

Mediation And The *Atoni Meto* Ritual As An Alternative For Out Of Court Dispute Resolution In Kupang District

Timoteus Ajito¹, Rudobertus Talan², Florianus Aloysius Nay³

^{1,2} Faculty of Education and Teacher Training, San Pedro University

³ Faculty of Mathematics and Natural Science, San Pedro University

Email: ajitotimothi83@gmail.com¹, rudobertustalan@gmail.com²,
olandnay@unisap.ac.id³

Abstrak

Peradilan telah terindikasi kasus korupsi, kolusi, dan nepotisme, sehingga diperlukan model alternatif penyelesaian sengketa dalam masyarakat hukum adat yang efisien, adil, dan akomodatif untuk menjaga kelestarian masyarakat hukum adat. Fokus penelitian ini adalah mendeskripsikan penerapan mediasi dan ritual *Atoni Meto* sebagai Alternatif Penyelesaian Sengketa di Luar Pengadilan di Kabupaten Kupang, karakteristik sengketa kasus, dan peran kearifan lokal dalam memediasi *Atoni Meto* dalam penyelesaian sengketa. Metode penelitian yang digunakan adalah metode kualitatif. Teknik pengumpulan data adalah observasi, wawancara, dan studi dokumen. Teknik analisis data menggunakan Miles dan Huberman meliputi pengumpulan data, reduksi data, penyajian data, dan penarikan kesimpulan. Hasil yang diperoleh adalah sebagai berikut: 1. Mediasi dan penyelesaian sengketa ritual di Kabupaten Kupang merupakan upaya untuk tidak mengutamakan keadilan prosedural karena capaian tidak hanya tampak. Model ini dapat menghasilkan cita-cita rakyat dalam hukum, sebagaimana tertuang dalam sila kelima Pancasila, yaitu keadilan sosial bagi seluruh rakyat Indonesia, dengan demikian keadilan sebagai bagian dari nilai moral yang utuh dan holistik; 2. Mediasi dan Ritual *Atoni Meto* sebagai Alternatif Penyelesaian Sengketa di luar Pengadilan direkomendasikan karena selain menghindari mafia hukum yang marak di Indonesia, juga dapat diterima secara sosiologis dan mendapat pengesahan dari budaya setempat; 3. Mediasi dan ritual dalam penyelesaian sengketa merupakan insentif sosial berdasarkan kontradiksi penyelesaian sengketa yang tidak memberikan keuntungan di satu pihak dan kerugian di pihak lain tetapi mengutamakan win-win solution.

Kata Kunci: Mediasi; Ritual; *Atoni Meto*; Penyelesaian Sengketa; Kabupaten Kupang

Abstract

The judiciary has been indicated by cases of corruption, collusion, and nepotism, so that an alternative model of dispute resolution in customary law communities is needed efficient, fair, and accommodating to maintain the sustainable of indigenous peoples. The focus of this research is describe the application of mediation and rituals *Atoni Meto* as an Alternative for Out Court Dispute Resolution in the Kupang Regency, the characteristics of cases disputes, and the role of local wisdom in mediating *Atoni Meto* in dispute resolution. The method research is a qualitative method. Data collection techniques are observation, interviews, and document studies. Data analysis techniques using Miles and Huberman include data collection, data reduction, data presentation, and concluding. The results obtained are as follows: 1. Mediation and rituals dispute resolution in the Kupang district is an effort not to prioritize procedural justice because achieve not only appears. This model can produce the people aspire in law, as contained in the fifth principle of Pancasila, namely social justice for all Indonesian people, thus justice as part of a complete and holistic moral value; 2. Mediation and *Atoni Meto* ritual as Alternative for Dispute Resolution outside the Court recommended because apart avoiding the legal mafia that is rife in Indonesia, it is also sociologically acceptable and gets legalization from the local culture; 3. Mediation and rituals

in dispute resolution are social incentives based on contradictions dispute resolution that does not provide benefits on the one hand and losses on the other but prioritizes a win-win solution.

Keywords: *Mediation; Ritual; Atoni Meto; Dispute Resolution; Kupang District*

INTRODUCTION

The spirituality contained in the diverse cultural values of Indonesia gives the impression of aesthetics and diversity between one another. Moving from this diversity, the Indonesian people have the potential for various local wisdom. All of them grow and move from the background of the social environment and cultural environment. These various forms of local wisdom when juxtaposed with positive things can be openly adapted to resolve problems or conflicts that occur in social life.

Culture and local wisdom have a relationship with one another. According to Bakker (Nay 2018:357) culture is defined as the overall creation, order, and processing of human values. This shows that the whole process that occurs in human behavior starting from creation to processing values in life is culture. Regarding local wisdom, Hidayati (Helmon and Nesi 2020:61) explained that local wisdom is a socio-cultural order in the form of knowledge, norms, regulations, and skills of the community in an area to meet the needs of living together which are passed down from generation to generation. Based on these definitions, it is known that local wisdom is a characteristic possessed by each group or individual related to the values of life and has been rooted in the culture of the group or individual.

Local wisdom regardless of its type and form is a collection of knowledge that has been dynamically organized, developed, and continued by certain populations that are integrated with their perceptions of the surrounding nature and culture. (Sofyan et al. 2021:159) About cultural practice, local wisdom also has a vital function, namely as a basis for policymaking at the local level in various fields of life, such as health, education, agriculture, natural resource management, and rural community activities. Local wisdom is a sign of how people live their lives and get life experiences and all of that is applied in their daily lives and becomes a way of life in society in acting and making decisions. (Vuspitasari and Ewid 2020:28)

Land disputes in Indonesia from year to year occur periodically. Based on the Work Report of the National Human Rights Commission in 2019, there were 30% of agrarian cases/conflicts occurred in various regions in Indonesia in the last 5 years. Agrarian conflicts are defined as conflicts in the distribution, allocation, and ownership of land. Based on data from public complaints to Komnas HAM, allegations of violations of the agrarian conflict have become one of the most frequently reported issues by the public. (Komnas HAM RI 2020:5). According to Kapong and Rato (Rato 2013:302), conflicts related to customary lands are triggered by the process of seeking justice through the state judiciary which always ends in disappointment, high costs, and a long and convoluted process.

The majority of the tribes that inhabit the Kupang district are the *atoni meto* tribe. Disputes that occur in Kupang Regency are dominated by land disputes. There are disputes between individuals with individuals, individuals with groups, groups or tribes with tribes, and with the government that often occur in Kupang Regency. Based on interviews with local traditional elders, it is known that *Atoni meto* is a term for the region of Timor, especially in the districts of Kupang, South Central Timor, and North Central Timor (dawan language) which means people (tribes) who live or settle in barren or dry areas. In Dawan's language, the term *atoni pah meto* is also known. The term is translated as a person who is in a barren or dry place. Based on these two terms, it shows that *atoni meto* is a term used to refer to people who live or are in Pah Meto (Barren Land). This is reinforced by the etymology of the term *Atoni meto* (Banamtuan 2016:82), namely the term *atoni* means a man, a group of people, or an ethnic group. While the term *meto* means dry, but in the context of the

compound word *atoni meto*, *meto* means land. Furthermore, *atoni meto* is often identified with mountains and inland. *Atoni meto* is associated with mountain people, people who live inland, who are often opposed to city people, coastal or coastal people who are good at sailing and sailing the sea.

The land dispute for *Atoin Meto* in Kupang Regency cannot be separated from the traditional land tenure system. The land tenure system in Kupang Regency can not only be seen in a very large area that was formed due to the prosperity of the formation of domains in Timor. According to Nordholt, the historical process divided West Timor into political units which were autonomous from one another. In Kupang Regency, there are large domains that later evolved into self-government in the early 20th century. At the present time, there is stability in domain and land tenure where social memory of land always refers to the era of self-government. Specifically, there are a number of domains in the Kupang Regency, namely: Amfoan, Fatuleu, Babau, Amabi, Taebenu, Sonbai Kecil, and Kupang domains (Kuswardono 2014:13).

According to Cunningham (Kuswardono 2014:13), each of the previously mentioned domains has a ruler who is descended from the *liurai wewiku wehali*. In each domain known as diarchy or a form of power in pairs, which are feminine and masculine. The ruler of the domain is called the *uis pah* or the ruler of the land. Furthermore, *uis pah* distributes the lands that are under his control to the *amaf* as guards in the area scattered in the four directions of the compass. The land tenure of the *amaf* is semi-autonomous and also diarchy, meaning in pairs. Semi-autonomous in question is that each area that has been shared is managed by an *amaf* partner. Furthermore, according to Ataupah (Kuswardono 2014:15) a broad expanse obtained by *amaf* from *uis pah* is referred to as *autuf* or *autif*. Each group of a single chess *amaf* controls a smaller stretch compared to *autuf* which is referred to as *suf*.

The various descriptions above relate to the history of land tenure in the Kupang Regency. This shows that land is considered not only as production or social land, but has a close relationship with the local wisdom of the people of Kupang Regency. *Atoni meto* views land as a cultural and historical heritage that is attached to the belief. Therefore, the sale and purchase of land in the past were unknown. Even today, in rural areas far from the city, buying and selling land is forbidden even for clan members who are a certain *amaf*. The buying and selling process can lead to disputes, divisions, or conflicts between communities in Kupang Regency.

Mediation is understood as a condition or situation that provides a solution for the disputing parties to reach a consensus. The mediation process is known to be carried out inside and outside the court. According to Wicaksono (Terok, Munawir, and Lubis 2020:14) mediation is carried out outside the court, the heirs of the dispute can appoint community leaders as mediators to facilitate dispute resolution. But if this can not satisfy the heirs, then it can be resolved through the court. In court, mediation will be offered back to the heirs of the dispute. The mediation process in court provides the opportunity for the heirs of the dispute to be able to choose a mediator according to an agreement with the other heirs. Based on the previous points, it shows that the role of the mediator is the pivot in dispute resolution. The existence of a mediator depends on the trust given by the parties to resolve the dispute that occurs. Building the trust of the parties is an attitude that must be shown by a mediator to the parties that he has no interest whatsoever in resolving the dispute. The mediator must be able to create a conducive atmosphere so that the compromise between the two disputing parties obtains mutually beneficial results. The mediator aims to help both parties reach an agreement by remaining neutral and ensuring the confidentiality of the parties (Nurhalisah and Lewa 2019:120).

Dispute resolution must be carried out to provide solutions to the disputing parties. Dispute resolution has been regulated in Article 33 of the United Nations Charter (Mayaut, 2021:141) by providing alternatives, namely negotiation, investigation, mediation, conciliation, arbitration, and legal settlement through regional bodies or arrangements or by

peaceful means of their choosing. Furthermore, mediation can be used if the disputing parties cannot resolve it through negotiations, then the intervention of a third party can provide a solution. In dispute resolution by mediation, the mediator plays a more active role in achieving dispute resolution. (Mayaut, 2021:141)

Rato's research (Rato 2013:308) shows that dispute resolution requires alternative methods or models from local communities. The pattern of land disputes always moves according to the cosmological rhythm to achieve harmony. The pattern is expected to be more accommodating, responsive, trustworthy by the community, fair and correct. Lawmakers, law enforcers, and law enforcers need to understand the cosmology of local communities so that dispute resolution becomes a living law, consciously obeyed, and maintained in the community. This requires cooperation between the judiciary and alternative non-litigation dispute resolution institutions that are oriented to the interests of the community.

Conflicts related to evictions and ongoing land disputes are caused by disputes and perceptual deviations between the two parties regarding the land or land resources (Syafuruddin 2021:66). This perception deviation can have an impact on the conflict experienced so that it drags on. The equalization of perceptions between the two conflicting parties needs to be bridged for the realization of a solution based on justice.

Based on the background, the purpose of this study is to describe the role of mediation and local wisdom *atoni meto* in resolving disputes out of court. Therefore, this paper intends to reveal mediation and the role of Atoni Meto as an alternative in dispute resolution. Researchers hope that dispute resolution is based on mediation and local wisdom as an alternative model of dispute resolution to support development in the field of law. This is a breakthrough from the impasse of law enforcement experienced by local communities. In addition, this topic is a critical interpretation of the judiciary and judges who are exalted but often fail to respond to the community's need for justice because of the ability of judges who are generalists.

METHOD RESEARCH

The choice of location is South Amarasi sub-district, Kupang district because it is a place where disputes often occur. The research was conducted using a qualitative method, using a phenomenological approach to reveal how the application of mediation and the Atoni Meto ritual as an alternative to dispute resolution outside the court in Kupang district. Qualitative research with the phenomenological method focuses on humans and their context, with the aim that understanding meaning is determined by the dimensions of intensity and data quality, not data quantity. The author tries to explore each phenomenon while revealing the meaning stored in it. Researchers are trying to understand why the application of mediation and the Atoni Meto ritual as an alternative to dispute resolution outside the court is a priority compared to the district court in Kupang district. Qualitative methods with a phenomenological approach, are considered suitable for revealing the problems of disputes that occur in Kupang district and their resolutions. This problem is believed to have its complexity, dynamics, phenomena, which require meaning. The author tries to explore every dynamic and phenomenon while revealing the meaning stored in it. Analysis of the data using the interactive Miles and Huberman, which includes data collection, data reduction, data presentation, and concluding.

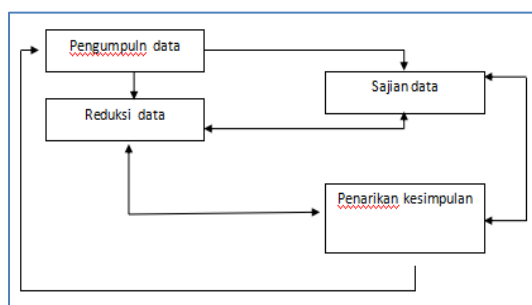


Figure 1. Component of Data Analysis: Interactive
Source: (Miles and Huberman 1992:31–32)

RESULT AND DISCUSSION

Atoni Meto's nostalgia for the ability of his traditional institutions to resolve disputes through his local wisdom does not mean defeat in facing the challenges of the times and modernization. Nostalgia or returning to old “memories” means there is an inspiration act smarter to explore creative ideas that have been drowning. Atoni Meto in Kupang Regency, in this case, has historical awareness and can look back to make plans for the future. The historical significance for the people of the Kupang Regency is very important. For the Atoni meto community in the Kupang district, the power of mediation and ritual has many advantages.

Atoni Meto Culture

Atoni Meto's local wisdom is a social potential that can form its moral values and cultural image in each region and is an important part of the formation of the image and cultural identity of a region. The results of an interview with NT, one of the traditional elders in the South Amarasi sub-district, Kupang Regency said:

“Before there was a lopo, Atoni Meto used a large and lush tree as a place to rest when we were tired of working. We also use lush trees as a place to resolve conflicts that occur between communities in the village and conduct deliberations regarding other issues related to the village. That is the reason why we later built around lopo that resembles a banyan tree or a lush taduk tree.”

The same thing was conveyed by MB, one of the victims of the dispute:

“We Atoni Meto people believe more in customary law because in the settlement we always take an oath so that those who violate it will get illness or death, lately customary oaths are rarely carried out but are resolved with fines according to the severity of the problem and maintain the kinship between them because they have passed down from their ancestors and maintain family ties (keta futu mese) if violated there will be chaos and imbalance in their lives.”

Atoni Meto's local wisdom is a social potential that can form its moral values and cultural image in each region and is an important part of the formation of the image and cultural identity of a region. The word culture comes from the Sanskrit language, namely buddhahyah as the plural form of buddhi or reason. The culture was defined for the first time by EB Taylor in 1871, more than a hundred years ago in his book "Primitive Culture" where culture is defined as a complex whole that contains science, belief, art, morals, law, customs, and habits. carried out by humans as members of society, therefore culture is a product and property of the community (Suriasumantri, 2009). The Atoni Meto community has a community base with land management and livestock raising. Their economic access is dominated by livestock and plantation products. This community base is strengthened by the socio-cultural factors of the local community. Further ties that underlie a community in addition to the kinship system are: First, customary ties. The attachment that exists in adat makes all people think collectively and socialize with each other. The obligation to take part in traditional ceremonies and joint activities keeps away from apathy. Second. Attachment to

religion. Religious ritual ceremonies become a medium for people to communicate between the community, including the community with the spirits of their ancestors, the spirits of the founders of the tribe, and the Divine. They strongly emphasize the existence of communal harmony which is practiced in traditional rituals for the sake of supplication and thanksgiving and restoration. The goal is to preserve the relationship as well as to hope that the dead can be returned to the fellowship of ancestral spirits. Third, an effort to prevent conflicts due to jealousy and hatred between community members. This pattern is carried out in a collective way starting from the way of dressing, art, parties, and worship. This similarity and uniformity are regulated by custom and passed down from generation to generation. This custom should not be distorted, even though in its journey the collective spirit is threatened by modernization and the progress of the times, (Krisdyatmiko, 2005). The Atoni Meto community has the characteristics of openness, solidarity, attachment, and dependence and the sense of brotherhood towards others are still very strong. Dispute resolution does not always lead to legal matters, but social, economic, moral aspects of the parties can play a role, for example, compensation to maintain the sustainability of the togetherness relationship (*keta futumese*). The binding power of the mediation outcome is final.

Characteristics of cases that led to disputes in Kupang district

Disputes are a reality of life that is difficult to avoid because humans as social beings always interact with one another. Fighting, theft, and even inheritance. Disputes that occurred in Kupang district, especially in the South Amarasi sub-district, were borderland disputes due to land grabbing, land issues became a potential conflict in the future if not addressed immediately, in addition to the unclear land ownership status of residents, community efforts to obtain certificates were difficult. This is because several families claim that they only have the right to cultivate a plot of tribal land. Other factors that arise are land boundaries that only the older generation knows. After this old generation no longer exists, the next generation does not know definitively about land boundaries, besides the problems of violence against women, domestic violence, theft, and fighting disputes, it can be seen that there are reasons why people tend to settle every dispute. by prioritizing mediation and Atoni Meto rituals. Based on an interview with DF one of the traditional leaders:

“The resolution of domestic violence is seen from several aspects, there are psychological aspects related to the moral values contained in marriage and the relationship between husband and wife, while from the economic aspect it pays attention to the large expenditure costs and a long time if cases of domestic violence are involved. domestic legal process continues. From this sociological aspect, the mediation settlement is also carried out by deliberation so that later there will be an apology and will not repeat the action.”

Customary law essentially prioritizes deliberation and consensus, both within the family, kinship relations, neighbourhood, starting a job or ending work, especially in resolving disputes between one and the other, prioritized the way of settlement harmoniously and peacefully by deliberation and consensus, By forgiving each other, it is not in a hurry that the dispute is immediately brought or submitted to the state court, as stated by Wulansari (2014: 21). During the economic difficulties they feel, every dispute is always resolved by deliberation and consensus because many benefits are felt, as conveyed by the resource person ML, victims of violence, said:

“This peaceful dispute resolution is carried out based on many considerations, if the settlement is resolved in court it will only add new problems, and require quite a long and tiring time, effort and cost.”

The same thing was conveyed by JF (Community Leader):

“In this out of court dispute resolution, the disputing parties are always obeyed, because the settlement does not seek to lose and win which is directed at an agreement that is a win-win solution, but this out-of-court dispute resolution is conciliatory to the disputing parties.”

For the people of Kupang district, dispute resolution through mediation and rituals, on the one hand, is to actualize customary institutions, namely village peace judges, which are

present but not present, on the other hand, to anticipate the destruction of hopes for the state justice system which has drifted towards a very formalistic direction, too technical, time-consuming and expensive. The development of alternative dispute resolution in the Kupang district is one of the efforts so that local wisdom does not become a “cultural orphan” who fights alone against court mafias. The results of an interview with DM, one of the traditional elders in the South Amarasi sub-district, Kupang Regency said:

“People in Kupang district always want a simple, fast, cheap, and accurate dispute resolution. Slow dispute resolution, will interfere with daily activities in earning a living and cost a lot of money. Meanwhile, expensive dispute resolutions, such as going through district courts and paying lawyers, are not accessible to people, most of whom are still in poor conditions. For that, we need a new institution, namely a dispute resolution out of court.”

Furthermore, the results of the author's interview with MP religious leaders said:

“Dispute resolution in court sometimes does not give satisfactory results, examples of wrong people can be right and vice versa the right can be wrong so that people in Kupang Regency always resolve their disputes out of court. Atoni Meto's local wisdom in resolving disputes out of court is always trying to reconcile the disputing parties so that the desired harmony is created. Dispute resolution out of court always gives positive results, such as not embarrassing or saving two parties because they are not looking to win or lose like in court”.

The factors that influence dispute resolution based on local wisdom are: 1) Economic factors: Low cost; 2) Wider and flexible scope factors; 3) Legal culture factors: Elements of legal culture are the values and attitudes of community members related to law. The legal culture of the community is also a factor that influences the importance of dispute resolution outside the court. Traditional culture, which emphasizes kinship ties (keta futumese), has encouraged dispute resolution outside the formal courts. Thus, a culture that emphasizes efficiency and effectiveness is equally strong in encouraging dispute resolution based on local wisdom without going through litigation. Thus, the characteristics of cases that end in disputes include land disputes, violence against women, domestic violence, defamation, fighting disputes, and inheritance disputes.

Factors affecting the settlement of disputes out of court

Dispute resolution out of court is a unique dispute resolution because in this dispute it cannot be applied through the courts. This is because dispute resolution out of court is influenced by many factors, be it economic factors, legal culture, or even process factors. Atoni Meto's local wisdom as an alternative dispute resolution is to restore social harmony. While on the one hand formal courts are more familiar with various modern cultural icons and mass culture in the form of “win or lose”, alternative dispute resolution remains faithful to reminding that justice is not just black and white as written in the law. As a bulwark of cultural resilience, dispute resolution out of court is not just a matter of winning or losing, but also as a tool to maintain relationships and social comfort. Based on the results of interviews with MP:

“Dispute resolution in court sometimes does not give satisfactory results, examples of wrong people can be right and vice versa the right can be wrong so that people in Kupang Regency always resolve their disputes out of court. Atoni Meto's local wisdom in resolving disputes out of court is always trying to reconcile the disputing parties so that the desired harmony is created. Settlement of disputes out of court always gives positive results such as not embarrassing or saving two parties because they are not looking to lose or win like in court”.

The results of the author's interview with PT said:

“Atoni Meto's local wisdom in resolving disputes outside the court is always seen from the main problem that occurs. But most of the people of Kupang Regency always use dispute resolution outside the court, because in this settlement it is much more profitable for the small people and the aspect of justice is far greater than dispute resolution in court. There is an impression in the local wisdom of Atoni Meto, the strength of the oligarchy of interests

working in courtrooms, where the nature of the oligarchy can change according to the scale and nature of the case being examined and tried. The oligarchy of interests often overrides people and their culture. Humans should be placed as subjects, considering that the direction of good development, including legal development, is for the welfare of the people to get justice. Even if there is attention to the culture of the local community, culture is often superficially turned into just customs and arts. Culture more broadly is a way of thinking, knowledge, outlook on life, and moral values."

The values of justice, enforcement of social rules, cooperation to social sanctions for those who "injure" the rules and decisions that have been agreed are there. The results of alternative dispute resolution, in addition to having the value of local wisdom as well as learning about democracy, are similarly supported by Wulansari's statement (2014: 21) that customary law, in essence, prioritizes deliberation and consensus, both within the family, kinship relations, neighbors, starting a job or not. ending work, especially in resolving disputes between one and the other, prioritized the way of settlement harmoniously and peacefully by deliberation and consensus, by forgiving each other not just rushing the dispute was immediately brought or submitted to the state court.

Application of Mediation and Ritual Atoni Meto

Mediation is a problem-solving negotiation process in which impartial and neutral third parties cooperating with the disputing parties to help reach a satisfactory agreement. In dispute resolution, the role of traditional elders is important in mediating any disputes that occur in the community. Based on interviews with DM traditional leaders:

"Atoni Meto's mediation and rituals through traditional elders, community leaders, religious leaders, and government officials are usually entrusted as negotiators, mediators (arbitrators), conciliators, arbitrators (deciders/referees) in resolving disputes that occur."

Furthermore, the results of the author's interview with religious leaders ZT said that:

"The use of mediation and rituals in dispute resolution is internalized in society so that the appreciation and acceptance of a decision will last longer, because of the socio-cultural context that is the background of the decision. Restoring the rights of indigenous peoples in managing their socio-cultural life is one way to develop positive local wisdom, for example, Atoni Meto's local wisdom in resolving disputes outside the court can create a harmonious, harmonious life, to create peaceful conditions at the local level. have an effect on peace at the larger level, the country level or even the world."

Mediation is a problem-solving negotiation process in which impartial and neutral third parties cooperating with the disputing parties to help reach a satisfactory agreement. In resolving disputes, traditional elders always carry out their respective roles as mediators, as stated by Soetrisno (2010: 6). The six elements or roles of mediation are: 1) Mediation based on the principle of volunteerism through a negotiation, 2) The mediator only helps the parties to find a solution, 3) The mediator must be accepted by the disputing parties, 4) The mediator does not have the authority to make decisions, 5). The mediator only helps the parties to resolve the dispute, 6) The goal is to produce an agreement that can be accepted by the parties, and is supported by Moore's statement (in Soetrisno 2010: 67) explaining mediators into three typologies, namely: a) Social network mediators: In a mediator pattern such as This third party or intermediary comes from the community of the conflicting parties. Usually, the goal of this mediator is to restore harmony and harmony in community life. In Indonesia, the role of mediators like this can be seen in the lives of various tribes including Atoni Meto, b) Authoritative mediators: Those who try to help the disputing parties to settle between them, but the mediator has the potential or capacity to influence the outcome. of an out-of-court dispute resolution process. Even mediators like this can issue threats to the disputing parties who do not comply with the results of dispute resolution outside the court, c) Independent mediators: namely mediators who keep the distance between the parties and the problems that are being faced by various parties. Such mediators are more commonly found in societies or cultures that have developed a tradition of independence and produce

professional mediators.

The role of Atoni Meto's local wisdom through traditional elders, community leaders, religious leaders, and government officials are usually entrusted as negotiators, mediators (middlemen), conciliators, arbitrators (deciders/referees) in resolving disputes that occur. Based on the results of the author's interview with DM, one of the traditional leaders in the South Amarasi sub-district, Kupang Regency said:

"In the settlement of disputes outside the court several stages must be passed, namely:

Early-stage

- 1. The victim reports the case or incident to the traditional leader (mediator) where the victim is present by bringing Okomama (siri areca nut and money) or the term Atoni Meto money up the table (saeme), as an initial report from the victim. Okomama consists of two words oko which means box or container, and the word mamah or mamat which means the process of chewing something in the mouth. The box or container contains betel, areca nut, lime, and tobacco which is served to other people in a customer relationship with a specific purpose, depending on the context of what is happening at that time. For example, if someone is coming for the first time and interacting with the Meto community. Then the customary leader summons the perpetrator to ask for information on the report from the victim, through Naketi, namely the customary confession of sins for any mistakes that have been made to others, both violations of customary rules, and nature, both known and unknown to others. . Naketi helps understand and observe and analyze the sources of conflict with mutual understanding and understanding of the interests of each party*
- 2. After hearing the acknowledgment from the perpetrators, the traditional leader invites community leaders, youth leaders, religious leaders, to carry out the dispute resolution process.*

Second Stage of Dispute Resolution Process

- 1. After everyone has gathered, the customary leader asks whether they are willing to solve the problems they face traditionally or not (If both parties agree to settle it according to custom, then the adat leader will continue the dispute resolution process.*
- 2. In resolving the dispute, the customary leader asks the real problem of the disputing parties.*
- 3. The two disputing parties begin to tell their problems so that all parties involved in the settlement process listen to provide input to the disputing parties.*

Third phase. Decision Making Process

- 1. Before making a decision, the customary leader provides the opportunity for the parties involved in the dispute resolution process to provide input and advice to the disputing parties.*
- 2. Listening to suggestions and advice from the parties involved in the dispute resolution process, the customary leader or mediator decides the case and reconciles the disputing parties, provided they will not repeat their actions and give customary fines following level of the problem at hand.*
- 3. After the disputing persons have been reconciled they do not repeat their actions (In Kupang district it is rare to perform the customary oath because it will result in the death or death of the disputing parties) mostly fined based on the level of error, in the form of one pig, woven cloth , one sack of rice and money.*
- 4. There was peace between the two parties by distributing Okomama (betel nut) and then ending with a handshake. Okomama is a means to get to know and approach each other. All the equipment in the container is chewed together as a form of each party being able to accept each other's differences. Betel, areca nut, lime and tobacco are symbols of difference, when chewed in the end only produce one red color as a symbol of the bond*

of togetherness (keta futumese), kinship, and responsible courage from both parties who interact.”

The same thing is supported by Moore's opinion (Soetrisno, 2010) explaining mediators into three typologies, namely: a) Social network mediators: In this pattern of mediators, third parties or mediators come from the community of the conflicting parties. Usually the goal of this mediator is to restore harmony and harmony in community life. In Indonesia, the role of mediators like this can be seen in the lives of various tribes including Atoni Meto, b) Authoritative mediators: Those who try to help the disputing parties to settle between them, but the mediator has the potential or capacity to influence the outcome. of an out-of-court dispute resolution process. Even mediators like this can issue threats to the disputing parties who do not comply with the results of dispute resolution outside the court, c) Independent mediators: namely mediators who keep the distance between the parties and the problems that are being faced by various parties. Such mediators are more commonly found in societies or cultures that have developed a tradition of independence and produced professional mediators.

Implementation of Mediation and Rituals is a Priority for Atoni Meto

The application of mediation and the ritual of atoni meto does not mean to eliminate the court. However, to fill the empty spaces of justice that cannot be achieved by centralized state law, which cannot provide real justice to local communities. Dispute resolution through mediation and rituals is a small narrative that is the original reality in dispute resolution. Dispute resolution based on local wisdom for atoni meto as a tradition of mediation and ritual which is a form of contextualization of the values of equality in seeking justice and its re-actualization is an appreciation of the plurality of the Indonesian nation. Legal performance is inseparable from the cultural system in society. However, what sometimes happens is the opposite, namely that the community is less or less motivated to settle their disputes in court. The law is considered by the community to be no longer in favor of him, but rather in favor of the authorities or other elites. They also think that seeking justice in this country is difficult, long, and expensive. The jargon of naughty officers, such as "if you can slow it down, why speed it up, if it can be complicated, why make it easier", has been deeply embedded in people's minds, so people are reluctant to approach. This situation is an indicator that the community prefers dispute resolution by third parties, be it individuals, institutions, or agencies outside the court, which is commonly known as alternative dispute resolution so that peace can be achieved.

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

CONCLUSION

The choice of dispute resolution through mediation and rituals has become one of the major pillars for the people of Kupang district in overcoming legal problems that occur between them. Mediation and rituals are regional assets that have high potential in dispute resolution because they have high historical value in providing a wide and open dialogue space. As a grounded form or method of dispute resolution, the mediation and rituals of Atoni Meto have demonstrated their superiority as the original heritage of Kupang district that has existed for thousands of years, is a reality as a source of law for the local community. In line with that, what cannot be ruled out is the need for an adequate re-appreciation of traditional wisdom. Whatever the model, traditional wisdom is needed in an increasingly complex global life, especially in the face of the industrial revolution 4.0. Under these circumstances, intelligent cultural and intellectual insight and very high creativity are needed

so that local people do not lose their identity. At the same time, a legal plurality will be realized as a logical consequence of the plurality of nations. The people of Kupang district are required to develop legal pluralism so that they can contribute to life, where truth and justice are created within the framework of local wisdom and the welfare of the nation. The conclusions that can be drawn are:

1. Mediation and rituals in dispute resolution in Kupang district, are an effort not to prioritize procedural justice because what is achieved is not only justice that appears. This model can produce what the people aspire to in law, as contained in the fifth principle of Pancasila, namely social justice for all Indonesian people, thus justice as part of a complete and holistic moral value.
2. Mediation and the *Atoni Meto* ritual as an Alternative for Dispute Resolution outside the Court is highly recommended because apart from avoiding the legal mafia that is rife in Indonesia, it is also sociologically acceptable and legalized from the local culture.

Mediation and rituals in dispute resolution are social incentives based on contradictions in dispute resolution that do not provide benefits on the one hand and losses on the other but prioritize a win-win solution.

DAFTAR PUSTAKA

- Banamtuan, Maglon Ferdinand. 2016. "Upaya Pelestarian Naton (Tuturan Adat) Dalam Budaya Timor Dawan (Atoni Meto)." *Jurnal Kajian Budaya* 6(1):74–90. doi: 10.17510/paradigma.v6i1.82.ABSTRACT.
- Helmon, Stefania, and Antonius Nesi. 2020. "Nilai-Nilai Kearifan Lokal Dalam Tuturan Adat Torok Wuat Wa'i Masyarakat Manggarai: Kajian Ekolinguistik Metaforis." *PROLITERA: Jurnal Penelitian Pendidikan, Bahasa, Sastra, Dan Budaya* 3(1):59–70.
- Komnas HAM RI, Tim Penulis Laptah 2019. 2020. *Laporan Tahunan Komnas HAM 2019*. xix. edited by M. D. Hartono. Jakarta: Komisi Nasional Hak Asasi Manusia.
- Krisdyatmiko. 2005. *Mendobrak Penindasan Atoni Meto*. Yogyakarta: Institute for Research and Empowerment (IRE).
- Kuswardono, Torry. 2014. *Penyediaan Lahan Untuk Pemukiman Warga Baru Di Kab . Kupang : Masalah , Tantangan Dan Rekomendasi*. 1st ed. edited by M. Z. Anwar. Institute for Research and Empowerment (IRE).
- Mayaut, Christian R.A.W. 2021. "Kajian Hukum Internasional Terhadap Penyelesaian Sengketa Wilayah Perbatasan Indonesia-Timor Leste." *Lex Privatum* IX(3):140–50.
- Miles, Matthew B., and A. Michael Huberman. 1992. *Analisis Data Kualitatif (Edisi Terjemahan Tjetjep Rohendi Rohidi)*. Jakarta: Universitas Indonesia Press.
- Nay, Florianus Aloysius. 2018. "Aspek Etnomatematika Pada Budaya Penangkapan Ikan Paus Masyarakat Lamalera Kabupaten Lembata Nusa Tenggara Timur." *Prosiding Seminar Nasional Pendidikan Matematika Etnomatnesia* 356–65.
- Nurhalisah, and Irfan Lewa. 2019. "Peranan Mediator Dalam Penyelesaian Sengketa Kewarisan Perspektif Hukum Islam Dan Hukum Positif." *Shautana: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab* 2(1):119–33.
- Rato, Dominikus. 2013. "Penyelesaian Sengketa Tanah Adat Dalam Perspektif Kearifan Lokal Pada Masyarakat Ngadhu-Bhaga, Kabupaten Ngada-NTT." *Masalah-Masalah Hukum* 42(3):302–9.
- Soetrisno, S. 2010. *Malpraktek Medik & Mediasi Sebagai Alternatif Penyelesaian Sengketa*. Tangerang: Telaga Ilmu.
- Sofyan, Agus Nero, Kunto Sofianto, Maman Sutirman, and Dadang Suganda. 2021. "Regenerasi Kearifan Lokal Kesenian Lebon Sebagai Budaya Leluhur Pangandaran, Jawa Barat." *Sosiohumaniora* 23(2):158. doi: 10.24198/sosiohumaniora.v23i2.24855.
- Suriasumantri, J. S. 2009. *Filsafat Ilmu Sebuah Pengantar Populer*. Jakarta: Pustaka Sinar Harapan.
- Syafruddin, Akhmad. 2021. "Jurnal Politicon." *Jurnal Politicon* X(1):65–76.

- Terok, Khozanah Ilma, Zaini Munawir, and Angreini Atmei Lubis. 2020. "JUNCTO : Jurnal Ilmiah Hukum." *JUNCTO: Jurnal Ilmiah Hukum* 3(1):110–18. doi: 10.31289/juncto.v3i1.471.
- Vuspitasari, Benedhikta Kikky, and Angelus Ewid Ewid. 2020. "Peran Kearifan Lokal Kuma Dalam Mendukung Ekonomi Keluarga Perempuan Dayak Banyadu." *Sosiohumaniora* 22(1):26–35. doi: 10.24198/sosiohumaniora.v22i1.24078.
- Wulansari, Dewi. 2014. *Hukum Adat Indonesia Suatu Pengantar*. Bandung: PT. Refika Aditama.