

ABSTRAK

Daulay, M. Imran : **PENYELESAIAN PERSELISIHAN PADA MASYARAKAT ULU BARUMUN DI TAPANULI SELATAN**, Program Pasca Sarjana Universitas Negeri Medan 2004.

Penelitian ini dilaksanakan menggunakan metode kualitatif dengan tujuan untuk mengetahui bagaimana cara penyelesaian perselisihan pada masyarakat Ulu Barumun Tapanuli Selatan.

Masyarakat kecamatan Ulu Barumun memilih penyelesaian perselisihan melalui perdamaian (musyawarah) dan menghindari penyelesaian perselisihan melalui instansi penegakan hukum negara. Masyarakat berusaha untuk menyelesaikan sendiri persoalannya dengan cara negosiasi antara pihak yang berselisih dan dengan cara mediasi dengan menggunakan lembaga adat tradisional dalihan na tolu, hatobangon, alim ulama, dan cerdik pandai serta kepala desa.

Hatobangon adalah salah satu lembaga adat yang sangat besar peranannya dalam penyelesaian perselisihan. Pada umumnya perselisihan yang ditangani oleh hatobangon dapat terselesaikan dengan baik.

Masyarakat memandang bahwa penyelesaian perselisihan dengan musyawarah (perdamaian) adalah suatu cara yang tepat dan efektif, karena dapat memuaskan para pihak yang bersengketa dan terhindar dari adanya rasa dendam yang berkepanjangan.

Faktor utama yang menyebabkan masyarakat selalu menghindari penyelesaian perkara melalui lembaga penegakan hukum negara ialah karena kuatnya ikatan kekerabatan, memerlukan biaya yang mahal dan kurangnya pengetahuan masyarakat tentang hukum.

ABSTRACT

Daulay, M. Imran, THE SETTLEMENT OF DISPUTE AMONG THE ULU BARUMUN COMMUNITY IN SOUTH TAPANULI, Post Graduate Program of Medan State University.

The research is conducted based on qualitative method in order to know the ways of the Ulu Barumun Community in settling their dispute. The research is designed to find out sources of disputes, the form and ways of settling disputes, and the role of traditional in those dispute resolutions. The research is also intended to reveal factors why the community tend to escape the settlement of their disputes through formal courts of justice, and therefore, this research tries to know the views and attitudes of the community towards law enforcing institutions.

The Ulu Barumun community choose the way to settle their conflicts through reconciliation and avoid bringing the cases before the state law enforcing institutions. The community attempts to settle their disputes through negotiation and mediation, which originate from traditional institutions, such as *Dalihan Na Tolu*, *Hatobangon*, Islamic priests, local wisemen, and heads of the villages. *Hatobangon* is one of the traditional leaders and customary institution that has dominant roles in setting conflicts. Generally, *Hatobangon* is able to settle most of the disputes.

The community assumes that the settlement of their disputes through reconciliation is relatively effective because it generally satisfies both sides and does not create resentment among disputing parties.

The main factor that motivates the community not to settle their conflicts before state law enforcement institution is that they do not want to jeopardize their strong kinship relationship. The other factors include the high cost and their lack of knowledge concerning law.