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Article

The Existence of Panglima Laot and Its Function as the Form of Local Wisdom: A Case Study of Meureubo District in Aceh Province, Indonesia

Nila Trisna a, Basri Basri b and Phoenna Ath Thariq a,*

- ^a Faculty of Social and Political Sciences, Universitas Teuku Umar, Meureubo, 23681 Aceh Barat, Aceh, Indonesia; ; <u>nilatrisna@utu.ac.id</u>
- ^b Faculty of Law, Universitas Syiah Kuala, Darussalam, Syiah Kuala, 23111 Banda Aceh, Aceh, Indonesia; <u>basri@utu.ac.id</u>
- * Correspondence: phoennaaththarig@utu.ac.id

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Abstract: Indonesia expressly recognises and respects indigenous and tribal peoples' unity, as well as their traditional rights, for as long as they are alive and follow the development of the community and the principles of the Unitary State of the Republic of Indonesia, as stipulated in the Act. Adat Laot law in Aceh is one of the local wisdom that still exists in regulating the interrelationships in the process of managing marine areas and the various resources within them. In the adat laot law enforcement process, there is the Panglima laot institution, which is an adat institution that has the authority to carry out adat laot regulations and settle disputes related to adat laot law. The existence of this institution is regulated in Law Number 11 of 2006 concerning Aceh Government article 98-99 and 164 paragraph (2) letter e. This study concludes that carrying out the duties, authority, and responsibilities of the Panglima Laot Adat Institution, it has not yet been effective as expected by the law, in addition to the institutional structure, the role of the Panglima Laot institution is also unclear, especially issues related to fishermen. Therefore, it is recommended to the Regional Government of West Aceh Regency to revive and foster the existence of the Role of the Panglima Laot Adat Institution, related to the authority, functions and responsibilities by the mandate of legislation.

Keywords: Adat laot law, panglima laot institutions, local wisdom



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1. Introduction

Indonesia expressly recognizes and respects the unity of indigenous and tribal peoples along with their traditional rights if they are still alive and following the development of the community and the principles of the Unitary State of the Republic of Indonesia which are stipulated in the Act (Lita et al., 2017). Adat law is part of the applicable law in Indonesia so the existence of Adat law is concrete evidence that Indonesia recognizes pluralism (Fitzpatrick, 1997; Manullang, 2021). In the Aceh Qanun Number 10 the Year 2008 Concerning Adat Institutions, the Panglima Laot in Article 27. This

shows that the Panglima Laot position received strong recognition and legality within the Aceh Adat Institution. The Republic of Indonesia is a state that adheres to pluralism, it has been stated that the State recognizes the diversity of indigenous and tribal peoples and respects their rights, this can be seen in (Article 18B paragraph (2) UUD 1945) which reads, "The State recognizes and respect the adat law community units and their traditional rights" (Bakti, 2005; Wibawa, 2019).

Recognition and respect are also given without ignoring the measures of eligibility for humanity by the level of development of the nation's existence (Dasgupta, 2001; Veenhoven, 2000). Recognition and respect should not reduce the meaning of Indonesia as a state in the form Republic of Indonesia. Article 1 paragraph 30 of Law Number 32 the Year 2009 Concerning Environmental Protection and Management, states that local wisdom is the noble value that applies in the community's living order to protect and manage the environment sustainably. Likewise in the explanation of Law No. 39 of 1999 concerning Human Rights, Article 6 paragraph (1) states that customary rights that are still valid and upheld within the adat law community must be respected and protected in the context of protection and enforcement of Human Rights in the community concerned with due regard to the law and laws and regulations.

Like the other nations, the Indonesian people also have their customs, including in Aceh. In its implementation, it is located and controlled by customary institutions that are following the environment as a social organization. In Aceh, religious law and customary law have an important role in society (Mutawali, 2021). However, the customary law experienced a vacuum in Aceh during the new order, due to the prolonged conflict between the Government of the Republic of Indonesia (RI) and the Free Aceh Movement (GAM) continued, the armed conflict that occurred in Aceh at the beginning of the reform caused many effects from the Government of Indonesia's policies under the reform regime to not develop, including the regional autonomy policy (Miller & Bunnell, 2013; Smith, 2002). This condition causes the revitalization of customs in Aceh not in line with other regions in Indonesia. However, in Aceh it was not that there was no effort towards revitalization, several policies of the Government of Indonesia and the local government in Aceh had an impact on the efforts to revitalize customary with the enactment of Law No.40 of 1999 concerning Aceh's Privileges, which reaffirmed that Aceh was a Special Region in the customary field, religion, and education. In Article 3 paragraph (2), the implementation of these privileges includes: (1) organizing religious life, (2) organizing traditional life, (3) organizing education and (4) the role of the ulama in setting regional policies. Based on this law the government provides space for local indigenous people to rise and weave back the customs that exist in Acehnese society.

After the peace took place in Aceh, Law No. 11/2006 on the Government of Aceh was also enacted which also emphasized the Adat Institutions which were further regulated in the Qanun, such as Qanun No.9 of 2008 concerning the Development of Indigenous and customary Live and Qanun No .10 of 2008 concerning Adat Institutions and classified as new is Governor Regulation No. 60 of 2013 concerning the Implementation of customary Dispute Settlement. The Adat Institution in Aceh is a social organization formed by indigenous and tribal peoples. who inhabit certain territories and have the right to regulate and manage their territories, to settle matters relating to the needs and order of the community, the existence of this customary law is strengthened by the UUD 1945 Article 18b and Law No. 11 of 2006 concerning the Government of Aceh, namely as the foundation or foothold of the rules of the Qanun.

The Province of Aceh is a Province that is Special and Special, to improve the development and preservation of customs, the Government of Aceh has formed a special institution called the Lembaga Adat and Kebudayaan Aceh (LAKA). The formation of LAKA on July 9, 1986, was an inseparable part of the social history of the Acehnese people themselves, then in 2003, it was changed into the Majelis Adat Aceh (MAA). This MAA was born based on the Decree of the Aceh Traditional Congress organized by LAKA (the Aceh Customary and Cultural Institute) in 2002 in Banda Aceh, based on developments in the dynamics of the Acehnese people's lives, based on Law Number 44 of 1999 Concerning the Implementation of Aceh's Privileges, where one of them is the Privileges in the Implementation of the customs of Acehnese.

The Adat Congress subsequently endorsed LAKA (Lembaga Adat dan Kebudayaan Aceh) to become the MAA (Majelis Adat Aceh), then determined the legal status by forming Qanun Number 3 of 2004 concerning the formation of the Organizational Structure and Work Procedures of the Aceh Adat Assembly. While operational costs are budgeted at the APBA for the Provincial level and APBK at the Regency / City level. As we know, the MAA is the parent of other traditional institutions, each customary institution underneath is given full authority to manage its customary territories properly. Adat institutions that have been developing in the lives of the Acehnese people up to now have an important role in fostering values that are living in society, customary norms, or rules to create security, order, peace, harmony, and prosperity for the people of Aceh following Islamic values.

The Majelis Adat Aceh also aims to foster and develop customs so that they will not be lost and are always maintained throughout the ages, this is because in these customs there are indeed many values contained in the community that can be disastrous for the community if these customary values disappear in society, so there is the term "matee aneuk meupat jeurat, matee adat pat ta mita". The life of indigenous peoples in Aceh can develop, expand, thin out, or even disappear, this depends on the dynamics of the lives of indigenous peoples and is also very dependent on the ability of the community itself to empower its customs and follow the flow of socio-cultural development outside and

the development of science. Nevertheless, customary law that has grown and developed within the Aceh community today has an effort to revitalize it, we can see that there have been written rules developed in the community.

As is the case with customary rules governed by Qanun No.9 of 2008 concerning the Development of Customary and Indigenous Life, and Qanun No.10 of 2008 concerning Adat Institutions and there are still other regulations regarding adat in Aceh such as Governor Regulation No. 60 of 2013 concerning the Implementation of Adat and Adat Istiadat Dispute / Dispute Settlement. The government has established 13 adat institutions in Aceh, as contained Qanun No.10 the Year 2008 concerning Customary Institutions namely, the Majelis Adat Aceh, Imuem mukim or other names, Imuem chik or other names, Keuchik or other names, Tuha peut or other names, Tuha lapan or other names, Imuem meunasah or other names, Keujruen blang or other names, Panglima laot or other names, Pawang glee / uteun or other names, Petua seuneubok or other names, Harian peukan or other names; and Syahbanda or other names. Along with the times, the adat institution of Panglima Laot has established itself in each district/city in Aceh and is no longer under the government of mukim, MAA district/city, and Provincial MAA. The adat law as outlined in the qanun is a regulation that once lived in the community and was later developed and loaded into the qanun as an effort to revitalize adat in Aceh. Indeed, an adat or a culture that has become ingrained in society will be difficult to change. Adat that exists in a group becomes law in their daily lives which will be very difficult to change to another adat.

Adat law is the overall rules set out in the decisions of the competent authorities and in their implementation reported plainly, meaning that it is carried out without bringing the formation of a whole set of rules which from the moment of birth are declared to be binding for the future (Kaptein, 2005). Miller & Bunnell (2013) states that "Adat" comes from Arabic which is a plural form of "Adah" which means a way or habit. As has been explained that adat is a cultural idea that contains cultural values, norms, habits, and laws that are commonly practised by a region. Well, usually if this custom is not obeyed then there will be sanctions both written and directly given to the behaviour that violates them.

Adat is done by people first and carried out continuously until now and can always be accepted by people who do feel suitable or following the norms that grow in the community (Kasim & Nurdin, 2020), but adat also contains a boundary that is considered taboo if it is done because it is not following social habits so that the formation of boundaries if the boundary is violated there will be cause and effect that will result from these restrictions, this is called adat law (Diala, 2017; Meron, 1989). Adat law is a rule that is made in such a way as to be following the conditions of the community, which contains commands and prohibitions on everything so that there is no gap in the adat law community. Adat law is usually not written but always lives and grows within the community, this means adat law is considered necessary by the community.

Doing something within the community cannot be separated from the habits of what has been done by the community first. This will not be much different so that it can already be said as custom, whether it can be seen in the livelihood community such as fishing or fishing, of course, some habits have always been done by the ancestors first in the practice of fishing in the sea so that the balance of nature is always maintained, adat institutions are in charge of fisheries and marine affairs in Aceh, namely the adat institution Panglima Laot. In order not to become extinct and lost in time, the Panglima Laot organization began to be formed at the Panglima Laot meetings in Aceh in Langsa and Banda Aceh.

Adat Laot Law in Aceh can be interpreted as a set of rules that provide direction and regulation of reciprocal relations in the process of managing marine areas and the resources contained therein, born and manifested as a long process of interaction of humanity with its environment in the sea and coastal areas (Miller, 2006; Young, 2007). In the social pattern, in the context of Adat Laot Law, individual interests and public interests are respected and recognized, the pattern of which starts with what is gradually agreed upon as a pattern of shared life in managing resources in community life (Blau, 2017).

The existence of the Panglima Laot as a traditional institution that leads the community in maritime affairs is the result of local wisdom from the community's traditions related to the spirit of maritime affairs. The Panglima Laot is an institution that leads customs, customs that apply in the field of fishing, and disputes settlement in Aceh Province. In general, the Panglima Laot has authority in the field of development and enforcement of adat laot, regulations at sea, and the utilization of marine resources and adat laot court of justice (Adwani et al., 2020). This institution has been around for a long time, in historical records Sea customs are mentioned as having existed since the 14th century, at the time of Sultan Iskandar Muda (Ricklefs, 1993). At that time, the Panglima Laot had two tasks, namely, to mobilize warfare to resist occupation and collect excise (tax) from ships that stop at each port in Aceh.

In 400 years, the Panglima Laot, which is a legacy, still lives in the association of fishing communities in Aceh, but along with political changes during colonialism, independence, post-independence and post-MoU Helsinki, there has been a shift in roles, functions, and tasks authority of Panglima Laot. Because of that factor, then after the independence of the Republic of Indonesia, Panglima Laot's authorities began to shift, first as a regulator of fishing in the sea in terms of Adat Laot Law called meupayang and dispute settlement between fishermen (Mu'aqaffi et al., 2021; Silviana et al., 2021). After the Tsunami in December 2004, Panglima Laot received recognition in Law No. 11 of 2006 concerning the Government of Aceh (articles 98-99 and article 164 paragraph (2) letter e), then the law was translated into Qanun Aceh

No. 9 of 2008 concerning Pembinaan Kehidupan Adat dan Adat Istiadat and Qanun Aceh No. 10 of 2008 concerning Lembaga Adat. In the same year, Panglima Laot was accepted as a member of the World Fisher Forum People (WFFP) and the world fishing community organization (Bustamam-Ahmad, 2017; Utomo, 2010).

Panglima Laot also has the authority in regulating the fishermen, among others are a. Determine the rules of fishing or meupayang including determining the quotient and days of abstinence from fishing; b. Settling Adat disputes and disputes that occur among fishermen; c. Coordinating the implementation of adat laot law, increasing resources and advocating for marine and fisheries policies to improve the welfare of fishermen (Ratner et al., 2014). The authorities mentioned above have been imprinted in the customary provisions that have been in effect since long ago, in the field of development and enforcement of adat laot, Panglima Laot has the authority to make customary adjustments, following the times and technology without ignoring the custom as a guideline. From the description above it can be understood fundamentally that Panglima Laot has the authority to regulate fishing procedures at sea and become a leader who can resolve disputes between fishermen at sea. But, although the regulations have been set by Panglima Laot, chaos and misunderstanding still occur on TPI. Among the problems that often occur in TPI can be in the form of disputes between fishermen, seizure of fishing areas at sea, as well as fishermen's negligence in obeying the rules of fishing as established to cause disputes between fishermen and Panglima Laot.

2. Materials and Methods

This study uses a normative juridical research approach. A normative juridical approach is a method used in legal research conducted by examining existing library materials (Gombo, 2021). The normative legal approach (juridical normative) carried out in this study is by examining the statute approach and the conceptual (Freeden, 1996). This research is an analytical descriptive, which describes legislation in force, associated with legal theory and positive law practices concerning issues, which will then be analyzed as answers to problems that have been occurring so far. In this research, the primary data collection technique used is to use a literature study by analysing legal textbooks (literature studies) that are relevant to this research, the accuracy of the data, and the actualization of the problem (Muhammad & Niaga, 2004), including regulations and documents relating to the problems. In analysing the data obtained, a qualitative analysis will be conducted. Qualitative analysis is used for normative (juridical) aspects through descriptive analysis methods, which describe the data obtained and connected each other to get general conclusions. From the results of this analysis, we can find inductive conclusions, and how to think in general conclusions based on specific facts (Muhammad & Niaga, 2004).

3. Results and Discussion

The Panglima Laot Institution is a manager of the sea customs, the existence of the Panglima customary institution before the existence of Law No.11 of 2006 concerning the Government of Aceh has been stipulated in Regional Regulation No. 7 of 2000 concerning the Implementation of Adat Life contained in article 1 paragraph (14) stated that Panglima Laot is the person who leads the custom and habits that apply in the field of fishing and dispute resolution. However, the regional regulation (Perda) does not explain the procedures for the implementation of adat laot, only emphasizing the existence of the Panglima Laot in adat laot law. Halim et al., (2020) and Quimby (2015) explained that the position of Panglima Laot is not a part of the village government, but it is a distinctive adat community, where the village chief does not participate in the Adat Laot Institution led by the Panglima Laot.

Besides other reasons, there is a touch from the government for fishermen, both financial assistance and technical guidance of fisheries will be easily coordinated by the government at the district level. That consideration was the formation of the traditional Laot institution led by the District's Panglima Laot. With consideration to technological advances in fisheries, fishing by fishermen has reached inter-regency waters, so there is a need for a coordinator who can be a liaison between fishermen and inter-regency fishermen and facilitate coordination between fishermen with the provincial and central government. As in Qanun No.10 Year 2008 concerning Customary Institutions in article 2 paragraph (2) 13 traditional institutions have been established that work autonomously and function as a vehicle for community participation in organizing government, development, community development, and solving social problems. One of these adat institutions is Panglima Laot, in article 27 it has mentioned the adat arrangement of the Panglima laot institutions, this Panglima laot institutions also work autonomously in the scope of preserving, protecting, and exploiting marine resources in their environment.

Panglima Laot controls a fishing area, not only in the coastal village community where most of their livelihood is as fishermen, where the fishing communities are domiciled in the coastal area so that a village is formed. Along with the times, the Panglima Laot institution has changed by expanding the area from originally guided by the fishing village then the merging of several Panglima Laot Lhok into Regency Panglima Laot. The formation of this institution to the district level is based on the needs of the fishing community. Therefore, there is also a shift in fishing areas that are not limited to waters close to the area of a settled fishing village but have expanded and entered other fishing village areas. If there is a dispute between them, the Regency's Panglima Laot will resolve it. Panglima Laot Lhok Meureubo District

is a customary law community unit in the West Aceh District of Aceh Province that deals with fisheries and marine issues in the territory of West Aceh Regency which is incorporated in the customary law community unit.

In its implementation, the development of coastal villages in Meureubo Sub-district has created a fishing community, so that they are incorporated in several coastal areas in each village named Panglima Laot Lhok, in the coastal village alliance where there is a traditional leader named Mukim, Mukim is under the district administration. Panglima Laot Lhok was included in the Mukim government, but as times went by, Panglima Laot Lhok, which was once under the leadership of the mukim, is now directly at the sub-district level but is not subject to the sub-district head and has stood alone under the Regency Panglima Laot which is hierarchical with the Panglima Laot of Aceh. The Panglima Laot Institute is inseparable from the role of Mukim and the Chief of Village because it involves the place of residence of the fishermen. For the meureubo community, if there is a dispute between the fishermen, then basically it is resolved by the institution of Panglima Laot Lhok and if the dispute is no longer able to be accompanied by Panglima Laot Lhok then it will be delegated to the Regency Panglima Laot following the contents of Article 16 paragraph (5). Aceh Governor Regulation Number 60 of 2013, but in the implementation of adat commander in chief Panglima Laot still involves Geuchik (Chief of Village) or Mukim, they may consider disputes that occur on land rather than at sea so that it involves Geuchik as the chief of the gampong or Mukim judiciary.

In terms of fishing, Adat Laot Law also recognizes fishing permits, whether granted by Panglima Laot Lhok, or sufficiently given by people who have the right under Adat law to catch fish first in the customary area, permits granted by Panglima Laot for people or people who want to catch fish with different territories according to custom, usually permission is given by Panglima Laot Lhok not only verbally like a notification, but also has provisions in its use. The process is that the Panglima Laot Lhok first deliberates with pawing pukat and village chief so that the permit granted does not harm the fishing communities within the Lhok area. At the time of granting the fishing license, the pawing pukat and Panglima Laot Lhok have confirmed the number of fish that are within the territory of the Panglima Laot Lhok, if the fish are not caught by the fishermen, then the fish will move to another place. Adat Laot law also knows the principle of self-protection to maintain safety.

The granting of the fishing permit is inseparable from the payment terms, the payment referred to here is only with the obligation to divide one-third of the catch to the Panglima Laot in the area. Permission here is given to individuals or groups, permission is applied to each trawl anchored. Those who violate the provisions of the customary will be subject to sanctions, moreover, if the type of fishing gear that is used is not environmentally friendly such as using a trawl, then the fishing gear will be cut and burned then the boat will be confiscated by Panglima Laot Lhok, and if the boat is later released it is no longer allowed to catch fish in the area of Panglima Laot Lhok and if the fishing permit is still valid then a cancellation will be carried out.

The duty of the Panglima Laot in granting this permit is no longer just the duty of the Panglima Laot, this is because the permits for sailing and fishing are issued by the local Fisheries and Maritime Services. Therefore, to obtain permission from the Fisheries Service, fishermen must obtain a recommendation or a blue card from Panglima Laot even though permission from the Fisheries and Maritime Service has been obtained, if fishermen want to catch fish in certain Lhok areas, the Panglima Laot Lhok license will still be valid. Panglima Laot as the controller of the Adat Laot provisions is inseparable from the Adat Laot law which includes the prohibition of fishing by detonating bombs or poisons. The prohibition of felling trees on the edge stipulates the day of sailing abstinence or the prohibited days to go down to laot.

In West Aceh District among the fishing communities, there are still very many who use fishing gear that is not environmentally friendly, such as using trawl, but it seems that there have not been any significant curbing efforts from the government and Panglima Laot in West Aceh District. By using fishing gear that is not environmentally friendly, the marine habitat around West Aceh Regency will be disturbed, so that eventually, fish will no longer exist in the West Aceh marine area. The implementation of adat laot law in the Panglima Laot Lhok District of Meureubo District has not been running optimally, this is because the Panglima Laot Lhok District of Meureubo is less concerned about the institution, so everything that concerns the fishermen then the fishermen themselves take care of it, the institution no longer functions. Like a social organization, Panglima Laot Lhok has several functions, namely, giving guidance to the community to carry out social control and adat systems, which can be interpreted as a monitoring system from the community on membership behaviour. The function must be able to be carried out by Panglima Laot so that the life of fishermen with their norms can take place properly. Panglima Laot Lhok has a clear task, but it is not implemented as expected in Qanun Aceh No.10 of 2008 concerning Adat Institutions:

- implement, maintain and oversee the implementation of Adat Laot law;
- assist the Government in the field of fisheries and marine affairs;
- resolve disputes that occur between fishermen accordingly with the provisions of adat laot law;
- maintain and preserve the environmental functions of the coastal and marine areas;
- struggle for an increase in the standard of living of the fishing community; and
- prevent illegal fishing.

4. Conclusions

In conclusion, this study identified that the position, authority, and responsibility of the Panglima Laot Lhok in Meureubo District are mandated by Law No. 11 of 2006 concerning the Government of Aceh (articles 98-99 and article 164 paragraph (2) letter e. Then the law is translated into Aceh Qanun No. 9 of 2008 concerning Development of Customary Life and Customs and Qanun Aceh No. 10 of 2008 concerning Lembaga Adat. However, carrying out the duties, authority, and responsibilities of the Panglima Laot Adat Institution has not yet been effective as expected by the law, in addition to the institutional structure, the role of the Panglima Laot institution is also unclear, especially issues related to fishermen. Therefore, it is recommended to the Regional Government of West Aceh Regency to revive and foster the existence of the Role of the Panglima Laot Adat Institution, related to the authority, functions and responsibilities by the mandate of legislation.

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