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Optimization of Bhabinkamtimas in Efforts of Resolution of Problems Based On Adat Law in Pelalawan District

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Abstract

The Role of Women in Local Wisdom for Family Food Security in Pangean District, Kuantan Singingi Regency, the position and obligation as housewives are not only to serve their husbands, cook, clean the house, care for, educate but also to increase the income and standard of living of the family. The formulation of the problem in this study is How the Role of Women in Local Wisdom for Family Food Security in Pangean District, Kuantan Singingi Regency. The type of research is Sociological Law research, carried out by empirical and normative approaches. Rural women who play an important role in family food security and fulfill the family's economic economy, women do not only play the role of women as wives and are also called housewives, women are also very helpful in household income regulating household expenditures to maintain the level of food security, the role of women in food production and Non-Food, Women and Food Determination.

INTRODUCTION

Problems in people's lives continue to occur in various forms and ways of resolving them, but these problems continue to lead to legal problems, one of which is the existence of legal problems in the field of dispute resolution. Alternative Dispute Resolution as a solution for peaceful dispute resolution.¹ Dispute settlement can be resolved through the court (in court) or outside the court (out court). Out of court dispute resolution was preceded by dissatisfaction with the dispute resolution process through the courts which took a relatively long time and required a lot of money. Besides. The decisions produced by the courts often create dissatisfaction among the parties or some parties feel they are the "losers".² Therefore it is hoped that not only will there be parties who win or lose, but more efforts will be made to

¹Rahmadi Takdir. *Mediating Dispute Resolution Through an Agreement Approach* (Jakarta: PT. Raja Grasindo Persada, 2010), 10

²Sri Mamudji, "Mediation as an Alternative to Out-of-Court dispute resolution. *Journal of Law and Development* 34, No. 4 (2004): 1

produce an agreement between the disputing parties with a consensus that they feel can fulfill the wishes of the parties (win-win solution), without having to blunt legal channels.

The existence of law in various fields in society is expected to be able to carry out its function as a means of dispute resolution. The function of law is not sufficient as social control, giving birth to more than that. The legal function that is expected today is to make efforts to move the people to behave in accordance with new ways to achieve an aspired goal.³

Following up disputes that arise in society, of course, there are efforts to resolve them through forums determined by the community itself, starting from the smallest group in society (such as families) to state institutions equipped with a set of legal rules as guidelines. in its implementation. in daily life. For example, the existence of village peace judges has long been established in customary law communities who usually resolve customary disputes through these customary institutions. In the village court, there are community heads, and some are even traditional and religious leaders. Regarding the chairman's duties as a peace judge, Soepomo stated:⁴

"The head of the community is tasked with maintaining the legal life in an association, so that the law can run well. The daily activities of the head of the community cover all areas of society. In fact, he and his assistants carry out their duties. all matters directly related to the organization of the association body, not only taking care of the household needs of the association, such as village roads, village gawe, irrigation, village barns, land affairs controlled by land rights, villages, etc. the head of the people who intervenes in solving marriage problems, inheritance problems, caring for orphans, etc. In short, there is no 1 (one) social field in a social body that is closed to the head of the people to intervene if necessary to maintain peace, peace, physical and mental balance to enforce the law. "

The difference in dispute resolution outside the court is an alternative that can be chosen in the settlement of disputes that arise as a result of the development of existing conflicts. Even this method continues to develop in various countries in the world which finally arrived in Indonesia also growing rapidly in line with technological developments that continue to propagate in people's lives. With the convenience and benefits that can be felt by the

³ Stefanus Laksanto Utomo, *Legal Culture of the Samin Community* (Bandung: PT Alumni, 2013), 43.

⁴Riska Fitriani. "Forest Land Dispute Resolution Through Mediation Process." *Journal of Law Science* 2, No. 1 (2012): 2

disputing parties, of course it will attract the interest of justice seekers. In Article 1 number (10) of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, that "alternative dispute resolution is a dispute resolution institution or difference of opinion through a procedure agreed upon by the parties, namely settlement outside the court by means of consultation, negotiation, mediation, conciliation, or expert judgment ". In general, alternative dispute resolution institutions can be classified into 3, namely:⁵

1. Mediation
2. Conciliation
3. Arbitration

Some of the main principles that need to be considered in the selection / use of case settlement through alternative dispute resolution mechanisms, namely:⁶

1. The nature of volunteerism in the process
2. Quick procedure.
3. Non-judicial decisions.
4. Control by managers who know best about the needs of the organization.
5. Secret Procedure
6. Great flexibility in designing problem-solving conditions.
7. Saving time.
8. Cost effective.
9. Protection and maintenance of working relationships.
10. High possibility to implement the agreement.
11. Higher levels of control and easier estimation of results.
12. Deals are better than just a compromise or a result of a lose / win settlement.
13. Decisions that last all the time.

One of the ways to resolve disputes is through mediation. Mediation is a process between currently popular alternative forms of dispute resolution, is a consensual process in which a neutral third party works with the disputing parties to help them reach a mutually

⁵ Gunawan Widjaja, *Alternative Dispute Resolution*, (Jakarta: Rajawali Pers, 2002), 2-4

⁶Marwah M. Diah. "Principles and Alternative Forms of Out of Court Dispute Settlement." *Journal of Law and Community Dynamics* 5, No. 2 (2008): 113

acceptable resolution of some or all of the issues in a dispute.⁷The role of the mediator is to facilitate the mediation process, the mediator does not impose a solution or judgment on the parties but instead helps them communicate, find common ground, and create solutions. Mediation, namely efforts to resolve disputes by involving a neutral third party who does not have the authority to make decisions, which helps the disputing parties to reach a resolution that is acceptable to both parties.

Of course, this mediation is expected so that dispute resolution can be resolved in a relatively short time without having to be resolved through a judicial institution which will take a long time with procedures that must be passed with various stages and relatively large costs, while the results of dispute resolution are not necessarily appropriate. It is hoped by the disputing parties, it is not uncommon for the results of court decisions to be far from the sense of justice that the parties want. However, along with the development of human civilization and the rapid changes in science and technology, the needs of society are increasing with all the problems that continue to emerge in the midst of society with various ways of resolving disputes, so that this mediation process does not occur. only done out of court but in cases. Those who have entered the court can be resolved through a mediation process. This begins with the increasing number of greetings to the judiciary as a protracted institution in handling cases submitted and going through convoluted procedures.

The research plan is related to the role of Bhabinkamtibmas Polri in Implementing Restorative Justice in Pelalawan Regency. Restorative justice is a practice or program that has been running in many countries. But in practice this has actually been going on for a long time in our society, with or without the involvement of the police. As the foremost apparatus in providing police services, it cannot be denied that Bhabinkamtibmas must master the principles of Community Security Development adopted from the concept of Community Policing with the main pillars of partnership and problem solving.

The concept of Bhabinkamtibmas is a policing method that adopts several policing methods developed in many countries around the world and is also one of the most important policing models in Asia. Bhabinkamtibmas encourages the creation of a new collaboration between POLRI and the community in dealing with a problem. Through Bhabinkamtibmas, a

⁷Mindy D. Rufenacht, *The Concern Over Confidentiality in Mediation - an in-depth Look at the Protection Provided by The Proposed Uniform Mediation Act*, J. Disp. Resol. 113, 2000, accessed via <https://1.next.westlaw.com/Document/> on January 22, 2020.

partnership will be created between the National Police and the community in dealing with any social problems, which in turn can reduce crime, provide a feeling of security from crime and will further create security and public order.⁸

The resolution of social problems carried out by Bhabinkamtibmas in each Polsek in Pelalawan District has the same characteristics as the restorative justice approach. Solving problems characterized by restorative justice requires the involvement of all parties, restoring social damage, eliminating stigmatization, confessing guilt and apologizing from the perpetrator to the victim. The role of Bhabinkamtibmas itself is implemented as a mediator or facilitator in the process of restorative justice practices. Polsek resolves this problem in several forms which refer to the principle of legality, the principle of opportunity, and the principle of plighmatigheid. The restorative solution itself has not been regulated or poured explicitly into the substance of the law or regulation.

The role of Bhabinkamtibmas is in the task of guiding and conducting counseling in the field of law and security, serving the community, fostering public order, moderating and facilitating efforts to solve problems, mobilizing positive community activities, coordinating efforts to foster community security and order. with village officials, babinsa with other parties. This research will be conducted in Pelalawan Regency. Pelalawan Regency with an area of 13,924.94 km², is divided by the Kampar River, and in this area is the confluence of the Kampar Kanan River and the Kampar Kiri River. Pelalawan Regency has several relatively large islands, namely: Mendol Island, Serapung Island and Muda Island as well as small islands such as Tugau Island, Labuh Island, Baru Ketam Island, and Bunut Island.

Kamtibmas is expected by all people to be realized, so as to create a sense of peace and peace for every society. The police have a heavy duty in preventing offenses and crimes, serving the public and protecting and detaining the public. In this case the police have prepared personnel representing the community development sector. The point is to build a partnership between the Police and the 2 communities so that there is mutual trust, respect and mutual respect between the National Police and the community. So that the Police can be accepted and supported by the community. Polri's activities encourage, direct and mobilize the community to play a role in Binkamtibmas (Development of Order and Security) through the form of

⁸Rakhmat Ramadan. "Bhabinkamtibmas Communication Model in Forging Partnerships with the Community". *Journal of Communication Science Uho* 2, No. 1 (2017): 3

Pamswakarsa and the application of the community policing model. among others, by assigning members of the National Police. The police become the Bhayangkara Security Advisor, hereinafter referred to as Bhabinkamtibmas as the basic reference is the Letter of the Head of the National Police of the Republic of Indonesia Number: B / 3377 / IX / 2011 / Baharkam dated 29 September 2011 regarding the Implementation of Bhabinkamtibmas in Villages / Kelurahan. Development of Public Order and Security Bhayangkara (BHABINKAMTIBMAS) is a member of the Indonesian National Police (POLRI) whose task is to maintain security and public order (kamtibmas). Bhabinkamtibmas is a member of the National Police whose job is to maintain security and public order. The target to be achieved in Bhabinkamtibmas activities is the realization of a stable and dynamic community and community service situation in order to secure and make national development successful.

The implementation of Bhabinkantibmas security guarding as an extension of the police's hand in the village / kelurahan in the Pelalawan Regency area is often considered to be less than optimal in the implementation process because many villagers seek justice in facing a case directly reporting to the court. The community does not know that in the Regulation Supreme Court number 2 of 2012 in article (2) which reads:

Section 2

- (1) In accepting the delegation of cases of Theft, Fraud, Embezzlement, Detention of the Public Prosecutor, the Chairman of the Court is obliged to pay attention to the value of the goods or money which is the object of the case and pay attention to Article 1 above.
- (2) If the value of the goods or money is not more than IDR 2,500,000.00 (two million five hundred thousand rupiah) the Chief Justice will immediately assign a Sole Judge to examine, hear and decide the case with a Quick Examination Procedure as regulated in Article 205. -210 Criminal Procedure Code.
- (3) If a defendant has previously been detained, the Chairman of the Court does not determine the detention or extension of the detention.

Researchers assess in this Perma that cases such as petty theft, light embezzlement, minor fraud, profit from fraud, minor damage and minor detention which are included in minor crimes are resolved with a quick examination, meaning that if the community brings the case to court the researcher believes that the action This is too complicated and only creates disappointment for the reporter because the perpetrator cannot be detained. So, this is the role of Bhabinkantibmas and traditional leaders to resolve these problems through mediation so that the case is resolved amicably and quickly.

STAGES OF SETTLEMENT OF CASES THROUGH THE POLICE APPARATUS ACCORDING TO CUSTOMARY LAW AT THE PELALAWAN DISTRICT POLICE

The variety of problems that cause conflict, of course, cannot always be resolved in the shortest possible time with the results of problem solving that are acceptable to the disputing parties and often lead to disputes. However, as a perfect creation of God, humans will of course always try and try their best in various ways to achieve the desired solution, so as to create balance and harmony in human life. Therefore, it is hoped that not only will there be parties who win or lose, but more efforts will be made to produce an agreement between the disputing parties and a consensus that they feel can fulfill the parties' wishes (win-win solution).

Nowadays, when a crime occurs, people tend to use court channels which conceptually will create justice, but in reality this is not an easy thing to achieve. This is because the results to be achieved from the case settlement process using the judiciary are win-lose solution, where there will be winners and losers. With a reality like this, the settlement of a case through traditional justice channels often creates a feeling of discomfort in the minds of the losing party, so that it seeks to seek justice at a further level of justice.⁹

In fact, there is a paradigm in the punishment of restorative justice in the settlement of criminal cases with the light category. Some legal experts argue that the notion of restorative justice with different definitions but in principle contains the same meaning, namely a concept of thought related to the criminal system which not only focuses on the needs and punishments imposed on the perpetrators but also takes into account and involves victims and their community (community). set aside by the working mechanism of the criminal justice system that is currently in effect.¹⁰

Broadly speaking, disputes that arise in society can be resolved by the family as the smallest group in society, with intermediaries from people who are respected or elders, such as "ninik mamak" in the Minang Kabau community, then kepenghulu of the parties, if it cannot be resolved then it can be continued. . to the customary hall, then to the Nagari Adat

⁹Henny Saida Flora. "Restorative Justice as an Alternative in the Resolution of Crime and Its Effects on the Criminal Justice System in Indonesia." *UBELAJ* 3, No. 2 (2018): 143-144.

¹⁰Anggita Angraini. "Penal Mediation As Alternative Dispute Resolution: A Criminal Law Reform In Indonesia". *Journal Of Law And Legal Reform* 1, No. 2 (2020): 376

Kekerapatan, and finally to the local sub-district head.¹¹ Likewise in the province of Riau, the Malay traditional hall is also called the Malay Customary Institution.

Dispute resolution is faced with a process carried out by the parties without the help of other parties who have no interest in the continuation of the existing dispute. Sometimes resolved by other parties outside the dispute amicably. If not resolved through an out-of-court process, then this dispute is carried out through litigation in court or the dispute is brought to "green table". Regarding the settlement of disputes that are resolved through cooperation (cooperatively) outside the court, it is usually referred to as an Alternative Dispute Resolution (ADR). This out of court dispute resolution first appeared under the term alternative dispute resolution (ADR) in the United States.

Likewise in Pelalawan Regency, there are many problems in the community. It is hoped that the conflict will not reach the stage of legal settlement through court channels. There are many conflict problems that occur in the community, one of which is the problem of land, customary community land, village community land, private land. Other conflicts such as family law issues such as inheritance. There are other things such as problems in marriage, and also problems in the field of criminal law such as accidents, theft and others.

This problem occurs between the community and the community, or community groups, as well as communities and companies. Likewise with conflicts that occurred in the community in Pelalawan Regency. Of course, various efforts have been made to resolve disputes between the community and companies in various ways, and with the help of parties who can facilitate reaching an agreement with the disputing parties. Likewise, disputes that occur between communities are carried out through negotiation efforts, namely through the process of negotiation or bargaining on problems that arise in the community in Pelalawan Regency, namely community leaders represented by the Village Head or officials from the government, such as the sub-district head. settlement by members of community representatives, as well as the bhabinkamtibmas. Public Order and Security Bhayangkara (Bhabinkamtibmas) is a program of the National Police Headquarters to bring the police closer and build partnerships with the community. Bhabinkamtibmas realizes a concrete community service mission so that the role of the police can be felt directly by the village community in

¹¹ Rahmadi Usman, *Out of Court Dispute Resolution Options* (Bandung: PT Citra Aditya Bakti, 2003), 162-163.

the form of a service approach. Restorative justice is a practice or program that has been running in many countries. But in practice this has actually been going on for a long time in our society, with or without the involvement of the police. Bhabinkamtibmas realizes a concrete community service mission so that the role of the police can be felt directly by the village community in the form of a service approach. Restorative justice is a practice or program that has been running in many countries. But in practice this has actually been going on for a long time in our society, with or without the involvement of the police. Bhabinkamtibmas realizes a concrete community service mission so that the role of the police can be felt directly by the village community in the form of a service approach. Restorative justice is a practice or program that has been running in many countries. But in practice this has actually been going on for a long time in our society, with or without the involvement of the police.

The next stage is the dispute resolution process through mediation, with the help of a mediator, namely Bhabinkamtibmas. The mediation technique carried out contains the following elements:

- a. The dispute resolution process is based on negotiation of the parties through mediation with this Bhabinkamtibmas mediator
- b. The existence of a neutral third party as an intermediary is involved and accepted by both parties. In this research, it was conducted by Bhabinkamtibmas in the village or sub-district.
- c. The mediator is in charge of helping the disputing parties to find a solution to the problem in dispute. Attended by families as well as village officials and community leaders, Bhabinkamtibmas tried to go to the homes of residents who were experiencing conflict.
- d. Mediators do not have the authority to make decisions in the peace process, but they do try to approach the community to prefer an out-of-court settlement without continuing the legal process through the court with a lengthy process.
- e. This process aims to resolve disputes that arise in the community, especially in Pelalawan Regency, between the community and the community itself. Although with several stages of meetings with disputing parties

The role of the mediator includes:

1. As a catalyst or impetus for the birth of a peaceful atmosphere and provide understanding and solutions to existing problems.
2. As an educator or by understanding the desires of each party and conveying these wishes in a good way
3. As a translator, suggestions are both implied and express.

The stages taken in resolving disputes that occur in the community in Pelalawan Regency with the community include:

- a. A. There was an attempt to establish a relationship with the disputing parties
- b. Choose a strategy to guide the mediation process
- c. Collect and analyze background information about the dispute
- d. Prepare a mediation plan
- e. Build trust and cooperation between parties
- f. Start a mediation trial
- g. Formulate problems and set agendas
- h. Reveal the hidden interests of the parties
- i. Generate dispute resolution options
- j. Final bidding process
- k. Reaching a formal agreement set forth in a peace deed

This mediation process is carried out in stages:

- a. Separate session
 - 1) Met with companies in Pelalawan Regency
 - 2) Meetings with community representatives or community leaders
- b. Joint meeting (Join meeting)
 - a) The mediator makes judgments in the best way to continue the preparatory process for meeting together
 - b) Set the corporate mood in the corporate district and listen to the problem
 - c) Make a deal
 - d) Closing

In general, the cases reported by the community, the stages: First the bhabinkamtibma received the report, after that it was summoned by the first and second parties, then mediation was carried out in the room or in the police, after that we asked the Kanitreskrim police chief who was a figure in Teluk Meranti. and involve the community's traditional shops. As with the Teluk Meranti area, if there is a problem report received from the community, of course the first step we will take is mediation between the two parties.¹²

For the stages or steps you take to mediate in the Sorek area, you receive reports from the public. Then listen to stories about sitting cases from both sides. . Invite parties who can provide input and information such as village heads, RT / RW, community leaders. Then contact the first and second parties. We agreed to hold a meeting, the mediation meeting could be at the Bhabinkamtibmas office or the Lurah office or at the community's house itself. And the final step is to make a deed of agreement between the two parties.

If there are no other problems, always close, open, and open, the youth, traditional leaders, and I mediate on a problem, to be precise at the bhabinkamtibmas office or the officer post itself, 3 kilometers away in Lubuk Ogung. The parties who were brought to the post sat down, listened to the explanations of the two troubled parties, after listening and given input from both parties, if for this matter it had to be like this if the problem had to be like that. , with the hope that both parties agreed to solve it using a familial method, and until now everything is still.¹³with a distance of 3 kilometers in Lubuk Ogung. The parties who were brought to the post sat down, listened to the explanations of the two troubled parties, after listening and given input from both parties, if for this problem it must be like this if the problem must be like that. , with the hope that both parties agreed to solve it using the familial method, and until now all of them are still accepting.¹⁴with a distance of 3 kilometers in Lubuk Ogung. The parties who were brought to the post sat down, listened to the explanations of the two troubled parties, after listening and given input from both parties, if for this problem it must be like this if the problem must be like that. , with the hope that both parties agreed to solve it using the familial method, and until now all of them are still accepting.

¹²Interview with Briptu Frengki Bhabinkantibmas kel. Teluk Meranti, Friday, August 12, 2020, at the Teluk Meranti Police Station.

¹³Interview with Bripta Aspan Hari Bhabinkantibmas Sei. Kijang, Friday, October 4, 2020, at the Sei Kijang Police Station.

¹⁴ Ibid

PARTICIPATION OF THE INDONESIAN POLRI BHABINKAMTIBMAS IN POLSEKS AS MEDIATORS IN THE ADMINISTRATIVE LAW CASES IN PELALAWAN DISTRICT

Conflict resolution is in the form of deliberation to reach a settlement between the perpetrator and the victim of a crime. Most Indonesians, who are generally Muslim, are heavily influenced by Islamic law. Many community leaders are asked to resolve conflicts in the community, and generally in areas with strong influence from Islamic law, such as Aceh, West Sumatra and Java, the community or traditional leaders in them include religious leaders. The resolution of conflicts that are resolved by Islamic religious leaders is generally carried out by means of a deliberative approach.¹⁵

Settlement of criminal cases through non-litigation channels is an alternative route that will help reduce the accumulation of cases in court and SPP congestion in dealing with crimes. There are several things that make the settlement of criminal cases through non-litigation channels said to be quasi civil-criminal, because they contain civil elements but are used to solve problems or criminal cases. First, there is an agreement between the parties to settle criminal cases, either through the judiciary at the first stage (police) or not through the judiciary. Agreement in civil law is one of the conditions for the validity of the agreement (Article 1320 of the Civil Code) and the agreement is a law for which it must be obeyed (Article 1338 KUHPer-data). Second, There is also an agreement to use or not use the services of one or several mediators. Third, in the process there is negotiation or bargaining regarding the amount of compensation or other actions that the perpetrator of the crime must give or take to the victim. This negotiation or bargaining process is a process usually found in civil law.¹⁶

The culture of deliberation, as a value system adopted by the Indonesian people, becomes the spirit of each party negotiating in deliberation to resolve conflicts and seek solutions that benefit all parties so that consensus is reached. A deliberation requires a respected figure to lead the deliberation to reach this consensus. What is decided in deliberations to resolve the conflict gradually develops into customary law.

¹⁵Trisno Raharjo, "Criminal Mediation in Customary Criminal Law Provisions." *Journal of Ius Quia Iutum* 2, No.3 (2010): 493

¹⁶Agus Raharjo. "Mediation as a Basis for Settlement of Criminal Cases ". *Mimbar Hukum* 20, No.1 (2008): 101-103.

Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution which contains alternative dispute resolution efforts is not only known in civil law terms, but has also begun to be recognized and developed in criminal law terms. One type of ADR that has begun to be developed in criminal law is in the form of mediation, known as “penal mediation”.¹⁷ Mediation as an alternative to out-of-court dispute resolution mechanisms has long been used in various cases of business, environment, labor, land, housing, and so on, as a form of community demand for fast, effective and efficient dispute resolution.¹⁸

However, in practice cases reported by the community are usually civil cases, there are criminal cases where there are more examples of civil cases related to land use issues. For the 2019 land case, there were six cases, and on average, they have been resolved. There are also cases related to customary law, so that ninik mamak are involved in the settlement with the Bhabinkamtibmas so that for the settlement of the case Bhabinkamtibmas always involves ninik mamak or traditional leaders in Teluk Meranti, and the result is in Teluk Meranti, but if it continues, it rarely goes to legal process, usually through mediation.¹⁹

For the Sorek 1 region, many community cases lasted one month to one month which were uncertain. So that in one full year there are about 50 cases. In 2015, there were 99 cases handled. In 2019 there were 26 cases. Of the 26 cases submitted, many can be resolved all. Of the 26 cases were criminal cases and some were civil cases. However, it is rarely said that there are no cases of indigenous peoples.²⁰

Bhayangkara Public Security and Order (Bhabinkamtibmas) is the National Police Headquarters program to bring the police closer and build partnerships with the community. Bhabinkamtibmas realizes a concrete community service mission so that the role of the police can be felt directly by the village community in the form of a service approach. Restorative justice is a practice or program that has been running in many countries. But in practice this has actually been going on for a long time in our society, with or without the involvement of the police. Other areas such as Sorek Dua Subdistrict have no community service reports in one month. during 2019 there were only 2 cases but they were not resolved amicably.²¹

¹⁷Barda Nawawi Arif. *Penal Mediation Out of Court Case Settlement* (Semarang: Pustaka Megister, 2012), 2.

¹⁸ Bambang Sutyoso, *Arbitration Law and Alternatid Dispute Resolution* (Yogyakarta: Gama media, 2008), 56.

¹⁹Briptu Frengki Op. cit

²⁰ Interview with Mr. Aspan Hari Bhabinkantibmas Sorek, Friday, August 28, 2020, at the Sorek Police

²¹ Ibid

Public cases that enter for a full month are related to criminal acts or the like, per month there are at least 15 cases in our target village, Lubuk Ugong Village, Bandar Sei Kijang District. Over the past year, there have been about 50 more cases. Of the cases that came in, there was a lot that could be rooted. More than 4 years I have resolved this case through a community service organization in Lubuk Ogung village, it was resolved well and peacefully. With the general motto of the village administration of 4 pillars, the bhabinkamtibmas, traditional leaders and companies to solve the problems that have been in Lubuk Ogung village, except for drugs, robbery and violent robbery can be resolved with kinship.

These cases include criminal acts and there are civil cases and customary law problems. In civil matters, it is still possible to help mediate in a friendly manner, but there is still civilization so far, there are indeed a small part, there are criminal acts. In our village, regarding customary law issues here for 2019, there are approximately 2 cases that we have resolved with customary law. For example, the first case of water rope or allegations of adultery, depending on the A tribe, it is suspected that his wife is cheating on him. After deliberation, then we will monitor who is the man and who is the chief who is the ninik mamak. In the village they were collected, so a decision was made to use customary law A. Wife A's custom, to be precise if this custom A, if a wife is suspected of having an affair with another man who has property as long as she is married, whether it's a good child, everything in the woman's house must leave the house without bringing a penny. clothes or anything else could not be touched even children could not be touched, that is the traditional Nias law.

The main guideline for the implementation of Bhabinkamtibmas duties is the Field Guidelines for Bhabinkamtibmas in Villages / Kelurahan No. Pol.: Bujuklap / 17 / VII / 1997 as amended by the Decree of the Chief of Police No. Pol.: Kep / 8 / XI / 2009 dated 24 November 2009 concerning Changes to the Field Guidelines for the Chief of Police No. Pol.: Bujuklap / 17 / VII / 1997, amended again by the Chief of Police Decree No. Pol. : Kep / 618 / VII / 2014 which became the 2014 Bhabinkamtibmas Smart Book, Law Number 2 of 2002 concerning the Indonesian National Police, as well as Polri Polri Policies and Strategies. The following is data that can be developed by Bhabinkamtibmasyang that occurred in Pelalawan Regency:

Tabel 1

Numbers of Problems (Troubleshooting) Completed by Bhabinkamtibmas SAT BINMAS

Polres Pelalawan 2019

NO.	POLSEK	MONTH												KET
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OKT	NOV	DES	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	SEIKIJANG BANDAR	15	12	9	5	2	5	4	3	8	2	6	8	
2	CRYSTAL STATION	2	0	1	0	3	2	6	1	4	2	5	2	
3	STYLE	4	8	12	6	4	1	5	1	2	4	2	5	
4	THE TRAVEL SECTOR	2	0	1	1	0	2	1	2	0	0	2	4	
5	PANGKAL AN KURAS	0	2	4	1	2	5	1	0	3	1	2	2	
6	PANGKAL AN LESUNG	1	0	2	2	0	0	2	1	0	3	1	0	
7	PUBLIC	1	1	2	0	1	4	1	2	0	0	3	1	
8	BUT	6	2	3	1	5	4	2	1	8	3	0	2	
9	BEAUTIFU L MERANTI	2	1	0	1	1	1	3	0	4	2	1	0	
10	UKUI	0	1	0	0	2	1	0	3	1	0	0	2	
11	KUALA KAMPAR	2	2	1	0	3	1	1	2	0	0	2	2	
	AMOUNT	35	29	35	17	23	26	26	16	30	17	24	28	306

Data: Pelalawan Regency Police 12 AUGUST 2020

Based on the description above, the pattern of case resolution that occurred in Pelalawan Regency must be resolved through a mediation process by maximizing the role of Bhabinkamtibmas. As a leading officer in the police service, the role of Bhabinkamtibmas must master the principles of Community Security Development adopted from the concept of Community Policing with the main pillars of partnership and solving problems that occur in society.

In other areas there are also few cases that are resolved by Bhabinkamtibmas, such as cases that are resolved in a month in Teluk Meranti, the monthly range may even be rare, if collected in one year it can be around five. into six cases. Likewise in the Sorek area, there are conflict resolution efforts by including the role of the village head or community leaders in conducting mediation by inviting each party such as community leaders, reporters and reported parties as well as the village head to mediate. problem, then we give time for each party to negotiate to reach an agreement, if that is achieved we will make a peace agreement between the two parties, but if we do not reach an agreement, we submit the case to the police for the investigation and investigation process,

If we look closely at the practice, there has been a decline in reports that have been submitted from 2015 to 2019. What are the factors causing the decline in these reports because the community is still obedient to the regulations and no one should violate the law, because there are sanctions, legal rules, we are not bored convey the days when residents gather, in mosques that are crowded places, in churches we still convey them

So by always socializing to the community, the public will understand, if he does this there is a penalty, if he violates this there is a penalty, maybe he understands that, maybe because it is reduced. public awareness increases

As for the village under the guidance of Bhabinkamtibmas to date, no matter how small the problem, the lowest or lowest is the household in that village, Alhamdulillah, including the smallest problem, it will definitely come to us. because in RT there is a RW pack who always informs bhabinkamtibmas. In the assisted villages the participation of community leaders is quite high, from the scope of the RTs in the village there are RT and RW groups that always report to bhabinkamtibmas, besides that there are village governments, traditional leaders, leaders youth and others.

For our residents in Lubuk Ogung Village, so far it has been almost 5 years, whether it is an affair problem, the problem of theft of palm fruit, the problem of theft of house demolitions, fights and so on, except for drugs. and violent theft, we have resolved it at the community level, be it the village government. , RT, RW, traditional leaders, youth leaders and others have all been completed. Nothing, residents get to legal channels if both parties agree to reconcile without any element of coercion from any party, we will definitely resolve it amicably without charging fees in this form of money, in essence we will do it as well as possible without being harmed.²²

FACTORS THAT BECOME OBSTACLES TO BHABINKAMTIBMAS IN TACKLING CRIME IN PELALAWAN REGENCY

The more problems and conflicts that occur, the greater the costs that must be incurred by entrepreneurs, even if this is not beneficial for indigenous peoples and forest communities, who will be increasingly anxious about the additional problems they face in addition to the problems they face on a daily basis. Likewise with land conflicts that occurred in Pelalawan District. The conflicts that occurred in Pelalawan District were caused by several things, such as:

1. The problem of unclear boundaries between the parties
2. Customary violations by tribes or communities
3. Destruction of life support for indigenous peoples and communities around communal land or land boundary conflicts.
4. Lack of positive contributions from customary land management to the lives of indigenous peoples, both in matters of family law, marriage law, community, ethnicity, and private land issues
5. There is a problem between the company and the community but it does not involve the customary community and / or the surrounding community so that it needs intervention by Bhabinkamtibmas, as well as

²² Ibid

6. The need for the implementation of peace for the community in case of conflict in the community so that there needs to be a role for Bhabinkamtibmas in its resolution
7. There are problems in the field of customary criminal law

Various cases are resolved both amicably and legally, but there are still many cases of violation of these customs that occur. The emergence of conflicts over customary violations is not only in the civil realm but also in the criminal realm. Weak law enforcement in resolving various problems that occur between communities will result in new conflicts. This is often used as a third party, because there are parties who take advantage of the conflict for their interests.

The complexity of the factors that cause conflict, requires an increase in the professionalism of law enforcement officials and the high costs that must be borne by the community to resolve conflicts if they cannot be resolved by deliberation and the most common is the complexity of conflict resolution. judicial bureaucracy for conflict cases stemming from environmental problems.

Based on the results of research on the occurrence of interest in peaceful settlements in communities in Pelalawan Regency, if you look at the decline in reports that have come such as Teluk Meranti in 2019, due to the limited number of community service groups, the most prominent in this case is the obstruction of the peaceful settlement process and the community in terms of settling peacefully through Bhabinkamtibmas is people's awareness that is starting to improve. And there is progress on this point of concern. When they do something consciously they will be legally processed.

The decline in reports from the public is due to community problems that do not reach the bhabinkamtibmas, meaning that cases can be resolved peacefully, 80% of community problems are resolved peacefully by the families of each party to the bhabinkamtibmas or have been resolved by the Bhabinkamtibmas. RT / RW. This means that there is participation of community leaders in solving cases such as the head of the village, RT / RW youth and community leaders. However, of all these characteristics, can it be resolved peacefully, and proceed to the legal process only once.

Furthermore, for the Teluk Meranti area, the obstacles you experience when mediating in the community case are not too many obstacles, because both parties have awareness after we provide understanding and involve all parties so that there are no obstacles in conducting open mediation. .

Forms of community participation at the conflict stage, namely:

1. Provide information, suggestions, considerations, or opinions to clarify the rights between the two and the cause of the conflict.
2. Identifying various potentials and problems that will occur between residents and the surrounding community in the area
3. File an objection to violations committed by residents if there is damage if they violate the customary laws and customs that apply to the local community, so that settlement assistance by the mediator is urgently needed.

The implementation of mediation in Sekijang Village, a problem that is never closed but always open involves all groups, maybe there is one example, it is suspected that the abuse of minors to protect the souls of women victims needs to be considered, but in the end it is all open after reaching an agreement.

Obstacles in peaceful settlement through mentoring community service groups in Sekijang Village include the distance factor, as well as in the Bhabinkamtibmas case, one person in one village was installed one person for one village so that yesterday there was a problem that was suspected to have occurred. religious abuse, we'll tell you a little about that time. There is one of our tribe, people from tribe A, but this problem is a personal matter at first, there are debt and credit problems with our other inhabitants, but because this resident of Tribe A is drunk he is after this person who has this debt. to the mosque, but after he realized the element of religious harassment was not there, it was at midnight when he entered the mosque to disturb people, the evening prayer around 12 o'clock, the person tried to intervene but to no avail. People call us.

Principally, criminal cases cannot be resolved through the Mediation mechanism. However, in practice, criminal cases are often resolved through a mediation mechanism, which is an initiative of law enforcers as part of the settlement of cases. Thus, in reality, mediation can actually be carried out in the Criminal Justice System. Countries that have implemented

this are Austria, Germany, Belgium, France, Poland, Slovenia, Canada, the United States, Norway, Denmark and Finland. This mediation is known as Penal Mediation. Penal mediation is the settlement of a criminal case through deliberation with the help of a neutral mediator, attended by victims and perpetrators along with parents and community representatives, with the aim of restoring the victim, perpetrator and the community.²³

CONCLUSION

It is necessary to develop a community mindset towards the need for dispute resolution outside the court through problem solving by community service units that involve community leaders through customary institutions as mediators. As well as the stages or steps you take to mediate. in the Sorek area, you receive reports from the public. Then listen to stories about sitting cases from both sides. . Invite parties who can provide input and information such as village heads, RT / RW, community leaders. Then we called the first party and the second party. . It was agreed that a meeting was held, the mediation meeting could be at the Bhabinkamtibmas office or the Lurah office or at the residents' own homes. And the final step is to make a deed of agreement between the two parties.

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