

Settlement of the Akit Tribe Traditional Dispute in Titi Akar Village, Bengkalis Regency

Nurahim Rasudin*

Faculty of Law
Universitas Riau
Pekanbaru, Indonesia
*nurahimub@gmail.com

Abstract—Problems related to the settlement of customary disputes in the Akit tribal community in Titi Akar Village, Bengkalis Regency, were carried out by traditional settlement efforts. Elderly people/smart people or better known as bono people have an important role in efforts to resolve customary disputes. State law or law as regulated in civil law/Civil Code does not apply to the Akit Tribe community in Titi Akar Village. For indigenous peoples who violate customary law or a dispute occurs, the settlement through the Head of the RT will be subject to a fine. The penalty is calculated by the value of the currency used to compensate for the losses suffered by one of the parties.

Keywords—settlement of disputes, culture, Suku Akit

I. INTRODUCTION

The Akit tribe is a customary law community which can be seen from a sociological, philosophical and juridical perspective. Sociologically, the Akit tribe lives in the Bengkalis Regency. One of them is in North Rupert District with a community in the form of an association. They live side by side with other tribes, so they can help each other. Philosophically, the Akit people have ancestral origins from generation to generation in the area, have a unique value system and culture. Regarding the origin of their ancestors, it can be seen from the history of the existence of the Akit Tribe community occupying the area of North Rupert District, and it can be seen from the ancestors who lived, died and were buried in the area. The value system can be seen from the events of marriage, birth and death as well as the sanctions applied in the Akit tribal community. However, juridically, the Akit Tribe community has received recognition from the government regarding the existence of the customary law community in which the requirements for the existence of the customary law community must be fulfilled [1].

Currently, the Agate people on Rupert Island live side by side with the Malays, Chinese, Bugis, Minang and other immigrants [2]. Rupert Island, especially in North Rupert District, isolated tribes (Akit Tribe) inhabit the villages of Titi Akar Village, Tanjung Medang, Ayu Forest and Suka Damai village. However, the Akit Tribe on Rupert Island requires special attention, considering that this group has a lot of

backwardness in economy, education, culture, belief systems, and value systems that have not been influenced by other belief systems or religions [3].

The life of the Akit Tribe in their daily life does not rule out the possibility of the customary problems they face. Customary disputes most likely also occur in the Akit Tribe community. Juridically Based on the provisions of Article 103 letter e of Law Number 6 of 2014 concerning Villages, it is explained that the settlement of customary disputes is based on customary law applicable in Traditional Villages in areas that are in line with human rights principles by prioritizing settlement by deliberation. But the facts on the ground, until now many Akit people are subject to national law, even though in the Akit Tribe community itself of course also has many rules regarding the settlement of customary disputes. The Akit Tribe, as one of the sea tribes who inhabit the coast of the islands in Riau Province, of course also has various legal rules in this case customary law relating to customary dispute resolution.

Based on the description above, the authors are interested in conducting further research on how to model customary dispute resolution that occurs in the Akit Tribe community in Titi Akar Village, Bengkalis Regency. Hopefully this research is useful for all of us to add to our insight about the customary dispute resolution model that has been preserved by the Akit Tribe community.

II. THEORETICAL FRAMEWORK

A. Research Location

The word Akit comes from the word rakit, because the Akit tribe in short can be said to be a raft tribe, raft people or raft maker. This tribe had initially become citizens of the Gasib-Siak Kingdom. More than 70 percent of the total 4,300 residents of Titi Akar are Akit people. After the emergence of the Siak Kingdom to replace the Gasib Kingdom in 1723, their district included the Siak Sultanate under the rule of Datuk Laksamana Bukit Batu. Because they did not have the right to ulayat land (because the one in power was Batin Perawang), they asked to move to Pulau Rupert. To get Rupert Island, they had to redeem the island to the Rempang people in the form of

a piece of sago, a piece of rice, a piece of gold paddle and a piece of kujur (kojor). Because the Akit people did not meet the requirements, they complained to Datuk Laksamana Bukit Batu. Datuk conveyed their wishes to the Sultan of Siak. The Sultan also gave permission, Datuk Laksamana Bukit Batu was sent to provide all the conditions, while escorting the Akit people to Pulau Rupa [4].

According to international law, the Akit people are categorized as traditional fishermen. Said to be a traditional fisherman according to Dysi Polite is “*associated with old-fashioned, primitive, simplistic, conventional tradition, subsistence, non-commercial, non-modern, customary, historical and heritage. The term “traditional” is generally associated with descriptions such as “backward” and “primitive”, especially with reference to culture.*” However, in this modernization era, the understanding and practice of traditional fishermen is an issue that can be viewed from a domestic or international perspective, depending on the practice and existence of the traditional community.

B. Customary Dispute Resolution

In the perspective of legal anthropology, according to I Nyoman Nurjaya, that the cultural product called law is not only found in a community organization in the form of a state, but is found in every form of community. Therefore, in addition to being realized in the form of state legislation, it is also manifested as a mechanism for social control mechanisms in the people's legal system (*folk law indigenous law customary law*) which in the Indonesian context is known as legal law (adat law).

The culture of deliberation to reach consensus is the ancestral heritage of the Indonesian nation which until now still colors the conflict/dispute resolution model in society so that people tend not to take these problems to court, but are resolved amicably with settlement patterns according to habits that live and develop in society. . In the spirit of deliberation to reach consensus for indigenous peoples, it is the most honorable and fairer and dignified way because each disputing party accepts it cooperatively and submits to the decisions that have been made while maintaining good relations between the disputing parties. According to Darmawan Salman in Mohammad Jamin [5], that dispute resolution based on local wisdom by customary courts based on deliberation is more promising to obtain restorative justice.

In the context of modern conflict resolution usually using universal approaches and theories from the west, resulting in the absence of a sustainable resolution, eventually the conflict becomes a recurrence that does not provide positive change for society. Conflict resolution should ideally be adapted to the context and setting or setting in which the conflict occurs, in this case a universal approach is actually not relevant to be applied in dealing with conflict problems. Here, we need another form of conflict resolution approach that is often forgotten, namely local wisdom [6].

III. DISCUSSION

Customary law does not recognize any differentiation or division of law into civil law or criminal law as we distinguish it in the context of formal law. Thus, the disputes referred to in the context of customary dispute resolution are all forms of violation of customary law and all civil and criminal in nature. Whatever the form or nature of the dispute, the resolution is intended to create community harmony. This goal is to be achieved in any customary dispute resolution.

Through traditional dispute resolution, what is to be achieved is the settlement of cases, ending the dispute without paying too much attention to right or wrong, losing or winning. The ultimate goal is to achieve community peace. After a dispute is resolved, society remains in peace and harmony, the parties to the dispute or dispute in the future can continue their life together again as before. In other words, the process is able to restore the state between them is resolved.

This is the same as what has become a philosophy in the Akit Tribe community, if a problem / dispute occurs, the preferred solution is a family settlement. This family settlement model, whether it's a civil dispute or a criminal act, then the dispute resolution model remains through civil. Or better known as customary settlement by being subject to a fine.

Any settlement of customary disputes in the Akit Tribe community is carried out in a traditional manner through the customary tribal chief, or through an elder or through a neighborhood unit. For those who violate customary law which is classified as criminal law, the perpetrator is subject to a fine as well as being paraded around the village.

The application of the fines imposed in the Akit Tribe community in Titi Akar village is calculated at the current value of money. For example, for medical expenses, children's school fees until they finish school (until elementary school). If the parties sentenced to a fine are not able to afford it, then the parties are still subject to a fine according to their ability.

By carrying out his function, the Akit Tribe Indigenous Leader in Titi Akar Village in carrying out his function as a vehicle for participation in government administration, community development and solving social problems in Titi Akar Village. Of course, the Customary Chief and his supporters as well as the ranks of the Village government in carrying out their functions have created:

- Help maintain peace, harmony and public order;
- Assisting the Government in the implementation of development;
- Develop and encourage community participation;
- Maintain the existence of traditional values and customs;
- Apply customary provisions;
- Resolve social problems;

- To reconcile disputes that arise in the community; and
- Enforce customary law.

IV. CONCLUSION

Settlement of customary disputes is an alternative to resolving disputes that occur in the community, especially in the Akit Tribe community in Titi Akar Village and is a form of peaceful dispute resolution played by the customary leader, the Neighborhood Association, village government ranks and other parties. The main goal is to restore harmony, harmony and balance in people's lives.

In the reality of the life of the Akit Tribe in Titi Akar Village, many disputes have been settled by custom and this effectively reconciles people's lives. The settlement of the dispute prioritizes fines in its implementation. The implementation of this customary dispute resolution can be carried out more effectively and is expected to reduce the workload of formal justice. For this, it is necessary to build an understanding and togetherness to encourage more functioning of the role of adat in dispute resolution.

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