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The Customary Government System in Koto Tuo Baserah Kuantan Singingi

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Abstract

The objectives in this study are; to find out the customary government system and the role of customary devices in Koto Tuo Baserah Kuantan Singingi. This method of research is sociological. The leader in Koto Tuo is called Datuk Bisai or Datuk Penghulu with the title Datuk Godang. Meanwhile, the top tribal leaders in the village of Kuansing are called mamak soko. The are four tribes in Kuantan Singingi. They are Tigo Kampung entitled Jolak Samano, Limo Kampung titled Datuk Bandaro, Cermin titled Godang, and Melayu titled Datuk Paduko. In Koto Tuo regency is guided by 4 traditional stakeholders, namely: Penghulu (mamak soko / chieftain), Monti, Dubalang, and Malin, an Islamic religious figure. Then 3 Traditional Leaders in one tribe have representatives, each tribe is divided into 3 Jurai (Departments). The role of Datuk Penghulu and other traditional stakeholders in Koto Tuo is still partly ongoing. However, there are shifts in the role of traditional stakeholders in village government. They are: the role of traditional stakeholders in terms of marriage, divorce, privately owned land, livestock, fields, civil cases and criminal cases. And the role of traditional stakeholders in village government that has not shifted is in terms of customary land and heritage treasures. The Factors causing the shift in the role of indigenous stakeholders in village government are : globalization, contact with other cultures, modernization, community dissatisfaction with certain areas, an increasingly educated, heterogeneous and growing population.

INTRODUCTION

Every society must have a value system that is respected and appreciated by that society in its social interactions. These values, as long as they are functional, will live on and direct in that society called customs.¹ Because these values cover various aspects of people's lives and are believed to be true and therefore guide the social life of the community, it is called customary law. It is not only in the form of rules that can force members of society to obey them, but also serves as the social and political legitimacy of the community as a social system.²

¹ Haar, Ter. *Asas-Asas Dan Tatanan Hukum Adat*. Bandung: Mandar Maju, 2011.

²Suardi. *Pemutahiran Adat Kuantang Singingi*. (Pekanbaru: Alaf Riau, 2006), 53.

Indigenous people are a unit of an autonomous society, inhabiting a territorial area where are governed their living systems, develop and look after by that society. Indigenous people are groups of communities that have ancestral origins, have traditionally inhabited certain geographical areas, and have a value system, ideology, economy, politics, culture, social, and own territory.³ One of the areas that is still alive and running its customary government well is in Kuantan Singingi (Kuansing) Regency. As an area that still continues to maintain the preservation of customary law, Kuansing has a unique and neat customary governance system. The existence of a village in Kuansing gives a different atmosphere at the level of the traditional village government system, which does not occur as usual in other regions in Indonesia.⁴

The holders of the Kuantan Singingi Traditional Designation at the top layer consist of 9 Datuk with their respective fiefdoms. They were once also called Urang Godang. The unity of these Datuk can form a Federation. Each Datuk has autonomy (power) to manage and maintain their respective fiefdoms. For that purpose, it is to make an Act. Therefore, although in principle these Datuk have the same customary foundations, but in their implementation there are several variations in their territory. With a series of traditional words, Datuk or Urang Godang are called round shoots and mounted veins in Luhak with the task of babingka land (fiefdom has been formed) (The fiefdoms have been divided over several Lands, to be easily led) *rantau beraja* (each Country has a Leader) the clothes are Malay clothes, with black bands of beledru cloth, wearing gold and heirloom daggers.

In the second layer below, Urang Godang or Datuk who lead the Luhak have a layer of Traditional Leaders who lead the Land and its tribes. Each Regency usually has 4 major tribes in Kuantan Taluk, for example, there are 4 main tribes, namely Tigo tribe, Ompek tribe, Limo tribe, and Onam tribe. Datuk Bisai as a Godang limo Koto in the middle belongs to the Ompek tribe. In Siberakun there are only 3 main tribes. They are Caromin, Petayo, and Kampung tonga. Therefore in this Regency there are only 3 Pengulu, four with Datu Bisai. Each tribe is guided by 3 Traditional Stakeholders, namely Penghulu, Monti, Dubalang and an Islamic religious figure called Malim, because there are 3 Traditional leaders in one tribe, then each tribe is divided into 3 Jurai (Majors). There are Jurai Penghulu, Jurai Monti and Jurai

³ Utomo, Lastnto, *Hukum Adat*. (Jakarta: Rajawali Pers, 2016), 24.

⁴ Hamidy, UU. *Jagad Melayu Riau Dalam Lintasan Budaya Di Riau*. (Pekanbaru: Bilik Kreatif Press, 2014), 36.

Dubalang. Because Jurai gives offspring, it is also called Poruik. In each of these Poruik (jurai) there are still several groups, all of which are maternal ties.⁵

Based on the above background, it is necessary to study more deeply about the course of customary government that applies to the community concerned in a monograph with the title **“Customary Government System in Koto Tuo Kenegerian, Kuantan Singingi Regency”**.

KOTO TUO CUSTOMARY GOVERNMENT SYSTEM

The holders of Kuantan Singingi Traditional Designation at the top layer consist of 9 Datuk with their respective fiefdoms. Each Datuk has autonomy (power) to manage and maintain their respective fiefdoms. For that purpose, they made an Act (Customary Provisions) for the benefit of his Government. Datuk or Urang Godang are called round shoots and tendons in Luhak with the task of babingka land (fiefdom has been formed) (The fiefdoms have been divided over several Lands, to be easily led) *Rantau Beraja* (each Country has a Leader) the clothes are Malay Clothes, with black bands ⁶of beledru cloth, wearing gold and heirloom daggers.

In the second layer below Urang Godang or Datuk who lead Luhak there is a layer of Traditional Leaders who lead the Land and its tribes. Each regency usually has 4 major tribes. In particular, Koto Tuo in Kuansing can be an illustration for the customary government system in Kuansing. Koto Tuo Baserah has 21 villages and 2 sub-districts in 2 sub-districts, namely Kuantan Hilir and Kuantan Hilir Seberang Districts.

The results of the interview with Pak Darwis as Datuk Bisai or Datuk Penghulu who leads the penghulu / chieftain of Ompek tribe in Koto Tuo, on Saturday, August 3, 2021 in Koto Tuo Baserah. He said that the top tribal leaders in the village in Kuansing are called Mamak Soko. The majority of tribes in the Kuantan Hilir Subdistrict, Koto Tuo, has four tribes, namely:

1. Tigo Kampung tribe which became Mamak soko / Majobosom with the title Jolak Samano.
2. Limo Kampung tribe which became the ruler of Darwis with the title Datuk Bandaro.
3. Cermin tribe who became the ruler of Limaswir with the title Penghulu Godang.

⁵ Hamidy, UU. *Masyarakat Adat Kuantan Singingi*. (Pekanbaru: UIR, 2000), 25.

⁶ Jawahir Thontowi, “Pengaturan Masyarakat Hukum Adat dan Implementasi Perlindungan Hak-Hak Tradisional”, *Jurnal Pandecta* 10, no. 1 (Juni 2015): 4.

4. Malay which became the rulers of Sapriyulis with the title Datuk Paduko.

It was said by Datuk Bandaro of Limo Kampung Tribe, namely Pak Darwis who was also the Head of Koto Tuo Baserah Village that, each tribe in Koto Tuo was guided by 4 Traditional Stakeholders, namely:

1. Penghulu (Mamak Soko / chieftain)

The position of Penghulu in the matrilineal system of civility in Koto Tuo consists of the following levels:

- a. Penghulu tribe, who is the leader of the tribe (Andiko), called penghulu Pucuk (Koto-Lomo Kampung) and penghulu tuo (Bodi- Empat Kampung).
- b. Penghulu Payung, who became the leader of the tribal citizens who had split themselves from their tribesmen due to the development of the number of citizens of the tribe.
- c. Penghulu Indu (derivative), who became the leader of the tribesmen who had divided themselves from their people.

2. Monti (Assisting in dealing with customary matters), Manti relates to customary functions including handling complaints of customary violations, acted in the affairs of the court as well as being a clerk.

3. Dubalang (Hulubalang)

Dubalang functions the same as the police function, in charge of dealing with security issues or some kind of police were in charge of securing the Nagari from external attacks or internal conflicts that occurred between families within one household.

4. Malin

Malin or sometimes referred to as Imam, is a person in charge of religious affairs within a tribe, and is responsible for customary matters related to religion (Islam).

Then, 3 Traditional Leaders in one tribe have representatives, each tribe is divided into 3 Jurai (Departments) namely,

1. Jurai Penghulu,
2. Jurai Monti, and
3. Jurai Dubalang.

Jurai gives offspring, so it is also called poruik (belly). In each of these poruik (Jurai) there are still several more groups that are all maternal relationships. Koto Tuo is a territorial genealogical customary law society that is a unit of genealogical society that adheres to a

matrilineal kinship system. The matrilineal kinship system is a kinship system based on the maternal lineage. In addition, the people of the Koto Tuo State reside within the area of the legal alliance of the indigenous peoples themselves. In the Koto Tuo community, There is the term” the integrity of Ompek twisted rope or Ompek furnace” which means three formal and informal leaders who are united, integrated in partnership in launching wisdom towards a common wholeness.⁷

This can be seen in the Ninik Mamak skullcap which has 3 elements:

1. Traditional leaders, Ninik Mamak, Monti, Dubalang, Malin, Siempu, youths and intellectuals, scholars, who are called pawn axes;
2. Ulama, such as Khadi Negeri, Imam, Bilal, Khatib and Siak Mosque, whose role is to maintain the provisions of Shari'a law with customary principles based on Shari'a, Shara' based on the Book of Allah; and
3. Holders of state laws/laws, government agencies and government institutions.

The election and replacement of the prince or Ninik Mamak is carried out by: Ponek stopping, evening spending the night, Ramo-ramo at the teak beetle, preacher either returning home with Kudo, broken growths disappearing alternately, Pusako Lamo is used too. A Penghulu is chosen and a change occurs, because age is too old, the hill is no longer climbed, the Lurah is not descended, Penghulu/Ninik Mamak will hand over his title to his bride, whether to a nominee/shadow who has been nominated, or an ax pawn trusted to look for substitute for the elderly Datuk/Penghulu by prioritizing the candidate from his people or the Botuong growing in his mat. The empty is raised, the title is located, meaning that a prince dies, before being buried, before his body is removed, in case there is no shadow/graduation by the elders in the communion, deliberating a replacement or the twisted rope office wears out. Die stoned to heart, died overseas, an official of the prince/Datuk, Ninik Mamak who is one step older if said Datuk goes abroad, may be represented by a pawn axe/rank/shadow in the tribal structure, who will carry out his daily duties.

A Penghulu/Ninik Mamak quits for violating the law, namely:

1. Tepijak is threaded by people, meaning adultery, killing, shirk and against parents;
2. Hanging on a long pole, meaning unjust, unfair, robbing, stealing, gamblers, wine drinkers, drunkards, belittling women's honor, corruption and slander;

⁷ Suwardi. *Pemutahiran Adat Kuantang Singingi*. (Pekanbaru: Alaf Riau, 2006),30.

3. Confined in a deep chamber, meaning recidivist, imprisoned, moral decay;
4. Tamandi Sipincuran Nan Godang, meaning crazy stress or mental disorder, tapi Suntiong Bungo Nan Kombang, Tapanjek Langsek nan Masak.

All of this is done by making decisions in deliberations in reaching an agreement to avoid taking photos/votes, so that there will be no differences of opinion and if there are still differences of opinion, deliberations can be carried out many times so that a full consensus is reached by means of an approach, so that the decision will be willing with sincere so that nothing will be harmed.

In Koto Tuo community, Ninik Mamak is the leader of the tribes and is a role model for her nephew's children. In terms of utilization of Ulayat land, Ninik Mamak is not allowed to trade Ulayat land because the Ulayat land has Ulayat rights from her nephew's children. Land is one of the inherited assets of the ancestors which functions to maintain the welfare of the nephew's children in carrying out their lives. In the inheritance of assets, there are three parts, namely:⁸

1. Inheritance is passed down to children, tribes are passed down to children and nephews;
2. Distribution of inheritance according to Syara', distribution of tribes according to custom; and
3. The title goes down to the child or nephew.

Talking about the Ninik Mamak, there are provisions for a number of requirements that equip Ninik Mamak to carry out its functions and authority in leading the children of their nephews and people and the community by carrying out:

1. Adat that goes up, Betanggo goes down, who says from Aso, recites the Koran from alif, goes up from the nan tingkat bawah, goes down from Tanggo nan atas, namely Batu Berajo to Mamak, Mamak berajo to Penghulu (true), true standing alone according to proper teachings;
2. Tradition that is imitated by example, grows in a Kenduri event, namely the same path is followed, the same institution is poured, what is imitated is imitated, when imitating nan that is beautiful, it follows the example of nan which is already real;

⁸ Muhamad Amin, Raja. "Fungsi dan Peranan Pemangku Adat Rantau Singingi Kabupaten Kuantan Singingi". *Nahkoda Jurnal Ilmu Pemerintahan* 14, no. 24 (2015): 47.

3. Traditional nan marches and Balobeh, the village is fenced with Soko Jo Pusako, the country is fenced by law, there are lines waiting, lines that cannot be exceeded, lines holding points, Balobeh holding Cubo;
4. Nan Bacupak stems grow cross-crossed, arguing, preaching and answering, the law punishes, weighing the same weight, when measuring the same length, cannot take sides, strictly adhered to straight;
5. Customary vows, seeing people Jo nan Gendang, looking at pleasantries, seeing excess and less, weighing the harm with benefits; and
6. Adat nan pikir, press then walk, consensus then say.

Then, in Koto Tuo there is 1 Godang Rajo Alam House and 4 Koto Houses in each tribe. Godang House has the following functions:

- a. As a place for members of indigenous peoples to gather for traditional activities such as the coronation of tribal chiefs and community activities such as Rayo Onam celebration.
- b. The place to carry out deliberations or meetings of customary density stakeholders at Koto Tuo.
- c. A place to solve problems that occur in indigenous peoples.

The Godang House and the Koto House also have caretakers led by a Tangganai. He is the one who looks after the tribal house and is the key holder. If there is an event at Godang house in Koto Tuo, it is Tangailah who is responsible.

INDIGENOUS STAKEHOLDERS IN GOVERNMENT IN KENEGERIAN KOTO TUO

Based on the results of an interview with Pak Darwis. As Datuk Bisai or the leader of the tribal Ompek in Koto Tuo, has the following roles:

1. Become the highest leader of the four existing tribes or the elders in the Kingdom of Koto Tuo.
2. Become a Qadi or judge who decides when a case or dispute occurs that cannot be decided by Mamak Soko/ tribal leader or an elder.
3. Carry out efforts to preserve, discover, collect and teach the customs of Resam in Koto Tuo.
4. Instill and expand the knowledge of the Koto Tuo community regarding customs and socio-cultural values.

5. Organize and seek cooperation and coordination with princes from other countries and the government in Kuantan Singingi Regency.
6. Provide opinions and suggestions, both requested and unsolicited Kuantan Singingi Regency government.

Meanwhile, the role of the tribal chief or Mamak Soko has almost the same duties and roles as the chief prince in fostering and preserving culture and customs as well as the relationship between traditional leaders and the government. However, its scope is smaller or limited only within the tribe it leads. In detail, the role of Mamak Soko in their tribe in Koto Tuo is as follows:

1. Become a leader in his tribe.
2. Collecting and channeling community opinions or aspirations to the Village Government and resolving disputes concerning customary law and community habits that cannot be decided by Ninik Mamak.
3. Empowering, preserving and developing the customs and habits of indigenous peoples in order to enrich the culture of the community in supporting the implementation of village governance.
4. Creating a relationship that is full of kinship and harmony as well as objective between traditional stakeholders/traditional leaders and village government officials.

A Penghulu as a leader, required the following requirements:⁹

1. The leader and the led are an organic and inseparable unit;
2. The leader and the led are not contradictory elements;
3. Each element involved in the activity has a position or status and obligations to live separately but are a unit;
4. Solving problems is done by deliberation with a spirit of togetherness;
5. Making decisions does not involve the domination of the majority or the minority, but with justice that does not favor any party;
6. The relationship between the leader and the led is based on affection and devotion; and
7. A harmonious life atmosphere is not self-seeking.

The activities of the tribal chiefs can be divided into 3 (three), namely:

⁹ Muhamad Amin, Raja. "Fungsi dan Peranan Pemangku Adat Rantau Singingi Kabupaten Kuantan Singingi". *Nahkoda Jurnal Ilmu Pemerintahan* 14, no. 24 (2015): 52.

1. Actions concerning land affairs are related to the existence of a close affinity between the land and the association (human group) that controls the land;
2. Implementation of the law as an effort to prevent violations of the law (preventieve), so that the law can run properly; and
3. Carrying out the law as a legal rectification, after the law has been violated (repressieve).

Meanwhile, Ninik Mamak is the lowest customary holder in the tribe, has the following roles:

1. Taking care of and managing matters related to custom in relation to communal land;
2. Hold a meeting for deliberation regarding the use of communal land;
3. Inventorying, maintaining, guarding, and administering and utilizing the country's wealth to improve the welfare of the country's people; and
4. Representing the country and acting on behalf of and for the country or the indigenous peoples of the country in all legal actions inside and outside the judiciary for the interests and or matters relating to custom.

The customary stakeholder also functions as Mamak of all members of his clan, the head of a clan from the same tribe and one village, carries out and controls customary regulations, and acts as a place of refuge, a place to complain about pain and joy for his nephew's children. There are no written regulations for the role of Ninik Mamak, but these regulations have been passed down from generation to generation using the traditional language. The duties of the Ninik Mamak are:

1. Carry out customary regulations;
2. Resolving disputes between nephews and nieces;
3. Managing customary assets; and
4. Regulate the daily life of the nephew's children.

According to Soerjono Soekanto, the effectiveness of a law is determined by 5 (five) factors. These factors have a neutral meaning, so that the positive and negative impacts lie in the content of these factors. The first factor is the legal factor itself, namely customary regulations that are hereditary. The second factor is the factor of law enforcement, namely Ninik Mamak. The third factor is the factor of facilities and facilities that support law enforcement, because without certain facilities and facilities, it is impossible for law enforcement to take place smoothly. The fourth factor is society, namely the environment in which the law applies or is applied. And the fifth factor is culture which basically includes the values that underlie

applicable law, values which are abstract conceptions of what is considered good so that it is obeyed and what is considered bad so it is not obeyed.

Based on the results of interviews with Penghulu Tigo Kampung, the role of traditional stakeholders in Koto Tuo has shifted over time. However, there are still roles that a Mamak soko has begun to weaken, including:

1. In the case of marriage, in the past the traditional leader played a very important role, but now it is held by the Office of Religious Affairs.
2. If a nephew's son sells land, they usually inform the customary chief in advance and the customary leader will later find someone who wants to buy it, that is, on the condition that it must be from the tribe concerned so that the land does not fall into other tribes.
3. Previously the matter of dealing with land titles was done by the customary chief, but at this time the customary headman is no longer involved.
4. In resolving civil and criminal cases, it used to be the responsibility of Indigenous Stakeholders, Civil, namely land issues, Customs and dealing with nephews and grandchildren but at this time they are rarely involved, while Criminal is dealing with minor customary offenses such as quarrels between children Nephews that cause loss to one of the parties and an accident that does not result in casualties used to be the responsibility of the prince in resolving it unless a serious criminal offense has just been resolved by the police but at present it is rare for customary stakeholders to be involved.
5. The customary leader is highly respected, for example during the customary ceremony of Child Birth and Thanksgiving, the customary leader is not prioritized by his grandchildren and grandchildren because there is already an Ustadz.
6. Provisions for going down to the fields and grazing livestock are also included under the control of the customary stakeholders, meanwhile in various ceremonies, such as the ceremony of going down to the fields, encircling the fish, opening the wilderness to become gardens and fields, building houses, looking for timber for pathways first is also the responsibility of the customary stakeholders but at the present time its role has begun to shift because everything has been handled by the village government

However, there is a customary policy issued by the Datuk Penghulu and Mamak Soko. The things that were done included:¹⁰

¹⁰ Muhamad Amin, Raja. "Fungsi dan Peranan Pemangku Adat Rantau Singingi Kabupaten Kuantan Singingi". *Nahkoda Jurnal Ilmu Pemerintahan* 14, no. 24 (2015): 62.

1. Conduct deliberations to discuss plans to preserve prohibited forests, including discussing sanctions for those who carry out logging, forest encroachment and hunting.
2. Carry out deliberations if there are development programs or community activities from both the regional and/or village governments in Koto Tuo.

There has been a shift in the role of traditional stakeholders in village administration in Koto Tuo which has shifted: the role of customary stakeholders in terms of marriage, divorce, land, livestock, fields, civil cases and criminal cases. And the role of customary stakeholders in village governance that does not shift is in terms of customary land and inheritance. The factors causing the shift in the role of customary stakeholders in village government are: contact with other cultures, the influence of other people's cultures, people's dissatisfaction with certain fields, an advanced formal education system, a heterogeneous population, the desire to progress, an increase in population, tolerant for deviant acts. It can be concluded that the main factors causing the shift in the role of traditional stakeholders are contact with other cultures and modernization or globalization.

CONCLUSION

The one who leads the chieftain/tribal chief of Ompek tribe in Koto Tuo is called Datuk Bisai or Datuk Penghulu with the title Datuk Godang who is now taken from Limo Kampung Tribe. Meanwhile, the head of the tribe regency in Kuansing is called Mamak Soko. The four tribes are the Tigo Kampung tribe whose Mamak Soko/Penghulu has the title Jolak Samano, Limo Kampung tribe whose leader is Datuk Bandaro, the Cermin tribe whose Mamak Soko title is Penghulu Godang and Melayu tribe whose prince is Datuk Paduko. In Koto Tuo was guided by 4 Indigenous Stakeholders, namely: Penghulu (Mamak Soko / tribal chief), Monti, Dubalang, and Malin, an Islamic religious figure. Then, 3 Traditional Stakeholders in one tribe have representatives, so each tribe is divided into 3 Jurai, namely, Jurai Penghulu, Jurai Monti, and Jurai Dubalang.

The role of the Datuk Penghulu and other traditional stakeholders in Koto Tuo is still partially running. However, there has been a shift in the role of traditional stakeholders in village governance. What has shifted are: the role of traditional leaders in terms of marriage, divorce, privately owned land, livestock, fields, civil cases and criminal cases. And the role of customary stakeholders in village governance that does not shift is in terms of customary land and inheritance. Factors causing the shift in the role of traditional stakeholders in village

government are factors: globalization, contact with other cultures, modernization, community dissatisfaction with certain fields, an increasingly educated population, heterogeneity, population growth, tolerance for other deviant acts.

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