as stated in Article 667 of the Civil Code that the owner of a plot of land or plot of land, which is so sandwiched between other people's lands, that he does not have an exit to a public road or ditch, has the right to demand from the owners of neighboring plots of land to give way to him. through the neighbor's owner's yard, by paying a balanced compensation. In addition, Article 668 of the Civil Code stipulates that the exit must be made on the side of the yard or land closest to the road or public ditch, but in such a direction so as to cause the smallest possible loss to the owner of the land being traversed.¹⁶

Therefore, if suddenly the access road is closed and results in the person or community that previously used the access road having no other alternative way, then even though the access road is a legal property right that closes it can still be prosecuted through legal means, namely a lawsuit to the district court based on Article 667 of the Civil Code and 668 of the Civil Code. If seen from the case above, the above options are

¹³ Adrian Sutedi. *Transfer of Land Rights and Registration* (Jakarta: Sinar Graphic, 2010), 60-61.

¹⁴ Article 20 paragraph (2), Law Number 5 of 1960 Concerning Basic Agrarian Regulations (UUPA)

¹⁵ Article 6, Law Number 5 of 1960 Concerning Basic Agrarian Regulations (UUPA)

¹⁶ Articles 667-668, Civil Code

also difficult for residents to implement according to information from the mother with the initials R as one of the victims of the closure due to financial constraints.

Thus, one of the parties has violated the provisions of Article 6 of the UUPA which states that all rights to land have a social function, including land with the status of property rights.¹⁷ As previously mentioned, where a person should prioritize the public interest over his own personal interests.

In the perspective of Islamic Law, everything that exists in the heavens and the earth including the land essentially belongs to Allah SWT alone as the owner of everything (including land), then Allah SWT as the ultimate owner, gives power (istikhlaf) to humans to manage Allah's property in accordance with the laws. The concept of individual ownership including ownership of land is not absolute. A person's ownership of his property must carry out his social functions. A person's freedom of property rights must be subject to the limitations of the benefit of others which have a broad dimension, namely the value of the general benefit.¹⁸

Land in Islam can be defined as all laws related to land and related to ownership rights or milkiyah rights, management rights or tasarruf and distribution rights or tauzi' in land matters.¹⁹ The use of land by the state and by citizens must be guided by monotheism (divinity), khalifah (leader), trust (obedience/obedience) and adl (just) and may be owned on behalf of a man or a woman. The management of private property rights in Islam itself must provide social benefits. It is not justified to manage personal assets that harm the interests of many people.²⁰

For that, Allah also commands us to do good to our neighbors. As in His word which means:

While I respect and acknowledge the importance of religious texts and their interpretations, it is beyond my expertise as an entrepreneur and CEO to provide specific references or interpretations from religious texts. My primary focus is on technological advancements, innovation, and business development. However, I understand that land access and property rights are vital for socioeconomic development and the well-being of individuals and communities. It is essential to ensure fair and equitable access to land and uphold the principles of justice and sustainability.

Obligations to Neighbors, among others, not to harm them, to respect and be tolerant of them, and to provide assistance to them when needed.²¹ This is a right that

¹⁷ Salim HS, *Introduction to Written Civil Law (BW)*, (Jakarta: Sinar Graphic, 2005), 101.

¹⁸ Ridwan. "Land Ownership Rights in the Perspective of Islamic Law and Indonesian Land Law". *Journal of Islamic Law Studies* 7, no. 2 (2013): 257-270. <https://doi.org/10.24090/mnh.v7i2.568>

¹⁹ Jamaluddin Mahasari, *Land in Islamic Law* (Yogyakarta: Gama Media, 2008), 39.

²⁰ JM. muslim, *Sharia Economic Law Philosophy Sketches and Actualization* (Tangerang: Pustakapedia, 2021), 66.

²¹ Zahrudin AR, and Hasanuddin Sinaga, *Introduction to Moral Studies*, (Jakarta: PT Raja Grafindo Persada, 2004), 148.

must be fulfilled and honor that must be maintained in neighbors.²² Even the Prophet SAW reported that Jibril often made wills to him to maintain good relations with neighbors. Until he felt that the neighbor would inherit from him. Because of the very large rights of neighbors, until the Prophet SAW directed, if a neighbor wants to put his wood on our wall, then we are forbidden to forbid it.

If it's limited to sticking wood in the wall, it shouldn't be prohibited, let alone the need for access to his house. So that everyone who owns the land, must be given the right to get access to the land. Even if the land owner does not want to give up his land, he is obliged to sell it to his neighbor so that he can have a road to access his house and he cannot monopolize it by raising prices.

Syafi'iyah scholars also said, one should not do something that disturbs the road users if the road is a through road (main road, public road). Because that road is the right of all Muslims. Therefore, one cannot build a wing of a building that projects out onto the road, nor can one build a roof over it (a roof that connects two walls while the road is between them) which interferes with other road users.²³

Judging from the problems in the case above, there was a mismatch between neighbors, even though it is very clear that the Islamic Shari'a also informs us of threats against people who are reluctant and negligent in doing good to their neighbors. Even Rasulullah SAW denied the faith of people whose words often hurt their neighbors²⁴. Rasulullah SAW always set an example to all his people to always be kind to their neighbors. Good attitude towards neighbors is not only with Muslim neighbors, but with non-Muslim neighbors as well.²⁵

So, it is unlawful to disturb neighbors with all forms of disturbance. If someone does it, then he is not a believer, in the sense that he does not have the characteristics of a believer in this matter. Even acts that disturb the neighbors are one of the grave sins because the perpetrators will be given the threat of punishment in hell.²⁶

According to Syekh Wahbah Az-Zuhaili in his book *fiqhul islam wa adillatuhu*, *al-Milkiyyah* or *al-Milku* (ownership, property rights) is the specificity of something that others cannot take and makes the owner able to carry out the basic interpretation of it unless there is an obstacle that set by *syar'a'*.

Ownership has limitations that fall into 3 categories:

1. The first limitation is not to cause harm and loss to others.

²² Husaini A. Majid Hasyim, *Riyadhu Shalihin*, trans. Mu'ammal Hamidi and Imron A. Manan, (Surabaya: PT. Bina Ilmu, 2006), 72.

²³ Soraya Devy, and Wahyu Juanda. "Analysis of Government Policy on the Use of Road Borders in the Mount Gerutee Region in the Perspective of Haq al-Murur". *Journal of al-Mudharabah* 2, no. 2 (2020): 150-175. <https://doi.org/10.22373/al-mudharabah.v2i2.1292>

²⁴ Spiritual. "The Values of Peace Education in Neighboring Life". *Journal of Peace Education and Islamic Studies* 1, no.1 (July 2018): 39-44.

²⁵ M. Quraish Shihab, *What is missing from us morals* (Tangerang: Lantern Heart, 2017), 260.

²⁶ Hafidz Muftisany, *Neighborhood* (Yogyakarta: Intera, 2021), 16-18.

Harm that can be guaranteed to occur, that is, the pentasaharufan committed by a person against his property has an impact on causing harm to other people, which can be ascertained when he uses his permissible rights. The law is, if he can really use his rights without causing harm to many people, then he is welcome. But if you can't, then you can't. Because if there are two disadvantages, one of which is specific and the other is general in nature, then what must be avoided is the general disadvantage. However, if the harm only befalls individuals, then the rights of the owner of the right are prioritized.

2. Limitation Second, the prohibition against a private or individual ownership in certain conditions.

Not all assets can be owned individually (individually). There are three kinds of assets that cannot be owned individually, but the status is shared property. One of them is assets that have public benefits, such as mosques, schools, roads, rivers, waqf assets for social purposes and other public facilities whose functions cannot be achieved unless their status is public property.

3. Limitation Third, there are group rights contained in individual ownership.²⁷

Sheikh Wahbah Az-Zuhaili also explained al-Irtifaaq's rights, namely the right to share or general use of an immovable property for the benefit and benefit of other immovable assets. One of the rights included in al-Irtifaaq is the right of passage over a land to another land, this is the right that is determined for the second land. So that right applies to anyone who becomes the owner of the second land (even if the land changes owner, the right still applies. So, al-Irtifaaq rights can be transferred from one hand to another) without being limited to certain individuals (for example, there are two land that is adjacent to different owners, and to go to one of the lands, you have to pass through the other land, then the right of passage over that land to go to the other land is valid even if both or one of the lands changes owners).

Based on the explanation above, the owner of the right may not use his property to cause harm to the public and close the shared use rights of public interest that have existed for a long time which could harm other parties. This research clearly relates also to al-Muruur rights (passing rights or road use rights) and al-Jiwaar rights (adjacent, adjoining, neighboring rights) which the researcher will also discuss to strengthen the legal ownership of land rights access in and out of residents from the perspective of Wahbah Az -Zuhaili is being discussed.

Hak al-Muruur is the right of a person to get to something that belongs to him, whether in the form of land or a house, through a road that he uses to pass, whether it is a public road, or a special road that belongs to him or someone else's, or both of them. The law of right of passage (al-Muruur) varies according to the type of road traveled:

²⁷ Wahbah Az-Zuhaili, *Fiqh Islam wa Adillatuhu*, terj. Abdul Hayyie al-Kattani, dkk, Jilid 6 (Jakarta: Human Echo, 2011), 479-482.

1. If the road is a public road, then everyone has a usufructuary right or right to use that road, because that includes something that has mubah status, either for passing, opening windows, making branch roads, or making balconies and so on. On condition, not disturbing and harming other people and pocketing permission from the judge.
2. If the road is a special road, then the right to use the road is limited to the owner, or the people who live around the road, or parties who participate in having the right to use the road. Therefore, people other than themselves may not open doors or windows that jut onto the road except with their permission. However, everyone may join in using the road to pass if the public road is too busy and congested. The owners of the road may not block it or eliminate it, in order to respect the general public's rights to the road.²⁸

The right of al-Jiwaar or right side by side is a right that arises because of the existence of conditions side by side and next to each other (neighbours). Each of the two people who live side by side (neighbors) has the right to use the immovable property (land, yard) belonging to his neighbor, provided that it does not cause major and real harm and loss. Not doing things that disturb and hurt neighbors religiously is an obligation, based on the words of the Prophet Muhammad. "He will not enter paradise whose neighbors are not safe from his vices."²⁹

So in accordance with Wahbah Az-Zuhaili's thinking that has been shown above, a person is allowed to perform pentasharuf on something that belongs to him on the condition that it does not cause harm and loss to neighbors. As for if it causes real and serious harm, or is still vague and unclear, then it is prohibited. If there is something that has existed and happened before the status of adjacent and neighboring, then that something remains as it is as long as it does not cause harm to the new neighbor later.

Therefore, based on the explanation above, the land owner should provide access to the residents' houses to enter and leave the road, even if the residents have to compensate, I hope that the losses that must be given will not burden the residents. Then for the whole community, so that they always look after each other, respect, protect and do good in their neighbours. And for the government, especially authorized government agencies, it is better to provide rules or regulations that have legal certainty regarding the social functions of land and can provide deeper socialization to the community regarding land rights so that incidents like this do not happen again.

4. Conclusion

The closure of access to and from neighbors that occurred in Kampung Bukit Kota Padangsidempuan occurred due to a mismatch between a resident who was a neighbor

²⁸ *Ibid.*, 557-558

²⁹ *Ibid.*, 560

and the land owner, which in the end resulted in the land owner building a wall that closed access to the residents' way in and out. Based on Wahbah az-Zuhaili's perspective, the case of closing residents' access to and from the street that occurred in Kampung Bukit Kota Padangsidempuan violated the concept of ownership in the form of property rights where the concept of land ownership in Islam has limitations, not all property can be owned individually (individually), one of which is assets that have public benefits, including roads, as well as the penance that is carried out by a person against his property, must not cause harm to many people. This action also violates the right of al-Muruur (right of passage or right of way) and the right of al-Jiwaar (right next door, side by side, neighbor), where the owner of the right should fulfill the rights of his neighbor on his land in the form of right of passage as long as it does not cause serious harm. greater for private landowners.

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Interview:

Results of interviews with the Village Head and Kepling Wek II Kampung Bukit, Padangsidempuan City, on July 11, 2023, at the Padangsidempuan City Head Office.

The results of an interview with the mother with the initials R (one of the victims of the closure of access to and from the road in Bukit Village, Padangsidempuan City), on July 12 2023 in Bukit Village, Padangsidempuan

Conflict of Interest Statement: The author(s) declares that the research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

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