MEDIATION IN SOCIAL CONFLICT RESOLUTION AT TANJUNGPINANG MALAY CUSTOMARY INSTITUTION, RIAU ISLANDS

Ermi Suhasti Syafei*
Universitas Islam Negeri Sunan Kalijaga
Jl. Laksda Adisucipto, Yogyakarta 55281
*email: ermi.syafei@uin-suka.ac.id

Ihab Habuddin
Universitas Cokroaminoto Yogyakarta
Jl. Perintis Kemerdekaan, Gambiran, Pandeyan, Umbulharjo, Yogyakarta 55161

Asrizal
Sekolah Tinggi Agama Islam Negeri Sultan Abdurrahman Kepulauan Riau
Jl. Lintas Timur KM. 9 Toapaya Asri, Bintan, Kepulauan Riau, 29157

Megi Saputra
Universitas Ahmad Dahlan
Jl. Kapas Nomor 9, Semaki, Yogyakarta 55166

Abstract: This study aimed to examine the strategic role of customary institution in resolving social conflicts in Indonesia through mediation at Tanjungpinang Malay Customary Institution (TMCI). The mediation process was discussed, detailing the reason for selecting TMCI as a mediator, and the role in social conflict theory and normative law. Data were obtained through interviews, observations, and documentation, and literature studies were analyzed using the Miles and Huberman model. The results showed that mediation was implemented systematically and hierarchically by adhering to Malay customs based on Islamic teachings. Furthermore, the community respected and trusted TMCI as a customary institution capable of resolving social conflicts. It also played a strategic role as a party that participated in resolving customary and cultural conflicts and implementing social changes to ensure integration or cohesion. Mediation by TMCI showed that conflict was part of society with groups engaged in both realistic and non-realistic disputes. These groups then integrated and reached a consensus to maintain social cohesion. Regarding normative law, mediation by TMCI was justifiable in Islamic and positive laws.

Keywords: Role, Malay Customary Institution, Mediation, Social Conflicts.

Abstrak: Artikel ini membahas peran strategis lembaga adat dalam penyelesaian konflik sosial di Indonesia dengan mengkaji pelaksanaan mediasi di Lembaga Adat Melayu Tanjungpinang (LAMT). Kajian berfokus pada pembahasan masalah seputar peran LAMT sebagai mediator; alasan kelompok konflik memilihnya sebagai mediator; perannya dalam penyelesaian konflik dari sisi teori konflik sosial dan hukum normatif. Kajian didasarkan pada data hasil wawancara, observasi, dokumentasi dan pustaka yang dianalisis dengan model Miles dan Huberman. Kajian ini menemukan bahwa mediasi dilakukan secara sistematis dan hierarkis dengan berpegang teguh pada adat Melayu yang bersendikan ajaran Islam. Masyarakat menghormati dan mempercayai LAMT sebagai lembaga adat yang mampu menyelesaikan konflik sosial. Peran strategis LAMT terletak pada perannya sebagai pihak yang turut serta menyelesaikan konflik terkait masalah adat dan budaya, melakukan perubahan sosial dan menjaga integrasi atau kohesi sosial. Mediasi oleh LAMT menunjukkan bahwa konflik berlangsung terus-menerus dan menjadi bagian dari masyarakat; kelompok konflik terlibat dalam sengketa relistik dan nonrealistik yang kemudian berintegrasi dan membuat konsensus untuk menjaga kohesi sosial. Dari sisi hukum normatif, mediasi oleh LAMT dapat dibenarkan baik dalam hukum Islam maupun hukum positif.

Kata Kunci: Peran, Lembaga Adat Melayu, Mediasi, Konflik Sosial.

Introduction

Malay is one of the tribes in Indonesia with unique traditions and cultures.[1] The guiding principle of life '*adat menurun, syarak mendaki, adat bersendi syarak, syarak bersendi kitabullah*', implying customs descend, syarak climb, custom with syarak, syarak with the book of Allah[2] has made Malay[3] a religious community. Despite the potential fading, customs and Islamic teachings are two interrelated entities that have been protected and preserved. This is the dominant factor because of the substantial efforts to preserve tradition and culture. This was evidenced by the establishment of Riau Islands Malay Customary Institution (Riau Islands MCI), a community organization formed by provincial customary law.

Riau Islands MCI has the territory and wealth and occupies a strategic position in the community structure. It is authorized to regulate, manage, and resolve customary and cultural issues,[4] including participating in resolving horizontal and vertical conflicts.[5] In this case, Riau Islands MCI plays an important role in maintaining Malay customs and culture. It actively participates in resolving

---

[1] The Riau Malays are community who unite themselves in a harmonious mix and declare their group as the Riau Malay tribe who use Malay customs and culture consciously and sustainably. T.H.M. Lah Husny, *Lintasan Sejarah Peradaban dan Budaya penduduk Melayu-Pesisir Deli, Sumatra Timur* (Medan: BP Husny, 1975), p. 66.

[2] It means "all provisions governing life in society come from the culture of the ancestors and are sourced from religious teachings, namely the Qur'an and Hadith".

[3] The majority of Malays are Muslim and the supporting factors of Malay culture are based on language, customs and recognition in interaction as stated in the general formulation—recommendation of Malay culture seminars. Rindra Yasin, 'Orang Melayu, Makin Kepinggir Makin Tersinggkir...? - Rida K Liamsi', *merdeka.com*, https://merdeka.com/jurnalistik/01/03/2010/orang-melayu-makin-kepinggir-makin-tersinggkir.html, accessed 10 Oct 2021.

[4] *Riau Islands Province Regional Regulation Number 1 of 2014 concerning Riau Islands Malay Traditional Institutions.*

[5] *Regional Regulation of the Riau Islands Province Number 1 of 2014 concerning the Riau Islands Malay Traditional Institution Chapter V Authority of the Malay Traditional Institution, Article 8, the Riau Islands Malay Traditional Institution has the authority: paragraph d.*

social conflicts, such as family disputes, *ulayat* land or land jointly owned by the customary law community concerned, and houses of worship.

Social conflict resolution by Riau Islands MCI is quite effective through mediation.[6] This shows that customs and religion play a key role in the formation of social cohesion. It also shows the power and authority of the customary institutions. The dominant thesis in social change discourse is that society develops from theological-metaphysical to positive or from irrationalism to rationalism. Legal modernization or positivization dominates legal development and undermines customary and religious laws. Therefore, social conflicts are usually resolved through litigation[7] or by state institutions. This is not the case in Tanjungpinang, where many social conflicts are resolved by non-litigation or through Tanjungpinang MCI (TMCI). Customary and religious values were the most important in all decisions.

The study problem is how TMCI mediates social conflicts and why it was selected as a dispute-resolution institution. Another problem is TMCI role in resolving conflicts, why this role is very strategic, and how it is

seen from social conflict theory and normative law.

Many studies examined the role of customary institutions in managing social conflicts. However, only a few focus on the role of MCI through mediation based on the social conflict theory. Several studies partially or even covered the problem surface. For instance, Yohanes Wendelinus Dasor and Stanislaus Hermaditoyo examined conflict resolution by traditional elders in the Manggarai community. The results showed that the resolution process needed to revive customary institutions was shackled to modern institutions.[8]

Maryati Bachtiar examined the role of Riau Malay Customary Institution (RMCI) in resolving *ulayat* land conflicts in Riau Province. The study encountered many obstacles, including mediation, due to the ambiguity of constitutional *ulayat* land rights.[9] Furthermore, Budi Bahreisy analyzed the role of traditional institutions in Aceh in the Settlement of Children in Conflict with the Law. The law allows Customary Institutions to participate in conflict resolution due to its existence in the community.[10]

Wahyu Ramadhani and Ida Safitri examined the implications of empowering customary institutions in land dispute

---

[6] Syahrizal Abbas, *Mediasi dalam Hukum Syariah, Hukum Adat, dan Hukum Nasional*, 2nd edition (Jakarta: Kencana, 2009), p. 4; states that mediation is a process carried out by the parties to seek an agreement assisted by a mediator as a third party. Wirawan, *Konflik dan manajemen Konflik Teori, Aplikasi dan Penelitian* (Jakarta: Salemba Humanika, 2013), p. 200. Mediation is a conflict management process carried out by the parties involved in the conflict to negotiate seeking mutual agreement with the assistance of a mediator.

[7] Litigation is the settlement of disputes between the parties which is carried out before the court. Dispute resolution can also be settled out of court (non-litigation), which is commonly referred to as Alternative Dispute Resolution (ADR). See, Rachmadi Usman, *Mediasi di Pengadilan dalam Teori dan Praktek*, 1st edition (Jakarta: Sinar Grafika, 2012), p. 8.

[8] Yohanes Wendelinus Dasor and Stanislaus Hermaditoyo, 'Revitalisasi Peran Lembaga Adat Dalam Penanganan Konflik Sosial: Studi Di Manggarai Nusa Tenggara Timur', *Sosio Konsepsia: Jurnal Penelitian dan Pengembangan Kesejahteraan Sosial*, vol. 9, no. 3 (2020), pp. 213–28. https://doi.org/10.33007/ska.v9i3.1859

[9] Maryati Bachtiar, 'Peranan Lembaga Adat Melayu Riau Dalam Penyelesaian Konflik Tanah Ulayat di Provinsi Riau', *Jurnal Hukum Respublica*, vol. 16, no. 2 (2017), pp. 298–312. DOI: https://doi.org/10.31849/respublica.v16i2.1442

[10] Budi Bahreisy, 'Peran Lembaga Adat di Aceh dalam Penyelesaian Perkara Anak yang Berkonflik dengan Hukum', *Jurnal Penelitian Hukum De Jure*, vol. 20, no. 1 (2020), pp. 25–36. Doi: http://dx.doi.org/10.30641/dejure.2020.v20.25-36.

---

resolution in Aceh. The results showed that dispute resolution through customary institutions was not optimal and had several obstacles. However, it still has implications for the community denial of resolving disputes through state institutions.[11] Moreover, Roy Muhammad Akbar and Isnaini Muallidin found that customary land conflicts were resolved by RMCI through integration, compromising, and forcing.[12] Santi Riana examined the important role of MCI in addressing the loss of values in the way of life.[13]

This study aimed to examine the role of TMCI in resolving social conflicts in Tanjungpinang. It focuses on the mediation procedure and social conflict theory, which has been growing and efficient in analyzing social structures. The study explained mediation in Islamic and positive laws and described TMCI, resolved social conflicts, and the processes.

Method

This study also explained the dialectical interactions between community conflict groups until social integration. The aim was to describe how these conflict groups resolve disputes by using the facilities provided by customary institutions. The study also intended to show that conflicts would not always be legally resolved but are based on Malay customs. Another perspective used was the Islamic and positive law perspective on TMCI mediation from normative and applicable laws in Indonesia.

Data were obtained through interviews with TMCI management, mediators, customary holders, and the mediation parties.[14] Data were obtained through observations, text documentation, and literature review. Data were collected in 2022 and analyzed using the Miles and Huberman analysis model. This model emphasized that data analysis activities were carried out continuously until completion.[15] The interviews, observations, documentation, and literature review results were complementary to the present data on the sociological and normative aspects of the law.

[11] Wahyu Ramadhani and Ida Safitri, 'Implikasi Pemberdayaan Lembaga Adat sebagai Alternatif dalam Penyelesaian Sengketa Pertanahan di Aceh', *Jurnal Hukum Samudra Keadilan*, vol. 14, no. 2 (2019), pp. 213–34. **DOI:** https://doi.org/10.33059/jhsk.v14i2.1545.

[12] Roy Muhammad Akbar and Isnaini Muallidin, 'Metode Resolusi Konflik Oleh Lembaga Adat Melayu (Lam) Riau Dalam Menyelesaikan Sengketa Tanah Ulayat Di Kecamatan Rangsang Kabupaten Kepulauan Meranti', *Mitzal (Demokrasi, Komunikasi, Dan Budaya): Jurnal Ilmu Pemerintahan & Ilmu Komunikasi*, vol. 4, no. 2 (2019), pp. 121–32. DOI: 10.35329/mitzal.V4i2.455.

[13] Santi Riana, 'Perubahan Sosial Di Dalam Kehidupan Masyarakat Di Kota Tanjungpinang (Studi Nilai Nilai Budaya Melayu)', *Skripsi* (Tanjungpinang: Program Studi Sosiologi Fakultas Ilmu Sosial Dan Ilmu Politik Universitas Maritim Raja Ali Haji, 2015).

[14] The interviews conducted were in-depth interviews in a semi-structured manner with samples determined by non-probability sampling (a sampling technique that does not provide equal opportunities for each element or member of the population to be selected as a sample), namely purposive sampling (sampling with certain considerations and objectives of the researcher). Sugiyono, *Metode penelitian kuantitatif, kualitatif, dan R&D* (Bandung: Alfabeta, 2017), p. 85. From this technique, three sources were determined: 1) the Head of the Tanjungpinang Traditional Institution of Riau Islands, 2) the mediator or customary holder who handled conflicts at the Tanjungpinang Malay Traditional Institute; 3) Parties conducting mediation.

[15] The data analysis activity in question is data reduction (data analysis by reviewing the data that has been obtained through testing between the data and the research focus which essentially summarizes, selects the main things, focuses on important things, then looks for related themes and patterns), presentation of data or data display (presentation of data in the form of narrative text) and verification or drawing conclusions. Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*, p. 249.

Result and Discussion

A. Social Conflict, Integration, and Mediation

Society structure contains many theories and analyses, but social conflict theory can help to understand the occurrence and effects of conflicts. This theory emphasizes conflict situations and social change as the main perspectives in analyzing the structure of a society.

Conflict is an inseparable part of society because individuals and groups have the interests and powers that underpin social relations. Everything, including ideas, social values, customs, and religion, strengthens interest and power. Therefore, conflict is inevitable and becomes a determining factor in social change when interests and power clash.

Karl Marx stated that social conflict originated from economic inequality due to the ownership of production means by the upper class (elite/bourgeois).[16] In this case, elite groups aim to profit from selling the products by reducing production costs, including low wages for workers. This could only be overcome through a social revolution by the proletariat against the bourgeoisie to create a classless society.[17] Marx analysis led to the main postulates in the social conflict theory developed later. The postulates state that social relations are full of personal or group interests, conflict occurs in all social systems, distributing limited resources, and are the main source of social change.

Ralf Dahrendorf stated that social conflict originated from power relations where social systems always have owners of power and the controlled. Conflict occurs when the owner of power and the controlled have a dispute.[18] The three main interest groups in the conflict are[19](1) a quasi-group of power holders with the same interests, (2) Interest groups, implying broader and organized quasi-groups, and (3) conflict groups in actual group disputes. The power relations between these groups could be explained by five variables, including social actors with hidden interests, real interests, pseudo groups, interest groups, and conflict groups.[20] These variables develop according to the social conditions.

Lewis A. Coser stated that social conflict occurs due to the desire of individuals or groups to increase power, prestige, welfare, or

16 Franz Magnis Suseno, *Pemikiran Karl Marx : dari Sosialisme Utopis Ke Perselisihan Revisionisme* (Jakarta: Gramedia Pustaka Utama, 2016), p. 118-121; Idris Guclu, 'Karl Marx and Ralf Dahrendorf: A Comparative Perspective on Class Formation and Conflict', *ESKİŞEHİR OSMANGAZİ ÜNİVERSİTESİ İİBF DERGİSİ*, vol. 9, no. 2 (2014), pp. 151–3; See https://dergipark.org.tr/tr/download/article-file/65349 akses 20 Agustus 2022. Ratna Megawangi, *Membiarkan Berbeda: Sudut Pandang Baru tentang Relasi Gender*, Print. 1 edition (Bandung: Mizan, 1999), pp. 78-83.

17 Suseno, *Pemikiran Karl Marx*, pp. 121-125; Kamanto Sunarto, *Pengantar Sosiologi* (Jakarta: Lembaga Penerbit Fakultas Ekonomi Universitas Indonesia, 2004), p. 218; Irzum Farihah, 'FILSAFAT MATERIALISME KARL MARX (Epistimologi Dialectical and Historical Materialism)', *FIKRAH: Jurnal Ilmu Aqidah dan Studi Keagamaan*, vol. 3, no. 2 (2015), pp. 433, See: https://media.neliti.com/media/publications/61915-ID-none.pdf. Accessed 20 August 2022; Yohanes Bahari, 'Karl Marx : Sekelumit tentang Hidup dan Pemikirannya', *Jurnal Pendidikan Sosiologi dan Humaniora*, vol. 1, no. 1 (2012), https://jurnal.untan.ac.id/index.php/JPSH/article/view/375, accessed 9 Sep 2022.

18 Ralf Dahrendorf's conflict theory can be seen in Ralf Dahrendorf, *Class and Class Conflict in Industrial Society* (London: Routledge; First Pub, 1957); Ralf Dahrendorf, 'Out of Utopia: Toward a Reorientation of Sociological Analysis', *The American Journal of Sociology*, vol. 64, no. 2 (The University of Chicago Press, 1958), pp. 115–27; Aniek Rahmaniah, *Teori Konflik: Ralf Dahrendorf*, http://repository.uin-malang.ac.id/729/1/Metateorizing%3B%20Teori%20 Konflik%20%28Ralf%20Dahrendorf%29.pdf., accessed 20 Aug 2022.

19 Megawangi, *Membiarkan berbeda?*, p. 83; Muhamad Zuldin, *Ketimpangan Sebagai Penyebab Konflik: Kajian Atas Teori Sosial Kontemporer*, vol. 2, no. 1 (2019), p. 161.

20 Rahmaniah, *Teori Konflik: Ralf Dahrendorf*.

social support.[21] Although individuals or groups have similarities, there are differences in education levels, gender, cultural background, occupation, perspectives, interests, ideals, and ideology. These differences result in conflict, disagreement, and friction.

Conflict theorists believe that the resolution method does not have to go through a social revolution as Marx believed. Dahrendorf stated that conflict and consensus existed in society and influenced each other. Individuals and groups cannot conflict in the absence of prior consensus. Similarly, there was no consensus or integration when there were no conflicts.[22] This shows that understanding society structure from conflict relations alone is inappropriate.

Social systems are brought together by cooperation, consensus, or both and are also united by enforced non-freedom. This causes differences in the distribution of social authority and determines systematic social conflicts.[23] Individuals or groups with high authority control or dominate those with lower authority positions, while those not subject to control are penalized.

Authority is not constant because it lies in social positions, rather than in individuals. One person may have authority over one social structure but not over another. Similarly, someone in a subordinate position could be in a superordinate position in another group. There is no conflict without consensus because the groups find a way out or consensus, implying the dispute is not always dysfunctional.

Coser stated that a conflict strengthens the less integrated social groups into more integrated ones. Conflict with one group may produce cohesion by leading to alliances with other groups. In society, conflicts could bring some ordinarily isolated individuals into active roles and serve a communication function.[24] They could also result in a more stable, flexible, and integrated community life[25] because they stabilize and balance social relations and generate norms. Additionally, conflicts create new adjustment mechanisms, reduce social isolation, develop coalitions and associations, and maintain the boundaries between community groups.

External and internal conflicts also exist,[26] which generate and strengthen group identity, as well as correct misbehaviour and are coping mechanisms in the group. Realistic or materialistic conflicts also exist, such as the struggle for territory or economic resources. Furthermore, there are non-realistic or ideological conflicts due to irrational desires, such as religion and belief.[27] Good management of these two conflicts results in stable social conditions with an integrative structure.

These theorists describe the relationship between conflict and integration but have not examined the importance of culture in social development. Max Gluckman analyzed the relationship between conflict, morals, religious beliefs, and rituals. It was stated that cultural aspects contribute to social integration, meaning that conflict does not destroy social systems. Humans contradict each other in certain social relations, but damage to the

---

[21] Related to conflict theory, Lewis A. Coser, 'Social Conflict and The Theory of Social Change', *The British Journal of Sociology*, vol. 8, no. 3 (1957), pp. 197–207.

[22] Elly M. Setiadi and Usman Kolip, *Pengantar Sosiologi: Pemahaman Fakta dan Gejala Permasalahan Sosial: Teori, Aplikasi dan Pemecahannya*, Edisi 1, cet. 2 edition (Jakarta: Kencana, 2011), p. 345.

[23] Rahmaniah, *Teori Konflik: Ralf Dahrendorf*.

[24] George Ritzer, *Sociological Theory* (Singapore: McGraw-Hill, 1992), p. 26-7; Sunarta, 'Integrasi dan Konflik: Kedudukan Politik Jawara dan Ulama dalam Budaya Politik Lokal' (Bandung: PPS Unpad, 1997), p. 268-9.

[25] Graham C. Kinloch, *Perkembangan dan Paradigma Utama Teori Sosiologi* (Bandung: Pustaka Setia, 2005).

[26] Lewis A. Coser, *The Functions of Social Conflict* (New York: Free Press, 1956).

[27] Ibid, p. 54-5.

social system could be prevented by custom. As a result, conflict leads to the re-establishment of social cohesion in a wider society. Shared moral codes, norms, religious beliefs, and rituals allow society to survive.[28]

Mediation is one of the models of social conflict resolution concerning consensus and post-conflict social integration. Using mediation, conflict groups resort to peaceful means of agreement. In this study, mediation is assisted by a third party or mediator played by TMCI.

B. Mediation in Islamic and Positive Law

Mediation[29] is one of the right choices to provide justice and peace for the disputing parties because it is a careful, thorough, open, cheap, and simple resolution process.[30] In Islamic law, it is equivalent to *shulh* (dispute settlement by peaceful means)[31] and *tahkim* (the agreement to submit dispute decisions to third parties).[32] Indonesian laws and regulations define mediation as dispute resolution through negotiation between the parties assisted by a mediator [33] based on gracefulness. A mediator is appointed by the parties to the dispute and assigned to help find the resolution method. Furthermore, a third party is not authorized to decide anything during the negotiation process, and mediation aims to reach an agreement acceptable to the parties.[34]

Normative Islam teaches peace when in dispute, as seen when conflict resolution through mediation was practised by the Prophet Muhammad and his companions.[35] For instance, the Prophet selected peace during a conflict between tribes that had the right to put the Black Stone in its original place after it fell during the renovation of Kaaba.[36] Islamic teachings on peace (*ṣulḥ*) are found in Surah Al-Hujurat (49): 9, which ordered the reconciliation of warring Muslims to maintain security and harmony and eliminate hatred.[37] Furthermore, Al-Qur'an Surah An-Nisā' (4): 35 discusses resolving disputes between husbands and wives with mediators from the men and women. The command to make peace is also seen in Surah Al-Hujurat (49): 10 and An-Nisa (4): 114. Surah An-Nisā' (4): 128 mentioned that *sulh* is a better way out of resolving disputes.

The Prophet Muhammad explained in the hadith: "*Ṣulḥ (peace) must exist among Muslims, except peace which makes lawful something unlawful or vice versa, the peace that forbids lawful, and Muslims are bound by their promises, except promises that forbid something lawful or*

28 Achmad Fedyani Saifuddin, *Konflik dan Integrasi: Perbedaan Faham dalam Agama Islam*, Print. 1 edition (Jakarta: Rajawali, 1986).

29 Mediation—latin: *mediare*—means to be in the middle. Mediation is also defined as the efforts made by the mediator to bridge an agreement in the conflict. Abbas, *Mediasi dalam Hukum Syariah, Hukum Adat, dan Hukum Nasional,* p. 2. In the Big Indonesian Dictionary, mediation is defined as the process of involving a third party in resolving a conflict as advisory mediator. See the Big Indonesian Dictionary (KBBI) at *www.kbbi.kemendikbud.go.id* , Sunday 07 August 2022.

30 Susanti Adi Nugroho, *Manfaat Mediasi sebagai Alternatif Penyelesaian Sengketa*, cetakan ke-1 edition (Jakarta: Kencana, 2019), p. 32.

31 Irfan Nurudin, 'Prinsip As-Sulhu dalam Penyelesaian Sengketa dalam Islam', *EKSYAR : Jurnal Ekonomi Syari'ah & Bisnis Islam*, vol. 3, no. 2 (2016), p. 187.

32 Ahmed Shoim El Amin, 'KONSEP Mediasi dalam Hukum Islam', *Al-Munqidz : Jurnal Kajian Keislaman*, vol. 2, no. 2 (2013), p. 24. https://ejournal.iaiig.ac.id/index.php/amk/article/view/32, accessed 9 Sep 2022.

33 *Republic of Indonesia Supreme Court Regulation, No. 02 of 2003 concerning Mediation Procedures in Court Article 1 (6) which is enhanced by the Republic of Indonesia Supreme Court Regulation, No. 01 of 2016 concerning Mediation Procedures in Court Article 1 (1).*

34 Adi Nugroho, *Manfaat Mediasi sebagai Alternatif Penyelesaian Sengketa,* p. 23.

35 Nurudin, 'Prinsip As-Sulhu dalam Penyelesaian Sengketa dalam Islam', p. 187.

36 Ibnu Hisyam, *Sirah Nabawiyah* (Jakarta: Qisthi Press, 2019), p. 85.

37 Sayyid Sabiq, *Fiqih Sunnah*, 2nd edition (Sukoharjo: Insan Kamil, 2018), p. 361.

vice versa, promises that justify something unlawful, and the Muslims adhere to the terms of their agreements (At-Tirmizi). Similarly, Umar bin Khattab's friend explained that "*return the disputants until they are at peace the rest of the court leaves a grudge between them.*" [38] In Indonesian law, dispute or conflict resolution is pursued through litigation in court proceedings and non-litigation outside the court, which implies mediation.[39]

The regulation on mediation is contained in Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution Article 6. It is enhanced by Supreme Court Regulation No. 1 of 2008 concerning Mediation Procedures in Regulation No. 1 of 2016 concerning Mediation Procedures in Courts,[40] which requires mediation in the dispute settlement.[41]

The regulation also regulates civil cases that must experience mediation, including those submitted to court. These include cases of resistance (verzet) against verstek decisions and resistance of litigants (partij verzet) or a third party (deden verzet) to the signed decision of the court (*inkrah*).[42] Mediation helps obtain justice for the disputing parties and is very useful for the Indonesian judiciary.[43] First, it could be a solution to avoid piles of cases in court to realize a fast and simple trial. Second, mediation is a way to resolve disputes peacefully, appropriately, and effectively. Third, the minimum number of cases submitted to court increases

supervision when there is an intentional delay with certain aims and objectives.

C. TMCI: Overview, Social Conflict Resolution, and Role in Mediation

1. TMCI Overview

An official institution, TMCI, was established to facilitate, foster, preserve, and develop Malay customs and culture in Tanjungpinang community,[44] which is a partner of the municipal government in cultural preservation. TMCI was founded by cultural figures from Tanjungpinang City and has been around for almost fifteen years. [45] Initially, TMCI and Riau Islands MCI were under Riau Province MCI but later split into the Riau Islands MCI and TMCI.[46]

TMCI is a traditional institution under Riau Islands MCI. There are seven Malay Indigenous Institutions in the regencies and cities of Riau Islands Province. As in other regions or cities, it was formed by the customary law community. TMCI has territory and assets and is authorized to regulate, manage, and resolve matters relating to local Malay customs.[47]

TMCI is led by Dato' H. Juramadi Esram for the 2022-2027 period. Rahma, the current Mayor of Tanjungpinang, occupies the position of TMCI Honorary Council. The most important task was to participate in realizing the vision and mission of Tanjungpinang City. This task relates to community welfare by maintaining Malay customs and culture of Tanjungpinang. Moreover, TMCI must synergize with Tanjungpinang City

---

[38] Sabiq , *Fiqih Sunnah*, pp. 361-362

[39] Septi Wulan Sari, 'Mediasi dalam Peraturan Mahkamah Agung Nomor 1 Tahun 2016', *Jurnal Ahkam*, vol. 5, no. 1 (2017), p. 2.

[40] Septi Wulan Sari, "Mediasi dalam Peraturan Mahkamah Agung No 1 Tahun 2016", p. 3

[41] Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Court Article 3 (1)

[42] *Ibid*. Pasal 4 (1)

[43] Taufik Siregar and Zaini Munawir, 'Mediasi dalam Tiga Sistem Hukum Dan Perannya di Dalam Terwujudnya Keberhasilan Tujuan Hukum di Indonesia', *Journal of Education, Humaniora and Social Sciences (JEHSS)*, vol. 3, no. 1 (2020), pp. 7–16.

[44] *Decree (SK) of the Chairman of the Riau Islands LAM Number 61 of 2022 concerning the Management Composition of the Tanjungpinang City LAM.*

[45] Tessa Citrani, *interview* (August 2022).

[46] Ramli Muasmara, *interview* (August 2022).

[47] *Riau Islands Province Regional Regulation Number 1 of 2014 concerning Riau Islands Malay Traditional Institutions.*

---

government to promote Malay culture by preserving and developing cultural customs.[48]

The position and presence of MCI in each region and city are important and relevant. There is a popular saying in the community that *the earth is stepped on, the sky is upheld, and Malays will not be lost on earth.*[49] The key to respecting MCI is adherence to Malay customs, comprising noble values, rules, and habits. These customs have been developed for a long time, along with the growth of the Tanjungppinang City community, which regulates life behavior.[50]

The decisions made by TMCI must not conflict with those of Riau Islands MCI. Similarly, Riau Islands MCI is a guideline for TMCI to take action and determine the results of its decisions. This applies to local customs, provided that they do not conflict with legislation.[51]

TMCI is based on Pancasila,[52] while the customs implemented are based on the Islamic religion. This implies that Malay culture and Islamic religious values are inseparable, as in Malay proverb:

"*Adat is based on Syarak, Syarak is based on the Qur'an*
Adat is only Syarak, Adat is only the Qur'an and Sunnah
True customs are the Qur'an and the Sunnah of the Prophet
Syarak said that Adat uses it, yes, what Syarak said is true, the word Adat
Syarak grew from the Qur'an, Adat was established because of Syarak."[53]

The proverb means that Malay customs are based on Islamic teachings, as reaffirmed by the traditional expression, "*syara'* saying, a custom that wears". This infers that whatever is determined by *syara'* (shari'a) is what Malay customs use. Malay teaching and learning are fully breathable and have a spirit of Islam. When people are ignorant of their customs, they do not live up to or uphold Islamic values.[54] This is also considered by TMCI and applied to Tanjungpinang City Malay Customs.

TMCI relies on the personality of the nation and the laws of the Unitary State of Indonesia.[55] The diversity of ethnic groups, cultures, and religions makes MCI a community element responsible for preserving Malay culture and customs in the 1945 Constitution.[56] Therefore, TMCI is responsible for promoting, preserving, and developing or enriching Indonesian culture to maintain the diversity and richness of these ethnic groups.[57]

TMCI set its objectives as a) to explore, maintain, foster, and develop the traditional values and culture of Riau Islands Malay. These objectives aim to enrich and strengthen the community identity and become part of the national cultural treasures. b) Realizing the advanced and prosperous Malay indigenous

[48] *Pengurus LAMT Periode 2022-2027 Dikukuhkan* (August 2022), tanjungpinangkota.go.id.

[49] Ediruslan P. Amarzia, *Senarai Upacara Adat Perkawinan Melayu Riau* (Pekanbaru: UNRI Press, 2000).

[50] *Riau Islands Province Regional Regulation Number 1 of 2014 concerning Riau Islands Malay Traditional Institutions.*

[51] Ibid.

[52] Ibid.

[53] T. Effendi, *Tunjuk Ajar Melayu* (Yogyakarta: Balai Kajian dan Pengembangan Budaya Melayu, 2004).

[54] Tim Penyusun, *Pokok-Pokok Adat Melayu Lembaga Adat Melayu Kota Tanjungpinang* (Tanjungpinang: Lembaga Adat Melayu, 2017).

[55] *Riau Islands Province Regional Regulation Number 1 of 2014 concerning Riau Islands Malay Traditional Institutions.*

[56] The Indonesia Constitution (*UUD 1945*) Article 32 states, "The culture of the Indonesian nation arises as a result of the cultivation of the Indonesian people as a whole. The old and original culture that exists as culture in regions throughout Indonesia is counted as the nation's culture. Cultural efforts must lead to the advancement of customs and unity, with no new materials from foreign cultures that can be developed or enrich the nation's own culture. As well as increasing the degree of humanity of the Indonesian people."

[57] Soerjono Soekanto, *Sosiologi: Suatu Pengantar* (Jakarta: Raja Grafindo Persada, 2010).

and cultural communities of Riau Islands according to the objectives of the nation. c) Defending the rights of indigenous peoples for the physical and spiritual well-being of Malay community in Riau Islands Province.[58]

TMCI has several duties and functions, including *First*, to support the government in implementing and maintaining development outcomes in all fields. *Second*, preserve, foster, and develop the traditional values of Riau Islands Malay to enrich regional and national cultural treasures. *Third*, to maintain and use Riau Islands Malay customs that live and develop for community welfare. *Fourth*, to protect and respect other cultural customs in Riau Islands Province that do not conflict with Malay culture.[59]

In carrying out the functions, TMCI is assisted by Regional Government Work Unit located in Tanjungpinang City. Malay culture is an asset and an identity that must be maintained and preserved by the local government to ensure foreign cultures do not influence the community. One way is to continue preserving traditional values and cultural traditions and to strengthen Malay community personal character and identity. In this case, cultural diversity is a glue for the nation to reduce social conflict and the negative impact of globalization.[60]

TMCI is also authorized to maintain the harmonious lives of society, the nation, and the state. For instance, it supervises the growth and development of Malay values and culture in Tanjungpinang City and confers customary titles. Furthermore, TMCI participates in resolving horizontal and vertical conflicts related to cultural and customary issues in Tanjungpinang City. It also directly participates in drafting customary law regulations regarding Malay culture and customs. The biggest task is to encourage progress toward a physically and mentally prosperous Malay society.[61]

TMCI resolves social conflicts using Alternative Dispute Resolution (ADR)[62] through temporary mediation. It mediates, is fair, and helps conflicting parties find an agreement. Furthermore, it actively promotes the resolution of conflicts outside the courts, which is effective because MCI has a respectable place in the perspective of the community.[63]

The relationship between TMCI and the government in conflict resolution is based on partnerships. TMCI coordinates with the government[64] by providing advice in making policies related to Malay customs and culture.

2. TMCI and Social Conflict Resolution

Social conflict resolution in TMCI is adjusted to the scope, authority, and type, and is divided into mild and severe categories. Mild conflicts relate to marriage, domestic violence, and early pregnancy aged 15-16. In contrast, more severe conflicts are disputes over land boundaries, places of worship, and gambling. Mild conflicts are resolved at the customary institutions at the hamlet, neighborhood, and village levels by the concerned chairman. Serious conflicts are resolved at Sub-district and Regency level customary institutions by

---

58 *Riau Islands Province Regional Regulation Number 1 of 2014 concerning Riau Islands Malay Traditional Institutions.*

59 Ibid.

60 *InfoPublik - Lestarikan Budaya, Disbudpar Tanjungpinang Gelar Seminar Adat Perkawinan Melay* (August 2022).

61 *Riau Islands Province Regional Regulation Number 1 of 2014 concerning Riau Islands Malay Traditional Institutions.*

62 APS is a cooperative conflict or dispute resolution concept that emphasizes conflict solutions which are win-win solutions. Maryati Bachtiar, 'Peranan Lembaga Adat Melayu Riau Dalam Penyelesaian Konflik Tanah Ulayat', *Jurnal Hukum Respublica*, vol. 16, no. 2 (2017).

63 One way to keep LAM respected by the community is to maintain the authority of LAM, one of which is by not speaking carelessly. Juramadi Esram, interview (August 2022).

64 Wan Refiewar, *interview* (August 2022).

sub-district head or chair and the TMCI management.[65]

Conflict resolution operates within a hierarchical framework, implying that it is taken to the village when the case cannot be resolved at the hamlet level. In this case, the village resolves conflicts between ethnic or tribal groups, associations, and others from a government apparatus that cannot be resolved individually.[66]

The authority and legal aspects of MCI decisions regarding conflict resolution have changed. Before the independence of Indonesia, MCI was authorized to handle civil or criminal cases and to determine and issue legal certificates, such as certificates of heirs and divorces. Currently, violating MCI decisions is punishable only by social sanctions.[67]

3. TMCI and Social Conflict Mediation Process

TMCI resolves conflicts through several stages, *First*, a report from one or all the disputing parties is submitted. The report shows whether the case could be resolved at the hamlet or village level, or requires assistance from Sub-district MCI. Conflict is resolved by the village or sub-district head. However, a serious dispute was discussed by the village and sub-district heads before consulting with TMCI.

Second, TMCI manager visited the parties separately to approach and determine the root causes and suggested peace. The conflicting parties are invited to meet at the office or an agreed place, such as the hamlet, village, or sub-district secretary. Mediation occurs at the meeting attended by the TMCI Manager, the

village and sub-district heads, the chairman, and the advisor of MCI.[68]

TMCI lacks a standard conflict resolution mechanism and uses a concept based on deliberation, justice, togetherness, and mutual respect. The power of decisions or agreements made by TMCI could be binding or non-binding. Binding decisions must be implemented by the parties and sanctioned for non-compliance. In most cases, these binding decisions relating to public affairs, such as gambling cases, disturb the order of Tanjungpinang residents.

A non-binding decision shows that the parties are allowed to implement or ignore. Sanctions are given for ignoring the unwillingness of TMCI to handle the same case a second time. After reading the decision, the parties disagreeing with TMCI decision are allowed to take legal action, specifically in private cases, such as domestic violence. The fees levied by TMCI are uncertain, as some cases are resolved free of charge.

D. Mediation in Social Conflict Resolution at TMCI: Social Conflict Approach and Normative Law

1. TMCI Mediation: From Conflict to Social Integration

TMCI resolves both realistic and non-realistic conflicts. Realistic conflicts include customary or *ulayat* land disputes, where groups have conflicts over the ownership or control of certain areas. Non-realistic conflicts are seen in the disputes over places of worship. Furthermore, realistic conflicts are material disputes caused by the struggle for natural resources, such as customary land. In non-realistic conflicts, religious disputes are ideological and irrational.

Marx believed in the domination of capital, while Dahrendorf believed in the power of social position as a conflict source. In

---

[65] Interview, Dato' H. Wan Refiewar, Dewan Penasehat LAMT on August 4, 2022.

[66] *Riau Islands Province Regional Regulation Number 1 of 2014 concerning Riau Islands Malay Traditional Institutions.*

[67] Ibid., 9 August 2022.

[68] Ibid.

Tanjungpinang community, conflict is more about the desire to increase power, prestige, welfare, or social support. It does not occur only in economic logic, such as the emphasis of Marx or the framework of industrial society as Dahrendorf. Meanwhile, it occurs in respective ways and logic of social conditions. Individual or group conflicts could occur in families or communities. According to Coser, this conflict could include irrational factors, such as religion and customs. In contrast to Marx and Dahrendorf, who examine conflict from a realistic perspective, religion and custom are the only aspects used as legitimacy. In Tanjungpinang community, conflict, customs, and religion could be important in non-realistic disputes. This does not imply that the analysis of Marx and Dahrendorf analysis is completely useless. The analysis is still relevant in conflicts including elite and non-elite or power relations characterized by control and subjugation, as exemplified in many *ulayat* land disputes. Land disputes often arise due to tenure by certain individuals or groups for infrastructure, housing, agriculture, plantations, and industry. Most of these disputes occur between indigenous peoples and capital owners. In addition, government agencies show active participation, such as institutions interested in forest exploitation, plantations, mining, oil, and gas.

The land ownership rights of the indigenous peoples are increasingly marginalized. This is common because many customary lands and forests have changed hands to third parties to obtain economic benefits while ignoring the history of the *ulayat* forest. It is compounded by the fact that indigenous peoples often cannot feel legal justice. The resolution of agrarian conflicts is a formal legal proof of dispute lands and the fulfilment of justice for the victims.[69]

Many social conflicts attempted to be resolved through litigation have encountered many obstacles. However, conflict groups have not taken a radical path in the resolution according to the idea of Marx. The groups made alternative efforts through customary institutions in many cases. When disputes occur, the conflict groups find solutions through the mediation channels provided by TMCI.

Coser stated that this conflict is not dysfunctional but social with the potential to result in new, fairer, and agreed-upon norms. Furthermore, this conflict confirms the boundaries of the disputing groups. Disputes on places of worship including adherents of different religions strengthen the boundaries of groups and their identity. Agrarian conflicts between the indigenous peoples and the company strengthen the identity as customary groups. New laws that better accommodate the interests of these indigenous peoples are also generated or produced.

TMCI plays a strategic role in resolving conflicts through non-litigation or ADR, given the recognition of law and indigenous peoples. Due to meditation, TMCI plays an active and passive role in realizing peace and agreement between conflict groups to maintain social cohesion. This is consistent with contemporary social conflict theory, which generates consensus in the language of Dahrendorf or leads to social integration in the terms of Coser. Therefore, true conflict strengthens social relations in a different pattern.

The post-conflict integration process is evident in Tanjungpinang community, with the cultural aspect as a fundamental factor. Customs and religion are inseparable parts of the integration process through the mediation of TMCI in various social conflicts. According to Gluckman, the cultural values in Tanjungpinang community have prevented prolonged conflict and community polarization.

---

[69] Bachtiar, 'Peranan Lembaga Adat Melayu Riau Dalam Penyelesaian Konflik Tanah Ulayat', p. 34.

TMCI is capable of resolving various community social conflicts and reconciling the disputing parties. Conflict resolution by a customary institution is considered more effective because it grows and develops based on traditions and prioritizes social harmony.[70]

Creating and maintaining social harmony is important in Tanjungpinang Malay community. It is flexible and generally concerned with restoring fractured social relations. The prevailing structures and norms are loose and always adapt to social changes. The authority and legitimacy of the indigenous people are used in conflict resolution in customary institutions. Furthermore, the community prefers resolving it through customary institutions to legal channels [71] because the holders always use a family approach in solving problems. The parties feel satisfied with the success of solving problems and setting strategies through customary institutions.

Zainuddin quoted Dirgantoro that the success of a strategy is in the planning accuracy.[72] TMCI needs strategies and mechanisms in resolving social conflicts to obtain results according to the expectations of MCI existence by the community. The conflict resolution media used by TMCI is ADR, a concept directed at win-win solutions[73] by temporary mediation.[74] Furthermore, the role of TMCI in resolving social conflicts is increasingly important and effective because it has gained public trust. It uses a cultural approach connected to the welfare of the community in Tanjungpinang.

Based on the perspective of conflict theory, conflict is a common and normal social phenomenon and is even important for achieving and spurring social change.[75] It is necessary to make policies regarding Malay customs and culture where MCI provides advice and input to Regional Government and the plurality of Tanjungpinang people identity. This could also produce new policies that lead to social change in the community and it cannot be separated from social conflicts and causes consensus or integration to produce change.

Decisions or agreements made by TMCI are binding and non-binding. The resolution process varies with the expertise and knowledge of customary elders or holders about conflict resolution. This is because the traditional elders or customary holders play an important role and have a significant position in conflict resolution in TMCI. According to Gluckman, customs and religion play an important role in resolving conflicts and creating social cohesion. In contrast to Gluckman perspective on communities resolving conflicts through customary law or religion as indicative of an unestablished society, the case that happened in Tanjungpinang is the opposite. An established society that regulates the life with positive law also uses customs and religion as an alternative dispute resolution. Using customs and religion for conflict resolution led to TMCI based on togetherness, deliberation, agreement, and justice.[76]

2. Mediation at TMCI and Normative Legal Compliance

The conflict resolution process is conducted from Hamlet/Neighborhood, Village, Sub-district/City, to province. A case that cannot

---

[70] I. Samsul, 'Penguatan Lembaga Adat sebagai Lembaga Alternatif Penyelesaian Sengketa', *Jurnal Negara Hukum*, vol. 5, no. 2 (2014).

[71] Ibid.

[72] M. Zainuddin, 'Mekanisme Lembaga Adat Melayu Riau Dalam Melestarikan Wisata Budaya Di Provinsi Riau', *Jurnal Agregasi*, vol. 6, no. 1 (2018).

[73] Bachtiar, 'Peranan Lembaga Adat Melayu Riau Dalam Penyelesaian Konflik Tanah Ulayat'.

[74] Esram, *interview* (August 2022).

[75] H.A. Saefudin, 'Teori Konflik dan Perubahan Sosial: Sebuah Analisis Krisis', *Jurnal Mediator*, vol. 6, no. 1 (2005).

[76] Kamaruddin, 'Model Penyelesaian Konflik di Lembaga Adat', *Walisongo*, vol. 21, no. 1 (2013).

be resolved is delegated to the authorities or submitted to the Provincial MCI. Cases are resolved peacefully because customary institutions organize government activities to resolve conflicts in the jurisdiction.

Conflict resolution begins with an oral report from the conflicting party. Some are submitted to the police, but the relevant parties are still allowed to complain and present the case to MCI for an amicable resolution. After receiving the report, the elders or customary holders ask for information from the parties at the site and then consult to make a decision that must be agreed upon.

MCI also ensures that no party is blamed or justified when deciding cases. The parties ensure mutual benefits, meaning they should not feel blamed or hold grudges against each other to ensure their relationship remains harmonious. The initially hostile parties become brothers, ensuring harmony and unity.

The conflict resolution model by MCI closely relates to the religious identity of Malay community. This is evident from the application of the peace principle or *sulḥ* when resolving conflicts, satisfying both parties. Moreover, *sulḥ* brings peace and justice because the parties desire conflict resolution solutions with a pattern similar to MCI.

The social conflict resolution through mediation by MCI is consistent with Islamic normative. Although the custom is the main reference, it is always based on Islamic teachings. Mediation is an alternative dispute resolution according to Islamic teachings on *sulḥ*. As an advisor or mediator, MCI is the realization of many Qur'an verses that emphasize conflict resolution through peaceful means.

Based on a positive legal perspective, MCI mediation is also consistent with the laws and regulations. Non-litigation conflicts or alternative dispute resolution (ADR) must be pursued before court resolution, with ADR processes also conducted in both General and Religious Courts.[77] In the decision, the judge must state that the case decided has gone through a mediation process.[78] This applies to cases of resistance *(verzet)* against *verstek* decisions, litigants *(partij verzet)*, and third parties *(deden verzet)* against court decisions *(inkrah)*.[79]

Conclusion

In conclusion, TMCI conducted systematical and hierarchical mediation by adhering to Malay traditional values based on Islamic teachings. The community also respected and trusted TMCI as a customary institution capable of resolving social conflicts. Consequently, conflict groups take the non-litigation route in resolving disputes because it was effective. The strategic function of TMCI was in the role as an institution that participated in resolving social conflicts related to Malay customs and culture. It also played an important role in implementing social change and maintaining integration or cohesion in Tanjungpinang community. Furthermore, mediation was pursued with ongoing conflicts and became part of the community, consistent with Islamic and positive law.

Bibliography

Journals

Akbar, Roy Muhammad and Isnaini Muallidin, 'Metode Resolusi Konflik Oleh Lembaga Adat Melayu (Lam) Riau Dalam Menyelesaikan Sengketa Tanah Ulayat Di Kecamatan Rangsang Kabupaten Kepulauan Meranti', *Mitzal (Demokrasi,*

---

77 Supreme Court Regulation No. 1 of 2016 concerning Mediation Procedures in Court Article 3 (1)
78 Ibid. Article 3 (2)
79 Ibid. Article 4 (1)

Komunikasi, Dan Budaya): Jurnal Ilmu Pemerintahan & Ilmu Komunikasi, vol. 4, no. 2, 2019, pp. 121–32 [https://doi.org/10.35329/Mitzal.V4i2.455]

Amin, Ahmed Shoim El, 'KONSEP Mediasi dalam Hukum Islam', *Al-Munqidz : Jurnal Kajian Keislaman*, vol. 2, no. 2, 2013 [https://doi.org/10.52802/amk.v2i2.32].

Bachtiar, Maryati, 'Peranan Lembaga Adat Melayu Riau Dalam Penyelesaian Konflik Tanah Ulayat di Provinsi Riau', *Jurnal Hukum Respublica*, vol. 16, no. 2, 2017, pp. 298–312 [https://doi.org/10.31849/respublica.v16i2.1442].

----, 'Peranan Lembaga Adat Melayu Riau Dalam Penyelesaian Konflik Tanah Ulayat', *Jurnal Hukum Respublica*, vol. 16, no. 2, 2017.

Bahari, Yohanes, 'Karl Marx : Sekelumit tentang Hidup dan Pemikirannya', *Jurnal Pendidikan Sosiologi dan Humaniora*, vol. 1, no. 1, 2012 [https://doi.org/10.26418/j-psh.v1i1.375].

Bahreisy, Budi, 'Peran Lembaga Adat di Aceh dalam Penyelesaian Perkara Anak yang Berkonflik dengan Hukum', *Jurnal Penelitian Hukum De Jure*, vol. 20, no. 1, 2020, pp. 25–36 [https://doi.org/10.30641/dejure.2020.V20.25-36].

Coser, Lewis A., 'Social Conflict and The Theory of Social Change', *The British Journal of Sociology*, vol. 8, no. 3, 1957, pp. 197–207.

Dahrendorf, Ralf, 'Out of Utopia: Toward a Reorientation of Sociological Analysis', *The American Journal of Sociology*, vol. 64, no. 2, The University of Chicago Press, 1958, pp. 115–27 [https://doi.org/10.1086/222419].

Dasor, Yohanes Wendelinus and Stanislaus Hermaditoyo, 'Revitalisasi Peran Lembaga Adat Dalam Penanganan Konflik Sosial: Studi Di Manggarai Nusa Tenggara Timur', *Sosio Konsepsia: Jurnal Penelitian dan Pengembangan Kesejahteraan Sosial*, vol. 9, no. 3, 2020, pp. 213–28 [https://doi.org/10.33007/ska.v9i3.1859].

Farihah, Irzum, 'FILSAFAT MATERIALISME KARL MARX (Epistimologi Dialectical and Historical Materialism)', *FIKRAH: Jurnal Ilmu Aqidah dan Studi Keagamaan*, vol. 3, no. 2, 2015, pp. 431–54 [https://doi.org/10.21043/fikrah.v3i2.1823].

Guclu, Idris, 'Karl Marx and Ralf Dahrendorf: A Comparative Perspective on Class Formation and Conflict', *ESKİŞEHİR OSMANGAZİ ÜNİVERSİTESİ İİBF DERGİSİ*, vol. 9, no. 2, 2014, pp. 151–3.

Kamaruddin, 'Model Penyelesaian Konflik di Lembaga Adat', *Walisongo*, vol. 21, no. 1, 2013.

Nurudin, Irfan, 'Prinsip As-Sulhu dalam Penyelesaian Sengketa dalam Islam', *EKSYAR: Jurnal Ekonomi Syari'ah & Bisnis Islam*, vol. 3, no. 2, 2016, pp. 186–95.

Ramadhani, Wahyu and Ida Safitri, 'Implikasi Pemberdayaan Lembaga Adat sebagai Alternatif dalam Penyelesaian Sengketa Pertanahan di Aceh', *Jurnal Hukum Samudra Keadilan*, vol. 14, no. 2, 2019, pp. 213–34 [https://doi.org/Https://Doi.Org/10.33059/Jhsk.V14i2.1545].

Saefudin, H.A., 'Teori Konflik dan Perubahan Sosial: Sebuah Analisis Krisis', *Jurnal Mediator*, vol. 6, no. 1, 2005.

Samsul, I., 'Penguatan Lembaga Adat sebagai Lembaga Alternatif Penyelesaian Sengketa', *Jurnal Negara Hukum*, vol. 5, no. 2, 2014.

Sari, Septi Wulan, 'Mediasi dalam Peraturan Mahkamah Agung Nomor 1 Tahun 2016', *Jurnal Ahkam*, vol. 5, no. 1, 2017, p. 2.

Siregar, Taufik and Zaini Munawir, 'Mediasi dalam Tiga Sistem Hukum Dan Perannya di Dalam Terwujudnya Keberhasilan Tujuan Hukum di Indonesia', *Journal of Education, Humaniora and Social Sciences*

(JEHSS), vol. 3, no. 1, 2020, pp. 7–16 [https://doi.org/10.34007/jehss.v3i1.161].

Zainuddin, M., 'Mekanisme Lembaga Adat Melayu Riau Dalam Melestarikan Wisata Budaya Di Provinsi Riau', *Jurnal Agregasi*, vol. 6, no. 1, 2018.

Zuldin, Muhamad, *Ketimpangan Sebagai Penyebab Konflik: Kajian Atas Teori Sosial Kontemporer*, vol. 2, no. 1, 2019, p. 161.

Thesis

Riana, Santi, 'Perubahan Sosial Di Dalam Kehidupan Masyarakat Di Kota Tanjungpinang (Studi Nilai Nilai Budaya Melayu)', Tanjungpinang: Program Studi Sosiologi Fakultas Ilmu Sosial Dan Ilmu Politik Universitas Maritim Raja Ali Haji, 2015.

Books

Abbas, Syahrizal, *Mediasi dalam Hukum Syariah, Hukum Adat, dan Hukum Nasional*, 2nd edition, Jakarta: Kencana, 2009.

Adi Nugroho, Susanti, *Manfaat Mediasi sebagai Alternatif Penyelesaian Sengketa*, cetakan ke-1 edition, Jakarta: Kencana, 2019.

Amarzia, Ediruslan P., *Senarai Upacara Adat Perkawinan Melayu Riau*, Pekanbaru: UNRI Press, 2000.

Coser, Lewis A., *The Functions of Social Conflict*, New York: Free Press, 1956.

Dahrendorf, Ralf, *Class and Class Conflict in Industrial Society*, London: Routledge; First Pub, 1957.

Effendi, T., *Tunjuk Ajar Melayu*, Yogyakarta: Balai Kajian dan Pengembangan Budaya Melayu, 2004.

Hisyam, Ibnu, *Sirah Nabawiyah*, Jakarta: Qisthi Press, 2019.

Husny, T.H.M. Lah, *Lintasan Sejarah Peradaban dan Budaya penduduk Melayu-Pesisir Deli, Sumatra Timur*, Medan: BP Husny, 1975.

Kinloch, Graham C., *Perkembangan dan Paradigma Utama Teori Sosiologi*, Bandung: Pustaka Setia, 2005.

Megawangi, Ratna, *Membiarkan Berbeda: Sudut Pandang Baru tentang Relasi Gender*, Cet. 1 edition, Bandung: Mizan, 1999.

Ritzer, George, *Sociological Theory*, Singapore: McGraw-Hill, 1992.

Sabiq, Sayyid, *Fiqih Sunnah*, 2nd edition, Sukoharjo: Insan Kamil, 2018.

Saifuddin, Achmad Fedyani, *Konflik dan Integrasi: Perbedaan Faham dalam Agama Islam*, Cet. 1 edition, Jakarta: Rajawali, 1986.

Setiadi, Elly M. and Usman Kolip, *Pengantar Sosiologi: Pemahaman Fakta dan Gejala Permasalahan Sosial: Teori, Aplikasi dan Pemecahannya*, Edisi 1, cet. 2 edition, Jakarta: Kencana, 2011.

Soekanto, Soerjono, *Sosiologi: Suatu Pengantar*, Jakarta: Raja Grafindo Persada, 2010.

Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*, Bandung: Alfabeta, 2017.

Sunarta, 'Integrasi dan Konflik: Kedudukan Politik Jawara dan Ulama dalam Budaya Politik Lokal', Bandung: PPS Unpad, 1997.

Sunarto, Kamanto, *Pengantar Sosiologi*, Jakarta: Lembaga Penerbit Fakultas Ekonomi Universitas Indonesia, 2004.

Suseno, Franz Magnis, *Pemikiran Karl Marx : dari Sosialisme Utopis Ke Perselisihan Revisionisme*, Jakarta: Gramedia Pustaka Utama, 2016.

Tim Penyusun, *Pokok-Pokok Adat Melayu Lembaga Adat Melayu Kota Tanjungpinang*, Tanjungpinang: Lembaga Adat Melayu, 2017.

Usman, Rachmadi, *Mediasi di Pengadilan dalam Teori dan Praktek*, 1st edition, Jakarta: Sinar Grafika, 2012.

Wirawan, *Konflik dan manajemen Konflik Teori, Aplikasi dan Penelitian*, Jakarta: Salemba Humanika, 2013.

Laws or Legislation

Riau Islands Province Regional Regulation Number 1 of 2014 concerning Riau Islands Malay Traditional Institutions.

Republic of Indonesia Supreme Court Regulation, No. 02 of 2003 concerning Mediation Procedures in Court.

Decree (SK) of the Chairman of the Riau Islands LAM Number 61 of 2022 concerning the Management Composition of the Tanjungpinang City LAM.

1945 Constitution Article 32.

Interview

Citrani, Tessa, interview, Agustus 2022.

Pengembangan Budaya Melayu, 2004.

Esram, Juramadi, interview, Agustus 2022.

Muasmara, Ramli, interview, Agustus 2022.

Refiewar, Wan, interview, Agustus 2022.

News

'Lestarikan Budaya, Disbudpar Tanjungpinang Gelar Seminar Adat Perkawinan Melay', *Infopublik: Portal Berita Info Publik*, Sunday, 16 February 2020. https://www.infopublik.id/kategori/nusa ntara/403939/index.html. accessed Aug 2022.

'Pengurus LAM Tanjungpinang Periode 2022-2027 Dikukuhkan', https://www.tanjungpinangkota.go.id/ber ita/pengurus-lam-tanjungpinang-periode-20222027-dikukuhkan, accessed Aug 2022.

Rahmaniah, Aniek, *Teori Konflik: Ralf Dahrendorf*, http://repository.uin-malang.ac.id/729/1/Metateorizing%3B%20 Teori%20Konflik%20%28Ralf%20Dahrendo rf%29.pdf., accessed 20 Aug 2022.

Yasin, Rindra, 'Orang Melayu, Makin Kepinggir Makin Tersinggkir...? - Rida K Liamsi', *erdeka.com*, https://merdeka.com/jurnalistik/01/03/2 010/orang-melayu-makin-kepinggir-makin-tersinggkir.html, accessed 8 Sep 2022.