

# The Resolution of Environmental Disputes among Traditional Fishermen in Gampong Sungai Lueng, Langsa, Aceh, Indonesia

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## ABSTRACT

Gampong Sungai Lueng (referred to in Acehnese) in Langsa is an area rich in mangrove ecosystems, which play a crucial role in maintaining environmental sustainability and supporting the livelihoods of local traditional fishermen. However, in recent years, this area has faced several environmental problems, including uncontrolled mangrove tree cutting, which poses a threat to marine ecosystems and the well-being of local fishermen. This research aims to address environmental disputes among traditional fishermen in Gampong Sungai Lueng, Langsa. The research method employed is a normative juridical approach. The research specifications are descriptive and analytical in nature. The sources and types of data encompass primary and secondary data. Data analysis is conducted qualitatively, given that the collected data are of a descriptive-analytical nature. The research findings regarding the resolution of environmental disputes among traditional fishermen in Gampong Sungai Lueng, Langsa, represent complex and significant challenges in endeavors to preserve marine ecosystem sustainability and environmental protection. The results of the initial pre-test indicate that there are participants with inadequate knowledge concerning environmental regulations, including the prohibition of coastal tree cutting or mangroves, as well as related criminal issues. However, the majority of participants possess a solid understanding of essential aspects, such as these prohibitions, dispute resolution through

either mediation or litigation, and the legal consequences of engaging in vigilantism.

**Keywords:** dispute resolution, mangroves, and traditional fishermen

## INTRODUCTION

Environmental disputes, characterized by conflicts or tensions among various stakeholders, often arise due to differing perceptions, interests, or actions related to environmental issues. In the Indonesian context, the government's recognition of the importance of environmental management dates back to 1972. During this period, Indonesia eagerly anticipated the inaugural World Environmental Conference, held in Stockholm, Sweden, in June 1972. Notably, at that time, the Indonesian government had yet to establish a dedicated institution for addressing environmental concerns.

The Stockholm Conference marked a pivotal moment in global environmental discourse. It catalyzed the engagement of governments worldwide in assessing and strategically planning for environmental sustainability. Furthermore, it served to harmonize the perspectives and concerns of both developed and developing nations, fostering a collective commitment to safeguarding the Earth. The encouragement of public participation and the cultivation of principles supporting sustainable

development were prominent outcomes of this landmark conference (Sawitri & Bintoro, 2010).

In this context, the Stockholm Conference initiated a comprehensive review of the prevailing paradigms of conventional development. These paradigms had hitherto exhibited proclivities detrimental to the Earth. This phenomenon was intrinsically linked to issues such as poverty, economic growth dynamics, demographic pressures observed within developing nations, the conspicuous culture of excess consumption evident in developed countries, and the extant disparities intrinsic to the international economic system. The ensuing legislative changes sought to exert a transformational influence over the landscape of environmental governance (Ibrahim, 2009).

The imperative of instituting effective and efficient environmental governance structures emerged as a prevailing concern. Institutions, spanning governmental bodies, non-governmental organizations (NGOs), legislative instruments, and regulatory frameworks, assumed a pivotal role in advancing the cause of environmental preservation and sustainable development. These multifaceted institutions collectively operate as pillars supporting the edifice of environmental conservation and the implementation of sustainable development initiatives.

Disputes may arise when various parties compete for access to or management of these resources, particularly when their utilization is unsustainable. Industrial and commercial activities frequently give rise to issues of air, water, or soil pollution. Those adversely affected by such pollution can initiate disputes against the responsible companies or government authorities. Development projects such as highways, dams, or power plants can lead to disputes when they pose threats to ecosystems, the land rights of local residents, or the environment. Global climate change has resulted in disputes related to its impacts,

including floods, droughts, rising sea levels, and population displacement.

Conservation and environmental protection efforts often involve disagreements between groups striving to preserve nature and those with conflicting economic interests. Issues related to land ownership or land use rights frequently serve as sources of environmental disputes, particularly when the land holds significant ecological or cultural value.

In a dispute, including environmental disputes, it's not solely a matter of disagreements between parties per se, but conflicts accompanied by "claims." Claims represent the primary attribute of a dispute's existence. Therefore, Article 1, number 19 of the Environmental Law, which defines environmental disputes simply as "disputes between two or more parties," without considering "claims," is inadequate and fails to fully encompass the nature of a dispute.

Inequality in access to information regarding the environmental impact of an activity can lead to dissatisfaction and disputes between those who possess the information and those who lack access to it. Differences in the interpretation or implementation of environmental policies by the government, companies, and the public can also result in disputes. Human Rights: Environmental disputes can also become human rights issues, especially when environmental activities harm the well-being and basic rights of communities (Kasim, 2004).

In addressing the imperfect regulations, the Indonesian government replaced Law Number 4 of 1982 with Law Number 23 of 1997 on Environmental Management. The improvement was made by revising the substance of the old regulations and introducing new rules, including the introduction of administrative sanctions, environmental audits, formal offenses, disciplinary punishments, corporate liability (corporate crime), public participation, the right to sue environmental organizations (OLH) or non-governmental organizations (NGOs), and class action lawsuits. One of

the objectives of these improvements is to stimulate law enforcement, communities, and NGOs to perform their control functions. Based on the brief overview above, the author is interested in discussing non-litigation procedures for resolving environmental disputes, or out-of-court settlements, and litigation procedures for resolving environmental disputes based on the Environmental Law (Triwanto, 2009). Gampong Sungai Lueng, located in Aceh, Indonesia, is one of the regions grappling with profound challenges in environmental protection. In this area, traditional fishermen are contending with a multitude of environmental issues. The traditional fishermen in Gampong Sungai Lueng confront several grave environmental problems, encompassing damage to coral reefs, overfishing, marine pollution, and habitat degradation. The dwindling natural resources and uncontrollable climate shifts have imperiled the subsistence of these traditional fishermen. However, efforts to resolve environmental disputes in this locale necessitate a comprehensive consideration of the social, cultural, and economic factors that exert influence on the fishermen's lives. Gampong Sungai Lueng constitutes a traditional fishing community whose sustenance critically relies upon natural resources, notably marine resources. With the passage of time, population growth and economic exigencies have driven an escalation in fishing activities and the utilization of other natural resources, culminating in diminishing fish stocks and environmental degradation within the marine domain. Overfishing, the employment of destructive fishing methodologies that adversely impact coral reefs, and the contamination of the marine environment through domestic and industrial effluents have collectively precipitated substantial detriment to the marine ecosystem within this locality. The compromised state of the coral reefs has ushered in the loss of pivotal habitats for myriad marine species and has

compromised the pivotal fisheries resources that sustain these fishermen.

Furthermore, climate variations have exerted a substantial impact on this region. Escalating sea temperatures, the encroachment of sea levels, and the advent of extreme meteorological events have imperiled the pursuits of traditional fishermen and perturbed the patterns associated with fishing endeavors. In the backdrop of heightened competition for the residual fisheries resources, conflicts on occasion manifest amongst traditional fishermen vying for dominion over fishing grounds. These contentious interactions have the potential to incite disputes amongst the fishermen, thereby affecting both the sustainability of the environment and the equilibrium of the societal fabric. Additionally, conflicts may emanate from policies and natural resource governance protocols that may not be congruent with the requisites and preferences of traditional fishermen. The presence of regulatory ambiguities, unresolved issues pertaining to resource utilization rights, and a tenuous enforcement mechanism can further exacerbate an already complex landscape. Environmental disputes in Gampong Sungai Lueng are also affected by the involvement of outside stakeholders, such as large fishing companies or development projects that could harm the local environment.

## **RESEARCH METHODS**

The term "method" refers to the process, principles, and procedures used to address a problem, whereas research involves a meticulous, diligent, and comprehensive examination of a phenomenon aimed at advancing human knowledge. In this study, the research method employed is the juridical-empirical approach, as outlined by Hadi (2000). This research is characterized as descriptive-analytical, signifying its objective is to present a detailed and systematic portrayal of the subject under investigation. The analysis is conducted based on the provided description and collected facts, with careful consideration

given to how to effectively resolve the problem and arrive at a conclusive solution (Mezak, 2006). This type of research aligns

with normative legal research, as defined by Adiyanta (2019).

## RESULTS

**Table 1: Tabulation Results of Pre-Test Participant Responses Regarding Environmental Dispute Resolution among Traditional Fishermen**

Question	Pre-test response			
	Unaware	Uncertain	Aware	Very Aware
Are you aware of the prohibition of cutting trees along the coast or mangroves as stipulated in Article 50 of Law Number 41 of 1999?	1	2	12	2
Are you aware that criminal offenses related to mangrove cutting are covered in Article 78 of Law Number 41 of 1999 with a penalty of up to 10 years of imprisonment?	6	4	6	2
Are you aware that dispute resolution with individuals or companies can be done through mediation?	3	3	9	3
Are you aware that dispute resolution with individuals or companies can be done through litigation/court proceedings?	4	3	8	3
Are you familiar with the concept of taking the law into your own hands?	2	1	12	3
Are you aware that taking the law into your own hands can lead to criminal charges under Article 351 of the Criminal Code and Article 466 of Law 1/2023 on Assault, as well as Article 10 of the Criminal Code and Article 262 of Law 1/2023 on Violence?	6	2	5	5
Are you aware that taking the law into your own hands can result in imprisonment of up to 10 years?	8	2	5	3

Based on the pre-test responses provided, it is evident that there exists a significant variance in the participants' levels of awareness and understanding of various legal aspects related to environmental dispute resolution among traditional fishermen.

**Prohibition of mangrove cutting (Article 50 of Law Number 41 of 1999):** A substantial majority of the participants (12 respondents) demonstrated awareness of the prohibition of cutting trees along the coast or mangroves, as stipulated in Article 50 of Law Number 41 of 1999. This suggests a relatively high level of awareness regarding this specific environmental regulation.

**Criminal offenses related to mangrove cutting (Article 78 of Law Number 41 of 1999):** The responses indicate that there is a relatively even distribution among participants in terms of awareness of criminal offenses related to mangrove cutting under Article 78 of the same law. Six respondents were unaware, four were uncertain, six were aware, and two were very aware. This implies that this legal provision may require further explanation or dissemination to enhance understanding.

**Dispute resolution through mediation:** Nine participants demonstrated awareness that dispute resolution with individuals or companies can be achieved through mediation. However, three respondents were uncertain, and three were unaware. While a significant number were aware, there is room for improving understanding, especially among those who were uncertain or unaware.

**Dispute resolution through litigation or court proceedings:** Eight participants were aware that dispute resolution can be pursued through litigation or court proceedings. However, four participants were uncertain, and four were unaware. Similar to mediation, there is potential for enhancing awareness and understanding regarding legal recourse through litigation.

**Taking the law into one's own hands:** An overwhelming majority of participants (12 respondents) displayed awareness of the concept of taking the law into one's own hands. This suggests that the term itself is widely recognized among the participants.

**Criminal consequences of taking the law into one's own hands:** Regarding the possible criminal consequences, such as charges under Article 351 of the Criminal

Code and Article 466 of Law 1/2023 on Assault, as well as Article 10 of the Criminal Code and Article 262 of Law 1/2023 on Violence, the answers were pretty even. While five participants were aware of these consequences, six were unaware, and two were uncertain. This indicates that there is room for improving knowledge regarding the legal ramifications of taking the law into one's own hands.

Imprisonment for taking the law into one's own hands: Eight participants were aware that taking the law into one's own hands can lead to imprisonment for up to 10 years. However, five participants were unaware, and two were uncertain. This underscores

the need for further clarification and dissemination of legal information on this matter.

In conclusion, the pre-test findings suggest a varying degree of awareness and understanding among participants regarding key legal aspects related to environmental dispute resolution and the consequences of certain actions. These results emphasize the importance of targeted educational efforts and awareness campaigns to enhance the legal literacy of stakeholders involved in environmental issues, such as traditional fishermen, to ensure effective compliance with environmental regulations and sustainable practices.

**Table 2. Tabulation of Post-Test Responses from Participants Regarding Environmental Dispute Resolution among Traditional Fishermen**

Question	Post-test response			
	Unaware	Ragu-ragu	Unaware	Sangat tahu
Are you aware of the prohibition of cutting trees along the coast or mangroves as stipulated in Article 50 of Law Number 41 of 1999?	1	2	9	6
Are you aware that criminal offenses related to mangrove cutting are covered in Article 78 of Law Number 41 of 1999 with a penalty of up to 10 years of imprisonment?	3	3	8	4
Are you aware that dispute resolution with individuals or companies can be done through mediation?	1	2	10	5
Are you aware that dispute resolution with individuals or companies can be done through litigation/court proceedings?	1	2	10	5
Are you familiar with the concept of taking the law into your own hands?	2	1	9	6
Are you aware that taking the law into your own hands can lead to criminal charges under Article 351 of the Criminal Code and Article 466 of Law 1/2023 on Assault, as well as Article 10 of the Criminal Code and Article 262 of Law 1/2023 on Violence?	4	2	6	6
Are you aware that taking the law into your own hands can result in imprisonment of up to 10 years?	6	3	3	6

In Table 2, we observe the post-test responses from the participants regarding their awareness and knowledge of environmental dispute resolution among traditional fishermen. In the post-test, 9 participants were unaware of the prohibition of cutting trees along the coast or mangroves, which is stipulated in Article 50 of Law Number 41 of 1999. However, an encouraging six participants showed a very high level of awareness regarding this legal provision. This indicates that there has been an improvement in awareness after the intervention or educational program.

Regarding the knowledge of criminal offenses related to mangrove cutting under Article 78 of Law Number 41 of 1999, 8 participants were aware of it after the post-

test, while 4 participants were uncertain. This suggests that there's a substantial increase in awareness compared to the pre-test results. Post-test results indicate that 10 participants were aware that dispute resolution with individuals or companies can be done through mediation, while 5 participants were uncertain or less aware. Similarly, 10 participants were aware that dispute resolution with individuals or companies can be done through litigation or court proceedings, with 5 participants remaining uncertain.

In the post-test, 9 participants demonstrated awareness of the concept of taking the law into their own hands, while 6 participants showed a very high level of awareness. This signifies a notable improvement in



understanding this legal concept. Regarding the knowledge of the criminal consequences associated with taking the law into their own hands, six participants were aware of the potential charges under Article 351 of the Criminal Code and Article 466 of Law 1/2023 on Assault, as well as Article 10 of the Criminal Code and Article 262 of Law 1/2023 on Violence. Another six participants were aware of these consequences. This suggests that participants have a substantial understanding of the legal implications. Finally, 6 participants were aware that taking the law into their own hands can result in imprisonment for up to 10 years, while 3 participants were uncertain, and 6 participants were very aware of this fact. This indicates a considerable level of awareness of the potential legal penalties for this behavior.

In summary, the post-test results show an overall improvement in participants' awareness and knowledge of environmental dispute resolution and related legal aspects. However, there is still room for enhancing understanding in certain areas, as reflected by the participants' uncertainty in some responses. Continued education and awareness programs may further enhance participants' comprehension of these important legal matters.

## **DISCUSSION**

In the context of environmental dispute resolution outside the courtroom, the engagement of mediators and arbitrators can be a pivotal mechanism for facilitating conflict resolution. The utilization of impartial third-party services in environmental dispute resolution is contingent upon the preferences of the involved parties and is tailored to the unique exigencies of each case. Notably, in developed nations, mediation has been accorded precedence as an efficacious avenue for redressing environmental disputes (Rangkuti, 1991). This predilection is warranted as mediation boasts comparative advantages vis-à-vis arbitration

and litigation in the context of dispute resolution. This begs the question: within the Indonesian context, can mediation emerge as an effective and efficient conduit for resolving environmental disputes vis-à-vis arbitration and litigation? It's imperative to underscore that environmental dispute resolution, extraneous to the judicial sphere, is a voluntary choice exercised by the disputants. Furthermore, parties retain autonomy in the selection of service providers to facilitate the resolution of environmental disputes. These service providers offer dispute resolution services employing arbitrators, mediators, or other third-party intermediaries.

The pre-test outcomes illuminate the presence of participants harboring inadequate familiarity with environmental statutes, including prohibitions such as the felling of trees along coastal areas or mangroves, as well as the attendant criminal implications. This underscores the exigency of heightened awareness campaigns and educational initiatives targeting public understanding of environmental legislation and the imperative of safeguarding mangrove ecosystems. At the same time, it shows how important it is to learn more about how to settle disputes and what the legal consequences of extrajudicial actions are. This will help people avoid doing things that are against the law and find better ways to solve conflicts.

Conversely, the post-test findings paint a contrasting picture, indicating that a majority of participants exhibit a commendable grasp of matters such as the proscription of tree felling along coastlines or mangroves, the legal consequences tethered to mangrove deforestation, the recourse of dispute resolution through mediation or litigation, and the legal repercussions entailed by taking the law into one's own hands. Nevertheless, vestiges of knowledge gaps persist among certain participants. Hence, it remains imperative to perpetuate endeavors directed at elevating public awareness concerning pertinent regulations and their associated legal

implications. This, in turn, stands as a bulwark against environmental transgressions and champions the cause of environmental sustainability. Furthermore, educational outreach initiatives must persevere to ensure that the populace comprehends the imperativeness of conserving mangrove ecosystems and, by extension, the overarching marine environment.

## CONCLUSION

It has come to light that a number of participants lack adequate knowledge concerning environmental regulations, specifically pertaining to the prohibition of tree cutting along the coast or mangroves, as well as the criminal implications associated with such actions. This revelation underscores a deficiency in public understanding of environmental law. Conversely, the majority of participants exhibited a commendable grasp of the prohibition regarding tree cutting along the coast or mangroves, criminal aspects linked to mangrove cutting, dispute resolution methods encompassing mediation or litigation, and the legal repercussions stemming from self-initiated legal actions. This observation signals a notably heightened awareness level within the subset of participants regarding environmental matters and the pertinent legal intricacies.

### *Declaration by Authors*

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## REFERENCES

1. Adiyanta, F. S. (2019). Hukum dan studi penelitian empiris: Penggunaan metode survey sebagai instrumen penelitian hukum empiris. *Administrative Law and Governance Journal*, 2(4), 697-709.
2. Hadi, S. (2000). *Metodologi Riset*. ANDI.
3. Ibrahim. (2009). Materi Perkuliahan Hukum Tata Lingkungan di Magister Ilmu Hukum Pascasarjana Universitas Jenderal Soedirman, Purwokerto.
4. Kasim, I. (2004). Hak atas Lingkungan Hidup dan Tanggung Gugat Korporasi Internasional. *Jurnal SUAR*, 5.
5. Mezak, M. H. (2006). Jenis, Metode dan Pendekatan Dalam Penelitian Hukum. *Law Review*, 5(3).
6. Rangkuti, S. S. (1991). *Hukum Lingkungan Dan Kebijakan Lingkungan Nasional*. Universitas Airlangga.
7. Sawitri, H. W., & Bintoro, R. W. (2010). Sengketa Lingkungan dan Penyelesaiannya. *Jurnal Dinamika Hukum*, 10(2), 163-174.
8. Triwanto. (2009). Penyelesaian Sengketa Lingkungan Hidup Menurut Undang Undang Nomor 32 Tahun 2009. *Wacana Hukum*, VIII (1).

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