

PROCESSION OF “TEPUNG TAWAR” AS AN ALTERNATIVE SOLUTION FOR CRIMINAL CASE IN MALAY CUSTOM LAW OF RIAU*

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Abstract

Implementation of the principle of legality in criminal law enforcement Indonesia in fact has caused some problems in the case and piling them over the prison capacity. It is necessary to find a model that is based on the completion of criminal cases and restorative local wisdom . One model that is “tepung tawar” in Malay society . Through empirical legal research found that the model completion of minor criminal matters in the Malay community is not united in procession “tepuk tepung tawar” but in other models, namely the density “ninik mamak” or different with “tepung tawar” practices applied in Jambi and South Sumatra , but the settlement of disputes and several criminal cases in the Malay community is also done with a model of restorative approaches .

Key words : fresh flour, criminal cases, restoratife justice

Abstrak

Penerapan asas legalitas dalam penegakan hukum pidana Indonesia senyatanya telah menimbulkan beberapa masalah di antaranya menumpuknya perkara dan over kapasitas penjara sehingga perlu ditemukan model penyelesaian perkara pidana yang berdasarkan kearifan lokal dan bersifat restoratif. Salah satu model itu adalah *tepung tawar* dalam masyarakat Melayu. Melalui penelitian hukum empirik ditemukan fakta bahwa model penyelesaian perkara pidana ringan pada masyarakat Melayu Riau tidak disatukan dalam prosesi tepuk *tepung tawar* melainkan dalam model lain yaitu kerapatan ninik mamak atau penghulu yang berbeda dengan praktik *tepung tawar* yang diterapkan di Jambi dan Sumatera Selatan, namun penyelesaian sengketa dan beberapa perkara pidana dalam masyarakat Melayu Riau juga dilakukan dengan model pendekatan restoratif.

Kata kunci : *tepung tawar*, perkara pidana, restoratife justice

Preface

Criminal law is currently used in Indonesia is a former Dutch Colonial legacy of the *Wetboek van Strafrecht* (Code Penal, abbreviated Criminal Code) which is applied in Indonesia based on Law No. 1 of 1946. Therefore, it is usual if many principles and values contained in the Criminal Code is not in line with the values, principles and ideals of the Indonesian law.

One thing that become nowadays spotlight by many criminal law expert is on the application of the principle of legality as provided for in Article 1 of the Criminal Code. Article 1 of the Criminal Code determines that there is an act should be punished, but on the power of the criminal provisions of the Act, which is

earlier than the act¹. Therefore, for the current Indonesian law enforcement, the only source of dispute settlement in criminal law is the law or the Criminal Code and the special criminal law.

Facts on the ground indicate that the application of criminal law which is based on the principle of legality in the society is often perceived as an injustice. Theft cocoa, watermelon and etc. in front of the court was held constant as a punishable act. This is normatively true because there is no peace term in the criminal law. Moreover, in many cases of traffic accidents, in which drivers remain punished

* This article is funded by Dana PNB Law Faculty Universitas Riau year 2012 with contract number 1442/UN19.1.13/KU/2012 at 16 July 2012

¹ R. Soesilo, 1996, *KUHP*, Bogor: Politeia

despite a peace between the families of the victims with the perpetrators. In cases such as the above examples, it is proven and can be perceived that the law enforcement instead of creating justice, it turned into a killer sense of justice.

Application of the principle of legality in Indonesia cause major problems for the enforcement of criminal law which range in at least two things: the number of stacks of cases can not be resolved by the sub-system of criminal justice and the existence of over-capacity in social institutions throughout Indonesia. Over-capacity problems become a common phenomenon in all prisons in Indonesia and has been a lot of research and study of legal experts and researchers as one of them is the Angkasa research.²

To overcome these problems, today raised the idea of re-enacting the completion of the criminal case in a way that would be made in the middle of the concerning communities. That is what is often referred to as a local-wisdom. Experts also often call it as local-knowledge.³ In a book entitled The turning point of civilization, Fritjof Capra even prefer Eastern mind than the West and therefore suggested the need for re-research the values of Eastern civilization.⁴

In all regions in Indonesia, the various forms of local cultural traditions as local knowledge of local society in solving the problems faced without involving the authorities that emphasizes harmony in the society rather than retributive aspect (retaliation). In Riau province, which has a vision as a center of Malay Southeast Asia, procession *tepung tawar* very widely known, but still need to be investigated

how the application of *tepung tawar* procession in Riau Province can be a means of settling criminal cases.

Research Problem

Based on the background above, the key problem in this study can be formulated as follows: *first*, how does the practice of *tepung tawar* procession as local wisdom in Indonesian Malay society in general in the criminal law dispute resolution that can be categorized as a model of restorative justice?; *second* how does the practice of plain flour procession in Malay society and whether procession of *tepung tawar* is applied in the criminal case of dispute resolution by the Malay society?

Research Method

In research on dispute resolution according to the Malay society, the use of empirical legal research methods, especially research on the identification of unwritten law in society of Riau Province. The object of this study is the province of Riau. The selection of districts/cities sample is conducted by the area or cluster sampling method which the sample district/city is the city of Pekanbaru, Pelalawan and Siak.

To gather data, researchers conducted a literature study (library research) and field study (field research). In a field study, researchers conducted structured interviews with stakeholders in the society of indigenous Malay society. Research also conduct interviews with key informants to figure Malay Customary Institution districts/cities in Riau province.

Method of data collection used in this study is an interview with interview guide which has been prepared in advance, addressed to sample public figures. To summarize the results of research in order to achieve the objective, the data compiled, classified, recorded and analysed qualitatively. Compilation of data are intended to select data which are relevant to this study.

Discussion

² Angkasa, "Over Capacity Narapidana Di Lembaga Pemasyarakatan, Faktor Penyebab, Implikasi Negatif, Serta Solusi Dalam Upaya Optimalisasi Pembinaan Narapidana." *Jurnal Dinamika Hukum*, Vol 10 No. 3 year 2010, Purwokerto: Faculty of Law Universitas Jenderal Soedirman

³ Marcus J. Pattinama, "Pengentasan Kemiskinan dengan Kearifan Lokal", *Jurnal Makara, Sosial Humaniora*, Vol. 13, No. 1, July 2009: page 3-4.

⁴ Fritjof Capra in Satjipto Rahardjo, "Hukum Progresif, Kesenambungan, Merobohkan dan Membangun", *Jurnal Hukum Progresif* Vol 2 No. 1 April 2006, Semarang: Program Doktor Ilmu Hukum Universitas Diponegoro, page 6.

Practice procession of Flour Fresh as Local Wisdom in Indonesian Malay Society in General in the Criminal Law Dispute Settlement

Malay people organize their lives with custom, in order to obtain the order, harmony and prosperity in society.⁵ Tap Flour Fresh is a custom in the Malay states, particularly in the Riau Islands live and thrive in the society since the time of ancient kings till today.⁶ Furthermore Sirajudin Said⁷ explained that this ceremony accompanying the various important events in the society, such as birth, circumcision, marriage, house doors, opening new land, shuttle for the new spirit of escape from danger, and so on.

As the tradition of the Malay society, the tradition of plain flour pat are implemented not only in the province of Riau or Riau Archipelago but in countries such as Malays in West Kalimantan, East Kalimantan, Jambi, North Sumatra and South Sumatra. Malay grouping into these provinces as shown in view of the 19 environmental Toto Tohir Malay customary law covering Riau, Jambi East Sumatra.⁸ In addition, the Malay society can be divided into pre traditional Malay, Malay traditional and modern.⁹

In addition as a complement to traditional marriage, welcome guests, take off departure, circumcision, welcoming the new-born, in some country other than the Malays in Riau, South Sumatra and Jambi, *tepung tawar* is also used to resolve disputes in the society, including the completion of a criminal case or

crime in the society. In Palembang Malay society can be resolved amicably. One of them is known as the settlement of disputes with the people of South Sumatra *tepung tawar* term. *Tepung tawar* is a peaceful way or kinship in resolving disputes in the society. With the intention of *berangkan-angkanan* (become family) both sides to forgive each other, after doing sacrifice (recitation). This method can be used in a wide range of issues, from the small to the large nature.¹⁰

In District East Ilir II Municipality of Palembang, South Sumatra Province in case someone violates others, such as kill, molest, destroy privilege, damaging the property of others, and so on, if it is still possible that the peaceful settlement between the two large family held a ceremony "flour bargaining" by giving saffron rice, grilled chicken, and certain expenses charged to the offender. Peace is known and witnessed by local officials (Chairman of RT and *Lurah*), in this ceremony is sometimes named a child for offender by the victim's family.¹¹

In the city of Jambi Malay society procession *tepung tawar* is still practiced in solving criminal cases, although only in certain cases and is increasingly rarely applied especially in urban areas. One case that was recently put into practice is a trial Decision Indigenous Institute Jambi City, obliging Doni Pasaribu and friends pay a fine traditional form of two goats. In addition, both parties to the dispute is expressed as a brother of the world and the hereafter.¹²

The procession was after being reconciled at the level of the police, they then tried in traditional institutions. The procession is: at

⁵ Yusmar Yusuf, "Kearifan dan Kepiawaian Lokal : Sumbu Hukum Komunal (Kosmologi Melayu, Masyarakat Adat dan Persepsi Kekinian)", *Jurnal Respublica*, Vol. 8 No. 1 Nov.2008, Law Faculty Universitas Lancang Kuning, Pekanbaru, page 120.

⁶ Said Sirajuddin, "Upacara Tepuk *Tepung Tawar*", tersedia dalam <http://waiki.blogspot.com/2010/10/upacara-tepuk-tepung-tawar.html>, Accessed on 6 Nopmeber 2013

⁷ *Ibid*

⁸ Toto Tohir, "Rekonstruksi Budaya Hukum Nasional yang Berbasais Nilai-nilai Budaya Hukum Bangsa Indonesia", *Jurnal Ilmu Hukum Syiar Hukum*, Vol. XIII No. 2 July 2011, Law Faculty Universitas Islam Bandung, Bandung, page 3.

⁹ Musri Nauli, "Pengaruh Hindu dalam Seloko Melayu di Hulu Batanghari", *Jurnal Ilmu Hukum*, Vol.4 No. 2 Februari-July 2014, Pekanbaru: Law Faculty Universitas Riau, page 106.

¹⁰ Opinions H. SH Albar Sentosa Subari. SU, a member of the Expert Council of the National Secretariat for the Constitutional Protection of Indigenous People, in M. Budiono, *Tepung tawar*, paper on official website of MPR RI, the last accessed on Nov 15, 2012, 11 pm.

¹¹ Anonim, 1984, *Masalah-masalah Hukum Perdata Adat Di Kecamatan Ilir Timur II Kota Madya Palembang Daerah Hukum Pengadilan Negeri Palembang Wilayah Hukum Pengadilan Tinggi Palembang*, Jakarta: Departemen Kehakiman

¹² <http://jambi.tribunnews.com/2012/01/26/>, Accessed on 15 November 2012, at. 01.00 p.m.

the hearing, Doni are in violation of the law, called cimo. In law, an action plan cimo undertaken together to implement the actions harm others. To work called Cabuk which is an act that is prohibited by the nadir and abstinence on rajo. Doni Pasaribu fined as the second party to pay two goats, 40 bushels of rice, 20 coconut fruit, sweet selemak, eight tubes of fabric and 3.5 taels of gold, custom event conducted in Indigenous Jambi City Hall, Wednesday (25/1). Hearing of traditional peace-making is carried out around 12:00. In the decision, the customs agency first calling both sides to be met. Each testified as about cases that occurred. So also with the witnesses related to the case. After paying the fine custom set, then both parties are prohibited from disputing back. Indigenous decision declared as existing dispute resolution. Next customarily they also expressed brothers world and the hereafter in order not to re-hostile. Aang Lesmana and Doni Pasaribu and three friends then sig peace agreement on the stamp Rp 6000. The statement was known by the Chairman of Indigenous Asnawi Jambi AB and Mayor Bambang Priyanto. After the signing of the peace treaty, all litigants hand washed using water *tepung tawar*. Washing is done by Asnawi, Bambang Priyanto, The Police, Representative District Military Command and Customary Institution Jambi Province.

By the model settlement of criminal cases in the two provinces above which are South Sumatra and Jambi, it appears that almost there are no difference in the procession of *tepung tawar* in the two provinces where the litigants involved and their families both. The completion of the criminal case which uses *tepung tawar* procession in line with the thinking restorative justice is an alternative or the other way with the criminal justice approach is the integration of actors on the one hand and the victim/society on the other side as a whole to seek a solution and return to the pattern of relationships within the society.¹³ Another notion

of justice is restorative resolution process conducted outside the criminal justice system, involving victims, offenders, families of victims and perpetrators, the public and interested parties with a crime that happened to reach an agreement and settlement.¹⁴

In a restorative approach that have role and responsibility as in the indigenous peoples are also families of the victims and perpetrators, which recognize indigenous criminal responsibility in principle of collective responsibility as expressed by AZ Abidin.¹⁵ Perpetrator expect the victim to be able to accept and understand the conditions and causes of why committing a crime.¹⁶ Justice in restorative justice approach is defined as the process of finding solutions that occur over a criminal case in which the involvement of the victim, the society and become important in the repair business, reconciliation and the improvement of business continuity assurance¹⁷. In some cases of the above examples, how the settlement is where the elders gather the litigants, hear the view of both sides and ultimately impose sanctions as well as the customary procession of *tepung tawar* to lift each other brother was already in line with what is defined as a restorative justice approach.

Completion of a criminal case outside the criminal justice system in the Malay states restorative also applies in a number of other areas, although with a different name. In Maluku

¹³ Kuart Puji Prayitno, "Restorative Justice Untuk Peradilan Di Indonesia (Perspektif Yuridis Filosofis dalam Penengkapan Hukum In Concreto)." *Jurnal Dinamika Hukum*,

Vol 12 No.3, Year 2012, Purwokerto: Law Faculty Universitas Jenderal Soedirman, page 409.

¹⁴ Meinardus Yudiansyah, "Penerapan Diversi dan Restorative Justice sebagai Upaya Perlindungan Terhadap Anak Pelaku Tindak Pidana Pada tahap Penyidikan di Polresta Pontianak Kota," *Jurnal Nestor Magister Hukum Universitas Tanjungpura*, Vol.3 No. 5, 2013, Pontianak: Law Faculty Universitas Tanjungpura, page 3.

¹⁵ Yudi Krismen, "Pertanggungjawaban Pidana Korporasi dalam Kejahatan Ekonomi", *Jurnal Ilmu Hukum*, Vol. 4 No.1 September - Januari 2014, Pekanbaru: Law Faculty Universitas Riau, page 65.

¹⁶ Bambang Sukoco, "Prospek dan Dilema Penerapan Restoratif Justice System dalam Kasus Pidana Anak," *Jurnal Ilmu Hukum*, Vol. 14 No. 2 September 2011, Surakarta: Law Faculty Universitas Muhammadiyah Surakarta, page 337.

¹⁷ Lilik Purwastuti Yudaningsih, "Penanganan Perkara Anak melalui Restorative Justice", *Jurnal Ilmu Hukum*, Volume 5 No. 2, 2014, Jambi: Law Faculty Universitas Jambi, page 69.

name "Sasi Law of the Sea".¹⁸ Sasi is a form of indigenous traditions that live in the society of central Maluku.¹⁹ In Banjar society name "bada-mai", the people of Aceh name "di'iet", "Sayam", "suloh" and "peumat jaroe", as well as on society Flores name "mela sareka".²⁰

But not forever anyway, the settlement actually finished as desired restorative model of justice. In the article Eva Achjani Zulfa for example, cited a fact that occurred in Jambi where two people of Suku Anak Dalam are Celitai and Eye Mountain, forced to deal with the Police Sarolangun (Jambi) for snagging case clashes, whereas previously has been taken customary settlement.²¹

Tepung tawar procession practices in Malay Society

Literally, pat *tepung tawar* means clapped powder on the back and the palm of the hand and spatter the rose water on people who will offer you an pat flour, and equipped with a sow potpourri, white rice, and yellow rice into the body of the person who concerned, then ended with a prayer by scholars. Malay society considers pat *tepung tawar* event as a series of ceremonies that should not be abandoned.²²

Some of the examples of the application of the procession pat still *tepung tawar* is the release of contingent events PON Riau Riau XII as reported by Antara as follows: *tepung tawar* made for contingent Riau is a symbol of granting approval for athletes to win, as well as a repellent reinforcements and disruption during

the PON XVIII. A total of seven representatives of contingent seated in a row. Purple cloth woven with gold thread put their lap. Then, Riau Governor HM Rusli Zainal start the procession with palms wash the contingent representative with flower water and lime. After that, Rush pinching white rice and yellow rice mixed with turmeric, potpourri, and corn. Then, he sprinkled it into the body of the athletes and coaches. Atmosphere procession pat *tepung tawar* in a solemn procession takes place Shalawat Prophet. After that, a number of officials and tribal leaders in turn do the same procession to the representative Riau contingent.²³

According Rachmawati, customs traditions of Malay society in general, Pekanbaru in particular, any legal ceremony syarak are always followed by cultural rituals of a religious nature, among others; aqiqah, khatam the Koran, circumcision, marriage ceremony, or return hajj pilgrimage and celebration of other Islamic holidays. In the event the Malay society has always included with a variety of performances ordinances cultural mores of a religious nature such as; Mawlid al-Barzanjī art, Marhaban, pat *tepung tawar*, remembrance, berkompang, berebana, bebano, drum ogung and others.²⁴

According to Suwardy procession *tepung tawar* in Riau Province is only includes weddings, circumcisions, welcomed a baby, and welcome guests or more are customs in relation to civil and not used in the settlement of criminal cases. This means that in contrast to the practice of plain flour applied in Jambi and South Sumatra.²⁵ From what has been stated above, it can be seen that the practice or implementation of plain flour procession that took place in the Malay society in Jambi and South Sumatra, much wider uses than what is applied to the Malay society in Riau Province.

In spite of normatively in Riau Malay customary law is not known the procession of use

¹⁸ Reny H Nendissa, "Eksistensi Lembaga Adat dalam Pelaksanaan Hukum Sasi Laut di Maluku Tengah", *Jurnal Sasi* Volume 16 No. 4 October December 2010, Ambon: Law Faculty Universitas Pattimura, page 1.

¹⁹ Reimon Supusesa, "Eksistensi Hukum Delik Adat dalam Perspektif Pembaharuan Hukum Pidana Di Maluku Tengah." *Jurnal Mimbar Hukum*, Vol. 24 No. 1 (2012), Yogyakarta: Law Faculty Universitas Gadjah Mada, page 41-54.

²⁰ Trisno Raharjo, "Mediasi Pidana dalam Ketentuan Hukum Pidana Adat", *Jurnal Hukum* No. 3 Vol. 17 July 2010, Yogyakarta: Law Faculty UII.

²¹ Eva Achjani Zulfa, "Keadilan Restoratif dan Revitalisasi Lembaga Adat di Indonesia, *Jurnal Kriminologi Indonesia*", Vol. 6 No. II Agustus 2010, Jakarta: Jurusan Kriminologi Universitas Indonesia, page 182.

²² Rachmawati, 2010, *Perubahan Makna Tradisi Tepuk Tepung Tawar bagi Masyarakat Melayu Riau*, Tesis. Padang: Program Pascasarjana, Universitas Negeri Padang.

²³ <http://www.antarariau.com/berita/22611/tepu-kepung-tawar>, Accessed on 15 November 2012, jam. 15.00

²⁴ Rachmawati, *loc.cit.*

²⁵ Interview with Suwardy, community leaders and observers customs and culture of Malay, 12 Juni 2014

plain flour as a means of restorative in resolving criminal cases, in practice in the society, especially in the city of Pekanbaru and Pelalawan, restorative practices by the society also applied in a number of cases, especially cases of decency, traffic accidents and conflict between citizens. In the completion of a traffic accident in restorative does not involve traditional leaders or local government officials, but only carried out at the initiative of the investigator. While the completion of the criminal offense committed by ancestor decency or local elders, but not in the procession pat *tepung tawar*²⁶. In the city of Pekanbaru, one informant who interviewed writer is Mr Alwi²⁷ note that in some places, especially in locations around campus Riau Islamic University in the area of Peace and the surrounding area Marpoyan Riau University campus in New Simpang, Handsome.

The perpetrators are caught by the morality of society shall be liable to pay a penalty to build such facilities owned by residents of neighbourhood health centre, sports facilities and so forth. The amount can be up to 5 million dollars. Sanctions is done on the basis of the agreement citizens and leaders of the RT or RW and actors²⁸. However, the application of criminal sanctions for the indigenous people can only be made on the case of violation of decency. To cases of criminal acts other woods, people prefer to hand over the perpetrators to authorities.

Outside the city of Pekanbaru, the completion of those cases misdemeanour in some areas in Riau in the past also done through the restorative model anches density, but over time, the process and the restorative model of today increasingly abandoned. Restorative solution model is simply called "density ancestor/prince" and does not constitute a continuum with *tepung tawar* pat procession.

When compared with in Jambi and South Sumatra, the procession pat *tepung tawar* in the Malay society is much more narrow and confined to acts of civil law. However, substantive settlement with restorative models as occurs in other areas also occur in Riau, but with a different name, which is customary density ancestor for the western part of the area or density Riau Riau prince coastal section. Today, as the development and modernization of time which emphasizes formal legalistic approach to law and justice of the deletion policy plus custom, customary settlement process through more rarely applied.

Recognition and respect for indigenous peoples showed an awareness that there are still people of Indonesia who live typical, terms with the values, norms and customs are positive but with a very poor condition.²⁹ Regardless of whether the settlement is customary in Riau Province is a series with a procession of *tepung tawar* or not, sociological reality shows that restorative models are models that are in line with the legal settlement is believed to be good law in Indonesian society that needs to be preserved, including in Riau Province .

This is in line with the character of the society arbitrate Muslim-majority Indonesia more specifically in Malay society where Islam is almost always identified with Malay. In Islam, known for their "forgiveness institution" or reconciliation (peace).³⁰ According to Mas Achmad Sentosa as quoted Umar al-Tamimi of the main factors on which the need for the development of alternative solutions such as the model of restorative or forgiveness is another attempt to compensate for the increasing critical power society, and as a precaution to stem the swift currents flowing to the court case.³¹

²⁶ Interview with Amrinto, Pelalawan youth, 27 Februari 2015.

²⁷ Interview with Alwi, journalist online media in Pekanbaru, 10 Februari 2015

²⁸ Interview with Ujang Azmi, the former head smaller region/Ketua RW 03 Kelurahan Simpang Baru, Kecamatan Tampan, Kota Pekanbaru, 1 Maret 2015.

²⁹ Wandi, "Eksistensi Pengakuan Hukum Adat dalam Politik Pembangunan Hukum Pemerintahan Daerah di Indonesia," *Jurnal Mahkamah* Vol 5 No. 1 2013, Pekanbaru: Law Faculty Universitas Islam Riau, page 48

³⁰ Umar al Tamimi, "Lembaga Pemaafan sebagai Alternatif Penyelesaian Perkara Pidana Perspektif Hukum Islam", *Jurnal Diskursus Islam*, Vol 1 No 3 Desember 2013, Makassar: IAIN Alaudin, page 449.

³¹ *Ibid*

In the United Nations Office for Drug Control and Crime Prevention, stated that restorative justice is a new term for an old concept. Restorative justice approach has been used in solving the conflict between the parties and restore peace in the society. Because approaches retributive or rehabilitative against crime in recent years is considered to be no longer acceptable.³² The importance of finding restorative models in line with the completion of criminal cases through the criminal law policy of the Draft Penal Code. Some concept of restorative justice has been accommodated in the Draft Bill, among others: *first*, the balance of the values of life in society and the principle of legality; *second*, one of the goals of sentencing is to solve social conflicts and relieve guilt convict; *third*, in deciding to consider the effect of a criminal offense against a victim or victim's family; *fourth*, there is forgiveness of the victims or their families; *fifth*, perceptions of the offenses committed; *sixth*, the type of additional penalty in the form of compensation payments to local custom and fulfillment of obligations or liabilities under the law of life in society; and *seventh*, the rule that the imprisonment of sodium absorption ratio dropped to the extent possible, among others, if the loss and suffering of the victim is not too large.³³

Closing

Conclusions

Based on the research results and the above discussion it can be concluded as follows. *First*, in addition as a complement to traditional marriage, welcome guests, take off departure, circumcision, welcoming the newborn, in several Malay states like South Sumatra and Jambi, *tepung tawar* is also used to resolve disputes in the society. Completion of a criminal case involving the victim and his family, the offender and his family as well as society

leaders oriented recovery of losses suffered by the victim in line with the thinking that promote justice restorative state recovery approach involving victims in line with the local knowledge of Indonesian society in various regions.

The *second*, in normative procession *tepung tawar* in the Malay society in Riau Province only includes weddings, circumcisions, welcome baby, welcome guests and others. This means that in contrast to the practice of plain flour applied in Jambi and South Sumatra. However, in practice, dispute resolution and some criminal cases in the Malay society is also done with the model restorative approach, which involves victims and their families, emphasizing compensation to the victim, but do not constitute a single entity with a procession of plain flour.

Recommendation

Based on the above conclusions, it is recommended that: *first*, application of plain flour procession in Malay society needs to adopt application of *tepung tawar* in Jambi and Palembang Malay society; *second*, need to extend the functionality of the procession of *tepung tawar* or find concepts and other models based on local knowledge that is in line with the concept of restorative justice.

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³² Sahuri Lasmadi, "Mediasi Penal dalam Sistem Peradilan Pidana Indonesia." *Jurnal Ilmu Hukum* Vol 4 No.5 of 2011, Law Faculty Universitas Jambi, page 2

³³ Lidya Suryani Widayati, "Pemenuhan Kewajiban Adat sebagai Pidana Tambahan dalam RUU KUHP", *Jurnal Hukum Ius Quia Iustum* No. 3 Vol.20 July 2013, Law Faculty UII Yogyakarta, page 377

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