Model of Social Conflict Settlement According to Lampung Adat Law

Wahyu Sasongko¹, Hamzah², Harsa Wahyu Ramadhan³, Ricco Andreas⁴

¹Universitas Lampung, Indonesia  
E-mail: wahyusasongko@gmail.com  
²Universitas Lampung, Indonesia  
E-mail: agizaddien@gmail.com  
³Universitas Lampung, Indonesia  
E-mail: harsa.ramadhan@fh.unila.ac.id  
⁴Universitas Lampung, Indonesia  
E-mail: andreasricco@gmail.com

Submitted: February 26, 2022; Reviewed: March 16, 2022; Accepted: March 28, 2022

Abstract

The Indonesian nation is heterogeneous because it has various ethnic groups, languages, and customs. This situation indicates that a potential social conflict might occur. In managing potential social conflict, Law No. 7 of 2012 was enacted. This law regulates the resolution of social conflicts through the mechanism of traditional institutions. This research uses a legal concept approach, namely the concept of Lampung adat law, to overcome social conflict. The findings are: First, Law No. 7 of 2012 has not regulated social conflicts settlement specifically in procedural aspect and give a chance to a traditional institution to take its role. Second, Lampung adat law can systematically settle the social conflict through the internalized value of Piil Pesenggiri, which functions as a moral order for Lampung people and heavily relies on the joint meeting of perwatin adat to hold rembuk pekon. This research recommends that social conflicts settlement regulation considers including the Lampung adat law principle into national law. The Lampung local government should manage incoming social conflict based on the traditional institution to provide open space for Lampung adat law in carrying out its role.

A. Introduction

Lampung Province is located on the island of Sumatra, but it is the nearest province to the island of Java. The movement of the population from
Sumatra to Java will pass through Lampung and vice versa. The population of Lampung tends to increase. In the year 2002, there were 6,787,654 inhabitants. In 2010, it increased to 7,608,405 inhabitants, and it reached 8,370,485 inhabitants in 2018, with a population density of about 242 inhabitants/km².¹ The people of Lampung are heterogeneous. The composition of the Lampung population in 2000 consisted of various ethnic groups: Javanese (61.88%); Lampung (11.92%); Sundanese (11.27%); Semendo (3.55%); and other ethnicity such as Padang, Bali, Batak (11.35%). This shows that Lampung Province is a smaller version of Indonesia.²

The interactions and social relations between ethnic groups in Lampung are not always harmonious; social conflicts often occur. According to 2012 data from the Lampung Province National and Political Unity Agency, there were 130 conflicts: (a) 12 cases on religion/ethnicity; (b) 8 political cases; (c) 23 territorial cases; (d) 4 industrial cases; (e) 39 land cases; and (f) 44 agrarian/land/intergroup cases which are spread across nine districts and two cities.³

Law Number 7 of 2012 regarding Social Conflict Settlement (Penanganan Konflik Sosial) was enacted on May 10th, 2012. This law regulates the involvement of traditional institutions in the resolution of social conflicts along with the government. Traditional leaders are involved in the round-off of physical violence and reconciliation. Article 41 Law Number 7 of 2012 states that conflict resolution prioritizes traditional and/or social institutions that exist and are recognized by their existence. The outcome of conflict resolution is recognized and binding on the community groups involved in the conflict.

According to Hartoyo, the resolution of social conflicts is carried out by state officials, local governments, and related agencies to restore physical, economic, and social conditions.⁴ It can be done in various ways, including involving traditional community leaders.⁵ Thus, in this context, for the Indigenous Peoples of Lampung, conflict resolution is very relevant to functioning and developing. This study focuses on the following problems:

---

(a) The social conflict settlement policies in Indonesia; (b) the Model of Social Conflict Settlement by Lampung *adat* law.

This research uses a legal concept approach, namely the concept of Lampung *adat* law, to overcome social conflict. This research is about the institutions of *adat* law, which theoretically are categorised as unwritten law. This research requires secondary data in legal materials, such as statutory regulations, reference books, including research reports, and documents on Lampung *adat* law institutions.

B. Discussion

1. Social Conflict Settlement Policies in Indonesia

Indonesia is a nation-state consisting of various ethnic groups with various cultures and languages. A minor problem might provoke tension between ethnic groups as the root of violence. Various factors might cause social conflict. First, social conflict correlates with reciprocal social change. According to Pudjiwati, Social change can cause social problems in conflict. On the other hand, social problems encourage social change. Second, social conflicts arise as an issue of migration. According to Hollingshead, in Alfred McLung Lee EDT, migrations involve new contacts and conflicts. Third, social conflict is a form of social interaction. According to Soerjono Soekanto, the emergence of social conflict begins with the interaction between social groups. Due to their differences, the competition was resolved to utilize accommodation. However, it was only accepted for a while, and to overcome it, cooperation was developed between the conflicting groups. In this context, Turner defines conflict as a direct and open interaction between parties to hinder their enemies from achieving their goals.

Several cases of conflict with the issue of SARA have erupted in Sampit, Ambon, Poso, and tribal wars in Papua. Various horizontal conflicts have been managed through local wisdom mechanisms. Local wisdom is embodied in traditional rules that have lived on for generations. Pancasila

---

7 Pudjiwati Sajogyo, *Sosiologi Pembangunan* (Jakarta: Pasca Sarjana IKIP Jakarta, 1985), p. 120.
11 SARA is an abbreviation for *Suku, Agama, Ras, dan Antar Golongan* (Ethnicity, Religion, Race, and Inter-groups).
as the state ideology manifests the local wisdom value of the Indonesian people, including the value of unity as the third principle. However, the implementation of Pancasila values needs to be planned by developing strategies for managing social conflicts. The enactment of Law Number 7 of 2012 is a strategy for dealing with social conflicts, which contains the overall substance of systematically managing, starting from the conflict prevention phase, conflict termination to the post-conflict recovery phase.

Social conflict resolution is one of the chapters stipulated in Law Number 7 of 2012, specifically in Chapter VI concerning Conflict Resolution Institutions and Mechanisms. Provisions regarding the conflict resolution mechanism are carried out in three phases, namely: (a) the settlement phase by traditional institutions and/or social institutions; (b) the settlement phase by the Social Conflict Resolution Team (Satgas); (c) the phase of settlement by the court. If the first phase is not achieved, the next phase will be operated. The final phase in court will only be carried out if the previous phase was unsuccessful. Musyawarah is prevalent in the lives of Indonesians as a win-win solution strategy for restoring brotherhood relationships, reintegrating familial ties, and healing the traumatic impact of disputes. These principles include how a community problem is resolved to achieve the best social and prosperous life possible within a familial bond.13

Law Number 7 of 2012 regulates social conflict settlement by traditional institutions and/or social institutions. However, it is not regulated or not further elaborated on the terms and procedures for how traditional institutions and/or social institutions are carried out. This shows that legislators know the plurality of traditional institutions that rely on adat law in Indonesia, so it is unnecessary to be regulated in the written law.

2. Social Conflict Settlement Model According to Lampung Adat Law

Indonesia conceptually is a nation-state defined as the whole of a geographical area that is the homeland for people who identify themselves as a community because of shared culture, history, and probably language and ethnic character governed by one political system.14 According to C. van Vollenhoven in Indonesia, there are 19 adat law environments. In other words—the Indonesian nation is a pluralistic society that lives in this adat law environment and uses a variety of languages.15

Indonesian society, a heterogeneous set of indigenous peoples still practice their adat law from local cultural values to settle the conflict as a

---

conflict management mechanism.\textsuperscript{16} Law Number 7 of 2012 has encouraged traditional institutions and/or social institutions to manage and resolve social conflicts. The function activation of traditional institutions in conflict management plays a heavy role in finding a conflict resolution and preventing physical violence. Conflict resolution by the traditional institution is an alternative effort to formal mechanisms such as courts.\textsuperscript{17}

Indigenous peoples have a mechanism to resolve social conflict. The people of Lampung meet the criteria as an adat law community because they are a community united to stand on their own. The people of Lampung have various structures or institutions to regulate various social, cultural, political, and economic lives. Most of the adat laws are customs, which have sanctions if they are violated. Meanwhile, customs are continuously carried out habits and are hereditary or passed down.

Adat law is original Indonesian law that is not written in the form of legislation, and its substance contains most religious elements.\textsuperscript{18} Adat Law is originated from society and applies to that society. In this case, society is an association or unit of humans who live according to specific kinship systems. According to Soepomo, adat law communities in Indonesia consist of two groups based on lineage (genealogical) and regional (territorial) environment.\textsuperscript{19} The people of Lampung are based on bloodline or blood relations called buay or kebuayan, but in a particular area, it is inhabited by one family. For example, the village (anek, tiyuh) was built on genealogical ties.

According to folklore, the Lampung Indigenous People originated from the Skala Brak, which spread throughout Lampung and developed into two groups.\textsuperscript{20} First group involves the people of Lampung who adhere to the Pepadun custom, consisting the people of Abung Siwo Migo, Pubian Telu Suku, Rarem Migo Pak, Way Kanan Lima Kebuayan, Bunga Mayang Sungkai, and Buay Lima.\textsuperscript{21} Generally, they live in North Lampung, Central Lampung, and in the central part of South Lampung. The second group adheres to Saibatin. Generally, living along the South coast (Kalianda) to the West coast of Lampung (Pesisir Selatan), Kalianda, Penengahan,

\textsuperscript{18} Anidal Hasyir, \textit{Kamus Istilah Sosiologi} (Jakarta: Progres, Pasat Bahasa Departemen Pendidikan Nasional, 2003), p. 239.
Sidomulyo, Kedondong, Kota Agung, Cukuh Balak, Padang Cermin, Pesisir Selatan, Pesisir Utara, Pesisir Tengah, Balik Bukit, and Belalau. The people of Lampung are a unit bound by blood ties or the father's lineage, which is called the patrilineal system.

The indigenous people of Lampung are very welcoming, interacting with other tribes, both from Sumatra Island and Java Island. This is due to the strategic geographical location of Lampung, at the southern tip of Sumatra Island, so it is close to Java Island. Lampung is a transit area for residents from Sumatra and Java islands. Thus, the composition of the Lampung population consists of various tribes. Social conflicts often occur in social interactions between tribes but are successfully resolved peacefully.

At the same time, the people of Lampung have a philosophy of life and function as a moral order called *Piil Pesenggiri*. Piil pesenggiri is a fundamental value that urges one to have a firm conscience (high-minded morality). From an anthropological perspective, a philosophy of life is a transitional process towards the manifestation of law. In this case, *adat* law contains ethical values, as stated by Sally Falk Moore, who quoted Roscoe Pound’s opinion on the four stages of legal evolution. According to Pound, the third stage of legal evolution is morality, equity, and good conscience. Thus, the process of legal evolution through the morality stage, including the Lampung *adat* law, which becomes the moral order for the people of Lampung, is built as an ethos (*titie gemattie*) to serve as a guide for behaviour and interaction for the community. *Piil Pesenggiri* is a whole of the four elements.

First, *Juluk Adok* is an adat or traditional name. *Juluk* is a name (traditional title) for women and men when they are young or adolescent, or unmarried, and *adok* means the family nickname of a married man or woman. Lampung people are expected to maintain their behaviour following the traditional title given.

---

26 Puspawidjaja, *Hukum Adat Dalam Tebaran Pemikiran*.
Second, *Nemui Nyimah* is an attitude of generosity to welcome the guest according to one's ability.²⁸ *Nemui Nyimah* is an expression of the kinship principle to create an attitude of intimacy, harmony, and friendship, which is an obligation for a Lampung family so that genealogical ties are always maintained with pleasure based on openness and fairness.²⁹

Third, *Nengah Nyappur* illustrates that members of the Lampung community with a sense of kinship are accompanied by a social and friendly attitude with anyone, regardless of ethnicity, religion, and class. This principle illustrates that members of the Lampung community with a sense of social and friendly attitude foster a cooperative character and high tolerance. An attitude of tolerance will foster curiosity, willingness to listen and act quickly, and family responsiveness, followed by a friendly attitude toward anyone.³⁰ Therefore, it can be concluded that the attitude of *Nengah Nyappur* will lead to the value of deliberation for consensus.³¹

Fourth, *Sakai Sambayan* means understanding the meaning of cooperation. In essence, it shows a sense of deep participation and high solidarity among community members for an activity or obligation that must be carried out.³²

A traditional leader of the people of Lampung is called the *penyimbang*, as seen in the honour title award system (*adok*) that a person uses, namely in the following general order: (a) Sultan/Suntan/Settan; (b) Pengiran; (c) Rajo/Raja/Ratu; (d) Ngediko/Dalom/Batin; (e) Radin. This hierarchy is in the form of an institution called *kepenyimbangan*, which shows the authority of a person in the family, relatives, and indigenous peoples, both in culture, group, and other indigenous peoples. *Kepenyimbangan* can create social and legal norms as guidelines for indigenous people to behave in the relationship between members and other communities by considering the principle of collective deliberation to obtain consensus, which makes it a decision that all community members must obey.

According to the hierarchy (family, relatives/tribe, village, culture), all decisions must be made in a joint meeting called *perwatin adat* (deliberation

---

of penyimbang custom). That decision creates and establishes a general pattern of community members' behaviour in the form of norms with permissions and prohibitions (cepalo). They have sufficient authority to regulate community members' livelihoods, relationships among community members, and the natural environment.

The structure of traditional leaders' responsibilities is carried out in tiers; problems related to ethnicity are resolved foremostly by sub-local leaders and later reported to the village leader (buway) in the village concerned. Conclusion this shows that conflict resolution can be resolved from the family, tribe, and village level and ends in kebuwayan (often called clans).

The people of Lampung are genealogical-territorial and have stratified adat law communities. The eldest son of the family can inherit Kepenyimbangan. He has the sole right to be a substitute for his father (except in the event of things that do not allow him to become penyimbang due to illness, bad behaviour, etc.).

The main attribute of penyimbang is pepadun which means the domicile of a person who has unique or special rights and obligations. Pepadun originally is a carved seat with a high backrest, called sesako. The encounter of penyimbang, the highest council of the adat law community, is perwatin. The head of perwatin is usually the most senior penyimbang.

There are five penyimbang. First, the penyimbang marga, who sits on the highest hierarchy, has the right to inaugurate other penyimbang. Second, penyimbang tiyuh, this penyimbang who lives in the village (tiyuh) as the traditional chief of tiyuh. Third, penyimbang suku, or the head of a tribe. Fourth, penyimbang adat is a traditional official for a family. Fifth, penyimbang tuho, a person who has the right to keep pepadun who cannot maintain his social position because of economic difficulties. Penyimbang jemanten, which means retired penyimbang.

Penyimbang adat tries to resolve social conflict resolution by the involvement of natives through a meeting forum to reach a consensus. In the process, the meeting of perwatin adat is standardized and is called rembuk pekon, which also consists of religious leaders, the head of the village, and other leaders (for example, the security leader). The social conflict resolution model is carried out by three components: the traditional leadership and conflicting parties. The meeting chairman is determined in advance based on the agreement of all meeting participants.

The meeting chairman offers a process of examination through rembuk pekon. If parties do not agree with the particular procedure in the examination, they can submit objections in front of the forum to be discussed in advance. After the procedural agreement from all the parties is approved,

---

34 Soekanto and Taneko, Hukum Adat Indonesia, p. 99-100.
it will be continued with hearing sessions on conflict problems and the consequences that arise from the conflict, such as the losses each party suffered, such as losing one's life and safety property, etc. Following on, the head of perwatin will determine the following meeting for each party to bring evidence.

The conflict is supposed to be mutually agreed upon. In that case, a win-win solution will be negotiated, and actions need to be taken by all post-negotiation parties to maintain the situation and conditions remain conducive. Thus, the settlement model carried out through rembuk pekon is similar to mediation settlement as an alternative dispute resolution.

C. Conclusion
Based on the discussion, it is concluded that the results of this research are:
1. Indonesia's social conflict settlement policies are manifested by enacting Law Number 7 of 2012, in which traditional institutions regulate social conflict settlement. Nonetheless, the terms and procedures for how traditional institutions settle the conflict are not regulated in detail because of the plurality of traditional institutions that still rely on adat law in Indonesia.

2. The social conflict settlement functions as a moral order of the Lampung people called Piil Pesenggiri and heavily relies on the meeting of perwatin adat to hold rembuk pekon, which consists of religious leaders, the head of the village, and other leaders (for example, security leader). The social conflict settlement model in the lens of Lampung adat law is carried out through internalized value. Decisions made by traditional institutions can relatively directly be obeyed by the parties involved to fulfil society's sense of justice.

Recommendation
The recommendations of this research are:
1. The law on social conflicts settlement in the future needs to consider including the Lampung adat law principle into national law through a deeper field study, especially on the roles and procedures of traditional institutions in handling conflict.

2. The Lampung local government should manage social conflict based on the traditional institution to provide open space for Lampung adat law to carry out its role.

References


