

Panglima Laot and the Fourth Precept of Pancasila: Traditional Ocean Governance in Aceh

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ABSTRACT

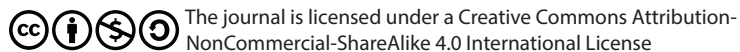
The marine environment is facing numerous challenges that threaten the sustainability of marine resources. These challenges include overexploitation, irresponsible exploitation, and ineffective governance under national laws. In response, various approaches have been taken to attempt to protect the marine environment, including traditional methods. One local tradition that is recognized as effective in managing the environment and coastal resources is the Panglima Laot institution in Aceh. The continued existence of the Panglima Laot plays a role in regulating all matters relating to coastal and marine areas through Adat (customary) Laot Law, which remains in effect to this day. Therefore, the objective of this research is to explore the relevance of the Panglima Laot to the values of Pancasila. This research was conducted using a normative-juridical method, employing descriptive analysis. This research concludes that in the understanding and implementation of local wisdom, the presence of Panglima Laot is intimately connected to the values of Pancasila, especially the fourth principle. In the contemporary era, the role of the Panglima Laot is becoming increasingly essential to the advancement of ocean governance at both the national and global levels.

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Introduction

It is self-evident that coastal areas and their resources have certain carrying capacities and limits. Therefore, it is incumbent upon those responsible for the management of coastal resources to utilize them in a manner that ensures the long-term viability of these resources. This entails extracting a proportion of the resources without compromising the capacity of these resources to reproduce and renew themselves. In the case of the area, the natural formation and condition of the area cannot be converted to other purposes without maintaining a minimum area, space, or amount of resources in pristine condition to maintain the sustainability and balance of the coastal ecosystem (Nikijuluw, 2017). In other words, although the utilization of coastal areas and resources is of great importance to Indonesia, at the same time conservation management must also be carried out.

Indonesia possesses a vast array of marine resources, encompassing biological, mineral, energy, maritime industry and services, marine transportation, and environmental services, as well as cultural potential. The effective management of these resources is, however, hindered by a multitude of issues, including community poverty, space utilization conflicts, environmental degradation, global climate change, and unsustainable resource management (Akbar & Nurpita, 2019). Indeed, the Decree of the Minister of Marine Affairs and Fisheries Republic of Indonesia Number 45 of 2014 explicitly states that Indonesia is the largest archipelago in the world and has the potential for abundant fish resources, which may

be considered a capital for national economic development. Fisheries development, in this context, may be considered an essential component of national economic development, with the aim of improving the living standards and welfare of fishermen and fish farmers (Hastuti et al., 2023).

The long-term sustainability of the marine and coastal environment continues to be threatened by various adverse effects resulting from human activities and natural phenomena. A range of problems are evident in the development of coastal and marine areas in Indonesia, including pollution, habitat degradation, excessive exploitation of natural resources, coastal erosion, conversion of protected areas into other developments, and natural disasters (Tjiptabudy et al., 2016). This evidence suggests that the governance of marine and coastal areas controlled by the state is inadequate to ensure the sustainable management of the marine environment. Consequently, there is a growing recognition that communities should be actively engaged in the conservation of marine and coastal ecosystems. The term “inclusive governance” has been coined to describe a form of community involvement in conservation actions (Kementerian Kelautan dan Perikanan, 2020).

Nevertheless, research conducted by Rahayu et al. indicates that the growth of community-based management (CBM) in Indonesia remains constrained by the role of the local government as the sole catalyst. Additionally, the research reveals several factors that may impede the advancement of CBM, namely the lack of infrastructure support, low community participation in developing CBM, and the absence of optimally established partnerships (Rahayu et al., 2017). In fact, several coastal resource management practices through the CBM approach exist in Indonesia, both those that are well developed and those that are still in the pioneering stage. As a maritime country, Indonesia has a long history and diverse maritime cultural heritage. This diversity is a unique wealth for the Indonesian nation. One of the unique aspects of Indonesia’s vast maritime cultural heritage is the customary institution of *Panglima Laot* (Utama et al., 2020).

Panglima Laot is a customary institution within the fishing community in Aceh that regulates and leads fishing activities. The *Panglima Laot* is located in the area where the fishermen live and the fishing community is based. All fishing activities are led by a *Panglima Laot* (Zahrina, 2014). The *Panglima Laot* is a maritime cultural heritage of the Kingdom of Aceh, which is based on Aceh Qanun No. 10/2008 on Adat Institutions. The existence of the *Panglima Laot* has become a local wisdom (Mujiburrahman et al., 2021), a manifestation of the characteristics of traditional adat law where the values and heritage of ancestors are still respected and maintained for generations.

In practical terms, the *Panglima Laot* plays a significant role in the regulation and maintenance of environmental conservation and adat laws related to the sea in Aceh. These are accomplished through the implementation of established measures and regulations. For centuries, the *Panglima Laot* has played a vital role in the conservation of marine ecosystems, particularly coral reefs in the waters of Aceh. This is an integral aspect of the *Panglima Laot* tradition, which continues to influence the community to preserve Aceh’s seas (Susetyo et al., 2023). This has attracted academics and researchers to undertake further study of *Panglima Laot* from a variety of perspectives.

A considerable number of studies have been conducted on the practice of *Panglima Laot*. For instance, Mujiburrahman et al. conducted research on the subject entitled “*Panglima Laot: Maritime Cultural Heritage and Sustainability of the Coastal Environment in Aceh*.” The research findings indicate that *panglima laot* has a social system that prioritizes environmental sustainability. This system is able to limit human behavior in exploring coastal and marine natural resources (Mujiburrahman et al., 2021). Furthermore, Heru Susetyo et al. conducted

a study entitled "*Panglima Laot* and its Contribution to the Enforcement of Adat Law in Aceh Waters." The research concluded that *Panglima Laot* continues to exist and plays an essential role in the enforcement of adat law in Aceh's waters. *Panglima Laot* coexists harmoniously with national law and other legal systems operating in Aceh (Susetyo et al., 2023).

In light of the preceding studies, the author was prompted to investigate the practice of *Panglima Laot* from a different vantage point, employing a perspective informed by *Pancasila* philosophy. This research aims to ascertain the degree to which *Pancasila* values are manifest in the practice of *Panglima Laot*, with the underlying assumption that *Pancasila* represents the essence of this nation. It is posited that all actions must align with the precepts of *Pancasila*.

Accordingly, the author employed the juridical normative methodology to elucidate the purpose of this study. Furthermore, the author analyzed the focus of this research using both a conceptual and a statutory approach. In terms of conceptual approach, the notions of ocean governance and inclusive governance are closely related to the limitation of research scope and the construction of analytical arguments. Ocean governance is a comprehensive term that encompasses the governance structures, processes, rules, and norms that influence the decision-making, power distribution, responsibility assignment, and accountability seeking behaviors of relevant actors in the marine environment (Blythe et al., 2021). In parallel, the notion of inclusive governance encompasses community-based management as a pivotal element in how governments advance economic prosperity and enhance the well-being of their constituents (Clarke, 2017). The two concepts are regarded as a means of elucidating the relevance of *Pancasila* and *Panglima Laot* to the management and protection of the marine environment. In terms of legislative approach, this paper is significantly informed by local legal products from Aceh, such as *Qanun*. Moreover, an array of national legislation serves to inform and enhance the analysis presented in this paper.

1. The Panglima Laot as a System of Adat Law

1.1. Structure of Adat Institution in the Marine Sector

In the context of Aceh, the enactment of Law No. 11/2006 on the Governing of Aceh has resulted in the empowerment of adat law, marking the finalization of Aceh's special autonomy in the areas of governance and adat. In particular, several proposals have been put forth with the aim of enhancing the role of customary law in the Aceh public sphere. One of the initial strategies employed to attain this objective was the enactment of legislative measures. In 2008, two *Qonuns* on adat were enacted. *The first, Qonun No. 9 of 2008*, pertains to the advancement of customary practices and rituals, while *the second, Qonun No. 10 of 2008*, is concerned with the establishment and functioning of institutions dedicated to adat. The two *Qonuns* serve as implementing regulations on adat, as stipulated in Law No. 11/2006 on the Governing of Aceh. The objective of both *Qonuns* is to integrate customary norms and institutions into the governance processes of Aceh, thereby enabling the relevant stakeholders to contribute effectively to the development of the region, including the implementation of Islamic sharia (Salim, 2021).

Panglima Laot as adat law is in accordance with the concept of adat law that has been regulated in several laws and regulations during the Dutch East Indies era. Article 11 of AB (*Algemene Bepalingen*) means that adat law is *Gods-dienstige wetten* (religious rules), *Volksinstellingen* (folk institutions), *en gebruiken* (customs). In addition, Article 131 paragraph 2 (b) of the IS (*Indiesche Staatsregeling*) explains that adat law is matters relating to religious law regulations (*hunne godsdiensten*) and customary law (*gewoonten*).

In terms of Aceh's maritime affairs, indigenous organizations are responsible for the management of marine natural resources and the preservation of the marine values of

the Acehnese people, based on local wisdom. These organizations are led by *Panglima Laot*, who play an important role in the preservation of "*adat meculaot*" (the custom of sailing) (Zahrina, 2014). Traditional maritime organizations in Aceh have a long history and have experienced periods of growth and decline over time. The *Panglima Laot* Law, which originated during the reign of Sultan Iskandar Muda, represents an essential component of this tradition (Adrianto et al., 2011).

The *Panglima Laot*, also known as *abu laot* at the time, served as an extension of the Sultan in tax collection and mobilization for war (Susetyo et al., 2023). Following the death of Sultan Iskandar Muda and the political changes that followed Indonesia's independence in the mid-20th century, the duties of the *Panglima Laot* became more clearly defined and were no longer within the purview of government organizational structures. Consequently, it can be posited that the contemporary *Panglima Laot* is distinct from their predecessors, who were an extension of the Sultan's authority within the community. In contrast, the *Panglima Laot* of today develop organically and operate on a voluntary basis within coastal communities (Mu'aqaffi et al., 2022).

In 1990, a new chapter was initiated in the existence of *Panglima Laot* in Aceh following the declaration of independence. That year, the government enacted the Regional Regulation (Perda) No. 2 of 1990 on the Guidance and Development of Adat Institutions of Aceh in Aceh Province, which recognized *Panglima Laot* as a adat institution (Utama et al., 2020). The regulation delineates the fundamental responsibilities of the *Panglima Laot*, which include serving as the maritime area's leader, resolving disputes at sea, addressing social issues affecting fishermen, and safeguarding the marine environment. It continues to evolve within Aceh's legal system. Furthermore, the government acknowledges the role of the *Panglima Laot* Institution and *Laot* law, as observed in the fishing communities of this province, in the management of fisheries resources. This is in line with Article 11, Paragraph 2 of Qanun 16 of 2002, which recognizes these institutions and laws (Sulaiman, 2011).

After the tsunami, local ordinances (*qanun*) were issued to strengthen existing adat laws and *Panglima Laot* institutions. Aceh Qanun No. 9/2008 on the Development of Adat and Customs and Qanun No. 10/2008 on Adat Institutions, which explicitly recognizes the *Panglima Laot* institution as part of adat and has a number of powers to regulate customary maritime law (Adrianto et al., 2011). These two *qanuns* are the result of the special status granted to the province of Aceh by the central government through the enactment of Law No. 11/2006 on the Governing of Aceh (Zahrina, 2014). The Law on the Governing of Aceh comprehensively and holistically recognizes the existence of Acehnese customary law, as stated in Article 16 paragraph (2)(b). As a form of implementation of Aceh's specialty, the government of Aceh is obliged to organize the customary life based on Islamic values.

Based on Article 28 paragraphs (1) and (2) of Qanun Number 10 of 2008, *Panglima Laot* has general powers and duties, which consist of:

1. Determining *meupayang* (rules and procedures for fishing at sea), including determining sharing-benefit and determining days when fishing is prohibited.
2. Play an active role in resolving problems and disputes between fishermen.
3. Resolving customary disputes that occur between levels of *Panglima Laot*.
4. Coordinating the implementation of *adat laot* law, improving natural resources and policy advocacy in the maritime and fisheries sector to improve the welfare of fishermen.
5. Protecting the sea from illegal fishing.

In the past, the term "*lhok*" was used to describe the jurisdiction of the *panglima laot*. This term denotes control over a *gampong* (village), several *gampong* (mukim), and a sub-district

or archipelago where fishermen live and conduct fishing activities (Zahrina, 2014). Currently, based on Article 27 paragraph (1) of Qanun No. 10/2010, the organizational structure of *Panglima Laot* consists of:

- a) "*Panglima Laot Lhok*";
- b) "*Panglima Laot Kabupaten/Kota* (region)";
- c) "*Panglima Laot Provinsi Aceh* (province)".

The *Panglima Laot* are structured hierarchically, with varying degrees of authority across multiple levels, from the local (*Lhok*) to the provincial level. At the *Lhok* level, the *Panglima Laot* serves as a mediator between fishermen and facilitates the fishing process. At the district or city level, the *Panglima Laot* assumes the role of coordinator for the *Panglima Laot* of various local *lhok*. The provincial *Panglima Laot* does not have customary duties; rather, it serves as a coordinating body on matters related to the guidance, protection, and supervision of fishermen (Adrianto et al., 2011). It is important to note that *lhok* territories are based on ecological conditions rather than regional administration, and therefore may encompass multiple administrative areas. Consequently, the concepts of the boundaries of *lhok* areas and administrative areas are very different (Susetyo et al., 2023).

The jurisdiction of the *Panglima Laot* extends from the coastal area to the high seas. The coastal areas under the authority of the *Panglima Laot* include *Bineh Pasie* (beachfront), *Leun Pukat* (area for pulling inland trawls), *Kuala* and *Teupien* (boat landing sites, both in bays and in Kuala), and *Laot Luah* (high seas). *Panglima Laot*'s authority over the high seas is based on the legal principle of economic management of marine resources by indigenous marine communities. Coastal ecosystems include *Uteun Bangka* (mangrove forests), *Uteun Pasie*, *Uteun Aron* (cypress forests), *Neuheun* (ponds), and *Lancang Sira* (salt fields) (Puspita, 2017).

Panglima Laot is structured in a manner that facilitates the execution of its authority and functions in each of its jurisdictions. The organizational structure of both *Panglima Laot Lhok* and *Panglima Laot Kabupaten/Kota* are analogous and comprise the following components (Zahrina, 2014):

1. 3 (three) people as advisors.
2. 1 (one) person as *Panglima Laot* (chairman).
3. 1 (one) person as vice chairman.
4. 1 (one) person as secretary.
5. 1 (one) person as treasurer.

In the other side, the organizational structure of *Panglima Laot Provinsi Aceh* is as follows (Zahrina, 2014):

1. 3 (three) people as advisors.
2. 1 (one) person as *Panglima Laot* (chairman).
3. 1 (one) person as vice chairman.
4. 1 (one) person as secretary.
5. 1 (one) person as deputy secretary.
6. 1 (one) person as treasurer.
7. 1 (one) person as deputy treasurer; and
8. Members.

Furthermore, the *Panglima Laot* organizational structure is complemented by the *adat laot* judiciary. This institution resolves marine disputes in Aceh and is bound by the norms of *adat laot* law, which is based on Islamic values. Indigenous fishing communities are alliances

of indigenous peoples (*rechtsgemeenschappen*) who have common interests in attitudes, behaviors, and actions in social life. The subject of this trial institution is focused on the fishing community (*rechtssubjecten*). Meanwhile, the object of *adat laot* law (*rechts objecten*) is related to the ocean or coastline, traditional and modern fishing facilities, and customary decisions on fishing procedures at sea (*meupayang*). Fishing and coastal communities in Aceh are considered legal communities (*rechts gemeenschappen*) and are members of a legal community. They act and behave as a single entity (Rahayu, 2014).

1.2. The Rule of Law on Traditional Management of the Marine Environment

At the Conference of *Panglima Laot* throughout Aceh on June 6–7, 2001 in Banda Aceh, it was determined that *Laot* laws and customs are upheld by the fishing community to maintain order in fishing and the society of the fishing community on the coast (Sulaiman, 2011). The regulation of all activities related to the sea is governed by *Adat Laot* law. These rules have been around for a long time and have been updated to meet the legal needs of fishing communities. Currently, *adat law* and marine customs are uniform throughout Aceh, as agreed upon by all *Panglima Laot* in the province. However, each *Panglima Laot Kabupaten/Kota* (district or municipal) has its own policy for implementation and application in the field. This is to avoid conflicts between districts, but the policies do not differ in substantive matters (Adrianto et al., 2011).

The *adat laot* law addresses civil matters, particularly the need to balance economic activities with habitat preservation and ecosystem sustainability. Additionally, it regulates fishing operations, socio-economic customs of fishing communities, fishing at sea, sharing-benefit, leasing, wages, and other related matters (Aswita et al., 2023). It also regulates the placement of boats and trawlers on the beach, drying fishing gear and repairing damage to fishing gear and boats, prohibited fishing times, the discovery of treasure at sea, dispute resolution at sea, environmental destruction, fishing at sea, accidents at sea, *kenduri* at sea, and all activities related to the discovery at sea (Rahayu, 2014).

Adat laot is a crucial element in maintaining the sustainability of the coastal environment (Aswita et al., 2023). *Adat laot* encompasses a number of components. The initial element is *Khanduri Laot*, which is the *khanduri laot* ceremony preceding the east season or the end of the west season. *Khanduri laot* for the Acehnese fishing community represents a form of relationship between humans as creatures with their creator and the surrounding environment in addressing the surrounding nature. *Khanduri laot* represents an evaluation moment in the implementation of *adat*, serving as a forum for reaffirming *adat* law. Additionally, *khanduri laot* encompasses social customs and customs designed to protect the environment. In this custom, fishermen are encouraged to assist one another and refrain from activities that could harm the coastal environment, such as cutting down trees and using tools that could damage it. This also includes refraining from catching fixed sea ecosystems, such as turtles and dolphins. Finally, there is the custom of drifting goods, which stipulates that any discovery of items that have sunk at sea must be handed over to the *Panglima Laot* (Mujiburrahman et al., 2021).

The *Khanduri laot* is a land-based celebration to which all residents in the *mukim* are invited, including government officials such as the Governor and/or Regent/Mayor. Each *Lhok* has an obligation to organize the *kenduri* annually, and if the budget is insufficient, it can be postponed until the next fiscal year (Susetyo et al., 2023). Otherwise, the *kenduri laot* is conducted at least once every three years, in accordance with the agreed-upon schedule (Puspita, 2017). The series of *kenduri laot* events includes the recitation of prayers, the slaughter of sacrificial animals, the consumption of a communal meal, and the provision of

assistance to orphans. Following the implementation of Islamic law, the tradition of throwing the heads of sacrificial animals into the sea during *kenduri laot* has been discontinued. The event itself lasts for approximately three days, during which time fishermen are prohibited from fishing in the *lhok* (Ulya et al., 2023).

The *adat laot* law is the abstinence from going to sea on designated days. Several days have been designated for fishing in Aceh's customary law of the sea, apart from when celebrating a *kenduri laot*. First, fishermen abstain from fishing for one day, from sunset on Thursday until sunset on Friday (Zahrina, 2014). Second, fishermen are prohibited from going to sea on Eid al-Fitr. The prohibition applies for three days, from sunset before the feast day until sunset on the second day of Eid (Puspita, 2017). Abstinence from fishing on the day of Eid al-Adha is required for three days, starting from sunset on the day of slaughter until sunset on the third day of Eid al-Adha. Furthermore, abstinence from fishing is required on Independence Day, August 17, 1945, from sunset on August 16 until sunset on August 17 (Susetyo et al., 2023). In the wake of the earthquake and tsunami that struck Aceh on December 26, 2004, which resulted in numerous casualties, the *panglima laot* has also prohibited fishing on December 26, from sunset on December 25 until sunset on December 26 (Mujiburrahman et al., 2021).

The *Panglima Laot* is intimately associated with Acehnese adat law, the continued existence of which is contingent upon the continued recognition of the *Panglima Laot Aceh* among indigenous peoples (Mujiburrahman et al., 2021). This understanding aligns with the constitutional stipulation set forth in Article 18B, paragraph 2, of the 1945 Constitution, which states: "The state acknowledges and respects the unity of customary law communities and their traditional rights, provided that they are still in existence and in accordance with the development of society and the principles of the unitary state of the Republic of Indonesia, which are regulated by law."

In Aceh, the validity of *adat* law is reinforced by regional regulations or *qanun*, which are part of the special autonomy regulation of the Special Region of Nanggroe Aceh Darussalam. This underscores the living nature of adat law, as it reflects the evolving legal sentiments of the people and is continuously evolving in tandem with the community. This fact also demonstrates that the position and authority of *panglima laot* and *adat laot* law are recognized and exist within the Indonesian legal system. The position of adat law in Aceh is exemplified by the expression, "*Adat meukoh reubong, Hukôm meukoh purieh, Adat hanjeut berangkaho takhong, Hukôm hanjeut berangkaho takieh.*" This expression signifies that customary practices may evolve over time, bamboo shoots (*reubong*), yet they remain resilient. Legal norms are often compared to *puriêh*, old and dry bamboo that is challenging to cut, alter, or arbitrarily interpret (Rahayu, 2014).

The measures taken by the Nanggroe Aceh Darussalam Provincial Government constitute one of the strategies that could potentially address the legal crisis currently unfolding in Indonesia. Sudjito Atmoredjo posited that this legal crisis has reached a chronic stage. This crisis is associated with the ascendant positivism paradigm which disallows any theological and metaphysical elements from entering into the domain of legal science (Atmoredjo, 2021). Indeed, according to Van den Berg's "*reception in complex*" theory, a society's customs and laws reflect the reception of the religion to which its members adhere (Atmoredjo, 2023). In this case, the establishment of a robust Islamic legal framework in Aceh will likely influence the acceptance of adat law, given that Islamic law has been fully integrated into community society. Conversely, the "*Receptio A Contrario*" theory posits that Islamic law's strong position will also influence the acceptance of adat law. This theory posits that adat law is subservient to Islamic law and must align with Islamic law in order to be applicable. Adat law can only be applied if it has been legally sanctioned by Islamic law (Thalib, 1980).

Adat laot law is an indigenous customary law that is integral to Acehnese society. Fishing communities rely on the guidance of *adat laot* law to navigate their activities, including fishing at sea and addressing social issues. This encompasses their relationship with the sea, its contents, and other fishing communities. *Adat laot* law is a crucial element in safeguarding community interests (Susetyo et al., 2023). This aligns with Carl Von Savigny's perspective that law is not static but evolves and adapts in tandem with society. Consequently, a just law is one that is in accordance with the collective conscience of the people (Atmoredjo, 2022). The reinforcement of *adat* and customs is a social action that is tested and strengthened by society. Actions that do not receive community approval will not be reinforced and practiced repeatedly. Consequently, people are naturally attracted to actions that are considered good or contain goodness (Puspita, 2017). Therefore, the *adat* law of Aceh is a legal instrument that is good in concept and implementation because it grows and develops with the people of Aceh.

The traditional approach to marine governance in Aceh remains a pertinent and valuable framework, particularly as the global and national levels of marine governance continue to evolve. The role of indigenous peoples and coastal communities is becoming increasingly recognized as a legitimate means of managing and protecting the marine environment. The United Nations Declaration (UND) on the Rights of Indigenous Peoples also recognizes that respect for the knowledge, culture, and practices of indigenous peoples contributes to sustainable and equitable development and appropriate environmental management (Griffiths, 2007). Additionally, the preamble of the Convention on Biological Diversity (CBD) recognizes the contribution that traditional knowledge can make to the conservation and sustainable use of biodiversity and the need to ensure equitable sharing of benefits arising from the use of traditional knowledge (Vierros, 2017). In 2010, the 10th Conference of the Parties (COP) to the Convention on Biological Diversity (CBD) encouraged indigenous peoples and local communities to play a role in strengthening ecosystem connectivity and transoceanic resilience in the face of climate change (COP decision X/33). Furthermore, it is of utmost importance to guarantee the comprehensive promotion and active involvement of indigenous peoples and local communities in the establishment and administration of marine and coastal protected areas, as stipulated in the COP10 decision X/29. Furthermore, the meeting exhorted parties to acknowledge the contribution of indigenous peoples and local communities to conservation areas within national protected area systems (COP10 decision X/31) (Vierros, 2017).

Furthermore, Indonesian national law also legitimizes community participation in the marine sector. Article 70, paragraph (4) of Law No. 32/2014 on Maritime Affairs corroborates the assertion that community participation may manifest in the form of the revitalization of *adat* law and local wisdom in the marine sector. Meanwhile, Article 60, Paragraph (1d) of Law No. 1 of 2014 concerning Amendments to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands, confirms that in the management of coastal areas and small islands, the community has the right to carry out activities to manage coastal resources and small islands based on applicable customary law and does not conflict with statutory regulations. National law increasingly acknowledges the role of indigenous peoples in the management of coastal and small island resources. The law characterizes indigenous peoples as coastal communities that have historically inhabited specific geographical regions, grounded in ancestral ties, a profound connection to coastal and small island resources, and a value system that shapes their economic, political, social, and legal institutions.

International and national legislation must prioritize the protection of indigenous and traditional coastal communities, which is essential for the 40 million individuals residing in Indonesia's coastal regions, many of whom rely heavily on marine resources (Neumann et al.,

2015). It is imperative to guarantee that ocean management by diverse stakeholders does not compromise established customary governance by infringing upon the rights of traditional authorities, diminishing their territorial management flexibility, or engendering other detrimental impacts on communities (Estradivari, 2022).

2. The relevance of Panglima Laot and the Fourth Principles of Pancasila

2.1. General Arguments

The environment is regarded as a divine gift with strategic value for all living creatures, particularly in Acehnese *adat* law. Its existence is inextricably linked to the survival of all living creatures, including humans, and thus its preservation is non-negotiable. This aligns with the traditional style and magical religion of traditional law communities. The people of Aceh have been practising prudent environmental management for several generations through the *Panglima Laot* Institution (Bustamam-Ahmad, 2017). The *Panglima Laot*, traditional Institution employs the values and concepts of local wisdom in the management of the marine environment, a practice that continues to this day.

Local wisdom is a term used to describe the collective knowledge and beliefs held by a particular community. It encompasses a multitude of aspects, including life wisdom, way of life, traditional rites, and much more (Utama et al., 2020). Local wisdom is the result of centuries of accumulated experience and is a reflection of the depth of the human mind and the breadth of our relationships with other people. It emphasises the nobility of our rationality. Local wisdom is embedded in the traditions of daily life, in mythology, in beautiful literature, in the form of respectful rituals or traditional ceremonies (Riyanto, 2015). Consequently, this explanation is fully reflected in the relationship between coastal communities in Aceh and the *adat laot* law and *Panglima Laot*.

Panglima laot is a form of maritime governance that is fully implemented by community groups. *Panglima Laot* encompasses a range of social values, customary norms, ethics, belief systems, traditional spatial planning patterns, as well as environmentally friendly equipment and technology. These inherited social resources have proven effective in preserving the environment and ensuring the sustainability of the social environment (Puspita, 2017). Therefore, *Panglima Laot* is categorized as maritime governance in Indonesia, which was born and developed in accordance with the popular concept.

In the institutional concept of *Panglima Laot* in Aceh, "the people" are not the *de facto* holders of power; they are not rulers. However, in the local wisdom of *Panglima Laot*, the people are regarded as the wise and prudent subjects of life (Bustamam-Ahmad, 2017). The *Panglima Laot* is held responsible for the sustainability of the communal living system within the social life of coastal communities. Consequently, the *Panglima Laot* must practice the values of wisdom in everyday social life. The *Panglima Laot* is not permitted to act solely in his own interests or those of his family or group. Rather, the institution of *Panglima Laot* is inherently populist. This is also consistent with the communal style of life in society, where the interests of groups or members of society are considered to be of greater importance than personal interests.

Consequently, the institution of *Panglima Laot* can be regarded as an exemplification of the values espoused in the fourth precept of Pancasila. The fourth precept of Pancasila states, "Democracy led by wisdom in deliberation/representation." This implies that the fourth precept prioritizes the principle of deliberation for consensus through representatives and representative institutions in the pursuit of the people's mandate. Upon closer examination, the meaning and significance of this precept can be elucidated as follows (Yusdiyanto, 2017):

a) The fundamental tenet of this principle is democracy, which is a government of the people, by the people, and for the people;

b) Consultation, or the process of making decisions collectively through the lens of wisdom, is a cornerstone of this principle;

c) Implementing decisions based on honesty is a crucial aspect of this principle. The decision is unanimous, thereby ensuring that it is carried out in a spirit of mutual honesty. The value of identity is deliberation;

d) Contains populist principles, namely a sense of love for the people, fighting for the ideals of the people, and having a populist spirit.

Pancasila represents a value system that encapsulates the virtuous principles of Indonesian culture, integrating elements of external cultural influences. It has become an integral part of the Indonesian national culture. Furthermore, national legislation stipulates that indigenous peoples and traditional communities possess rights in coastal regions and small islands, alongside local wisdom and esteemed values that persist in the lives of coastal inhabitants. This is affirmed in Article 61, paragraphs (1) and (2) of Law No. 27 of 2007, which asserts that the government acknowledges, safeguards, and honors the rights of indigenous peoples, traditional communities, and local wisdom pertaining to coastal areas and small islands utilized for generations.

The implementation of *Panglima Laot* and other traditional maritime governance systems in Indonesia exemplifies the principle of equality, aimed at enhancing access to economic utilization of coastal resources and small islands for the majority of the community members. Furthermore, *Panglima Laot* is another way that the community participation principle is put into practice, giving indigenous coastal communities the chance to participate in planning and execution up to the monitoring and control stage. Article 22, paragraph (2b) of Law No. 32 of 2014 stipulates that the Indonesian government seeks to enhance community and governmental participation while promoting community initiatives in the management of coastal resources and small islands to attain justice, equity, and sustainability.

2.2. The Concept of Populism in the Panglima Laot Institution

The fourth precept concerns the procedures and mechanisms involved in countering populist movements. The democratic system in Indonesia is often used as the applied system. However, democracy is not a standardized form and does not have to be uniform in all places; rather, it must be adapted to the socio-cultural conditions of the pluralistic Indonesian nation (Herlambang, 2019). Therefore, the mindset embedded in democratic life should be carried out by prioritizing populist principles to achieve common goals. Nevertheless, the objective of populist principles is to accommodate the diverse aspirations that emerge within society, with the ultimate goal of benefiting the general public (Wiguna, 2021).

The concept of populism is closely associated with the traditional marine institutions in Aceh, which are known as panglima laot. *Panglima laot* is the leader of the *Panglima Laot* institution, which is chosen through a process of mutual agreement. *Panglima Laot Lhok* is elected for an eight-year term, while District and Municipal *Panglima Laot* are elected for a ten-year term. Subsequently, the position of Provincial *Panglima Laot* is elected for a five-year term. However, this term can be altered by mutual consent at any time (Zahrina, 2014).

The current election of the *Panglima Laot* is a clear manifestation of democratic values. The appointment and election of the *Panglima Laot* is now conducted by the fishermen themselves, as the position is no longer an extension of the Sultan. The selection of a *Panglima Laot* is based on wisdom and proven fishing skills. Typically, those appointed as *Panglima Laot* have previously been captains who have earned the trust of the

fishermen (Susetyo et al., 2023). In other words, the selection of a *Panglima Laot* can be expressed in the vernacular of fishermen, by fishermen, and for fishermen.

The appointment and election of *Panglima Laot* is carried out on a family basis. The role of *Panglima Laot* exemplifies the efficacy of kinship as a foundational principle in traditional societies, particularly in the context of modernity. This concept underscores the importance of acknowledging the existence of every citizen within a nation or state, while maintaining a distinction between the ruler and the common people. This principle emphasizes the value of openness and inclusiveness in society (Wiguna, 2021). In coastal communities, democratic values are still observed in accordance with the values of Pancasila, which were introduced by the nation's founders long ago. Pancasila espouses the concept of populism.

The concept of populism also necessitates the existence of a "peaceful order" within the community, extending beyond the realm of political decision-making to encompass the everyday interactions and values that shape the fabric of society. The "value system" is a reflection of the dynamic of togetherness, language communication, and local social values. In other words, the "peace system" is inextricably linked to the cultural context of living together (Riyanto, 2015). Consequently, the *Panglima Laot* represents a tangible manifestation of the concept of "peaceful order" in the context of maritime activities in the coastal area of Aceh.

2.3. The Principle of Wisdom in the Panglima Laot Institution

The second characteristic of the fourth precept is that the administration of the affairs of the Indonesian people must be conducted with wisdom and not merely in the pursuit of practical interests. The principle of democracy is based on the thoughts, philosophies, and values contained in the second precept, namely Fair and Civilized Humanity (Herlambang, 2019).

The ocean governance of *Panglima Laot* provides a tangible illustration of the principle of wisdom. The traditional institution of *Panglima Laot* represents Indonesia's maritime cultural heritage. This is one of the defining characteristics of Indonesia's cultural wealth as a maritime nation. This tradition, which upholds the preservation of marine and coastal areas, represents a form of wisdom that is intrinsic to the *Panglima Laot* customary institution (Utama et al., 2020). In a society that still upholds its local wisdom, respect for nature is of significant importance. In his work, Sony Keraf outlines five ethical principles that must be considered when addressing environmental issues. These principles are respect for nature, moral responsibility towards nature, cosmic solidarity, compassion, and care for nature. Humans have moral responsibilities and obligations towards nature, which can be fulfilled by behaving in an environmentally friendly manner, living simply and in harmony with nature, and pursuing justice (Mujiburrahman et al., 2021). This is because indigenous peoples view nature as a series of interrelated relationships, not only concerning humans, or in other words, an ecocentric paradigm.

The wisdom of a *Panglima Laot* is required in terms of sanctioning and resolving disputes between fishermen and other social problems of coastal communities. The *Panglima Laot* is the highest leader in the organizational structure and is responsible for the implementation of marine environmental management, thus ensuring the principle of environmental sustainability and the implementation of all laws and government regulations. Any action that contravenes the provisions of customary law is adjudicated by the *Panglima Laot* Court and sanctioned. The sanctions imposed are not physical in nature but instead take the form of confiscation of catches or a ban on fishing activities at sea for a period of between three to seven days (Puspita, 2017). The confiscated proceeds are not permitted to be used for certain groups and must be used solely for the operational funds of the *Panglima Laot* institution and the common interest.

The role of the *panglima laot* has undergone significant positive changes due to the wisdom of this individual. This can be observed in the various policy formulations and contributions made by the *Panglima Laot* to Aceh's development. Additionally, the *Panglima Laot* is active in addressing issues related to marine customs in Aceh waters. When a group of ships from Thailand entered Aceh waters, 57 (fifty-seven) Thai ships were captured and handed over to Acehnese fishermen. Out of the 57 (fifty-seven) captured boats, 40 (forty) were deemed fit for reuse and sale. In response, the *Panglima Laot* throughout Aceh agreed to establish an endowment fund. The proceeds are used to fund scholarships for fishermen's children, managed by the YP-MAN Foundation (*Yayasan Pangkai Meureunoe Aneuk Nelayan*) (Susetyo et al., 2023). The *panglima laot* has undergone significant changes and progress in its long journey. Originally limited to being an extension of the Sultan in certain matters, it has now become one of the most influential stakeholders in the development and protection of fishing communities.

2.4. Internalization of the Consensus-Consultation (*Musyawaharh-Mufakat*) Principle in *Panglima Laot* Institution

Consensus-consultation is an effort to ascertain the truth, administer justice, and implement an optimal decision-making process, all in a manner that prioritizes ethics. This approach to decision-making is informed by religious traditions, ethics, and morals that are part of the cultural fabric of Indonesian society. Ensuring a safe and peaceful environment during this process has implications for the successful implementation of the resulting agreements, making it more likely that shared objectives can be achieved (Herlambang, 2019). The existence of consensus-consultation can be considered the pinnacle of decision-making in a society that adheres to traditional values, particularly in the event of a dispute or conflict.

In essence, adat law prioritizes consultation and consensus, both within the family and in kinship relations, as well as in broader society. Indigenous peoples tend to prioritize a harmonious and peaceful resolution through consensus. They are less inclined to bring every dispute that occurs to the state court, but rather resolve it within the scope of their community. This is largely influenced by ideals or group interests that emerge from a sense of interdependence or mutual fate. This phenomenon may also be referred to as mechanical solidarity.

A society comprising a multitude of similar elements is classified as a mechanical solidarity. This solidarity is based on a state of collective consciousness, which is defined by shared beliefs and sentiments that are common to the members of the same society. The most evident indicator of mechanical solidarity is the extent and intensity of suppressive values. These values justify any behavior as evil, threatening, or violating the strong collective consciousness (Wulandari & Irwansyah, 2020). In customary societies, this distinguishes them from modern legal societies, where customary values are binding and of great significance in the social order.

Consultation and consensus are the primary mechanisms through which the traditional *Panglima Laot* organization operates. For example, the selection and determination of the *Panglima Laot* as the leader of the *Panglima Laot* organization is a process that is carried out through consultation-consensus. This process of legitimization has been codified in concrete law in Aceh, specifically through article 27, paragraphs (2), (3), and (4), of Qanun Number 10 of 2008 concerning Customary Institutions, wherein it is explained that the position of *Panglima Laot Lhok*, *Panglima Laot Kabupaten/Kota* and *Panglima Laot Aceh Province* is elected through consultation. In addition, Article 29 of Qanun No. 10/2008 stipulates that the

procedures and requirements for the position of *Panglima Laot* are also determined through consultation.

The *Panglima Laot* institution in Aceh currently fulfills the role of social leader of the legal unity of the indigenous marine community and the institution for resolving customary marine disputes in Aceh. Its position is based on the 2006 Regional Regulation on the Government of Aceh and its implementing regulations in the form of Qanun Aceh. The scope of customary marine dispute resolution is limited to civil disputes at sea, minor offenses, and small-scale environmental pollution. These matters are resolved through a process of consensus-based decision-making between the relevant parties, with recourse to the courts being avoided (Rahayu, 2014).

The concept of consultation-consensus in local wisdom is not merely articulated in discussions or formal meetings with the intention of making decisions or determining public policies. The value of consultation-consensus is intrinsic to the daily lives of the people. This is the essence of the sustainability of order and togetherness. This implies that deliberation and consensus extend beyond the verbal level, manifesting in tangible actions that contribute to a more promising and aesthetically pleasing future (Riyanto, 2015).

The tradition of community consultation, based on intensive, cooperative, and interactive social relations, with the principles of reciprocity, mutual trust, and willingness to share, represents a socio-cultural capital that is able to fortify itself from social chaos through relations that are co-existence (mutual respect) and pro-existence (mutual support) (Herlambang, 2019). The practice of the consultation tradition is uniform across all frameworks of the *Panglima Laot* institution, ensuring that the maritime organization retains a presence and influence within the lives of coastal communities and fishermen in Aceh.

Furthermore, the Consensus-Consultation principle serves as the foundation for the dispute resolution process at sea. In accordance with Article 47, paragraph (1) of the Principal Rules of the Aceh Laot Adat Institution, it is stated that: The customary court is vested with the authority to adjudicate matters pertaining to the laot adat law among fishermen (Bustamam-Ahmad, 2017). One of the key issues facing the fishing community in Aceh is the prevalence of illegal fishing practices. The incident in question occurred in 2017. It involved the theft of fish by a fisherman named Syafii from Abdullah's Fish Aggregation Device (FAD). Subsequently, the two parties involved consented to the resolution of the dispute at the *Panglima Laot* adat institution. The dispute was settled through a deliberative process, during which the facts were examined and witnesses were presented (Sofyan et al., 2022). Subsequently, the *Panglima Laot* proceeded to deliberate with members of the *Laot adat* assembly, having first heard testimony from Idris. The disputing parties have indicated that the process of resolving disputes between fishermen based on marine adat law is highly beneficial, as it does not give rise to new conflicts and serves to restore harmony within the fishing community (Sofyan et al., 2022).

Customary dispute settlement has been acknowledged by national legislation through the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia No. 28/PERMEN-KP/2020 regarding Procedures for Dispute settlement in Coastal Area and Small Island Management. Article 35 of the Ministerial Regulation addresses all customs-related disputes, allowing for resolution through conventional methods based on the parties' agreement. This Ministerial Regulation promotes out-of-court dispute resolution based on the principle of consensus-consultation.

The fourth precept of Pancasila stipulates that the governance of the Indonesian nation must be conducted in accordance with the distinctive characteristics of Indonesian society. The management of the rights and obligations of Indonesian society must be carried out

through consultation for consensus based on wisdom. It is only in a representative institution that consultation can be carried out. The values of the fourth principle are fully realized in The *Panglima Laot* institution, which is a representative institution of coastal and fishing communities in Aceh.

Nevertheless, upon examining the values espoused within the fourth precept of Pancasila, namely "democracy led by wisdom in the consultation of representatives," it is crucial to bear in mind that this discussion cannot be isolated from the four other precepts of Pancasila (Wiguna, 2021). The values of Pancasila are inextricably intertwined, thus closely related to one another.

Conclusions

The people of Aceh have historically demonstrated an acute awareness of the importance of environmental stewardship. The *Panglima Laot*, a adat institution, employs local wisdom values and concepts to manage the marine environment, a practice that is still observed and maintained to this day. *Panglima Laot* is an ocean governance system that is fully implemented by community-based initiatives. The institutional concept of *Panglima Laot* in Aceh posits that the people are not de facto holders of power, but rather subjects of wise and prudent ocean governance.

The *Panglima Laot* is replete with Pancasila values, with the fourth principle in particular being exemplified. The principle of populism, the principle of wisdom, and the principle of consultation to reach consensus represent the primary tenets of the *Panglima Laot* framework. These principles are manifest from the election of the *Panglima Laot*, dispute resolution, to the significance of sanctions that consider the sense of justice in the community. Furthermore, this reinforces the position of adat law as a highly pertinent reflection of the behaviors of community society, which is in accordance with the legal developments in maritime sectors. Consequently, Pancasila can serve as a robust foundation for reinforcing the role of traditional or area-based governance in the management, utilization, and preservation of Indonesia's marine environment and resources.

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Таріган М. І., Лумбан Гаол Х. С. Пангліма Лаот та четвертий принцип Панкасіла: традиційне управління океанами у провінції Ачех. – Стаття.

Морське середовище стикається з численними викликами, які загрожують стійкості морських ресурсів. Ці виклики пов'язані з надмірною та безвідповідальною експлуатацією, а також неефективним управлінням відповідно до національного законодавства. У відповідь на них було вжито різних заходів з метою захисту морського середовища, у т.ч. традиційних. Однією з таких місцевих традицій, що визнана ефективною в управлінні навколишнім середовищем і прибережними ресурсами, є інститут Пангліма Лаот у провінції Ачех. Його існування відіграє важливу роль у регулюванні усіх питань, що стосуються прибережних і морських зон, через Адат (звичаєвий) Лаотський закон, що залишається чинним до теперішнього часу. У зв'язку з цим метою цього дослідження є вивчення відповідності Пангліма Лаот цінностям Панкасіла з використанням нормативно-правового методу і застосування описового аналізу. У статті дійдено до висновку, що у розумінні та реалізації місцевої мудрості присутність Пангліма Лаот тісно пов'язана з цінностями Панкасіла, особливо з четвертим принципом. У сучасну епоху роль Пангліма Лаот стає все більш важливою для просування управління океанами як на національному, так і на глобальному рівнях.

Ключові слова: Пангліма Лаот, Панкасіла, управління океанами, Адат, морське середовище, стійкість, морські ресурси, прибережні та морські зони, Індонезія.

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155 lines contained the Greek translation of the Latin customs law regulating the relationship between tax debtors, customs collectors, and Roman treasury, procedures of duty calculation, payment and enforcement, and customs immunities.

(from: Purpura G. *La provincia romana d'Asia, i publicani e l'epigrafe di Efeso (Monumentum Ephesinum)* in: *Iura, Rivista Internazionale di Diritto Romano e Antico*, 52, 2001, (in corso di stampa).

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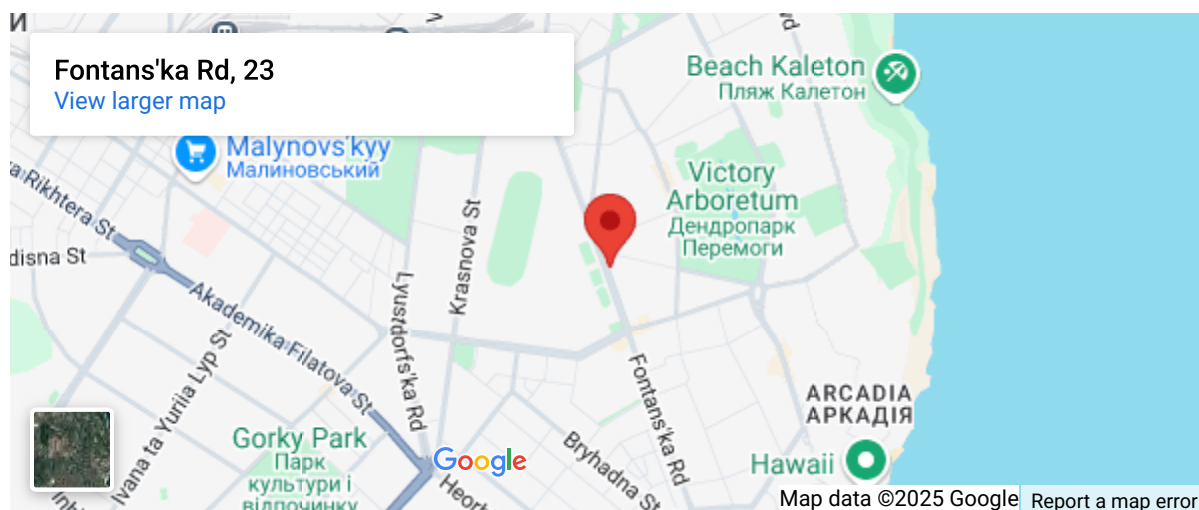
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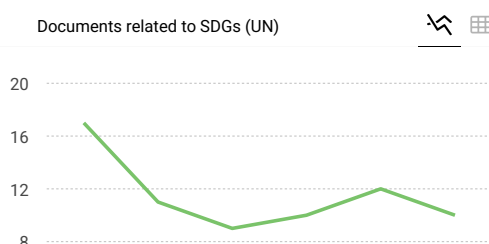
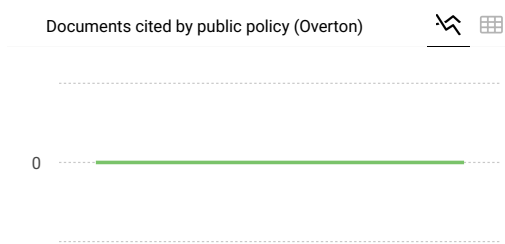
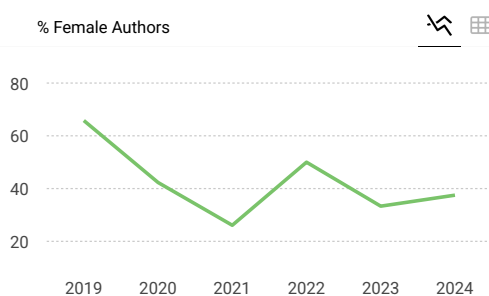
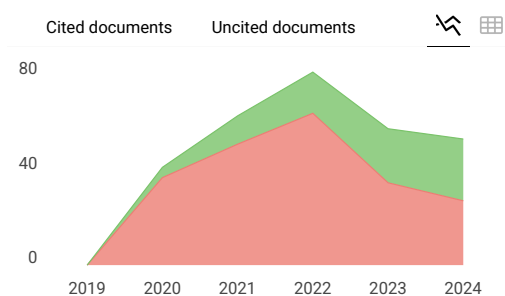
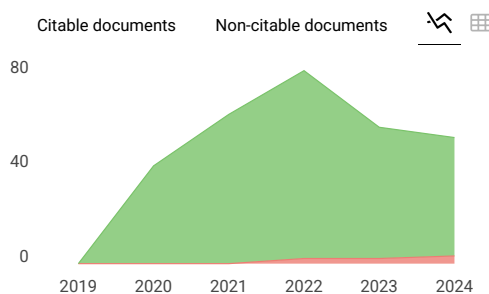
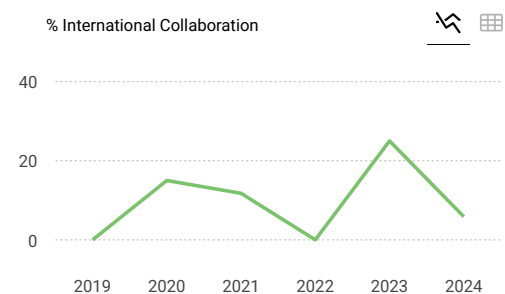
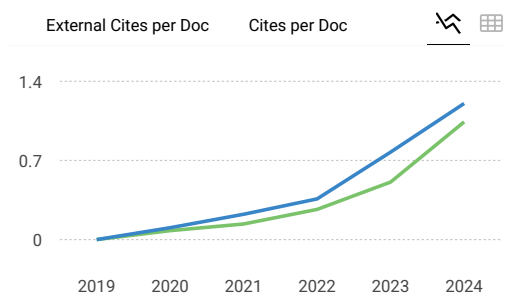
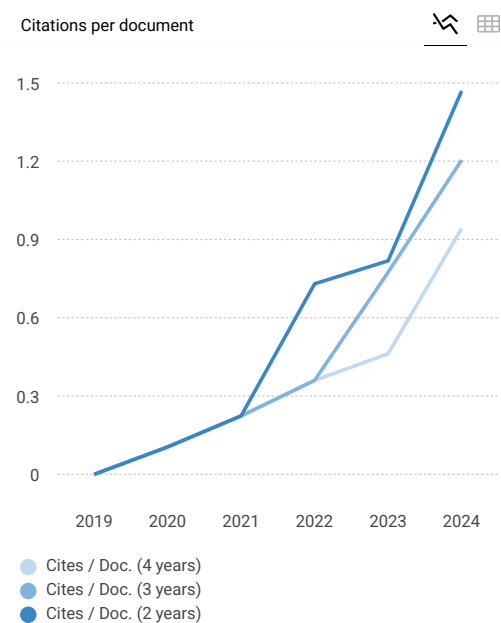
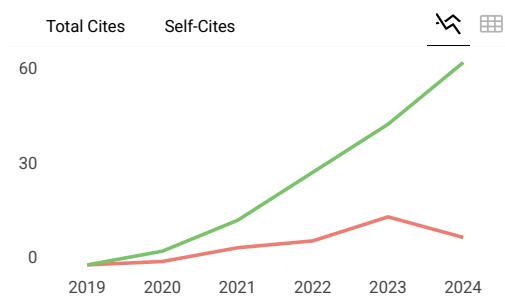
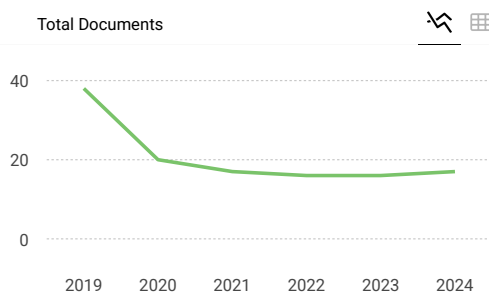
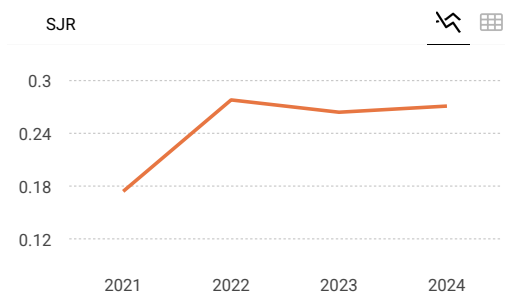
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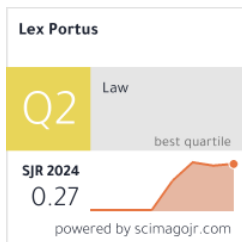
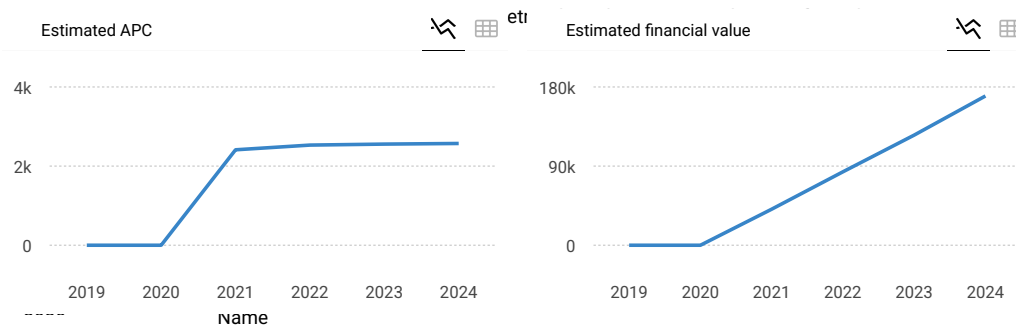
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