

# Bale Mediation as a Mediation Implementation Institution Based on Local Wisdom in Dispute Resolution in West Nusa Tenggara

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## ABSTRACT

The existence of challenges and obstacles regarding the implementation of Indonesia's positive legal system resulted in legal dysfunction. For this reason, it is necessary to prepare policies by the government in order to regulate the behavior of its citizens. Policy-making strategies are carried out by accommodating the values of local wisdom, which includes citizen mechanisms in the resolution of disputes (conflicts). These values are adopted into positive law in the form of local regulations, for example, where the existence of Bale Mediation of West Nusa Tenggara has been established in accordance with Provincial Regulation No. 9 of 2018, which has a legal basis and is the first nationally. Bale Mediation is an institution that carries out the functions of mediation, coaching, and coordination in the implementation of mediation in the community in accordance with local wisdom. One of the important points of the establishment of Bale Mediation is the recognition of non-certified mediators, reviving the role of community leaders/indigenous leaders through customary institutions in each village and village to take part in helping to resolve disputes that occur in the community, namely by reimposing the function of indigenous institutions "*krama desa*." The cases that can be resolved at Bale Mediation are civil and criminal cases.

**Keyword:** *Bale Mediation, local wisdom, dispute resolution.*

## 1. INTRODUCTION

The number of cases entered in the West Nusa Tenggara High Court Law area in 2018 was 4,466 cases, while the one that broke up was 3,899 cases, while there were still 698 cases last year. The number of cases in court becomes a picture that it takes a long and long process to get justice for the community.

Currently, we face a condition of challenges and obstacles related to the implementation of Indonesia's positive legal system. There is a positive legal dysfunction because the law does not favor the poor and marginalized. Therefore, it is necessary to prepare policies by the government to regulate its citizens' behavior. The policy-making strategy is carried out by accommodating the values of local wisdom, which includes citizen mechanisms in resolving disputes (conflicts). These values are adopted into positivistic laws in the form of local regulations, for example, where Bale Mediation West Nusa Tenggara's existence is by provincial regulation No. 9 of 2018.

West Nusa Tenggara Provincial Regulation No. 9 of 2018 concerning Bale Mediasi has a legal, national basis. Supreme Court Regulation established this by its Decision No. 1 of 2016 concerning Mediation Procedures in the Court. West Nusa Tenggara Provincial Regulation No. 9 of 2018 concerning Bale Mediation is an example of how regional values are accommodated into positive laws,

which indeed can be elaborated into local wisdom for dispute resolution.

Bale Mediation area is in every district/city, sub-district level, village, and village. The number of Bale Mediation in West Nusa Tenggara is as many as 1,162. Bale Mediation is expected to be a bridge that knits many differences in the middle of the community so that small communities can be helped, where existing legal issues can be resolved without having to end up in court. [1]

One of the essential points of Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in the Court, especially for the continuity of community mediation, is the accommodation or the recognition of the existence of uncertified mediators (Article 36).[2] This is undoubtedly a momentum to revive the role of community leaders / indigenous leaders through traditional institutions in each village and village to take part in helping to resolve disputes that occur in the community. This can be done by re-enacting the function of the customary institution "*krama desa*," which was previously accommodated by Emergency Law No. 1 of 1951 concerning Temporary Measures for Organizing the Unity of Power Arrangements and Events of Civil Courts that carry out the function of accompanying the village head to carry out the peaceful resolution of certain disputes as a village peace judge (*dorf justitie*). But on the other hand, removing the judiciary, *swapraja*, and customary judiciary (*Lombok raad Sasak and raad Kerta*), but the enactment of Law No. 5 of 1979 on

Village Government eliminates the existence of village institutions, homogenizes the village government system throughout Indonesia.

Each village and hamlet also have a customary dispute resolution institution in the West Nusa Tenggara community, consisting of the Sasak tribe in Lombok, Samawa, and Mbojo on Sumbawa Island. Here, dispute resolution is often done outside the formal channels employing consensus deliberation and refers to traditional and religious law values (local wisdom). Therefore, the dispute resolution process generally involves religious leaders (master teachers), indigenous leaders, and village heads.

Based on the description above, the focus of the problem is how the role of Bale Mediation as a mediation implementing institution based on local wisdom in West Nusa Tenggara, as well as any disputes that Bale Mediation can resolve.

## **2. RESEARCH METHOD**

The type of legal research in this study is normative juridical law research, based on the consideration that this research starts from the analysis of NTB Provincial Regulation No. 9 of 2018 on Bale Mediation, which explains the institution of mediation implementation based on local wisdom in dispute resolution. The approach methods used in this research are the statutory approach (statue approach) and concept approach (conceptual approach). The legal/data material used is the primary legal/data material consisting of Regional Regulation No. 9 of 2018 on Bale Mediation and Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Court. Secondary legal/data material consists of research results or the opinions of legal experts. In addition, secondary legal/data materials may include books, references, papers, research results, and others related to the issues studied. Analysis of legal materials is done qualitatively, meaning that the legal material of literature is analyzed in depth. The qualitative analysis method is used based on the consideration: the legal materials analyzed are obtained from various sources, and the basic nature of the legal materials analyzed is thorough and requires in-depth information. Furthermore, to answer the problems in this study, the method or way of concluding legal materials is done by deductive means, namely by drawing a conclusion from data that is general to specifically to get clarity on a truth.

## **3. FINDINGS AND DISCUSSION**

### **A. Bale Mediation as a Mediation Implementation Institution Based on Local Wisdom**

Bale Mediation is an institution that carries out the functions of mediation, coaching, and coordination in the implementation of mediation in the community in accordance with local wisdom (Article 1 No. 5). [3] Since

the last decade of the 20th century, the issue of local wisdom began to color the discourse of development in the third world. The potential for locality is again looked at, explored, and appreciated after being abandoned during the green revolution and eroded by growth-centered development policies. Local wisdom was flattened as a lost pearl, and efforts began to be made to rediscover it. [4]

This concept was first expressed by Quaritch Wales (1948-1949). If Quaritch Wales (QW) view is associated with the law, then the local wisdom will approach the concept of the law in force or living law, covering the values of law and the sense of justice that lives in the community. Its form can be an unwritten law or a customary law. [5]

Ajip Rosidi uses another terminology, namely local genius, for the same concept; he defines it as "the ability of local culture in the face of foreign cultural influences when the two cultures are related." Therefore, local values can be explained as a manifestation of the local community's personality and cultural identity, from values, norms, ethics, beliefs, customs, and special rules (policies). That has been tested inability to survive for generations as an actualization of the attitudes and behaviors of the local community in interacting with a sense of wisdom. These values can be accommodated as rules or policies that can be enforced as positive laws because they are considered to have the ability to survive and interact with changes. [6]

Indonesia has much local wisdom that is still growing axis in some regions in Indonesia. The local wisdom has been born and developed from generation to generation as if it survived and developed by itself. The wisdom has been maintained and grown from the community itself from the eyes of the human heart or the conscience of members of the social unit, the community itself.

In The People of West Nusa Tenggara, where kinship and group relations are still strong and still uphold customs such as Sasak Lombok community, Mbojo, Samawa on Sumbawa island, the choice of dispute resolution or conflict is directed at non-formal means through a cultural approach of deliberation or consensus (mediation). This is done because dispute resolution is interpreted as an effort to maintain the regularity and implementation of spiritual values that exist in the community.

In the people of West Nusa Tenggara, dispute resolution is often done outside the formal channels utilizing consensus deliberation and refers to the values of customary and religious law. The choice of dispute resolution through non-formal means by the community is due to several factors, namely: the settlement of disputes through the courts often raises new problems, the time it takes to litigate can be many years, costs are expensive and immeasurable, fear of being mistreated where the

decision of the judge tend sided. Furthermore, settlement of disputes outside the formal channels by means of consensus deliberation refers to the values of customary and religious law. Therefore, the dispute resolution process generally involves religious leaders, indigenous leaders, and village heads. Meanwhile, a very prominent advantage of the mechanism of resolving alternative disputes or through non-formal channels is the ease of access to the community, is fast and light cost, and relatively restore harmonization in the community ((Explanation of [3] ).

For an example of the local wisdom of the Sasak tribe in Lombok, peace and harmony are actually the dominant cultures of the Sasak people. Several idioms known in the Sasak community are very close to the orientation of peace. The concept of *ajinin* literally means mutual respect; then there are *reme*, *rapah*, *regen*, which means giving, choosing a peaceful, safe situation, and supporting tolerance. They are the treasures of the local wisdom of the Lombok people in undergoing social relations. Since time immemorial, the Sasak ethnic has known the parent container in their community life that governs the guidelines of the lives of citizens and where they seek referrals to establish sanctions for violations in the social system of their communities. The container is known as *krama*. This conception has been actualized or described in the daily life of Sasak people since the past so that the implementation of the cultural conception has been transformed into various elements or elements that are inseparable.[7]

Conceptually, *krama* is a customary institution founded on local wisdom consisting of two institutions: *krama* as an indigenous institution and *krama* as a social association rule. *Krama* is an indigenous institution consisting of several parts: a) *krama banjar urip*, an indigenous group or association of indigenous peoples whose members consist of residents in a village/hamlet (*dasan*) or several *dasan*, whose membership is based on a common purpose. *Krama banjar* is more related to the affairs of the living and the dead. The types include *krama banjar subak*, *krama banjar merariq*, *krama banjar mate*, and *krama banjar Haji*; b) *Krama gubuk*, which is a form of traditional *krama* that consists of the entire community in a *gubuk* (*dasan*, hamlet, village) without exception. *Krama* membership does not discriminate as long as the person concerned is a legal resident in the *gubuk*; c) *Krama Desa*, which is the village-level customary assembly, consists of the settlement (Head of Customary Village), directions (Assistant Village Head), *lang-lang* (Village Security Head), the prosecutor (Village Judge), escape (Village Welfare Coordinator). Then *krama* as a social association consists of several parts, namely: a) *Titi Krama* is a custom arrangement of *awig-awig*, a customary agreement of all indigenous peoples that, if violated, is subject to social sanctions or moral sanctions such as *bejiran* (neighborly) or *adat nyangkok* (staying at the girlfriend's house). b) *Krama* bahasa is ethics, manners, or customary order stipulated in customary

*awig-awig* that must be done with spoken language and through polite and orderly body language, carried out with full *tata-tapsila*. In the language of *krama*, there are several rules and grammar contained in the local wisdom of the *Sasak* community, among others: grammar, *indit language*, *rangin* language, proverbs. c) *Aji Krama* is the customary value of the community or the degree of one's social status or the value of one's kinship related to customary rights in the community, both in the family environment and in the environment of indigenous peoples in general. *Aji krama* reflects the recognition of the social status of a person in society.[7]

The values of local wisdom in the Sasak community have the significance of values and are very suitable to be applied in life today and in the future. The values of language expression are firmly held in daily association in proverbs and proverbs, as the glue of association of Sasak people, which in the Sasak community is termed with a delinquent. *Sesenggak* is a language expression (traditional) in the form of proverbs and proverbs as the glue of association in the Sasak society. These proverbs contained the teachings and values of traditional wisdom, such as teaching about deity, education, morals, law, and so on. Some examples include: [7]

- a. *Adeqte tao jauq aiq* (so that we can bring water), meaning that in a dispute or quarrel that is going on and heating up, a mediator should cool down the tension
- b. *Besual/besiq cara anak kemidi*, (quarreling like the playwright's way) means that we may disagree but must not hold grudges.
- c. *Aiq meneng, tunjung tilah, empaq bau*. (The water remains clear, the lotus remains intact, the fish can be caught), the meaning is that in overcoming a dispute, it is attempted to keep the atmosphere calm, the community from panic, the community environment from being disturbed, problems or conflicts should be resolved peacefully.
- d. *Banteng belage jerami rebaq*, (the bullfighting in the middle of the rice fields will trample the straws), the dispute between two leaders would cause misery and suffering for the people. This is likened to an event of bulls, cows, or buffaloes competing against each other in the middle of the rice fields that have just been harvested. The fighting would trample the straw. Such is the parable of warring leaders and the consequences for the people. This proverb is directed at people of rank, both in small and large spheres.

#### B. Things that can be resolved in Bale Mediation

Bale Mediation is a non-structural institution within the National Political Unity Agency of West Nusa Tenggara Province which is located in the provincial capital and is responsible to the Governor. Bale Mediation is not part of the state judiciary but rather an institution that resolves disputes out of the court.

The establishment of Bale Mediation in accordance with the customs and culture of the Indonesian nation and

contained in the 4th precept of Pancasila, which prioritizes deliberation and consensus in solving problems. This is also in line with government programs that prioritize restorative justice and reduce overcapacity in correctional institutions and detention houses. The Bale Mediation is expected to respect and recognize the existence of customary institutions in carrying out mediation functions to create a harmonious, orderly, and congenial atmosphere.

The duties of Bale Mediation are: (Article 11 of [3]) :

- a. create a certified or uncertified database mediator;
- b. facilitate socialization, education, research, training, seminars, workshops, workshops on mediation;
- c. develop and establish standard operating procedures (SOP) Bale Mediation;
- d. submit a report on the implementation of its duties and authorities;
- e. assistance in the implementation of dispute resolution conducted by institutions carrying out mediation functions;
- f. coordinate with institutions and institutions related to the implementation of their duties.

Meanwhile, the authority of Bale Mediation is (Article 12 of [3])

- a. strengthen the capacity of institutions that carry out mediation functions in the community;
- b. increase the capacity of mediators;
- c. coordinate with institutions that carry out mediation functions; and resolve disputes through mediation.

Regarding the dispute resolution procedures in Bale Mediation are as follows:

1. Submission of mediation request:
  - a. Any person and/or society harmed by civil rights by others and/or other communities may apply to Bale Mediation for mediation.
  - b. Any person and/or community who is the victim of a criminal offense/criminal act can apply to Bale Mediation for mediation.
  - c. The application shall clearly state the desire to resolve the dispute by means of mediation in Bale Mediation.
2. After the submission of the mediation application is made, Bale Mediation registers on each application that goes into the case register book. At most 3 (three) days from the date the application was registered, Bale Mediation submitted an answer to the application to the applicant.
3. Results of peace agreements
  - a) The mediator formulates a peace agreement in writing.
  - b) The peace agreement does not contain provisions that:
    - (1) contrary to the law, public order, and customs of society;
    - (2) harming third parties; or
    - (3) cannot be done.

c) The results of the peace agreement are poured into the Peace Act signed by the parties, mediators, and known by the Chairman of Bale Mediation which is final and binding.

d) The Peace Act may be registered with the local District Court for an executory decision.

The types of disputes that Bale Mediation can handle are:

- a. Civil disputes  
The referred civil disputes include all customary civil disputes, general civil and religious civil.
- b. Criminal acts.

Bale Mediation can resolve criminal cases as long as it is not contrary to the legislation based on the spirit of restorative justice and diversion in Law No. 11 of 2012 as well as the values of local arbitrage and case handling through consensus deliberation procedures reached an agreement of the parties as referred to in Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution (*ADR*). If the parties do not reach a disputed agreement, then the settlement of the dispute continues in accordance with the legal procedures in force professionally and proportionately. Criminal matters referred to are contained in the following articles:

1. Article 364 of the Criminal Code (minor theft)  
Light theft in this case in accordance with Supreme Court Regulation No. 2 of 2012 concerning Adjustment of The Limit of Minor Criminal Acts and The Amount of Fines in the Criminal Code, If previously the so-called act of petty theft whose value is less than Rp 250 is now changed to Rp 2,500,000
2. Article 373 of the Criminal Code (mild embezzlement)

What includes the act of embezzlement is the act of taking goods that are wholly or partially belonging to others where the control of the goods is in the perpetrator without going through unlawful acts. If the darkened is not an animal and the price is not more than Rp, 250,-, punished, for light embezzlement, with a prison sentence of three months or a maximum fine of Rp. 900. In accordance with The Supreme Court Regulation No. 2 of 2012 concerning Adjustment of The Limit of Minor Crimes and The Amount of Fines in the Criminal Code, where the amount of the fine in Article 373, which was originally Rp 250, was changed to Rp 2,500,000.

3. Article 379 of the Criminal Code of Mild Fraud  
Mild fraud in this case in accordance with Supreme Court Regulation No. 2 of 2012 concerning Adjustment of The Limit of Minor Crimes and The Amount of Fines in the Criminal Code, If previously called a misdemeanor fraud if the goods provided were not animals and the price of goods, debts, and receivables were not more than Rp. 250 was changed to Rp 2,500,000.

4. Article 482 of the Criminal Code of Light Submission

Light imprisonment is threatened with imprisonment for three months or a maximum fine of Rp 900 if the item is obtained for one of the crimes described in articles 364, 373, and 379 of the Criminal Code. Where in articles 364, 373, and 379, in accordance with Supreme Court Regulation No. 2 of 2012 concerning Adjustment of The Limit of Minor Criminal Acts and The Amount of Fines in the Criminal Code, the face value of the criminal act was originally Rp 250 to Rp 2,500.00.

5. Article 302 of the Criminal Code of Mild Mistreatment of animals

Punishable by imprisonment for three months or with a maximum fine of four thousand five hundred rupiahs for being guilty of misdemeanor abuse of animals, namely: 1. Whoever without a purpose or by exceeds the limit, intentionally harms or injures animals or harms their health; 2. intentionally harm or injure an animal or harm its health; (2) If the act results in an illness of more than a week, or disability or suffers other severe injuries, or death, the guilty is threatened with imprisonment of a maximum of nine months, or a maximum fine of three hundred rupiahs, for animal abuse. 3 If the animal belongs to the guilty, it can be taken away. (4) Attempt to commit the crime is not punishable

6. Article 315 of the Criminal Code of Mild Contempt

Insults are expressions or statements (or sometimes behavior) that are disrespectful or derisive. Insults may be intentional or unintentional. Mild insults may be factual, but at the same time, condescending, such as the word "innate" regarding insults, is set out in article 315 of the Criminal Code. Article 315 of the Criminal Code governing light insults is as follows: Any intentional insult that is not defamatory or written dishonor committed against a person, either in public by mouth or writing, or in the face of the person himself by oral or deed, or by a letter sent or received to him, threatened with minor contempt with a maximum imprisonment of four months and two weeks or a maximum fine of four thousand five hundred rupiahs."

7. Article 352 of the Criminal Code of Mild Persecution

Mild persecution (*lichte mishandeling*) is stipulated in article 352 of the Penal Code, whose formulation is as follows: (1)- Except as mentioned in articles 353 and 356, then persecution that does not cause illness or obstruction to carry out office or livelihood work, is punishable by minor persecution, with a maximum penalty of three months or a maximum fine of Rp4,500,- - The criminal can be added a third for the person who committed the crime against the person working on the crime. Or be his subordinate.

8. Domestic violence crimes

This is in line with Law No. 23 of 2004 on the Elimination of Domestic Violence.

9. Customary Crimes / Delik Adat in the Criminal Code
10. Criminal acts committed by children who are the threat of a maximum penalty of 7 years
11. Early marriage includes the institution of customary marriage "*Merariq*" in Sasak customary Law that both bridegrooms and their women are minors
12. Article 49 of the Domestic Violence Law on The Crime of Abandonment junto Article 51 and Article 52 as a complaint delik victims of criminal acts can revoke the report to the authorities if among them has achieved a peace within three months after the complaint is filed (Article 75 criminal code).

Thus Bale Mediation can resolve disputes or civil and criminal cases. The basic reference of the Law of "Mediation" in the court and the reference for Bale Mediation are as follows:[8]

1. Pancasila and the 1945 Constitution – The Principle of Consensus Deliberation.
2. Law No. 30 of 1999 on Arbitration and Alternative dispute resolution
3. Article 130 HIR, Article 154 Rbg, concerning the institution of peace, where the judge must first reconcile the parties who litigate before the case is examined.
4. Circular letter of the Supreme Court No. 1 of 2002 concerning the Empowerment of Peace Institutions.
5. Circular letter of the Supreme Court No. 2 of 2003 concerning Mediation Procedures in the Court.
6. Supreme Court Regulation No. 1 of 2008 concerning Mediation Procedures in the Court.
7. Supreme Court Regulation No. 01 of 2016 concerning mediation procedures in the court.

More specifically, as an additional reference to bale's legal basis for mediation handling criminal cases are; Law No. 11 of 2012 on the Justice System of Children's Crimes, which regulates the provisions on restorative justice and diversion institutions.

- a. That against criminal cases where the perpetrator (*dader*), witnesses, and victims are children must be pursued settlement of the case through a peaceful process.
- b. In addition to the above law, used as a reference by Bale Mediation, are policies that the Indonesian National Police have carried out in handling criminal cases by means of or through the process of Consensus Deliberation, among the parties in cases that are considered small material losses. When a win-win solution is achieved, then the dispute process is completed. But if it is not, then the legal process continues.
- c. The Indonesian National Police has been conducting mediation practices for quite a long

time, seen from the policy of the head of the NATIONAL POLICE as seen in:

- 1) Police Telegram Letter No. Pol B./3022/XII/ 2009/S DOPS dated December 14, 2009, concerning The Handling of Criminal Cases through ADR (Alternative Dispute Resolution) as a form of problem-solving in the community by applying the concept of ADR that is the payment of the handling of criminal cases whose material losses are small, but must be agreed by both parties. If not achieved, it is only completed in accordance with the applicable legal procedures proportionally and professionally. The principle of consensus deliberation is known by the community.
  - 2) Decree of the Chief of Police No. 433 / VII / 2006, which contains a penalty for minor crimes of 3 months of confinement and minor crimes, in the Criminal Code article; 302, 352, 364, 373, 379, 482, and 315 (records in accordance with Supreme Court Regulation No. 02 of 2012 concerning the adjustment of limitations on minor crimes and the number of fines in the Criminal Code. Another reference is jurisprudence/Decision of the Supreme Court of The Republic of Indonesia in criminal cases. The decision of Case No. 1644.K/Pid/1988, dated May 15, 1991, confirms that the decision of the Customary Judiciary that is not carried out by the accused has the same legal force as the decision of the General Court. Therefore if case 7 is filed again by the prosecutor to the court, then it is the same as *ne bis in idem*.
- d. The jurisprudence of the verdict of customary criminal delik cassation in Aceh where the accused whom the head of Adat has sanctioned can no longer be filed as a defendant for the second time in the District Court. If it is still filed, then the prosecution of the accused should be declared "*Niet Ontvankelijke Verklaard*" (NO).
  - e. By paying attention to the reference and reference above, both law, law enforcement/police, and jurisprudence of the Supreme Court, as well as the provisions of unwritten law, local wisdom on the island of Lombok and Sumbawa Island, then the Regional Government of West Nusa Tenggara Province in Local Regulation No. 9 of 2016 contains and lists the authority of The Mediation Bale West Nusa Tenggara conduct "Mediation" on criminal matters, in addition to resolving the mediation of civil cases as mentioned and listed in Article 17 jo explanation of the disputed article, not contrary to the above legislation.
- f. It means penal Mediation in Indonesia exists and is already underway.
  - g. The containment of the provisions of Penal Mediation in Local Regulation No. 9 of 2016 cannot be interpreted as taking over the authority of law enforcement officials to help all in endeavors that, if not achieved, the legal process continues.

The cases that Bale Mediation has resolved are horizontal conflicts in the community of Karang Genteng, Pagutan Village, Mataram District, Mataram City with the people of Bajur Village, Labuapi Subdistrict, West Lombok Regency: The case of its position is briefly described as follows; On December 15, 2018, at 23.00 WITA, located around the public square of Karang Genteng, Soejono Lingkar Selatan street, Mataram City with residents from Bajur Village, Labuapi District, West Lombok Regency. As a result of the fight, there were victims from both sides, suffered wounds and slashes; the chronological events are as follows:

- a. At 23.00 WITA, a group of youths who allegedly came from Bajur Labuapi District West Lombok Regency by flocking three using motorcycles shouting and swearing, challenging residents from the Karang Genteng neighborhood; the incident was repeated up to several times, this invited the attention of the youths of Karang Genteng neighborhood who were hanging around the public square of Karang Genteng.
- b. On Sunday, December 16, 2018, around 00.30 WITA, residents from Karang Genteng neighborhood chased the youths who allegedly came from Bajur Village, Labuapi District, West Lombok Regency by motorcycle to the Lombok International Airport Bypass Line in Jempong Subdistrict Sekarbela Mataram City.
- c. At 00.40 WITA, youths from the neighborhood of Karang Genteng Pagutan Village intercepted by youths who are suspected of coming from Jempong District Sekarbela Bajur and Labuapi Downsizing West Lombok District blocked residents from the Karang Genteng neighborhood who intended to pursue three people who are suspected of coming from Labuapi who challenged the residents of Karang Genteng and there was a fight.
- d. As a result of brawl 2 (two), young men from the Karang Genteng environment suffered wounds and slashes due to sharp objects.
- e. At 01.00 WITA, Karang Genteng Youth leaders (Members of FKDM Mataram City) Fathurrahman brothers and some residents of Karang Genteng and the families of the injured took the victims to the IGD and in intensive care in the public hospital area of Mataram City.

- f. At 01.10 WITA, Mataram Resort Police Officers using patrol cars arrived and calmed the citizens down.
- g. At 01.20 WITA, a conducive situation has been attained, and the perpetrators of the brawl have been secured in the Mataram Resort Police headquarters. The case is under investigation by the Mataram resort police.

Note:

- 1) The brawl involving youths from Karang Genteng and youths from Bajur village has happened several times. The brawl (Tawuran) started from the challenge from youths, allegedly coming from Bajur Labuapi West Lombok regency, who had previously been in a fight with students from Karang Genteng who attended the State Junior High School 19 Mataram. The aftermath of the incident occurred a fight that resulted in Karang Genteng youths' injury. The two victims from Karang Genteng Pagutan Village were treated at a public hospital in Mataram City.
- 2) Need to anticipate a counterattack from the residents of Karang Genteng to Bajur Labuapi Area, West Lombok Regency, where Karang Genteng area is only separated by Terong Tawah Labuapi with Bajur, and Karang Genteng residents are famously involved in the conflict.
- 3) The aftermath of the brawl that began with the fight between the children extended into the conflict between parents and the extended family of the brawling children.

Driven by an emotional sense of solidarity, each defends and justifies their children's behaviors. The conflict even spread to all community residents, namely the residents of Karang Genteng Village and the residents of Bajur Village. The two groups fought over the neighborhood where they live because of the expansion of the Karang Genteng area into the Mataram city government area, and Bajur village area (which was once a Mataram city area) became part of West Lombok Regency. The two areas are separated only by a highway. And among them, some have a family relationship by marriage in the other area.

Daily social relations are no longer harmonious; the situation and conditions are horrifying, resulting in tension and an atmosphere of disharmony. Moreover, both sides have children who were detained by the police. The tense and disharmonious atmosphere above lasted long enough for an entire month. This situation is unproductive, detrimental to all parties. The people admitted that their daily lives became uncomfortable, uneasy, and they were afraid to go out to work for a living, and they were concerned for safety and security for their children going to school.

In the end, they agreed to end the conflict by mediation on "Bale Mediation" West Nusa Tenggara. After going through the mediation process, they agreed to make peace. The mediation was followed by the signing of the "Peace Agreement" on Wednesday, January 16, 2019, by 5 (five) representatives, one each from Karang Genteng, Pagutan Village, Mataram District, Mataram City, and from Bajur Villagers, Labuapi Subdistrict, West Lombok Regency and the mediators (Bale Mediation). It ended with a happy ending. The mediation took place in the Main Meeting Room of the Governor's Office of West Nusa Tenggara Province.

#### 4. CONCLUSION

Bale's role as an institution carries out the functions of mediation, coaching, and coordination in the implementation of mediation in the community according to local wisdom. The establishment of Bale Mediation in accordance with the customs and culture of the Indonesian nation and contained in the 4th precept of Pancasila, which prioritizes deliberation and consensus in solving problems. This is also in line with government programs that prioritize restorative justice and reduce overcapacity in correctional institutions and detention houses. The cases that can be resolved in Bale Mediation are civil and criminal.

#### REFERENCES

- [1] Hernawardi, "Ini Tujuan NTB Bangun 1162 Bale Mediasi," *Gatra.com*, 2020. <https://www.gatra.com/detail/news/465097/hukum/ini-tujuan-ntb-bangun-1162-balai-mediasi> (accessed Mar. 03, 2021).
- [2] *Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016 concerning Mediation Procedures in*. 2016, pp. 1–30.
- [3] *West Nusa Tenggara Provincial Regulation Number 9 of 2018 concerning Bale Mediation. West Nusa Tenggara, Indonesia, 2018*. Nusa Tenggara Barat, Indonesia, 2018.
- [4] M. M. Ketaren, "Penerapan Tanggung Jawab Sosial Lingkungan Perusahaan untuk Kepentingan Stakeholders," Universitas Sumatera Utara, 2014.
- [5] Lilik Mulyadi, "Kearifan Lokal Hukum Pidana Adat Indonesia: Pengkajian Asas, Norma, Teori, Praktik dan Prosedurnya," *Varia Peradil. Maj. Huk.*, vol. XXVI, no. 303, p. 66, 2011.
- [6] Ade Saptomo, *Hukum dan Kearifan Lokal*. Jakarta: Grasindo, 2010.
- [7] M. H. Zuhdi, "Kearifan lokal suku Sasak sebagai model pengelolaan konflik di masyarakat Lombok

[Local Wisdom of the Sasak Tribe as a Model of Conflict Management in Lombok Communities],” *Mabasan*, vol. 12, no. 1, pp. 64–85, 2018.

- [8] Lalu Mariyun, “Mewujudkan Restorative Justice Dalam Penyelesaian Sengketa Hukum dan Konflik Horizontal di Masyarakat melalui Mediasi Sebagai Alternatif Dispute Resolution.” Mataram, pp. 68–70, 2015.