

Strengthening Traditional Institutions “Pabbatang” As An Alternative Conflict Resolution In The Karampuang Community In Sinjai Regency, South Sulawesi Province, Indonesia

By

Baso Madiong

Postgraduate Lecturer at Bosowa University, Makassar

Email: madiongbaso@gmail.com

Abd. Rahman

Postgraduate Lecturer at the Indonesian Muslim University

Syamsul Bahri

Postgraduate Lecturer at Bosowa University, Makassar

Almusawir

Lecturer at the Faculty of Law, University of Bosowa Makassar

Ruslan Renggong

Lecturer at the Faculty of Law, University of Bosowa Makassar

Ashar Fahri

Postgraduate Alumni of Bosowa University Makassar

Abstract

The presence of a leader in a traditional community is needed in carrying out its activities as a protector of its citizens. This study aims to find out the dispute resolution process carried out by Karampuang traditional leaders with the power of customary law and also to know the authority of the Pabbatang Karampuang customary institution in resolving disputes. The research was conducted in April-June 2021 in Sinjai District, South Sulawesi Province, Indonesia. The data collection technique was to conduct interviews with the customary stakeholders, religious leaders and the Karampuang indigenous people who were chosen purposive and the library research method. Data analysis used was descriptive analysis. The results of the study show that the conflict resolution process in the Karampuang tradition is handed over to four traditional leaders with different roles who must remain unified and decide all disputes/problems over a joint agreement that cannot be changed anymore. In addition, the authority of the Pabbatang Karampuang Customary Institution in resolving disputes within the community is still divided according to responsibilities. The existence of legal power owned by customary institutions, even though it is not written, is still obeyed by the community.

Keywords: Lembaga adat, penyelesaian konflik, Kepemimpinan

Introduction

The Republic of Indonesia is a country that adheres to the principles/principles of decentralization in administering government by providing the widest opportunity for the regions to carry out regional autonomy (Rumkel et al., 2021). The implementation of

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Regional Autonomy based on decentralization places local governments in the position of being able to formulate policies in accordance with the conditions and situations of their respective regions by providing opportunities and opportunities for the regions to adjust the lowest governance system based on the peculiarities and local wisdom that live in the local community (Kertapradja, 2003). The State of Indonesia recognizes customary law community units along with their traditional rights if they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia. One of the laws on Social Conflict Handling explicitly states that social conflict resolution prioritizes resolution through traditional institutions. This means that the resolution of social conflicts in the regions must prioritize conflict resolution mechanisms through traditional institutions (Haq et al., 2022). If the customary mechanism has been adopted, then all parties involved in the conflict, both the indigenous people who are in it and the government involved in it, must acknowledge the results of the conflict resolution which is carried out through the mechanism of customary institutions (Medan & Kase, 2020). If conflict resolution is not successful through traditional institutions, then it is pursued through other mechanisms (litigation channels) (Cotter, 2013). However, this law also recognizes the limitations of customary institutions, so that there is a formulation stating that existing customary institutions are still recognized. On this basis, the acknowledgment of the existence of customary institutions in Law Number 7 of 2012 is not optimal, because it does not encourage strengthening the existence of customary institutions, but only recognizes if they still exist, and does not mandate efforts to revive and/or develop local wisdoms in solving social conflicts (Samsul, 2014).

If studied Law Number 6 of 2014 concerning Villages contains little provisions to strengthen customary institutions including carrying out the functions of customary institutions, one of which is conflict resolution (Iskandar and Alidar, 2015). Regulations that are lacking at the law level then become space for each region to strengthen customary institutions that are still alive and recognized (Kasim & Nurdin, 2020) including the Sinjai Regency Regional Regulation Number 1 of 2019 concerning Guidelines for Recognition, Protection and Empowerment Indigenous Peoples in Article 19 also regulates the role of Indigenous institutions in resolving disputes that occur in the territory of indigenous peoples

A customary institution is a customary community organization formed by a certain customary law community, has a certain territory and its own assets and has the right and authority to regulate and manage and resolve matters relating to problems in indigenous peoples (Bahri et al, 2017; Laturette, 2017). According to the Regulation of the Minister of Home Affairs Number 5 of 2007 concerning Guidelines for the Arrangement of Community Institutions, it stipulates that Customary institutions are social institutions, whether intentionally formed or which have naturally grown and developed in the history of community development or in a certain customary law community (Sari, 2021) with jurisdiction and rights to assets in customary law, as well as having the right and authority to regulate, manage and resolve various life problems related to and referring to applicable customs and customary law (Laturette, 2017).

Customary institutions are organizations that are domiciled as community institutions, where customary institutions have become partners with the Village Government in empowering, preserving, and developing local customs that support governance, community, and development (Olin et al., 2021). The existence of customary institutions also functions to protect and preserve values/norms, social systems, and material objects from local culture (Nilson & Thorell, 2014). Empowerment is intended to strengthen the function and role of

traditional institutions as a means as well as a facilitator in managing village development with reference to values, norms, traditions, culture, and local wisdom (Jamin, 2020).

Customary law institutions are born and maintained by the decisions of members of the legal community, especially authoritative decisions from the heads of the people who assist in carrying out legal actions or in matters of interest to the decisions of judges who are in charge of adjudicating disputes (Iffat, 2020). Customary law institutions are born and maintained by the decisions of members of the legal community, especially authoritative decisions from the heads of the people who assist in carrying out legal actions or in matters of interest to the decisions of judges who are in charge of adjudicating disputes (Iffat, 2020).

Conflict is not only related to things that conflict with the physical (Avruch, 1961). But in general, social conflict is a social process between two or more parties when one party tries to get rid of the other party by destroying or making it powerless (Oktavia & Asri, 2021). Conflict comes from the Latin verb *confingere* which means hitting each other. Sociologically, conflict is defined as a social process between two or more people (can also be a group) in which one party tries to get rid of the other party by destroying it or making it powerless (Diaz, 2014). In general, not a single society has never experienced conflict between its members or with other community groups, conflicts will only disappear along with the loss of the community itself (Emerson, 2009).

The conflict is motivated by differences in the characteristics that individuals carry in an interaction including physical characteristics, intelligence, knowledge, customs, beliefs, and so on (Hussein & Al-Mamary, 2019). By carrying out individual characteristics in social interaction, conflict is a normal situation in every society. The conflicts referred to in the context of customary dispute resolution are all forms of violations of customary law, both civil and criminal (Syaufi et al., 2021). Whatever the form or nature of the conflict, its resolution is intended to create community harmony. This goal is to be achieved in every customary conflict resolution. Conflict resolution can be based on the teachings of solving, not on the teachings of breaking (Heyden & Mona, 2021).

In a dispute or dispute or case, the processing must be in such a way, so that the parties to the dispute or dispute can later continue their life together again as before. In other words, the process was able to restore normalcy between them. The teaching of resolving can be implemented through peaceful conflict resolution, which in this context is customary conflict resolution (Darminto et al., 2019). Customary conflict resolution is manifested in the form of peaceful resolution. This is an alternative for resolving a dispute (Adeuti, 2021). According to customary law, customary conflict resolution still pays attention to the rights of the conflicting parties (Darminto et al., 2019). Customary Court functionaries must always guarantee the protection of the rights of the parties to the dispute/litigation (Kusmayanti et al., 2022). The protection of this right is implemented in the dispute resolution mechanism. The mechanism accommodates the principles of *Thesa*, *Anti-Thesa* and *Synthesis*, as usually used in formal justice, with the steps for completion (Faris, 1995), briefly as follows. (a) Complaints/reports (can also be on the initiative of customary functionaries), (b) Preparatory and Security Meetings, if necessary, (c) Tracing disputes, (d) Preparatory hearings for decisions, (e) Offering alternative solutions (which are not violations of *adat*) /does not involve two parties), (f) Decision-making meeting/Announcement, (g) Implementation of the Decision. Customary conflicts that give rise to these customary disputes can occur when a customary provision (in the form of *awig-awig*) is not fulfilled by a member of the community and even though he has been warned several times he still disobeys causing

action from the community as a reaction to the attitude of the residents concerned and even often the reaction is in the form of acts of violence (Madiong. B, 2016).

One example of the local wisdom of the people of Sinjai district is Appugau Sihanua, a local wisdom that has cultural values and functions as a link in social life. Appugau Sihanua and the Karampuang traditional house have received appreciation for designation as Indonesian intangible cultural heritage from the ministry of education and culture of the Republic of Indonesia, so this is a motivation for all the people of Sinjai Regency to continue to preserve their cultural values and traditions. The community's local wisdom regarding the preservation of the Karampuang customary forest includes: (1) supervising and protecting the forest, (2) supervising the use of forest products, (3) imposing sanctions for violators of customary rules, (4) supervising forest areas and all activities traditional rituals performed by people in the forest. It is on this basis that the forest, which covers an area of 756 hectares, is still preserved.

The existence of laws that recognize the role of customary institutions as a dispute resolution mechanism, among others, regarding Social Conflict Management. Several related studies include: (1) Implications of Empowering Traditional Institutions as an Alternative in Settlement of Land Disputes in Aceh; (Ramadhani & Ida Safitri, 2019); (2) Revitalizing the Role of Traditional Institutions in Handling Social Conflict: A Study in Manggarai, East Nusa Tenggara (Dasor & Hermaditoyo, 2020); 3) Conflict Resolution Model in Customary Institutions (Kamaruddin, 2013). The three results of this study are basically almost the same as emphasizing the role of customary institutions in dispute resolution, so this study aims to find out the process of dispute resolution carried out by Karampuang traditional leaders with their legal force and authority of the Pabbatang Karampuang customary institutions in resolving disputes.

Method Research

This research was conducted in the Karampuang Indigenous People, Bulu Poddo District, Sinjai Regency, Indonesia. This type of research is empirical-juridical research which views law as a social phenomenon that can be observed in observing people's lives. The choice of this type of research is related to the focus on customary institutions in resolving disputes, in this case the researcher will try to see how far the existence and authority of customary institutions is in resolving customary law community disputes. The types and sources of data used in this study are primary data (data obtained directly from the first source through direct interviews with selected competent respondents at the research location) and secondary data (data obtained from available sources, such as documents - documents of laws and regulations and relevant reading literature). To obtain the necessary data, data collection techniques were used through interviews (data collection techniques directly to informants through oral debriefing), and literature studies (legislation and relevant reading literature). The results of the research were then analyzed qualitatively, then presented descriptively.

Result And Discussion

1) Customary Dispute Resolution Process

Disputes or conflicts are a phenomenon that often occurs both in indigenous peoples and in modern society in general. The background causes can vary, both horizontal disputes (community with society) and vertical disputes (community with stakeholders). Likewise, the

Karampuang Indigenous people sometimes have conflicts, both among members of the community and because of the policies of customary stakeholders that are not well received by the community. When such a conflict occurs, according to Arung (To Matoa) as the Karampuang Traditional Stakeholder, it is resolved in several stages:

- a. Through Pettu Ana Malolo, namely the settlement by deliberation led by Ana Malolo Arung or Ana Malolo Gella in the disputed house or Ana Malolo's house. Ana Malolo in this case only mediated the problem and did not make decisions or sanctions. If from this deliberation the disputing parties have not reconciled or have not found a way out of the problem, then it will proceed to the next level.
- b. Through Pettu Gella, which is a dispute resolution deliberation activity led by Gella at the Gella Traditional House. At this deliberation, Gella makes decisions and sanctions but they are not yet binding, because the disputants can still submit their disapproval of Gella's decision to To Matoa or Arung.
- c. Through Pettu To Matoa, the settlement of disputes is carried out by deliberation led by Arung/To Matoa at the Arung/To Matoa traditional house. The decision of this deliberation is the final decision which cannot be contested. To Matoa/Arung accompanied by all of his assistants issued a decision under a customary oath. The people in dispute were ordered to stand under the stairs and the decision was read out, then Arung closed the door and the dispute was considered over. However, if there are people who do not accept customary decisions, they will be ostracized and not allowed to attend parties or traditional activities.

In accordance with the dispute resolution process, several respondents gave their opinions. For more details can be seen in Table 1

Table 1. View of Respondents on Customary Dispute Resolution

No	Answer	frequency	Percentage
1	Community compliance with Customary Institutions	24	30
2	Implementation of deliberations and collective agreements	25	31,25
3	Fair Decision Making	31	38,75
	Total	80	100

Source: *Primary data, 2021*

Based on table 1 shows that customary dispute resolution in the Karampuan customary community, most of the respondents gave the answer of the customary stakeholders to resolve it fairly, and some of the respondents answered that the results of the decision of the Karampuan customary stakeholders applied a system of deliberation and mutual agreement and some of the respondents answered that the community was very adhere to customary institutions as a means of resolving customary disputes.

"Pabbatang" is a law that truly lives in the conscience of the Karampuang community members which is reflected in their patterns of action in accordance with their customs and socio-cultural patterns that are not contrary to national interests..

The Karampuang indigenous people believe that the Pabbatang customary law is a law that regulates the way of life and has a strong and central position in all aspects of the life of the Karampuang indigenous people. The "Pabbatang" law provides directions as to where and how the Karampuang indigenous people will carry out their activities. All Karampuang

indigenous people believe that the "Pabbatang" law will lead them to a better and peaceful life.

The customary dispute resolution method by the Pabbatang Karampuang customary institution consists of 6 methods used, namely:

1. Accommodating and Channeling Aspirations. Accommodating and channeling community aspirations is a very important role by the Tompobulu Village customary institution in dispute resolution, where this customary institution can help run a village administration, namely channeling community aspirations in various matters regarding a village's progress, or issues related to the utilization of wealth. Karampuang indigenous people. This is proven by accommodating community aspirations and channeling these aspirations through deliberations where every activity in the social, religious, educational fields always begins with deliberations, and until now the aspirations conveyed can be resolved by traditional institutions so that until now there have been no conflicts or problems. cannot be resolved by the Karampuang customary institution.
2. Peacemaker. The efforts of peacekeepers are the role of traditional institutions to help resolve conflicts that occur in the Karampuang indigenous people, so that these customary institutions always contribute to solving existing problems, by conducting joint deliberations with customary stakeholders. Traditional stakeholders in resolving conflicts always begin by making peace, explaining the problem, and making indigenous peoples happy. Customary institutions act as judges and law enforcers in every conflict that occurs in society, where in reconciling a problem, it is done by holding deliberations between conflicting customary and community stakeholders such as land disputes, quarrels, and distribution of inheritance.
3. Empower. This effort is the role of the Karampuang customary institution to develop community independence and welfare by increasing knowledge, attitudes, skills, behavior, awareness, and utilizing resources through programs and activities that are in accordance with the essence of the problem and priority needs of the community. One form of empowerment is distributing designated land for underprivileged people whose percentage is still high in Tompobulu Village. In terms of empowering Karampuang customary institutions, this has been proven by the distribution of allotted land for underprivileged communities for them to manage in order to meet their needs. In the activities of empowering traditional institutions, the involvement of the village government, the community and local indigenous peoples' monitoring institutions is involved.
4. Indigenous Preservation. This effort provides the role of the Karampuang traditional institution in maintaining adat so that it does not become extinct and continues to grow, this can be proven by involving youth in every traditional party activity as well as providing opinion suggestions on every decision made by customary stakeholders in solving problems or conflicts and even involving them in the process of verifying the recognition of the Karampuang indigenous people.
5. Community Development. The role of the Karampuang customary institution which is always maintained is to provide guidance and maintain community harmony, so that there are no disputes among residents, and make the village safe and prosperous. The Karampuang customary institution is a forum for deliberative organizations to accommodate and channel community aspirations to the government in solving various problems that exist in society and also related to cultural preservation. This can be proven by the performance of traditional stakeholders who are selfless in

empowering the community to see welfare for themselves, one of the community developments is the formation of entrepreneurs managed by traditional youths with several activities such as cleaning the environmental area of traditional houses and this is done every Friday morning.

6. Democratic. The democratic concept is generally a means of building good relations with the village government, so that the Karampuang customary institution is expected to play a role in building a harmonious relationship with the Tompobulu village government, this is evident from every traditional activity the village government is always invited and involved in every traditional party celebration activity. In fact, the village government always together with traditional stakeholders gives directions to the community to maintain the traditional culture in Tompobulu Village. Customary institutions help with Village activities such as overcoming conflicts that occur or managing social life in the Tompobulu Village customary community.

2) *Authority of the Pabbatang Karampuang Customary Institution in Dispute Resolution*

Most of the people of Bulu Poddo sub-district have embraced Islam, but some still have a belief system that is relatively the same as animism, especially people who live in customary areas. The rituals are performed to make offerings to the spirits of the ancestors as a form of gratitude and a form of request so that in the future life will be better. There is a particular fear of not participating in the process of carrying out the ritual, making the people in the Karampuang customary area very loyal to their beliefs. There are 481 people living in the Karampuang Customary Territory, consisting of 133 heads of households with 230 men and 251 women. The majority of Bulupoddo people work as farmers.

The Karampuang Indigenous People are led by an Arung or To Matoa assisted by Gella, Sonro, and Guru. They are known as Ade' Eppae. Ade' Eppa is the highest leader who is the last place in making decisions to resolve all problems in the Karampuang customary area. If among those in conflict there are those who disagree, then the decision will not be implemented. According to the Arung customary leader (To Matoa) that in almost all the problems that were resolved, not a single party objected to the customary decision. It was a tribute to Arung because every word he uttered was something that the people had to obey and emulate. So far, the community has begun to recognize the settlement of cases by peaceful means, well known as deliberations for consensus, and also various types of settlement procedures through customary institutions which are pursued in accordance with the prevalence and customs of certain customary law as traditional law (Haq et al. , 2022). Customary conflict resolution in Indonesia can take various forms according to the context of the local situation. This situation is commonly known as the application of the principle of *receptio in complexu*, that is, customary law applies which simultaneously accepts religious law in it, or applies religious law which is applied simultaneously as customary law rules.

The division of responsibilities has been carried out in the Karampuang customary institution, where Arung or To Matoa is responsible for taking care of all matters related to ancestors, holy people, or gods. Gella was responsible for dealing with land, agriculture, and people's prosperity issues. Sanro is responsible for managing health, safety, and welfare matters. The teacher is responsible for taking care of educational and religious matters. If one of them dies, a replacement must be determined before being buried so that there is no government vacuum. For example, if it is Arung or To Matoa who dies, then the one who determines the replacement is Gella and vice versa, when Guru and Sanro die, then the one

who determines the replacement is Arung and Gella. Arung and Gella are not ordinary people but positions that are inherently attached to wealth to manage. The types of wealth are in the form of:

Table 2 *Types of Traditional Wealth of Tompobulu Village*

No	Land	Allotment
1	Galung Arrajang	Arrajang Sawah whose management cannot be handed over to other people and is the absolute right of the whitewater which covers about 3 hectares, but the whitewater usually hands over some of the results to his helpers.
2	Galung Accappangnge	The rice fields that are intended for the poor, people affected by disasters, people who are in debt including foreigners or migrants and who have lived for a long time in Karampuang who have the right to distribute these rice fields are Gella, with an area of about 3 hectares
3	Galung Hara-hara	This rice field is specifically for the descendants of whitewater, sanro and teachers and their respective assistants which cover an area of about 2 hectares

Data Source: *Karampuang Customary Institution*

The Karampuang Indigenous People are also equipped with customary rules that bind their people to submit and obey traditional stakeholders. These customary rules are known as the Pabbatang Law, which is the first and foremost law and really lives in the soul and body awareness of the Karampuang Indigenous people which is reflected in their activities and actions. In fact, according to one informant stated that the Pabbatang Law is a means of resolving disputes that occur in the community and the results of the decisions of customary stakeholders are favored in Pabbatang and no one among the community supports the decision. If in the case of disputes between indigenous peoples, for example land conflicts and if it has been resolved by adat then later on the dispute reappears, then whoever starts it first will be subject to fines (dipassala) in the form of no service by adat when going to hold a party marriage (de natudani ade).

Conclusion

The dispute resolution of the Karampuang Indigenous people is still being carried out through a process starting from Pettu Ana Malolo, Pettu Gella, to Pettu To Matoa as the highest decision and cannot be contested. In addition, the authority of the Pabbatang Karampuang Customary Institution in resolving disputes within the community is still divided according to responsibilities, Arung or To Matoa is given responsibility for resolving disputes related to the traditional Karampuang party. Gella was given the responsibility of resolving land disputes, Sanro was given the responsibility of resolving disputes related to criminal acts, and Guru was given the responsibility of resolving disputes related to decency violations. The power of Pabbatang law, even though it is not written down, is strictly obeyed by the Karampuang Indigenous people, besides that the decisions of the customary stakeholders (Arung/To Matoa) are highly respected and emulated by the community.

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