

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <http://dx.doi.org/10.30596%2Fnomoi.v3i2.12222>**OPTIMIZING PANGLIMA LAOT IN MARITIME DISPUTE  
RESOLUTION IN LHOKSEUMAWE CITY****Budi Bahreisy, Hidayat, Ferdy Saputra**  
**Department of Law, Universitas Malikussaleh**  
**E-mail: [budi\\_bahreisy01@unimal.ac.id](mailto:budi_bahreisy01@unimal.ac.id)**

---

**ABSTRACT**

*The existence of Panglima Laot in Aceh apart from being a social leader of the customary community legal alliance, is also an Alternative Dispute Resolution (APS) institution. The juridical basis of its position is contained in Law No. 11 of 2006 concerning the Government of Aceh, its implementing regulations are in the form of Aceh Qanuns such as Aceh Qanun No. 9 of 2008 concerning the Guidance of Customary Life and Customs, and Aceh Qanun No. 10 of 2008 concerning Customary Institutions . Based on the description on the background above, in this legal research it can be formulated how the position of Panglima Laot as a marine dispute resolution institution in the legal system in Indonesia and whether Panglima Laot is optimal as an institution in maritime dispute resolution in Lhokseumawe City . This research is an empirical legal research with a qualitative approach that uses primary data and secondary data. In obtaining primary data, respondents and informants were determined. The new positive law will have an effective force if it contains, or is in harmony with the laws that live in society. The focal point of legal development is not in laws, judge decisions, or legal science, but in society itself.*

**Keywords:** *Optimization, Panglima Laot, Maritime Dispute*

**Journal History**

Received	: November 11, 2022;
Reviewed	: November 23, 2022;
Accepted	: November 28, 2022;
Published	: November 29, 2022.

*Copyright @2022 NLR. All right reserved.*

---

**INTRODUCTION**

The city of Lhokseumawe has the potential to develop the potential of coastal areas and the ocean with its management referring to the condition of human resources and wisdom in managing local ecosystems. A very important element to consider in

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <http://dx.doi.org/10.30596%2Fnomoi.v3i2.12222>

regional development and management activities is its human resources which cannot be separated from the influence of the characteristics attached to it.<sup>1</sup>

The existence of customary law in Indonesia is recognized by the Constitution (Article 18 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia). The state's explicit acknowledgment gives an important meaning for the sustainability of customary law which for generations is still alive and developing in society. The people of Aceh consider customs to be so important, so that customs are always maintained and guarded, so that they are not lost or damaged by foreign culture, as expressed in the Maja Hadith " *mate aneuk meupat jirat, mate adat pat tamita* ", (dead of a child is a grave, dead of custom wants to be found). where).<sup>2</sup>

This statement motivates the community to always maintain the customs in any condition of the era, because if the custom is lost then no trace is left that is what is meant by " *Ho tamita* ", whereas when a child dies, we can trace the traces marked with tombstones, This is what is meant by " *Meupat Jeurat* " .

The existence of Adat institutions in Aceh, apart from being a *social leader* in the legal alliance of indigenous peoples, is also an Alternative Dispute Resolution (APS) institution. The juridical basis of its position is contained in Law No. 11 of 2006 concerning the Government of Aceh, its implementing regulations are in the form of Aceh Qanuns such as Aceh Qanun No. 9 of 2008 concerning the Guidance of Customary Life and Customs, and Aceh Qanun No. 10 of 2008 concerning Customary Institutions .

Aceh province has a maritime customary dispute settlement institution, led by Panglima Laôt (Panglima Laut) as a Dispute Resolution Institution that has existed since the days of the Sultan Iskandar Muda kingdom in the 16th century. The Panglima Laôt Institution is a *cultural identity* for Aceh. His position at that time was as a government employee, leader of marine and coastal areas in the economic field, collecting maritime taxes and excise as well as dealing with security issues at sea, which was regulated by the Customary Law of the Sea (Hukôm Adat Laôt) in collaboration with the harbormaster and uleebalang.<sup>3</sup>

---

<sup>1</sup> Setia Budi, *Identifikasi karakteristik nelayan perikanan tangkap dan persepsinya terhadap peran Lembaga Hukom Adat Laot di Kota Lhokseumawe (studi kasus: nelayan perikanan tangkap Gampong Pusong)*, Jurnal Acta Aquatica 2:2 (Oktober, 2015)

<sup>2</sup> Harun Mohd, 2019, *Memahami Orang Aceh*, Bandung, Citapustaka Media Perintis

<sup>3</sup> Sri Walny Rahayu, *Lembaga Penyelesaian Sengketa Adat Laut "Panglima Laôt" di Aceh sebagai Bentuk Pengembangan Alternatif Penyelesaian Sengketa dalam Sistem Hukum di Indonesia*, Padjadjaran Jurnal Ilmu Hukum, Volume 1 - No 3 - Tahun 2014

The occurrence of a disaster or disaster that befell the Province of Nangroe Aceh Darussalam on December 26, 2004 has damaged almost the entire coastal area. The disaster that had occurred not only damaged the coastal areas of Aceh itself but also claimed a large number of lives, and also damaged infrastructure, not only claiming a large number of human casualties, but also damage infrastructure, settlements, available public facilities and infrastructure. The management of Aceh's waters, which is also based on local wisdom, has not been fully managed by the government itself. In fact, based on local wisdom, the government can consider the waters of Aceh so that later it can consider the use of fishing grounds. Policies that specifically regulate the use of fishing areas are also rarely heard. The infrequent policies issued by the government have resulted in delays in the management of Aceh's waters, especially local wisdom and capture fisheries, therefore the need for management that also involves the Acehnese customary law community, especially the Panglima Laot institution.<sup>4</sup>

Regarding the scope of the settlement of customary maritime disputes regarding civil disputes at sea, minor persecution and light-scale environmental pollution which are resolved through the active involvement of the parties by consensus deliberation decisions without going through a judicial route. Panglima laot as a traditional leader of the fishing community, of course, will carry out his function as a traditional leader, so that he will have a role in the fishing community. Usually the life of people who live in groups, of course, will cause conflict within the group itself. Likewise, fishermen as one unit of community groups who depend on the sea also have conflicts with each other.<sup>5</sup>

Referring to the fisheries monograph of the Special Region of Aceh there are at least four main tasks of panglima laot. The duties are as follows:<sup>6</sup>

1. Supervise and maintain customary law of the sea.
2. Regulate fishing procedures.
3. Resolve various disputes that occur in relation to fishing at sea.

---

<sup>4</sup> Rizqi, R., Simbolon, D., & Mustaruddin. 2017. *Interaksi Kebijakan Perikanan Tangkap Dan Kearifan Lokal Di Perairan Aceh*. Albacore Jurnal Perikanan Laut. Vol 1 (3)

<sup>5</sup> Rachmad Munazir dan Mujiburrahman, *Strategi Lembaga Adat Panglima Laot dalam Menyelesaikan Konflik (Sengketa) Masyarakat Nelayan di Kabupaten Pidie Provinsi Aceh*, Jurnal Humaniora, Vol.2, No. 2, Oktober 2018

<sup>6</sup> Anonim, 1973, *Monografi perikanan Daerah Istimewa Aceh*. Banda Aceh, Dinas Perikanan Aceh

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <http://dx.doi.org/10.30596%2Fnomoi.v3i2.12222>

4. Organizing traditional sea ceremonies, handling accidents at sea, mutual cooperation and other social problems.

Based on the background that has been described previously, it is interested to conduct a research entitled "Optimizing Panglima Laot in the Settlement of Marine Disputes in Lhokseumawe".

## METHOD

This research uses socio-legal research methods by conducting research in the field with a direct interview method to the residents of Wadas village. Empirical studies are studies that view law as reality, covering social reality, cultural reality, etc., the empirical study of the world is *das sin* (what is reality). Empirical legal research focuses on behaviors that develop in society, or the workings of law in society. So the law is conceptualized as actual *behavior* which includes actions and their consequences in social life relationships. Therefore, the approaches and often used in empirical legal research include on the approach of sociology of law, The approach of legal anthropology, The approach of legal psychology.<sup>7</sup>

This research is an empirical legal research with a qualitative approach that uses primary data and secondary data. In obtaining primary data, respondents and informants were determined. The activity technique used in this research uses three data collection techniques, namely interviews, observation and documentation studies

## DISCUSSION

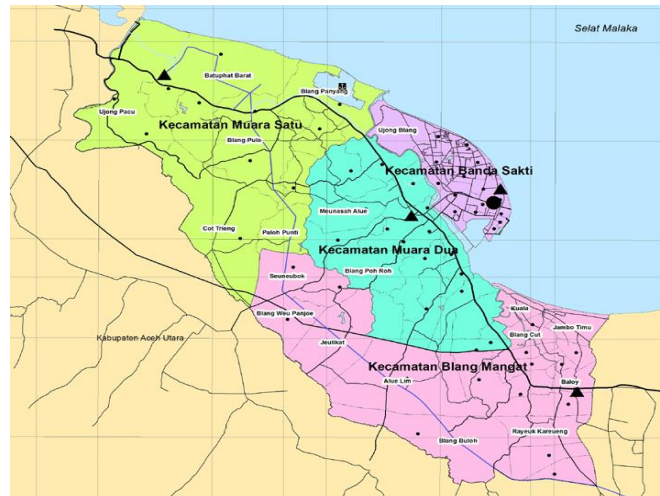
### **Panglima Laot as a maritime dispute resolution institution**

The research was carried out by the research team by directly collecting data and interviews in Lhokseumawe City. In particular, the object in this study was Panglima Laot, Lhokseumawe City, to obtain data related to research on Optimizing Panglima Laot in Maritime Dispute Resolution in Lhokseumawe City. From the results of the study on the Optimization of Panglima Laot in the Settlement of Maritime Disputes in Lhokseumawe City, we need to first understand the meaning of the word Optimization. The following is a brief overview of the city of Lhokseumawe:<sup>8</sup>

---

<sup>7</sup> Eka NAM Sihombing, Cynthia Hadita, *Penelitian Hukum*, (Malang: Intrans Publishing, 2022), hlm. 48.

<sup>8</sup> Panglima Laot Mapping in Aceh.



Based on the data obtained in the research, Panglima Laot's organizational structure began to be organized at the Panglima Laot meeting throughout Aceh in Banda Aceh in June 2002. Panglima Laot at the lhok level, abbreviated as Panglima Lhok, is responsible for resolving disputes and disputes between fishermen at the lhok level. If the dispute is not resolved at the lhok level, then it is submitted to a higher level, namely the Regency/City Panglima Laot or also called Panglima Laot Chik or Chik Laot. Furthermore, if the dispute is between districts, provinces or even internationally, it will be resolved at the provincial level by the Provincial Panglima Laot.

The scope of dispute/dispute resolution, which is resolved by the Commander of Lat is regulated in detail in Aceh Governor Regulation Number 60 of 2013 concerning Implementation of Customary Dispute Resolution/Disputes, including: disputes at sea (Article 3 letter f); light persecution (Article 3 letter g); and light-scale environmental pollution (Article 3 letter j). The elaboration of disputes between fishermen at sea in Article 3 letter f is:

- a. Quarrels, fights that do not cause physical injury between fellow fishermen;
- b. Disputes for catches; and
- c. Disputes over fish herd rights among fishermen.

Article 9 paragraph (2) explains that light-scale environmental pollution as referred to in Article 3 letter j includes:

- a. catching fish in the estuary/kuala area with certain tools in accordance with local customs;
- b. Catch area and/or fishing gear;
- c. Go to sea on the day of no-go to sea;

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <http://dx.doi.org/10.30596%2Fnomoi.v3i2.12222>

- d. Catching certain types of fish that are prohibited by customary law of the sea;
- e. Destruction of coral reefs in customary law area management areas; and
- f. Destruction of coastal forests.

Mild abuse as referred to in Article 3 letter g is described in Article 10, namely persecution that does not cause heavy bleeding and/or does not cause physical and/or psychological disabilities ( *Vide* Article 10). Other settlements under the authority of the Lat Commander as referred to in Article 3 letter l include criminal acts of harassment, slander, sedition, and defamation.

Governor Regulation No. 60 of 2013 stipulates that Panglima Laôt not only resolves maritime civil disputes but also has the authority to settle forms of minor crimes that arise as a result of disputes at sea that originate from civil relations. This is in accordance with the nature of customary law which does not recognize the division between civil and criminal law.

The sanctions given in Aceh Governor Regulation No. 60 of 2013, there are also Lat Customary Law sanctions in the form of:

1. confiscation of all catches;
2. Prohibition from going to sea for a minimum of three days and a maximum of seven days if there are violations of the legal actions that have been determined;
3. If there are violations of the legal actions that have been determined, then the Lat Customary Law Court Institution (LPHAL) will take administrative action through the competent authority after conducting deliberations with the staff of the Lat Customary Law Institution.

In searching the research data, it was found that the types of disputes resolved by Panglima Laot were entirely related to the use of the sea as a means of life in the fisheries sector. The occurrence of a dispute is caused by a violation of the customary rules of the sea which results in the loss of a person or the local sea coast indigenous community. Based on the results of an interview with Mr. Abdul Hamid, Daily Chairperson of Panglima Laot, Aceh Province on June 17, 2022, the types of maritime customary disputes or fishermen disputes are as follows:

- a. Disputes over fishing grounds.
- b. Catching fish in other people's groves
- c. Catching fish around other people's clumps.
- d. Catching fish that have previously been herded by other fishermen
- e. Use trawls in areas where other fishermen have set their trawls before.
- f. Fighting in the sea or on the beach.
- g. Violating the provisions of the no-go to sea.



ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <http://dx.doi.org/10.30596%2Fnomoi.v3i2.12222>

- h. Other forms of dispute within the scope of fishing procedures that may occur incidentally indicate violations of customary law at sea.

So far, the guidelines for panglima laot in resolving disputes have been suggested in the customary law of laot as local wisdom in Aceh, values of propriety, benefit, and religious values. The research found the desire of the existing panglima laot so that the government facilitates the existence of a standardized bookkeeping of customary laot values so that they can be used together in resolving maritime disputes that occur (Interview with Hamdani, Panglima Laot, Lhoksmawe city).

An example of fighting over fish among fishermen in the sea, if this happens, the resolution is as follows: (1) panglima laot checks the chronology of the incident; (2) provide advice and customary instructions for both parties to the dispute in the hope of mutual understanding. The habit that has been applied to this case is that the party who led the fish earlier, then the fish being herded was detained and entered into the fishing gear of another fisherman, the herding fisherman gave a code by beating a pole (long stick) into the water indicating The group of fish was led by them first, because the fish had entered the fishing gear of another fisherman who was deliberately detained, the fisherman who caught the fish was obliged to share the catch of the fish jointly between the first fisherman who brought the fish first. This is a customary rule that is often used to resolve such disputes.

Another example in the case of a fight at sea or on the beach, the solution taken is to use a customary fine as agreed by the community so far in the form of the obligation to slaughter a buffalo charged to both parties involved in the fight. It becomes a problem when the imposed fines cannot be afforded by the parties involved in the fight, because the economic conditions are very unlikely to be fulfilled. Usually this is discussed again by panglima laot jointly between panglima laot lhok and district/city panglima laot to determine the imposition with the more beneficial in accordance with the economic conditions of the parties. The laot customary law rules in resolving disputes like this are generally agreed upon and obeyed by the local coastal communities although there are slight differences that may occur according to certain areas.

### **Optimizing the Role of Panglima Laot in Maritime Dispute Resolution in Lhokseumawe**

The Panglima Laot Institution as a marine customary settlement institution is autonomous. The solution is to use a method based on *the living law* which is a reflection of the values that apply in Acehnese society. In Indonesia, apart from the Panglima Laot Institute, there are also Sasi in Maluku and Awig-awig . in Lombok.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <http://dx.doi.org/10.30596%2Fnomoi.v3i2.12222>

Sasi and Awig-awig specialize in the institutionalization of maritime customary dispute resolution in a very simple form. Sasi and Awig-awig as a marine customary law association only recognize standards of behavior and have not been differentiated as is the case with the Panglima Laôt institution.

Panglima Laot uses a dispute resolution model by means of a *win-win solution* that is still guided by the value of local wisdom and is still maintained by the customary law community in Aceh as illustrated in the hadih maja, "*meunyoë ka tameupakat lampoh jeurat ta peugala*" (if there is a grave consensus, even can be mortgaged). This proverb means that graves that have spiritual and magical value for the people of Aceh are willing to be pawned, in order to obtain an agreement.

Basically, in accordance with the provisions of the Laot Customary Law Institution (LHAL), which is led by Panglima Laot, the roles include:

1. Maintain and supervise the provisions of the Laot Customary Law.
2. Coordinate and supervise every fishing effort at sea.
3. Resolving disputes/disputes that occur between fellow fishermen or their groups.
4. Manage and organize traditional Laot ceremonies,
5. Keep and watch that the trees on the banks of the river are not cut down, because the fish will drift away to the middle of the sea.
6. Liaison between fishermen and the government in implementing fisheries development programs.
7. Set a schedule for ritual events related to the community.

The role of Panglima Laot mentioned above is that the majority of fishermen in capture fisheries in the research location are of the opinion that not all of these roles are carried out by Panglima Laot. At the research location and the role of Panglima Laot has begun to shift and shrink, either due to a lack of knowledge about the customary law institutions of the fishermen or the low ability of the Panglima Laot to carry out the role in accordance with the mandate of the Laot Customary Law Institution. From the number of roles of Panglima Laot, the majority of capture fisheries fishermen argue that there are only four roles of Panglima Laot that are still being carried out with different levels of implementation, namely; (1) supervising the provisions of the Laot Customary Law, (2) resolving disputes and disputes between fishermen, (3) acting as a liaison between fishermen and the government, and (4) implementing traditional laot ceremony activities.

Panglima Laot, in optimizing his role, especially in carrying out his regulations, is required to carry out his duties as best as possible when law enforcement activities for Laot customary law in the Aceh region in this study are focused on the city of



ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <http://dx.doi.org/10.30596%2Fnomoi.v3i2.12222>

Lhokseumawe. As for the obstacles in carrying out their duties so that the role of Panglima Laot in Lhokseumawe City is not optimized based on the results of interviews with Panglima Laot, Lhokseumawe City

No Operational Funds, The non-availability of operational funds for the Panglima Laot institution in carrying out its role is an obstacle. These funds are very much needed in solving cases that occurred in Lhokseumawe City. There is no operational fund provided from the government, because during the problem solving process, Panglima Laot was forced to choose to collect donations from fishermen in the City area. Lhokseumawe to continue to carry out the trial processes for cases that have occurred.

Limited Facilities and Infrastructure, The lack of facilities and infrastructure for Panglima Laot in Lhokseumawe City has also resulted in the optimal work role of Panglima Laot in resolving maritime disputes in Lhokseumawe City, for example. Lhokseumawe city. The imbalance between the number of ships and the breadth of the sea in Aceh has resulted in the unequal management of capture fisheries. This condition should be a concern for the government to add more supervisory ships to support the process of supervising ships at sea. The other obstacle is the lack of human resources that help Panglima Laot in his work, so that when making case reports and data are not systematized properly. If the Aceh government pays attention to the obstacles experienced by Panglima Laot and provides solutions to these obstacles, it is possible that these obstacles will not occur.

## CONCLUSION

The conclusion from the research on Optimizing Panglima laot in dispute resolution at sea is that the position of Panglima Laot as a marine dispute resolution institution is contained in the settlement of disputes/disputes, which Panglima Laot resolves in detail in Aceh Governor Regulation (Pergub) No. 60 of 2013 concerning Implementation of Dispute/Dispute Settlement Customs and traditions include: disputes at sea (Article 3 letter f); light persecution (Article 3 letter g); and light-scale environmental pollution (Article 3 letter j). and to optimize Panglima Laot, Lhokseumawe city in carrying out its role in the Lhokseumawe city area, it is still said to be not optimal due to several problems, such as having to facilitate either in the form of an office as a place for deliberation of fishing flocks with Panglima Laot when problems occur. In addition, as well as other infrastructure such as computers, no special funds were given to these institutions from the local and city governments to improve their performance. In addition, socialization related to the operational

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <http://dx.doi.org/10.30596%2Fnomoi.v3i2.12222>

standards of Panglima Laot from the government is very minimal, so that Panglima Laot seems to be running in place.

The suggestions that can be given in this research are so that the first government is expected to always pay attention to Panglima Laot institution, both by providing facilities such as buildings and other infrastructure in order to improve the performance of Panglima Laot and supports every activity of Panglima Laot. second, the Government should provide special funds to these institutions, so that Panglima Laot institutions can carry out their functions and duties run properly, so as to achieve maximum results (satisfactory) later.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: <http://dx.doi.org/10.30596%2Fnomoi.v3i2.12222>**REFERENCES**

- Anonim, 1973, *Monografi perikanan Daerah Istimewa Aceh*. Banda Aceh, Dinas Perikanan Aceh
- Eka NAM Sihombing, Cynthia Hadita, *Penelitian Hukum*, Malang: Intrans Publishing, 2022.
- Harun Mohd, 2019, *Memahami Orang Aceh*, Bandung, Citapustaka Media Perintis
- Rachmad Munazir dan Mujiburrahman, *Strategi Lembaga Adat Panglima Laot dalam Menyelesaikan Konflik (Sengketa) Masyarakat Nelayan di Kabupaten Pidie Provinsi Aceh*, Jurnal Humaniora, Vol.2, No. 2, Oktober 2018
- Rizqi, R., Simbolon, D., & Mustaruddin. 2017. Interaksi Kebijakan Perikanan Tangkap Dan Kearifan Lokal Di Perairan Aceh. *Albacore Jurnal Perikanan Laut*. Vol 1 (3)
- Setia Budi, *Identifikasi karakteristik nelayan perikanan tangkap dan persepsinya terhadap peran Lembaga Hukum Adat Laot di Kota Lhokseumawe (studi kasus: nelayan perikanan tangkap Gampong Pusong)*, Jurnal Acta Aquatica 2:2 (Oktober, 2015).
- Sri Walny Rahayu, *Lembaga Penyelesaian Sengketa Adat Laut "Panglima Laôt" di Aceh sebagai Bentuk Pengembangan Alternatif Penyelesaian Sengketa dalam Sistem Hukum di Indonesia*, Padjadjaran Jurnal Ilmu Hukum, Volume 1 - No 3 - Tahun 2014