

Barunding As a Local Wisdom in Resolving Child Cases During Covid-10 Pandemic (Case Study on Juvenile Delinquency Cases in Tembilahan, Riau, Indonesia)

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Abstract: Juvenile Delinquency is a common problem in a society. Violation of norms and laws that occurs by juvenile is called juvenile delinquency. Resolving the child or juvenile delinquency cases cannot be the same as it is on adult, because the child or juvenile needs to be protected in their life, they're the future of the nation and state. During the Covid-19 Pandemic, there are many cases of juvenile delinquency, this is supported by the fact that schools are close to prevent the spread of Covid-19. In Tembilahan society, Indragiri Hilir Regency, Riau, the resolve of the juvenile delinquency is done in "barunding". Barunding is the way of handling and resolving the problems, and it is practiced in Tembilahan since a long time ago. The purpose of this research is to find out how the application of barunding as local wisdom in resolving juvenile delinquency. The method that used in this research is a qualitative method by conducting interviews on key informans and informans. Reffering to the theory used by the researcher, namely the concept of restorative justice, barunding is a resolution of a problem that emphasizes the resolution and the recovery of the action that occurs. The result of this research are the application of Barunding in Tembilahan community to resolving juvenile delinquency by gathering all parties in one place, and it is effective because it does not leave a sense of trauma for the child or juvenile.

Keywords: *Child, Juvenile Delinquency, Barunding*

Introduction

The actions that is violate the norms in society is not only carried out by adult, but also by juvenile or child. According to Indonesian Child Protection Law No. 35 of 2014, article 1 paragraph 1, children is the individuals under 18 years old, including the one that still in the womb. In essence, children are individuals who cannot compare between good and bad behavior. The behavior and mindset of children and adults are very different. Adults have been gifted with perfect intellect and thoughts so that they can consider everything and their behavior, but child or juvenile is different, they cannot think like adults.

Violation the norms, the law or social norms that carried out by juvenile is called as juvenile delinquency. In the term of understanding, Kartono has defined that juvenile delinquency is an evil or delinquent behavior, delinquency which is committed by children or juvenile in the young age, it falls into a category called the symptoms of social sickness

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(pathological). It is a form of social neglect experienced by a child and it is cause they commit deviant actions.

In Indonesia, there are so many types of juvenile delinquency where the juvenile carried out many action that is violate the norms in society, ranging from the usual and special types of delinquency such as theft, extortion and other. Settlement or resolving the cases or juvenile's problems that face the law should not be done the same way as it is on adults. Resolving the cases of juvenile is usually done out of court through a restorative justice approach. Resolving the cases of juvenile who are dealing with the law that uses the concept of diversion through a restorative justice approach, namely completion by including all parties involved also by jointly handling cases and finding the best solution to juvenile's cases, where the purpose of this is to protect children or juvenile for the sake of prioritizing best interests of the child.

In the Tembilahan community, Indragiri Hilir Regency, Riau, resolving the cases of children or juvenile who commit delinquency with restorative justice is known as "barunding". Barunding is a word taken from the Banjar language, the word barunding is often used in the Tembilahan community, because the majority of people in Tembilahan are Banjarese. According to the local community, *barunding* means negotiating or deliberating with the aim of reaching a decision and resolving a problem. Case handling through *barunding* is a local wisdom that has long been practiced in the Tembilahan community. *Barunding* applies to cases or mild problems, such as juvenile delinquency, minor theft, and deviations.

In the context of juvenile delinquency, *barunding* is one of the solutions commonly used in the community in Tembilahan. The special characteristic of this *barunding* is nothing, after *barunding*, the child or juvenile will be returns to the parent, and it will be responsibility of the parent to make the juveniles won't commit any delinquency anymore. If the child por juvenile commits delinquency again, the police will follow up.

The word *barunding* is a very important and have strong meaning in the Tembilahan community, especially in terms of solving problems. In everyday life the word *barunding* is implemented to achieve common goals. The term *barunding* is also widely described in expressions and proverbs such as "Wani manimbai wani. manajuni " which means if you do something bad, you should be responsible to it. That is what is emphasized in this *barunding*.

Barunding as a local wisdom in Tembilahan encourages justice and peace for the parties involved. Barunding cannot be separated from the Tembilahan community, this is because the people in Tembilahan highly uphold deliberation in solving problems.

The police as the main pillar in the implementation of restorative justice must always pay attention and consider the conditions of children and juveniles who are much different from adults. Resolving juvenile cases through a restorative justice approach is should approved by the victim and the perpetrator, and also the losses recovery for victim. In this case, the police act as the mediator in resolving delinquency that committed by children or juveniles.

Tabel 1

The Data of Juvenile Delinquency that Occurs in Tembilahan Hulu Police Jurisdiction on 2017 – 2020

No	YEAR	CRIMINAL ACTS	AMOUNT
1	2017	-	-
2	2018	-	-
3	2019	THEFT	4
4	2019	EXTORTION	1
5	2020	DRUNK AND DRUGS CONSUMPTION	1
TOTAL			6

Source : Tembilahan Hulu Police Sector, 2020

According to the data, there are a number of child cases in the area of Tembilahan Hulu, especially in 2019 where criminal acts of theft and extortion by children occurred, and these cases were resolved deliberately by the Tembilahan Hulu Police. This is summarized in problem solving data, problem solving data is the data that contains the settlement or resolving problems in deliberation. Resolving cases in *barunding* has a good impact and helpful for the children and juveniles, and it is in line with the norms or rules and it also have a development in local level. Indonesian peoples always had a method or mechanism for resolving cases through negotiation or deliberation in order to reach a consensus (agreement). Based on the background of the problem, this makes the writer interested in raising this problem.

Literature Review

1. Juvenile Definition

According to the Cambridge dictionary, a juvenile is a child or young person who is not yet old enough to be regarded as an adult. In Indonesian laws, juveniles are categorized as children. A child has the meaning of an immature person or human who still needs parental / guardian supervision, this is confirmed in Indonesian law. Based on the Child Protection Law (UUPA) NO. 35 of 2014, Article 1 Paragraph 1, Children are individuals under the age of eighteen, including those who still in the womb. Children or juveniles is generation for the nation that will have a lot of roles in the future, they are the future leaders of the nation and the foundation for the previous generation, so they must have the greatest opportunity to grow and develop well, physically, spiritually and socially. (Gultom, 2014: 40).

2. Juvenile Delinquency

According to Kartono (2017 : 6), juvenile delinquency is an evil behavior, or crime / delinquency that done by young people and it is a symptom of social (pathological) illness in children and adolescents which is caused by a form of social neglect. Based on Sandie Taylor's book with the title Crime and Criminality (2015: 391), delinquency is the main word that refer to petty crime and juvenile delinquency is like a petty crime by young people. shoplifting, petty robbery, vandalism, stealing, murder etc.

3. Local Wisdom

Local Wisdom or also known as local genius is introduced in the first place by Wales (Ayatrohaedi, 1986: 30), local wisdom is the number of cultural peculiarities possessed by most common people as a result of their experiences in early life. In addition, according to Wales, local wisdom also means the ability of the surrounding culture to face foreign cultures. (Yunus, 2014: 36-37).

According to Rahyono (in Daniah, 2016: 3), local wisdom is human intelligence belonging to a certain ethnicity, it is obtained through community experience. In the sense that local wisdom is the result of certain communities based on their experiences which are not experienced by other communities. When it has been through a long period of time, this value is firmly attached to certain societies.

3. Resolving the Cases in *Barunding*

The methods in resolving the cases or problems based on costum is still exist in society, and it is still developed and recognized in society. The justice enforced in the resolving of cases or problems in society is in line with the law. This can be seen from the mechanism or method of solving cases in indigenous communities. In a Dayak community of South Kalimantan, the

process of resolving conflicts or cases is very simple, it is carried out through "*Bamusyawarah*" or "*Barunding*", which involves community leaders. Through this "*bamusyawarah*" or "*barunding*" agreement, an agreement was reached on the steps that must be taken to end the conflict (Lamusu, 2015: 9).

Resolving the cases through *bamusyawarah* or *barunding* is not only used in the Dayak people in South Kalimantan, but it is also used in the Banjar community in Tembilahan, Indragiri Hilir Regency, which originates from South Kalimantan. *Barunding* as known as negotiation or deliberation in Indonesian language means the process, method, act of negotiating or deliberation to solve the problems.

Research Methods

The research method used in this research is qualitative research with a descriptive approach. In general, there are two studies used in social science, namely qualitative research and quantitative research (Suryana, 2010: 2.3). According to Sugiyono in "Metode Penelitian Kuantitatif Kualitatif, " (2017: 6), research is carried out to obtain valid data, so it can be discovered, optimized and proven by knowledge and it can be also used to solve and anticipate problems. In the same book, it is also explained about the notion of qualitative research itself which is based on the postpositivist philosophy, which is used to examine natural objects and the researcher is the key instrument.

According to Bogdan and Taylor in (Moleong, 2018: 4), qualitative research methods are the same as research procedures that produce descriptive data in the form of text (can be used for research on religion, society, culture, philosophy), notes related to meaning and values and understanding. The author uses qualitative research methods, because the research data is in the form of conducting interviews with informants and key informants.

Finding & Discussion

Based on the research, here are results of the research :

1. Juvenile Delinquency in Tembilahan

The juvenile delinquency, especially in the Tembilahan Hulu area, happens quite often due to the large number of residents in the Tembilahan Hulu area, so the level of delinquency is quite a lot. Juvenile delinquency that most happens in the Tembilahan Hulu area are fights, some of the fights are carried out individually and in groups or gangs.

2. *Barunding's* History and Philosophy

According to the community in the area, *barunding* means negotiation or deliberation to reach an agreement and resolve the problems in community. The enforcement cases with *barunding* is one of the form of local wisdom that have been practice in Tembilahan since a long time ago. *Barunding* applies to cases or problems of a minor nature, such as juvenile delinquency, minor theft, and irregularities.

The characteristic of *barunding* is nothing, when resolving problems, especially juvenile delinquency, this *barunding* is actually the same as the deliberations conducted in other areas. But, there is a proverb or principle that is always held in the daily life of Banjar people, namely "Wani manimbai wani manajuni", which means if you dare to do something bad, you have to be responsible for it, and that is emphasized in *barunding*.

3. The Mechanism of *Barunding*

The application of *barunding* in resolving juvenile delinquency by the Banjar tribe community in Tembilahan is done by gathering all parties and bringing them together in a place. Those involved in negotiating problem solving are the perpetrators, victims, neighborhood leader, community leaders. And sometimes Bhabinkamtibmas also takes part in solving

problems in society according to its function which is regulated in the Chief of Police Regulation Number 3 of 2015.

Barunding is carried out by occupying all parties involved, like the victims and perpetrators, neighborhood leader and community leaders. *Barunding* will be opened by the neighborhood leader, then negotiations carried out to the problems. In *barunding* process, the perpetrators and the victims had to agree first to hold the negotiations. When the perpetrator really admits his actions, a solution to the problem will be sought, for example by compensating for a number of losses caused by the juvenile behavior and others. When reaching an agreement in the *barunding*, a peace letter will be drawn up, and the perpetrator is obliged to apologize to the victim who was harmed.

4. Resolving Child Cases by the Police

Juvenile delinquency cases is resolved by negotiation or deliberation before the case goes into a legal case, this *barunding* is important. Those involved in this were both parties, the respective families from both parties, and neighbourhood leader / community leaders. When an agreement occurs, a letter of agreement will be drawn up between the two parties, which is approved and signed by both parties and the witnesses. Witnesses are a neighborhood leader or community leaders. In the Police, there are something that called problem solving activity. Problem solving activity is a problem solving by the police, Bhabinkamtibmas is the one that will be a mediator in solving cases in their area, when there is a problem, deliberation or mediation will be sought. The deliberation or mediation will be occurs when both parties are agree to do that.

5. Effectiveness of *Barunding*

Based on the research that found in the field, *barunding* is consider effective in resolving cases or problems in society especially juvenile delinquency, *barunding* does not leave a sense of trauma to juvenile or child, so it is good for children.

Conclusion and Summary

Referring to the theory used by researchers, the concept of restorative justice, by calling and occupying the parties involved, then jointly looking for solutions, and solve the problem. The application of *barunding* in accordance with the concept of restorative justice is considered to be helpful in resolving delinquency, especially children in the Tembilihan area. Based on restorative justive, basically the application of *barunding* on juvenile delinquency if both parties agree to resolve it. And this *barunding* is the aim of restorative justice itself.

In this research, the researchers found that *barunding* is classified as effective in solving cases, especially juvenile delinquency, *barunding* does not leave a sense of trauma,so it is good to do for juveniles or children. Based on the results and discussion, we can conclude that:

1. The application of *barunding* in resolving juvenile delinquency by the Banjar tribe community in Tembilihan is done by gathering all parties and bringing them together in a place. Those involved in negotiating problem solving are the perpetrators, victims, neighborhood leader, community leaders. And sometimes Bhabinkamtibmas also takes part in solving problems in society according to its function which is regulated in the Chief of Police Regulation Number 3 of 2015.
2. *Barunding* is carried out by occupying all parties involved, like the victims and perpetrators, neighborhood leader and community leaders. *Barunding* will be opened by the neighborhood leader, then negotiations carried out to the problems. In *barunding* process, the perpetrators and the victims had to agree first to hold the negotiations. When the perpetrator really admits his actions, a solution to the problem will be sought, for example by compensating for a number of losses caused by the juvenile behavior and

others. Then when reaching an agreement in the *barunding*, a peace letter will be drawn up, and the perpetrator is obliged to apologize to the victim who was harmed.

3. In the application of *barunding*, it is actually almost the same as the deliberations held in other areas, the difference is the proverb or principle used by the Banjar community, which in Banjar community highly upholds the oldest previous saying or teaching, which reads "Wani manimbai wani manajuni", which means that if you dare to do something bad, you have to be responsible for it, and that is what is emphasized in *barunding*.

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