

Local Wisdom “Atoni Meto” as an Alternative of Dispute Resolution Outside the Court in Developing Communities’ Moral Values in Kupang Regency

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Abstract— Ajito, Timoteus, 2018, *Local wisdom “Atoni Meto” as an alternative of dispute resolution outside the court in developing communities’ moral values in Kupang regency*, Thesis, Social education graduate program of Nusa Cendana University, Supervisors: (I) Prof. Dr. Mientje Ratoe Oedjoe (II) Dr. Hikmah. The purpose of this study is to describe the application of local wisdom “Atoni Meto” as an alternative to resolving disputes outside the court in developing the moral values of the community in Kupang regency. The focus of this study is the culture of the Atoni Meto community in relation to moral values, the characteristics of cases that cause disputes, the role of local wisdom “Atoni Meto” in dispute resolution, local wisdom as an alternative of dispute resolution is a priority for Atoni Meto. The method used in this study is a qualitative method with a phenomenological approach. Data collection techniques that used are observation, interviews and document studies. Data analysis uses interactive Miles and Huberman, which includes data collection, data reduction, data presentation, and drawing conclusions. The results obtained in this study as follows: 1) Atoni Meto community has the nature of openness, solidarity, attachment and dependency one another, and a sense of brotherhood towards others is very thick because it contains moral values; 2) Characteristics of cases that lead to disputes in Kupang Regency include land disputes, violence against women, home violence, defamation, fighting disputes, and inheritance disputes; 3) The role of local wisdom “Atoni Meto” through traditional elders, community leaders, religious leaders and government officials is usually entrusted as negotiators, mediators, conciliators, arbitrators in resolving disputes that occur; 4. The choice of dispute based on local wisdom is easier to implement, obeyed by parties, respect on plurality, not embarrassing, fast and cheap, maintains kinship, harmony, cultural democracy, comprehensive, justified, theologically, has cultural legality, accepted sociologically and have a high level of trust (liability).

Keywords— local wisdom, Atoni Meto, Alternative, Resolution, Dispute.

I. INTRODUCTION

Indonesia with various kinds of styles and ethnic groups, place him as a nation that is rich in different languages, cultures, races and customs. By a variety of languages, cultures, and customs in society, there are various rules and norms that appear and develop in each society. People in their communities, have their own customary rules and the rules also differ from one another. In customary rules there are traditional sanctions that apply to everyone who commits a crime or violates norms and norms that are contrary to the public interest; meaning that each ethnic group has its own

local wisdom. Local wisdom, terminalogically can be understood as ideas, local views that are wise, full of good values and wisdom that is embedded and followed by the members of community. Follow the understanding of Mukti and Winarna (in Bolong, 2014: 92), characteristic of local wisdom is not instant, but rather it "pivots on the process" towards goodness. Therefore, he does not pretend to "mere application", which then makes it very far away with things that are instant, so that in a long time he became a "mirror of culture" for the community.

In handling various legal cases that occur in the country, it often sticks out to be the subject of public discussion because judicial decisions are considered to ignore the values of justice that should be felt by the public and justice seekers. The legal process in Indonesian judicial environment is considered not to fully reflect the true values of justice. Justice seems to be an "expensive item" that is far from the reach of society. The law sharp downward and obtuse upward; this phenomenon is almost happening in all aspects in our homeland, Indonesia. This indication is in accordance with the opinion of Usman, (2013: 241), that there are not few people only, both educated and uneducated people, even people who are daily in legal world, especially in Indonesia, so amazed when they understand the law as a commander to answer, decide, or settle a case, it turns out that not a few laws and regulations become infertile or does not give birth to what is expected by the community itself.

In Kupang regency, dispute is a social phenomenon that often occurs in social life, both in villages and in cities. The types of disputes that often occur, usually caused by land problems, marriages, accounts payable, theft, slander, domestic violence and others. Disputes rooted by land issues are more common than other disputes. Land boundaries and the status of ownership of land by a person / family is a problem that is endlessly discussed and sought solutions for resolution by community leaders, and also government officials. The issue of land boundaries for Atoni Meto people is a trigger factor for disputes between individuals, between groups and community, and between communities and the government.

In Atoni Meto community, when resolving land disputes and other disputes, they tend to settle them by customary means through certain rites believed to be able to strengthen the agreement between the two parties. The rites are to

strengthen the broken family relations that they may be in harmony condition, because the process of resolving disputes through custom's sanctions is familiar and can be re-bound by kinship. The existence of custom's sanctions is still maintained by the Atoni Meto community and the resolution of the problem is always prioritized by the principle of peace, which is an embodiment of the fourth principle of Pancasila (deliberation and consensus). The form of togetherness in law is prioritized for common interests, one for all, the legal relationship between members of indigenous peoples is based on a sense of togetherness, kinship, help, and mutual cooperation. According to Wulansari (2014: 21) customary law in essence prioritizes deliberation and consensus within the family, kinship relations, neighborliness, starting a job or ending work, especially in resolving disputes among others, preferably the solution is really needed dealing with a harmonious and peaceful, deliberation and consensus, and by forgiving one another not just in a hurry but immediately brought or submitted to a state court.

Atoni Meto is the name of the people who inhabit areas in Kupang district. The compound words Atoni Meto consist of the words Atoni and Meto. Atoni is a metathesis form of the word Atoni which means male, but it can also mean a class of people or an ethnic group. Meto generally means dry, but in the context of the compound word Atoni Meto, it means land. So Atoni Meto means a person or ethnicity, nation, mainland dwellers. The people of this ethnic group call themselves and their ethnic group Atoni Meto. The second version refers to the native tribe as Atoni / atoin meto / Atoin Pah Meto and in language it is called uab meto, molok meto. Literally, Atoni means person, human, it can also mean male. Meto / Pah Meto mean dry, dry areas. So Atoni Meto means people in dry areas who depends their lives by cultivating dry land in a nomadic way (Sanak, 2008: 8). This term is what lives and develops in its culture.

Indigenous people are more familiarly called Atoin meto, while migrants such as traders, employees and other residents from outside are called Atoin Kase, and atoin anaom nemat. The name of the Atoni tribe is related to the patrilineal culture system adopted by the local community. In the condition of the relatively severe challenge of marginalization of the Atoni Meto indigenous people, apparently there are still some opportunities for their empowerment. These opportunities include; 1) the symbols of the existence of the Atoni Meto indigenous people still be found, they still have a fairly strong traditional structure, as well as the existence of various ritual ceremonies that still considered sacred; 2) there are still many historical heritages that can be used as a starting point for the empowerment of indigenous peoples, both the community pattern and traditional institutions that are still highly respected by their communities; 3) there are still many traditional leaders who are culturally recognized by the Atoni Meto indigenous people so that these traditional leaders can be used as a medium for the transformation of indigenous peoples empowerment (Krisdyatmiko, 2005: 206).

Furthermore, Dawanese is often also called Atoin Pah Meto or Atoin Meto. Hearing those names, the attention of people is directed to other identification marks, namely

"Mountain People" or "Inland People". Atoni Meto has a negative connotation. A group of people based on the name Atoni Meto, will be classified into a group of people who are less or not developing according to the times, who have not been able to give another color to life and behavior, which still retains the heritage of his ancestors. Atoni's name is taken from the phrase used by Dawan himself, namely Atoni Pah Meto. In order to simplify their use and speech, only the word Atoni was taken, which experienced a shift in sound to Atoni when spoken alone. Instead, people would prefer to be called Atoin Kase, that is, humans who have advanced in thinking and acting in a modern way, especially when speaking Indonesian and wearing long pants. Along with that, the Dawanese are generally known as inland and mountainous natives (Sawu, 2004: 21). The Atoni people live in the interior of the island of Timor which covers an area about 11,799 km² and which is very dry, the number of Atonis is about 300,000 people. People who live in the city of Kupang call the Atoni people 'mountain people', or native person', whereas the Atoni calls themselves as the Atoni, which means 'human'. The characteristics of the Atonic body show more Melanesian elements, compared to other Timorese. They are on average short in size with a brachycephal head with dark brown skin and curly hair (Koentjaraningrat, 2002: 20). They often called as *meto* people who have a community base on the farm management and animal livestock. Their economics access is more dominated by livestock and plantation products. This community base is strengthened by the socio-cultural factors of the local community. Further ties underlying a community besides the kinship system are:

Firstly, customary ties. The same attachment in custom makes all people think collectively and socialize each other. The obligation to take part in traditional ceremonies and joint activities keeps people from being apathetic.

Secondly, attachment because of religion. Religious rituals become a medium for people to communicate between the community including the community with the spirit of their ancestors, the spirit of the founder of the tribe and the Divine. They strongly emphasized the existence the harmony of community practiced in traditional rituals for the sake of petition and thanksgiving and recovery. The goal is to preserve the relationship and at the same time hope that the dead can be returned to the ancestral spirit.

Thirdly, an effort to prevent conflict due to jealousy and hatred among the community members. This pattern is done in collective way starting from the way of dressing, art, parties and worship. These similarities and uniformity are clearly regulated by custom and passed down from generation to generation. This custom must not be distorted, although in the course of this spirit of collectivity is threatened by modernization and advancing times, (Krisdyatmiko, 2005: 18).

The existence of customary sanctions is still maintained by the Atoni Meto community as an alternative to settling disputes outside the court in developing the moral values of the community, because it contains good for their lives, so this principle becomes a tradition and is strongly attached to the lives of the *meto* people. Although there are differences in moral values and the intensity of social and cultural relations,

but in the long term they are bound in the same vision in creating a dignified and prosperous life together, in accordance with the opinion of Wulansari (2014: 21) customary law in essence prioritizes the existence of deliberation and consensus, both within the family, kinship relations, neighborliness, starting a job or ending work, let alone in resolving disputes between one and the other, preferably a way of settlement in harmony and peace with deliberation and consensus, by forgiving one another not just in a hurry the dispute was immediately taken or submitted to a state court.

Based on the background above, this paper will reveal four issues: firstly, the culture of the Atoni Meto community related to moral values; secondly, the characteristics of cases that lead to disputes in Kupang district; thirdly, the role of Atoni Meto's local wisdom in resolving disputes; fourthly, Local wisdom as an alternative to the settlement is a priority for Atoni Meto. The author hopes that the dispute based on local wisdom outside the court will be the last resort.

II. RESEARCH METHODOLOGY

The selection of research location is a place where disputes often occur, namely Taebenu sub-district and Amarasi Selatan sub-district, Kupang district. The study was conducted with a qualitative method, through a phenomenological approach used to reveal how the application of Atoni Meto's local wisdom as an alternative to resolving disputes outside the court in developing the moral values of the community in Kupang district. Qualitative research using phenomenological methods actually focuses on humans and their contexts, with the aim that the understanding of the meaning is determined by the dimensions of intensity and quality of data, not the quantity of data. The author tries to explore each phenomenon while expressing the meaning stored in it. The researcher tries to understand why the application of Atoni Meto's local wisdom as an alternative to resolving disputes outside the court in developing community moral values is a priority than the district court in Kupang district. The qualitative method with a phenomenological approach is deemed suitable to uncover the problems of disputes that occur in Kupang regency and its resolution. This problem is believed having complexity, dynamics, phenomena and the conditions of meaning. The author tries to explore every dynamic and phenomena while expressing the meaning stored in them. Data analysis uses interactive by Miles and Huberman which includes data collection, data reduction, data presentation, and drawing conclusions.

III. RESULT AND DISCUSSION

1. The culture of the Atoni Meto's community related to moral values

The Atoni Meto's community has a characteristic of openness, solidarity, attachment and dependency one another and a sense of brotherhood towards others is very thick because it contains moral values for their lives.

2. Characteristics of cases that lead to disputes in Kupang district

Conflict or dispute is an inevitable part of community life. Disputes or conflicts themselves can take many forms such as land disputes, domestic violence, fights, theft and even inheritance. According to Usman (2013: 3), this means that the dispute is a continuation of the conflict. A conflict will turn into a dispute if it cannot be resolved. Conflict can be interpreted as "contrary" among the parties to resolve problems and if it does not resolved properly can disrupt relations among them. As long as the parties can solve the problem properly, the dispute will not occur. However, if the opposite occurs, the parties cannot reach agreement on a solution to the problem.

Disputes that occur in Kupang regency, especially in Taebenu and Amarasi Selatan sub-districts are border land disputes due to land grabbing. Land issues become a potential conflict in the future if not immediately addressed, in addition to unclear land ownership status of citizens, and community efforts to obtain certificates seem difficult. This is because there are some families who claim only have the right to work on a plot of tribal land. Other factors that appear are land boundaries that only known by the older generation. After this old generation no longer exists, the next generation does not know the boundaries of the land definitively. Besides the problems above, there is violence against women, domestic violence, theft and fighting disputes. Here we can find the reasons why the community tends to resolve every dispute by promoting local wisdom of Atoni Meto.

Factors that affect disputes resolution based on local wisdom are: 1) *Economic factors*: disputes settlement outside the court is more economics and profitable, because the costs are relatively cheap than carried out in the court and the time is faster. The time of dispute resolution also affects the costs incurred. 2) *Legal culture factors*: the elements of legal culture are the values and attitudes of community members dealing with law. The legal culture of the community is also a factor influencing the importance of disputes resolving outside the court. Traditional culture that emphasizes communality and kinship has encouraged the resolution of disputes outside the formal court. Thus a culture that emphasizes efficiency and effectiveness is as strong as pushing a resolving dispute based on local wisdom without going through the court.

3. The role of Atoni Meto's local wisdom in dispute resolution

In resolving disputes, the traditional elders always carry out their respective roles and functions as mediators as stated by Usman Rachmadi (2013: 108). There are seven functions or roles of the mediator namely:

a. As a Catalyst

As a catalyst, it implies the presence of a mediator in negotiation process that can encourage the birth of a constructive atmosphere for discussion and not vice versa, although in practice, after negotiation process, the parties continue to experience polarization. Therefore the function of the mediator is trying to narrow down the polarization.

b. As an Educator

As an educator, it means that a mediator trying to understand the will, aspiration, work procedures, political limitations and business constraints of the parties. Therefore, he or she must involve himself in the dynamics of differences between the parties in order to make him or her able to grasp the reasons or reasoning of the parties to approve or reject a proposal or request from each other.

c. As a Translator

As a translator, it means that a mediator must try to convey and formulate the proposals of the parties without reducing the intention or suggestion to be achieved by the proposers.

d. As a Resource Person

As a resource, it means that the mediator must be able to utilize or multiply the benefits of the available information sources. People often experience frustration when participating in discussions because facing lack of informations or sources of service. This service is in the form of research facilities, computers, and arrangements for negotiations or meetings with relevant parties who have information.

e. As a person with bad news (Bearer of bad news)

Means that a mediator must realize that the parties in the negotiation process can be emotional, for example if one party submits a proposal, then the proposal is disrespectfully rejected and accompanied by words to the person of the composer, then he may do the same to avoid this. The mediator can mediate by separating the warring parties.

f. As a agent of reality

As an agent of reality means that the mediator must try to tell or give a clear understanding to one or the parties, that the target is impossible or unreasonable to be achieved through negotiations.

g. Being a scapegoat

Being a scapegoat means that the mediator must prepare to be the party that be blamed if the goal of resolving disputes outside the court does not reach the goal. It is this process of resolving disputes outside the court that can touch the root of the dispute, so that the ideal level of dispute resolution outside the court is not only trying to solve it, but also to solve the problem that raises the problem.

The role of Atoni Meto's local wisdom through traditional elders, community leaders, religious leaders and government officials is usually entrusted as a negotiator, mediator, conciliator, arbiter (breaker / referee) in resolving disputes that occur. There are several stages of disputes resolution outside the court that must be passed, namely:

a. *First stage, initial process*

- 1) The victim reports a case or incident to the customary leader (mediator) where the victim is located by bringing *Okomama* (betel nut and money) or the term in Atoni Meto: money goes up to the table (saeme), as an initial report from the victim
- 2) Then the customary leader calls the perpetrator to ask for information on the victim's report
- 3) After hearing the confession of the perpetrator, the customary leader invite the community leaders, youth

leaders and religious leaders in order to carry out the dispute resolution process.

b. *Second stage, dispute resolution process*

- 1) After everyone has gathered, the customary leader asks whether they are willing to solve the problems they face in a customary manner or not. (If both parties agree to resolve them traditionally, the customary leader continues the process of resolving the dispute
- 2) In resolving the disputes, the customary leader asks the parties in terms of the real problem they face
- 3) Both parties to the dispute begin to tell their problems so that they are listened to by all parties who involved in the resolving process that they may provide input to the disputing parties.

c. *Third stage, decision making process*

- 1) Before making a decision, the customary leader gives the opportunity for the parties involved in the dispute resolution process to provide input and advice to the parties to the dispute
- 2) Listening to the input and advice of the parties involved in the dispute resolution process, the customary leader or mediator decides on the case and reconciles the parties to the dispute, ask them to not repeat their deeds to the dispute and reward them customary fines in accordance with the level of the problem at hand
- 3) After the disputed people have been reconciled and they promised to not repeat their actions (in Kupang district they rarely take customary oaths because it will result in death of the disputing parties) most are fined based on the degree of error, in the form of one pig, woven cloth, one sack of rice and money
- 4) There was a peace between the two parties by distributing *Okomama* (betel nut) then ending with shaking hands.

The same thing is supported by Moore's opinion (in Usman 2013: 115) explains that there are three types of mediators namely: a) Social network mediators: in the mediator pattern such this, the third party or mediator comes from the community of the warring parties. Usually the aim of the mediator is to restore harmony in the life of the community. In Indonesia, the role of such mediators can be seen in the lives of various tribes, include Atoni Meto; b) Authoritative mediators: namely those who try to help the disputing parties to resolve conflict among themselves, but the mediator actually has the potential or capacity to influence the final outcome from an out-of-court dispute resolution process. Even mediators such this can issue the threats to disputing parties who do not comply with the results of dispute resolution outside the court, c) Independent mediators: namely mediators who maintain distance between the parties as well as with issues that are being faced by various parties. Mediators such this are more commonly found in societies or cultures that have developed a tradition of independence and produced professional mediators.

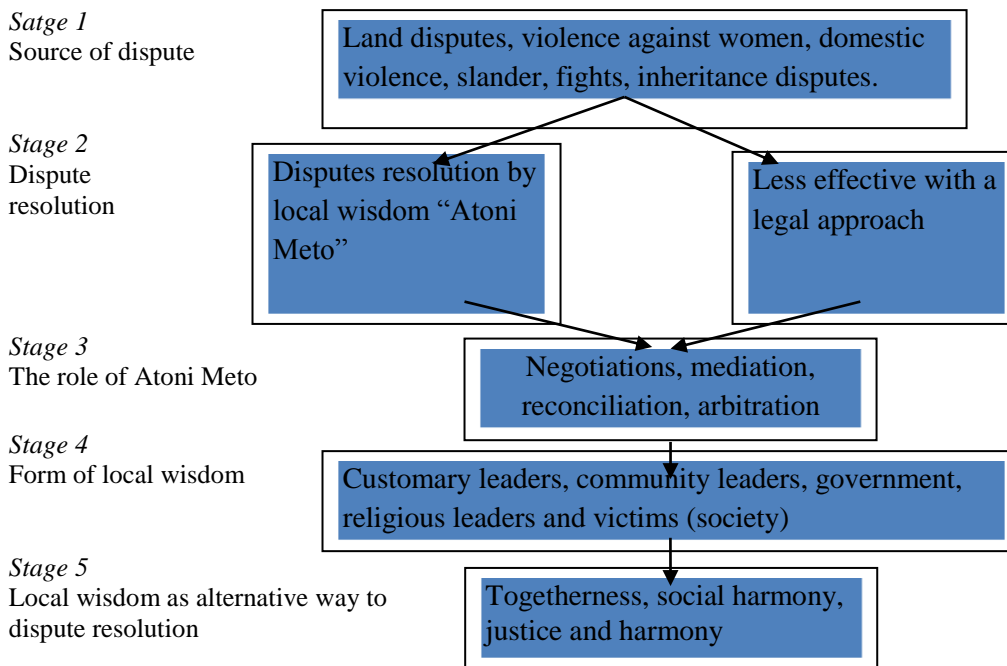
4. Local wisdom as alternative dispute resolution is Atoni Meto's priority

The operation of law is inseparable from the cultural system in society. In order for the law to work in accordance with its function, the community must be moved to submit their dispute cases to the court. In this way, the law will truly function as a social integration. However, what happens is often opposite, that is the community is less or not moved to resolve their dispute to the court. The law is considered by the people no longer to side with him, but rather in favor of other authorities or elites. They also consider, finding justice in this country is difficult, long and expensive. The jargon of naughty apparatuses such as "if it can be slowed why is it accelerated, and if it can be complicated why is it facilitated", has deeply

embedded in the minds of the people, so people are reluctant to approach to the court. This situation is an indicator that the community prefers to settle disputes by third parties, even individuals, institutions or bodies outside the court, which commonly known as alternative dispute resolution, so that the peace can be achieved.

People are aware that state law does not automatically produce justice. Their choice is to resolve disputes outside the court, because dispute resolution based on local wisdom is easier to implement, obeyed by parties, respects plurality, not embarrassing, fast and cheap, maintains kinship, harmony, cultural democracy, comprehensive, justified, theologically, has cultural legality, accepted sociologically and has a high level of trust (liability).

The dynamic pattern of dispute resolution based on local wisdom "Atoni Meto"



A long stage is seen in the informal pattern of disputes resolution, but people prefer to resolve them outside the court (non-litigation). This may also be influenced by the low level of community trust in formal dispute resolution, because it is caused by several factors: (a) the same attachment to custom, making all people think collectively and socializing each other; (b) tribal similarity so the development goes in the same direction; (c) Atoni meto culture that is shy and hesitate are still very high; (d) there is high social control in every system of community life; (e) there is no gender discrimination, because both men and women work in the fields or gardens (mamar); (f) attachment aspect because they are still close relatives and the similarity of beliefs (religion).

IV. CONCLUSION

Disputes resolution options such as land disputes, violence against women, domestic violence, defamation, fighting

disputes and inheritance disputes using moral values are supported by the role of Atoni Meto's local wisdom as a negotiator, mediator, conciliator, arbiter (breaker / referee) based on local wisdom in maintaining harmony and justice in society. The researcher felt it was necessary to give advice to all parties so that the community would prioritize Atoni Meto's local wisdom as an alternative dispute resolution in developing community moral values, because dispute resolution outside the court (non-litigation) is a cooperative concept resolution which was directed at a win-win solution, faster, cheaper, does not damage the kinship and still maintain good relations and avoid the feeling of losing and winning.

(1) The people of Kupang regency are expected to be able to prioritize the superiority of local wisdom, and to make dispute resolution in the court as the last resort.

(2). Atoni Meto's Local Wisdom as alternative Alternative dispute resolution in developing community moral values is

strongly recommended because in addition to being able to avoid the masive legal mafia that occurs in Indonesia, it can also be accepted sociologically and legalized from the local culture.

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