

## Conflict Mediation Based on Local Wisdom: Study on Customary Dispute Resolution in Pelompek Village, Gunung Tujuh, Kerinci

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**Abstract:** This study aims to analyze the role of a custom mediator (Depati Niniak Mamak) in resolving customary disputes at Pelompek Village, Kerinci Regency. This research is qualitative and the data were obtained through observation, in-depth interviews, and documentation. The data were analyzed through the following stages: data reduction, data presentation and drawing conclusions or verification. The validity of the data was tested by using the triangulation technique. The results show: 1) several disputes that have occurred in the indigenous people of Pelompek village in recent years are disputes over the unilateral management of TKD by the village since 2014, the dispute over the management of the Telun Berasap waterfall between the village community and the tourism office in 2019, the dispute between the village head and the Panwaslu in 2019, and the theft of cinnamon by residents in early August 2021, 2) supporting factors for resolving customary disputes in the Pelompek community are: a) the capacity of the depati ninik mamak in resolving disputes, and b) the motivation of the disputing parties themselves to resolve disputes. 3) inhibiting factors for dispute resolution: a) emotional feelings of both parties to the dispute, and b) lack understanding of customary law.

**Keywords:** Custom Mediator, Conflict Resolution, Local Wisdom

**Abstrak:** Penelitian ini bertujuan untuk menganalisis peranan mediator adat (Depati Niniak Mamak) dalam menyelesaikan sengketa adat pada masyarakat kerinci di desa Pelompek. Penelitian ini dilatarbelakangi oleh adanya berbagai macam sengketa dalam masyarakat adat yang perlu diselesaikan secara kekeluargaan dan adat dengan mengedepankan musyawarah mufakat. Penelitian ini merupakan penelitian kualitatif dan data penelitian diperoleh melalui observasi, wawancara mendalam, serta dokumentasi. Data dianalisis melalui tahapan-tahapan: reduksi data, penyajian data dan penarikan kesimpulan atau verifikasi. Uji keabsahan data dilakukan dengan teknik triangulasi. Hasil penelitian menunjukkan: 1) beberapa sengketa yang terjadi dalam masyarakat adat desa Pelompek dalam beberapa tahun terakhir adalah sengketa pengelolaan TKD secara sepihak oleh desa sejak 2014, sengketa pengelolaan air terjun Telun Berasap antara masyarakat desa dengan Dinas Pariwisata tahun 2019, sengketa Kepala Desa dengan Panwaslu tahun 2019, dan pencurian kayu kulit manis oleh warga pada awal Agustus 2021, 2) faktor pendukung penyelesaian sengketa adat dalam masyarakat Pelompek adalah: a) kapasitas mediator (depati ninik mamak) dalam menyelesaikan sengketa, dan b) motivasi dari pihak yang bersengketa sendiri untuk menyelesaikan sengketa. 3) faktor penghambat penyelesaian sengketa: a) rasa emosional kedua belah pihak yang bersengketa, dan b) kurangnya pemahaman terhadap hukum adat.

**Kata Kunci:** Mediator Adat, Resolusi Konflik, Kearifan Lokal

## **Introduction**

Today, disputes in society, especially those related to adat, are often seen. Customary disputes do not only occur between individual communities, but also between communities and village institutions/governments. One of the customer disputes that ever occurred was a land dispute in the village of Pakraman Temukus, Tabanan Regency, Bali in 2019. The problem began with one of the 7,200 square meters of grave land granted to the village government and was sued by the heirs when certified by the village apparatus (wirantini, et al, 2019). Another example of a typical dispute case is a land dispute in the Mangkutana District, East Luwu, South Sulawesi. This conflict was quoted from [sulawesi.bisnis.com](http://sulawesi.bisnis.com) (April 1, 2020). This conflict began when PT Perkebunan Nusantara (PTPN) was accused of taking over indigenous peoples' land in Pamona Village and Panca Karsa Village, Mangkutana District, East Luwu, South Sulawesi. The conflict, which has existed since 1986, began when PTPN initially claimed 814 hectares of land out of 938.77 hectares of local land. PTPN XIV which at that time promised to compensate the community for the compensation for the land, but this has not materialized until now.

The existing disputes can of course interfere with the public interest if allowed to continue. Therefore, a solution is needed so that the existing problems do not drag on and can be resolved. This problem, apart from going through the state judiciary, can also be done through traditional institutions. In the Minister of Home Affairs Regulation (Permendagri) No. 23 of 1997, a customary institution is a social organization, either intentionally formed or which has naturally grown and developed in the community concerned or in a particular customary law community with legal areas and rights to assets within the customary law area which are entitled to and has the authority to regulate, manage and resolve various life problems related to local customs and customary law within the territory of the Republic of Indonesia. Based on the above understanding, it can be concluded that customary institutions are domiciled as a forum for deliberation/consensus organizations for customary administrators. These traditional leaders are outside the government structure. This means that legally, its position will not overlap with state institutions that deal with legal issues. Customary institutions serve as companions to institutions related to the prevailing customs in an area or customary community unit.

Customary institutions that exist in various regions in Indonesia certainly have different characteristics according to the characteristics of each region. However, in essence all of them have the same function, namely to regulate and manage and resolve matters

related to customs and maintain the orderly behavior of indigenous peoples to create a peaceful atmosphere in society (Aris, et al, 2014). This means that customary institutions also have the function of preventing conflict in society. Complete. Traditional institutions have a complex function as guardians of the standard order in society. One of the conflicts that are often faced with settlement in traditional institutions is land disputes. These land disputes often lead to social conflicts because they involve the rights of indigenous peoples in general. According to Rahman (2017), land has a multidimensional meaning. First, from an economic perspective, land is a means of production that can bring prosperity. Second, politically, land can determine one's position in community decision-making. Third, as a culture, it can determine the high and low social status of its owner. Fourth, land is sacred because it deals with inheritance. With these inherent privileges, it is not surprising that land becomes a bone of contention for anyone to control. Land disputes often involve community members and the government, including the grassroots order, the village government.

The land dispute in Pelompek village, Gunung Tujuh sub-district, Kerinci district, arises due to customary land issues. The village treasury land or TKD (Tanah Kas Desa) of Pelompek village of 1 (one) hectare which was initially managed in rotation according to an agreement by the village government, adat, youth, and the BMKT (Badan Kontak Majelis Taklim or Taklim Council Contact Body) for years was only controlled by the village government. Since 2014, TKD has been managed by the village government without involving adat, youth, and BKMT. Ideally, TKD is managed jointly as a village asset. As stated in Permendagri No. 1 of 2016, TKD includes regional assets and assets that must be managed together according to the agreement. Based on the author's initial interview with the traditional head of Pelompek village, Jon David Depati Agung (interview April 1 2021) said that since 2014 indigenous peoples and youth have not had the opportunity to manage TKD in Pelompek because it is managed unilaterally by the village government, even privately.

Based on the interview with the traditional head of Pelompek village above, it can be seen that TKD was even carried out personally without involving parties who should have participated in managing the village assets. Apart from not involving traditional stakeholders and BKMT members, the management of TKD also does not involve village youth. As stated by the youth leader of Pelompek village, Mr. Bambang, in the management of TKD, the village government manages itself without involving the youth. The budget for

youth alone is only provided two million per year. Based on interviews with the youth leaders of Pelompek village, it can be seen that the government does not involve youth in the management of TKD. Even like the interview excerpt above, the village fund budget for youth alone is only two million per year, so it seems that the village's concern for youth and youth is so lacking.

The problem of managing TKD in Pelompek village does not stop with the management of TKD. Initially, TKD was expected to be one of the supporting funds for constructing traditional houses in Pelompek village. This traditional house is expected to be a place for gathering and deliberation for traditional stakeholders and the community to discuss and resolve cases related to customs. However, the construction of the traditional house planned since 2014 has not shown any progress. According to the customary leader, Jon David Depati Agung, the construction of the traditional house is constrained by costs. Since 2014 the construction of traditional houses that are planned to be able to stand has been hampered because village funds are few. Based on the interview with the traditional leader above, it is illustrated that the construction of the planned traditional house is constrained due to the lack of village funds for the construction. According to the adat leader, the village government provides only 10 million per year. It is not complete either. With the lack of funds, it is difficult to build traditional houses planned for a long time. In fact, with the management of TKD, which can generate much money, it is hoped that it can finance the construction of traditional houses in the village of Pelompek. The customary leader added that the community had worked together so far, both in energy and funds for constructing the traditional house.

The initial observations that the author made on April 1, 2021, the author saw that in the planned traditional house building, only the poles for the traditional house had been installed for a long time. This shows that the traditional house has not followed the initial plan because the construction has not been continued. Traditional efforts for the management of TKD and the construction of traditional houses have not been carried out. According to the adat leader, Jon David Depati Agung, the adat party has tried to discuss the management of TKD with the village but to no avail. Fund proposals have also been submitted to the village government. The village only spends 10 million per year with deductions. Deliberations have been held but no decision has been made. The opinion of the traditional leader is in line with the youth leader, Mr. Bambang, who said that deliberations of all elements of society had been carried out, but did not get any results.

Based on the results of interviews from the two figures above, it can be seen that efforts to manage TKD and construction of traditional houses have been attempted, but have not given the expected results. This of course has the potential to cause conflict if allowed to continue. The harmful effect is the relationship between adat and the Pelompek village government, which is not harmonious and causes development in the village, including traditional houses, not to run as it should. Traditional efforts are certainly a choice because they prioritize mediation between various parties. The traditional institutions in Pelompek have tried to do this even though it looks not optimal as illustrated in the interview with the traditional leader above. Therefore, the dispute between the village government and the adat in the Pelompek community must be resolved. Apart from TKD and the construction of abandoned traditional houses, several cases still involve the *depati ninik mamak* and traditional institutions in the resolution.

Some results of previous research by Nikolas Simanjuntak (2013), show that customary institutions can be strengthened to become Alternative Dispute Resolution (APS/*Alternatif Penyelesaian Sengketa*) outside the Court for both private and civil dispute objects, as well as in general category disputes according to the basic rules in Law No. 30 of 1999 and associated with the rules in PERMA No. 1 of 2008 and various other related regulations. Another study from Ratnah Rahman (2017), shows that land disputes can occur because of the desire to control land resources. In addition, some parties want to use the land for specific purposes so that conflicts occur. Then the results of research from David Herlambang (2020), customary institutions in the Kerinci customary law community have several levels of legal institutions in resolving disputes. Dispute settlement is resolved in several stages: kitchen institutions, bracket institutions, traditional institutions, and natural institutions. The terms in settlement of the Kerinci customary dispute are known as the gold-seemas system which has levels, namely gold arc, gold sekundi, gold five kupang, gold seemas, gold lapik said, paralyzed gold and gold selengan selesong pesuk clothes.

The various research results above, become an essential reference for the study that the author discusses. The importance of this research study is because of the importance of resolving disputes with different perspectives so that it enriches references so that various existing customary disputes can be resolved properly. Based on the description above, the author wants to know the role of traditional institutions in resolving customary disputes in the Kerinci community in Pelompek village hoping that it can be input and reference for customary disputes in other areas.

## **Research Methods**

This research was conducted in Pelompek village, Gunung Tujuh sub-district, Kerinci district. The research was conducted in Pelompek village because in Pelompek village there is currently a dispute between the village government and adat. The village treasury land (TKD) of Pelompek village covering an area of 1 (one) hectare which was initially managed in rotation according to an agreement by the village government, adat, youth, and the BMKT since 2014 has only been controlled by the village government. Therefore, it is necessary to see how the role of Pelompek village traditional institutions in resolving land disputes that have been going on for years. Research subjects are subjects that need to be researched in order to obtain the data needed in research (Sugiyono, 2015). The subjects in this study were the people of Pelompek Village and the research informants were as follows: Head/head of traditional institutions, Pelompek village head, Pelompek village youth leader.

While the validity of the data is tested by triangulation, namely by checking the validity of the data. This activity is carried out to find out the data that has been obtained is inconsistent or contradictory. Through the triangulation technique, the data obtained becomes more consistent, definite and complete because it has been proven true. The triangulation technique in this study consists of source triangulation and technical triangulation. Triangulation of sources means comparing and re-checking the level of confidence in the information obtained in the field through different sources. While technical triangulation means comparing observation data with interview data through the same source. So that the final data obtained can be proven true (Moleong, 2012).

## **Result and Discussion**

### **Settlement of Customary Disputes by Mediation by Depati Ninik Mamak**

In the past few years, there have been several everyday problems involving the community and traditional institutions. According to the customary leader, Jon David Depati Agung, the everyday problems in Pelompek Village occurred because the parties involved in the dispute prioritized personal selfishness rather than prioritizing common interests, as stated:

*"Sometimes the village community always sees the problem from a personal point of view so that it often causes disputes". (interview July 23 2021)*

Based on the information from the traditional leader above, it can be seen that most of the everyday problems in Pelompek Village occur because some communities still

prioritize individual interests over shared interests. This certainly sets a bad precedent because the existing problems should be resolved together to avoid disputes or conflicts within the Pelompek Village community.

Disputes that occur in the community are usually resolved amicably and customary first. According to the adat leader, Jon David Depati Agung:

*"All problems in the village community are resolved amicably and customary first. If the problem cannot be resolved, then it will be resolved according to state law."* (interview July 23, 2021)

This opinion is in line with the youth leader of Pelompek village, Mr. Bambang:

*"As much as possible any problems in the community are resolved by customary deliberation. If it cannot be resolved by custom, we invite the disputing parties to take a settlement with state law."* (July 23 2021)

Based on the descriptions of the two figures above, it is clear that the familial approach and the traditional dispute resolution process are prioritized for resolving customary issues. If adat is not able to resolve, then the problem is resolved according to state law. Some of the problems that have arisen and been resolved according to the Pelompek village custom in recent years can be seen in the following table.

Table. 1.6  
Disputes of the Last Years in Pelompek Village which were Settled Traditionally

No	Types of Customary Disputes	Customary Dispute	Information
1	Disputes over the use of natural resources. Village Treasury Land Management (TKD) TKD is managed unilaterally by the Village without involving traditional elements. The problem has been happening since 2014	Disputes over the use of natural resources. Village Treasury Land Management (TKD) TKD is managed unilaterally by the Village without involving traditional elements. The problem has been happening since 2014	Disputes over the use of natural resources. Village Treasury Land Management (TKD) TKD is managed unilaterally by the Village without involving traditional elements. The problem has been happening since 2014
		Dispute over the management of Telun Berasap waterfall Management by the tourism office previously	Dispute over the management of Telun Berasap waterfall Management by the

		did not involve the Pelompek village community	tourism office previously did not involve the Pelompek village community
2	Dispute over violation of rules Pelompek village head dispute with Panwaslu	Dispute over violation of rules Pelompek village head dispute with Panwaslu	Disputes occur because of the 2019 legislative elections
3	Dispute over the criminal act of theft of cinnamon in the customs territory of Pelompek village	Dispute over the criminal act of theft of cinnamon in the customs territory of Pelompek village	Occurred in early August 2021. The problem was resolved by custom and by state law.

Source: (Jon Dapit Depati Agung Susun Pucuk Customary State in Pelompek Village when the researcher interviewed at his home on July 23, 2021).

Based on table 1.6 above, it can be seen that several disputes in Pelompek village were resolved by custom. The disputed issues above can be described as follows.

a. Management of the Village Cash Land (TKD) managing unilaterally by the village

Pelompek village treasury land (TKD) has an area of 1 (one) hectare. Pelompek TKD was initially managed and managed in rotation according to an agreement by the village government, adat, youth, and the Taklim Council Contact Agency (BKMT). However, for many years, TKD was only controlled by the village government. Since 2014, TKD has been managed by the village government without involving adat, youth, and BKMT.

According to the adat leader, Jon David Depati Agung:

*"TKD should be managed alternately because many parties are involved in its management. However, since 2014, TKD has been monopolized by the village government and even privately. Even though it should be alternated by the village government, adat and BKMT."* (interview on July 20 2021)

Based on the interview with the traditional head of the Pelompek village above, it can be seen that the management of TKD is monopolized by the village even though it is carried out privately without involving parties who are supposed to participate in managing the village assets. Ideally, all village, customary, youth and BKMT parties should work together and benefit from this management. Apart from not involving traditional stakeholders and BKMT members, the management of TKD also does not involve village youth. As a village asset, TKD should be managed jointly by various interested parties in. TKD itself is one of the essential assets of the village. According to



Permendagri No. 1 of 2016, TKD includes regional assets and assets that must be managed together according to the agreement. Therefore, its management should involve various parties.

This was stated by the youth leader, Mr. Bambang:

*"In managing TKD, the village did it without involving youth, adat and BKMT. Never mind the TKD problem. For youth activities only, the village does not seem to care. The budget for village youth is only small, only two million per year are provided."* (interview July 26, 2021)

According to interviews with the youth leaders of Pelompek village, it can be seen that the government does not involve youth in the management of TKD. Even like the interview excerpt above, the village fund budget for youth alone is only two million per year, so it seems that the village's concern for youth and youth is so lacking. The Pelompek TKD problem is complex. For adat and youth, the management of TKD is expected to be one of the supporting funds for constructing traditional houses in Pelompek village. This traditional house is expected to be a place for gathering and deliberation for traditional stakeholders and the community to discuss and resolve cases related to customs. Because the construction started from scratch, the construction of the Pelompek village traditional house requires many funds and one of the expected funding is through the management of TKD.

However, the construction of traditional houses planned since 2014 has stalled. According to the customary leader, Jon David Depati Agung, the construction of the traditional house was constrained by costs, as stated:

*"The actual TKD management for indigenous peoples is used as a source of funds for constructing traditional houses. This plan has existed since 2014. What can you do, the management is only carried out by the village"* (interview on July 20 2021)

In line with interviews with previous traditional leaders, it can be seen that since 2014 the construction of traditional houses that were planned to be able to stand was hampered because the TKD which was expected to support funds had not been managed alternately. This is confirmed by one of the Pelompek villagers, Ahmad:

*"The construction of the Pelompek traditional house has stalled since 2014 due to a lack of funds. This problem should be solved by the village government."* (interview July 26, 2021)."

Based on the statement of the customary leader, Jon David Depati Agung:

*"The construction of the Pelompek traditional house is only budgeted for 10 million per year by the village government. Even then it is often cut for no apparent reason. Traditional houses are significant as a place for people to gather and solve problems. The lack of funds makes the community work together materially and energy to build it." (interview on July 20 2021)*

In line with the opinion of the traditional leader, the youth leader, Mr. Bambang said that the community worked together to build the traditional house, as expressed:

*"The budget for the construction of traditional houses from the village is tiny. That is why the community always works together, especially every week to build it with donations of money and energy." (interview July 26, 2021)*

Following the statement of the customary leader above, the funds provided by the village government are only 10 million per year. It was also not complete because of the cut. With the lack of funds, it is difficult to build traditional houses planned for a long time. In fact, with the management of TKD, which can generate much money, it is hoped that it can finance the construction of traditional houses in the village of Pelompek. Based on previous interviews, it was also said that so far the community has worked together, both in terms of energy and money, so that the construction of the traditional house can be carried out properly so that it can be used immediately.

In accordance with the author's observations on several occasions, the author sees that the planned traditional house building has only been composed of poles for traditional houses that have been installed for a long time. This means the traditional house is not following the initial plan because its construction has stalled due to the lack of available funding. Traditional efforts for the management of TKD and the construction of traditional houses have not been carried out. According to the adat leader, Jon David Depati Agung, the adat party has tried to discuss the management of TKD with the village but to no avail. Fund proposals have also been submitted to the village government. The village only spends 10 million per year with deductions. Deliberations have been held but no decision has been made. The opinion of the traditional leader is in line with the youth leader, Mr. Bambang, who said that deliberations of all elements of society had been carried out, but did not get any results.

This TKD problem met a bright spot when Pelompek experienced a change of village head on August 9, 2021. Based on an interview with one of the ulama figures, Mr.

Adriadi it was revealed that the discourse of returning to the management of TKD in turn had become one of the promises of the elected village head to resolve problems that have been ongoing for years. years have not met a common ground. According to Mr. Adriadi:

*"On several occasions before being elected, the current village head promised to solve the TKD problem which had always been stagnant." (interview on August 10 2021)*

This is agreed by Mr. Poniah, chairman of BKMT:

*"The new village head did promise to solve the TKD problem as one of his main agendas. He promised to return it to adat." (interview on August 10 2021)*

In accordance with the information from the ulama figures and the BKMT chairperson above, it can be seen that the settlement of customer disputes regarding the management of TKD is one of the promises and agendas of the new village head. This certainly provides fresh air for resolving problems causing disputes to delay the construction of traditional houses.

The role of adat and the depati ninik mamak as parties who continue to lobby is undoubtedly a different point in resolving this dispute. According to the customary leader, Jon David Depati Agung, so far the depati ninik mamak have consistently lobbied each candidate for village head to want to restore customary rights to TKD, as stated:

*"To the candidates for the village head, paran ninik mamak always advised resolving the TKD problem by deliberation because in the TKD there is also a customary right to manage it. (interview on August 10 2021)*

This is agreed by Mr. Poniah, chairman of BKMT:

*"As much as possible this case is resolved amicably. Both the BKMT and the ninik mamak of traditional institutions encourage various parties to immediately resolve this dispute customarily so that it is resolved properly and fairly." (interview on August 10 2021)*

Based on various statements from the figures, it is illustrated that the settlement of TKD disputes managed unilaterally has begun to meet bright points of settlement since the change of village heads occurred. Through the statements of the figures, it can also be seen that the depati ninik mamak in efforts to resolve this dispute is more to be a mediator for adat and the village government so that this dispute can end peacefully and the rights of various parties can be restored.

According to David Herlambang (2020), traditional leaders have a role as communicators or mediators in solving or dealing with problems or problems that are happening in the community. Traditional leaders have a significant influence and are respected and respected in a society because of their activities, skills, and specific characteristics. Traditional leaders on the other hand also have a role in upholding customary rules, fostering and controlling the attitudes and behavior of community members to comply with customary provisions, including when conflicts occur in society.

Lobbying against the new Pelompek village head candidate is a form of communication and negotiation carried out by the Pelompek indigenous community *depati ninik mamak* so that TKD disputes can be resolved properly and managed by taking turns following the rights of the institution concerned.

b. The Disputes of Telun Berasap Waterfall

The Telun Berasap waterfall dispute occurred in 2019 since the Berasap waterfall became an alternative tourist spot for tourists who want to enjoy the beauty of nature. This waterfall was initially discovered and opened by the youth and elders of Pelompek village in the still beautiful hills of Pelompek village. Because of the many visitors who come, this waterfall is expected to have an economic impact on the people of Pelompek village. The dispute began when the Kerinci Tourism Office wanted to manage the waterfall professionally to contribute maximally to tourism and the Kerinci economy in general. According to Nazaruddin, community leaders:

*"The management of the Telun Berasap waterfall must be managed by the village community, because this waterfall was discovered by youth and traditional elders. So it must be managed directly by the people of Pelompek village." (interview July 23, 2021)*

The same thing was said by the youth leader, Mr. Bambang:

*"Because it was first discovered by youth and supported by traditional elders, the management of Telun Berasap waterfall must certainly be carried out by the village community, youth of course must also be involved in it." (interview July 23, 2021)*

On the report of the previous information, it can be concluded that the people of Pelompek village feel they have the right to manage the Telun Berasap waterfall so that village youths and village elders want to manage the water tourism themselves. One member of the community, Ahmad said:

*"The community should manage the Telun Berasap waterfall because it is the Pelompek people who have opened and managed it all this time." (interview July 23, 2021)*

In accordance with the information from various sources above, it appears that the Pelompek people want to manage the waterfall tourism because they think they are the ones who opened the waterfall and managed it. According to the customary leader, Jon David Depati Agung, the problem of managing the Telun Berasap waterfall can be resolved by custom. The meeting, which was held at the end of December 2019, invited the depati ninik mamak, ulama figures, community leaders and representatives of the tourism office.

Ninik Mamak, representing the Pelompek community, still wants the Telun Berasap waterfall to be managed independently by the Pelompek community. As the voice of the Pelompek community, the depati ninik mamak wants the Pelompek community to be directly involved in the implementation of tourism in Pelompek village. This deliberation resulted in a consensus that the Tourism Office allowed Pelompek tourism to be managed independently by the surrounding community. At the same time, 10% of the income from the Telun Berasap waterfall became the manager's obligation to pay it to the Kerinci regional treasury. This is following an interview with the Secretary of Pelompek Village, Mr. Zainal:

*"The village community still holds the issue of managing the Telun Berasap waterfall, but 10% of the income from this management must be paid to the district." (interview July 23, 2021)*

In keeping with the interview above, it can be seen that the solution to the problem is finding a win-win solution with the management still being carried out by the village community, on the other hand 10% of the income from the tourism must be paid to the district government through the Tourism Office. With the direct management of Telun Berasap waterfall tourism by the Pelompek village community, it is hoped that it can boost regional tourism to provide significant economic benefits for the Pelompek community in particular and Kerinci Regency as a whole.

c. Pelompek Village Head Dispute with Panwaslu

The dispute between the Pelompek village head and the Panwaslu occurred on March 20, 2019. The dispute began when the Pelompek village head was suspected of being involved in practical politics by supporting one of the district legislative candidates.

This dispute was settled by custom by the depati ninik mamak and traditional institutions. Panwaslu insisted on bringing the issue of this violation through legal channels. This dispute has not yet entered the realm of law. According to Jon Depati Agung it must be resolved amicably because the people in the dispute are both Pelompek village people, as said:

*"Both the village head and the Bawaslu members are fighting with the indigenous people here, so it is seen that it needs to be resolved amicably." (interview on July 20 2021)*

According to community leader, Hazaruddin:

*"Although both are State and structural agencies, customary methods need to be carried out because the two parties to the conflict are the village customary community as well." (interview on July 20 2021)*

In accordance with the explanation above, the two parties directly involved in the conflict customarily resolve the problem. The results of the consensus deliberation involved various parties such as the depati ninik mamak, community leaders, ulama and the village government, and members of the Panwaslu involved. Customary consensus managed to mediate the two parties involved where both parties agreed on several points. First, the village head was asked not to be involved in winning one of the legislative candidates. As an agreement between the two parties, the Bawaslu did not extend this issue through state law.

d. Cinnamon theft in the traditional territory of Pelompek village

This case of cinnamon theft by a resident occurred in early August 2021. In contrast to other customary issues, this case of cinnamon theft was resolved in two ways, through custom and the state legal process. According to the adat leader, Jon David Depati Agung:

*"The theft committed by a resident in the customary law area of Pelompek village is resolved by custom and law. It is usually like that. Traditionally he was fined." (interview on August 10 2021)*

Based on the statement of the traditional leader above, it can be seen that the case of cinnamon theft in the customary law area of Pelompek village was resolved in two ways. First, through customary law. In the Pelompek village custom, the perpetrators of

theft are given sanctions in the form of paying a fine. As stated by Jon David Depati Agung:

*"If there are acts that violate the rules, the perpetrators will be fined. The amount of the fine is determined through customary deliberation." (interview on August 10 2021)*

On the report of the information from the traditional leader above, it can be seen that violations of various rules or norms, such as stealing, will be subject to fines. The amount of the fine is determined through customary deliberation. According to the adat leader, adat deliberations are led directly by adat leaders by involving various elements of the community, as expressed:

*"Deliberation involves all elements of society. Based on the deliberation of the latest case, the perpetrators were fined to pay Rp. 1500.000,- and or the equivalent of 20 sacks of cement, the deliberation is carried out by inviting village heads, traditional leaders, ulama leaders, community leaders, and youth and the community. (interview on August 10 2021)*

In accordance with the interview above, it is illustrated that the perpetrators of the cinnamon theft in early August in Pelompek were fined as much as Rp. 1.500.000,- and or the equivalent of 20 bags of cement. In addition to customary law, cases of theft are also brought to court. This is as revealed from the interview with the traditional leader because the case of theft is a criminal matter so the perpetrators must also be legally ensnared to create a deterrent effect. Based on the descriptions of the various cases above, it can be seen that the role of depati ninik mamak in solving various existing problems. Disputes that occur in indigenous peoples always try to be resolved with a conventional approach. However, several issues of a criminal nature, apart from being discussed according to custom, are also submitted under national law to create a deterrent effect under criminal law.

## **Conclusion**

Several customary disputes that have been resolved by custom in recent years include, firstly, the dispute over the management of Village Treasury Land (TKD) between the village government and adat, BKMT and the community where the problem began with the unilateral management of TKD by the village government since 2014 without involving various parties. The role of the depati ninik mamak as a mediator who negotiates with the prospective village head met a bright spot when the elected village head promised to

resolve this dispute in early August 2021. Second, the dispute over the management of the Telun Berasap waterfall between the tourism office and the Pelompek village community who wanted to manage the tourism sustainably. independent. Disputes were resolved through customary intermediaries where consensus was found that the community manages waterfall tourism independently with 10% of it being income for the district government through the tourism office. Third, the dispute between the Pelompek village head and the Panwaslu occurred because of the village head's alignment with one of the legislative candidates in March 2019. The dispute was resolved amicably with the village head stopping support for the previously supported legislative candidate and the Panwaslu did not take the case to the court. Fourth, the case of theft sweet skin by a resident in early August 2021. This case was settled customarily and criminally. Traditionally, the depati ninik mamak fined the perpetrator by paying IDR 1,500,000 or the equivalent of 20 sacks of cement. While criminally, the perpetrators are handed over to the authorities for legal processing.

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