The Constitutionality of Customary Courts Dispute Resolution in Indigenous Communities from Tana Toraja Regency

Muhammad Zulkifli Muhdar(✉), La Ode Husen, and Zainuddin

Faculty of Law, Universitas Muslim, Makassar, Indonesia
zulkiflimuhdar@umi.ac.id

Abstract. This paper aims to determine and analyze the constitutionality of customary courts in resolving disputes in indigenous peoples. To find out and analyze the mechanism of dispute resolution in indigenous peoples through customary courts in Tanatoraja Regency. This research uses a research method combining normative legal research (doctrinal) and empirical law (non doctrinal). To examine the first problem, normative legal research was used, while the second problem used empirical legal research. The results of this study show that the constitutionality of customary courts in dispute resolution in indigenous peoples in Indonesia must consider the context of legal politics. The legal politics referred to here is that customary courts are faced with a number of challenges. Paradigmatically, policies on natural resource conflicts in Indonesia are still dominantly oriented towards the economy, or making it a commodity, not in order to better maintain the sustainability of human and ecological living space. These conflicts are caused by the political design of laws that indicate the interests of capital accumulation in the natural resource sector. On the other hand, ego-sectoralism related to natural resource management is still dominant. As well as overlapping issues in the management of natural resources and the protection of indigenous peoples' rights. Dispute Resolution Mechanisms in Indigenous Communities through Customary Courts in Tana Toraja Regency are carried out by Reconciling Judges both at the Neighborhood, Lembang and District levels. The conciliatory judge carries out Customary Justice with a deliberation system by the parties to the dispute to produce a decision. The recommendation in this research is that the Government should be able to make Legislation on Customary Courts in resolving disputes of Indigenous Peoples. It is necessary for the Government of Tana Toraja Regency to make a Regional Regulation on the Position of Reconciler Judges in the Tana Toraja Customary Justice System.

Keywords: Constitutionality · Customary Courts · Indigenous Peoples · Lembang

1 Introduction

The Indonesian people come from a variety of tribes, ethnicities, and traditional communities. The Republic of Indonesia's 1945 Constitution (UUD NRI 1945) states in Article

I. N. P. Budiartha et al. (Eds.): ICBLT 2022, ASSEHR 721, pp. 810–819, 2023.
https://doi.org/10.2991/978-2-494069-93-0_94

18B, paragraph 2, that "The State recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary Stat" that "The State recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary Stat. Furthermore, the 1945 Constitution's Article 28I paragraph (3) states that "Traditional communities' cultural identities and rights will be respected in accordance with the advancement of times and civilization."

In customary law societies, disputes have long been resolved by deliberation and consensus through customary institutions commonly known as customary courts. Usually the judges in these institutions are traditional leaders (kepala adat) and religious leaders. The authority of the customary court judge is not limited to reconciliation, but also has the power to decide disputes in all areas of law that are not divided into criminal, civil and public.

Customary law is also used to resolve a lot of disputes in community life. A variety of laws and regulations provide the legal foundation for the creation of customary courts; in other words, the legal framework for enforcing customary institutions and customary law is more than adequate. Because the contesting parties cannot agree on anything, a dispute process is initiated. Potentially, a conflict could develop between two parties that hold opposing viewpoints or opinions.

One of the out-of-court dispute resolution mechanisms is through the adat approach. Settlement through the customary approach is intended to resolve disputes with customary mechanisms and by customary institutions. The rights of the parties to the issue are nevertheless taken into consideration during traditional conflict settlement. The Customary Court's employees always ensure that the disputing parties' rights are protected.

Customary institutions play a role in peaceful dispute settlement through the customary approach, which is an alternative to conflict resolution that takes place in society, particularly in Toraja society. The major objective is to bring balance, harmony, and harmony back into community life. In the actual community life of the Toraja, many conflicts have been settled by customary law, which has been successful in bringing the group together.

The presence of reconciling customary judges in the community greatly assists the government's main task in legal development in Tana Toraja. The role of the adat judge is as a decision-maker in the adat community through musyarawah. The conciliatory judge is also a facilitator to resolve cases or disputes both civil and criminal in nature based on the customary law that applies in the local community. "The government is trying to resolve every case or dispute in the community through customary courts. If there is no peace agreement facilitated by the reconciling customary judge, the disputing parties can take formal legal channels," he explained. Ruben added that currently, conciliatory customary judges have been formed at the sub-district, village, village/flower level throughout Tana Toraja. The number of conciliatory customary judges in each sub-district is five people, while the number of customary judges in each village is three people. The reconciling adat judges are community leaders who are given the trust of

the community to foster, organize and resolve problems related to customs in the local community.

Rambu Langi is a traditional punishment that is used in Torajan society and involves butchering a pig and the tedong bonga (a striped buffalo) used as a sacrifice. The traditional area will be given complete control over the traditional legal system. The constitutionalization of traditional methods of dispute settlement among indigenous communities in Tana Toraja Regency is the legal issue at hand in this study, according to the definition above.

2 Research Methods

This kind of research combines empirical law with normative legal research (doctrinal) (non doctrinal). While empirical legal study is used to explore the second problem, normative legal research is used to examine the first issue. The Head of Lembang, To Parenge, and the Community served as the key data sources for this study's primary data, which were collected directly from the field and other research places. Secondary data, which includes information from literary reviews of various legal sources, rules, and regulations, are data collected through data searches at different organizations relevant to the resolution of disputes through customary justice.

3 Result and Discussion

The United Nations General Assembly in New York on September 13, 2007, adopted the United Nations Declaration on the Rights of Indigenous Peoples. It describes the rights of indigenous peoples both individually and collectively, including their rights to culture, identity, language, employment, health, and education, among other things. It also highlights their right to development to suit their needs and ambitions, as well as their right to uphold and strengthen their institutions, culture, and traditions. Additionally, it forbids discrimination against indigenous peoples and encourages their active and complete participation in all decisions that affect them as well as their freedom to maintain their cultural identity and pursue their own ideas about economic and social development.

As a country born out of hundreds of years of colonization, human rights are not new to Indonesia. Therefore, the Indonesian people understand the meaning and nature of human rights. As evidence, the preamble of the 1945 Constitution is a determination to abolish colonialism from the surface of the earth because it is not in accordance with humanity and justice. Indonesia is dedicated to upholding and realizing human rights for this reason. An expansion of the Universal Declaration of Human Rights is the Universal Declaration on the Rights of Indigenous Peoples.

Article 33, paragraph 3 of the 1945 Constitution provides a vivid illustration of the understanding that state law is the supreme law and all other laws are subordinate to state law. The legal foundation for the state's role as the only player in Indonesia's management of natural resources is provided by this article. In the practice of state administration for more than three decades, the New Order government in particular has consciously manipulated the true meaning of the concept of control and utilization

of natural resources as intended by the 1945 Constitution. There are two main things, namely:

a. The New Order government gave a narrow and singular interpretation of the term state. The state basically consists of the government and the people, but during the New Order government, the state was defined solely as the government. Not as the people and the government. As a result, rather than the paradigm of state-based resource management that was envisioned by Article 33 paragraph 3 of the 1945 Constitution, a paradigm of government-dominated natural resource management was established.

b. Consequently, in the practice of state administration as above, the position of the people is not equal to the position of the government, because a relationship is created that places the people subordinate and the government as inferior and the government is in a superior position.

Based on these two things, the position of marginalized indigenous peoples will respond to a resistance so that the conflict will expand. On the other hand, legal development plans that aim for legal unification in order to make national law the only law that applies to all Indonesian residents in all areas tend to disregard the legal systems that exist in society. There is robust legal pluralism in addition to weak legal pluralism.

Social scientists created strong legal pluralism, which was in this case inspired by evidence that all social groups have a variety of legal systems; there is no hierarchy that places one legal system above another.

The existence of customary law community in various laws and regulations in Indonesia:

a. **Regulation of Customary Law Communities Prior to Independence**
Indigenous peoples were left in their current state, including their political structure and its constituents, when the Dutch East Indies government assumed control in Indonesia. Among other things, indigenous peoples are governed by the following two laws:

1) Inlands Gemente Ordonantie (IGO) stb. 1938 No. 681, which handles Java and Madura's village administration.

2) The Inlands Gemente Ordonantie Buitengewesten (IGOB) stb. 1938 No. 490 j,o stb. 1938 No. 681, which governs village government in Java and Madura.

b. **Regulation of Indigenous Peoples After Independence**

1) **The 1945 Constitution of the Republic of Indonesia**
Article 18B of the Republic of Indonesia's 1945 Constitution explicitly mentions the existence of legal communities, as follows:

The state recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the unitary state of the republic of Indonesia, which are regulated by law.

There are about 250 zelfbesturendelandschappen and volkgemenenschappen throughout Indonesia, according to the Explanation of Article 18 of the 1945 Constitution, including villages in Java and Bali, nagari in Minangkabau, hamlets and clans in Palembang, and so on.

2) **Undang-Undang No. 5 Tahun 1960 on the Basic Regulation of Agrarian Principles**

The existence of indigenous peoples with their values and legal norms is contained in Law. No. 5 of 1960, known as UUPA. The birth of the UUPA was due to the existence of legal dualism in the regulation of national land law, namely the existence of lands subject to Western law and lands subject to customary law. To eliminate this dualism in Indonesian land law, the UUPA was enacted, thus creating a national land law.

The explicit recognition of the acceptance of the concept of customary law is contained in Article 3 of the UUPA which states:

In light of the provisions of Articles 1 and 2, customary law communities' implementation of hak ulayat and related rights, to the extent that they still exist in reality, must be done in a way that is consistent with national and state interests based on national unity and does not conflict with other higher laws and regulations.

Article 5 of the UUPA, which stipulates that the law that applies to the land, water, and space is customary law as long as it does not interfere with national and state interests, also mentions the existence of communities that practice customary law. An important development in Indonesian law is the application of the idea of customary law to the management of natural resources.

3) **Undang-Undang No. 19 Tahun 2004 About Forestry Amendments to Undang-Undang No. 41 Tahun 1999 About Forestry**

The existence of customary law communities is governed by Undang-Undanhg No. 41 Tahun 1999's provisions on forestry, namely Article 67 paragraph 1, which specifies that it must in fact satisfy the following criteria:

(a) The society is still in the form of a paguyuban (rechtgemenschap).

(b) The institution is present in the form of the usual control mechanism.

(c) There is a clear customary jurisdiction.

(d) There are still some institutions and legal frameworks that are followed, particularly customary courts.

(e) To meet their everyday needs, they gather forest products from the nearby forest.

The following conditions must be met in order to determine whether or not there are any customary rights:

(a) The presence of communities with customary law that meet the requirements to be covered by it.

(b) Existence of a territory or region with predetermined bounds that serves as living space (lebensraum), the subject of customary rights.

(c) The existence of local government power over property, other natural resources, and legal actions.

4) **Undang-Undang No. 39 Tahun 1999 About Human Rights**

In accordance with Law No. 39 of 1999 on Human Rights, there are communities governed by customary law, and these communities' human rights are protected. Law No. 39 of 1999's Article 6 declares the following:

(a) In order to maintain human rights, law, society, and the government must take into account and defend the unique requirements of indigenous peoples.

(b) Communities governed by customary law are required to safeguard their cultural identities, including their traditional land rights, as appropriate for the times.

> The implementation of development must pay attention to land tenure rights owned by indigenous peoples over their customary land. In essence, the community is not against the implementation of development, but what needs to be done is the application of the concept of Prior informed for customary law communities whose customary land will be used for development purposes.

The statutory basis for the validity of customary law that dates back to colonial times and is still in force today is 131 paragraph 2 sub b of the IS. Based on this provision, there are two important points, namely:

(a) The provision is a codificatie article, i.e. it contains a duty to the legislator under IS. The ordinance maker is tasked with the codification of private law for the indigenous Indonesian and foreign eastern law groups. The law to be codified is their customary law, with changes made where possible.

(b) As long as the wording of Article 131 paragraph 2 sub b of the IS is in force, which wording has been in force since January 1, 1920 (between January 1, 1920 and January 1, 1926 the wording of Article 131 of the IS was in force as the new wording of Article 75 of the RR 1854), the codification ordered to the promulgator of the ordinance has not yet taken place. In this respect, article 131 IS only imposes a duty on the legislator and not on the judge.

Based on the explanation above, when connected with the Constitutionality of Customary Courts in Dispute Resolution in Indigenous Peoples that:

(a) In particular, the term 'customary court' was also recognized before Indonesia's independence, at least through legislation during the Dutch East Indies Government. At that time, five types of courts were known, namely the Gubernement Court (Gouvernementsrechtspraak), Indigenous Court or Customary Court (Inheemsche Rechtspraak), Swapraja Court (Zelfbestuurrechtspraak), Religious Court (Godsdienstige Rechtspraak) and Village Court (Dorpjustitie). The existence of customary courts dates back to the Dutch colonial era. These courts were regulated in Article 130 of the Indische Staatsregeling, a basic regulation of the Dutch government which stipulated that in addition to courts run by the Dutch government, indigenous courts were recognized and allowed to exist in the form of customary courts in some areas directly under the Dutch East Indies government and Swapraja courts.

(b) In Drt Law No. 1 of 1951, it was emphasized in Article 1 paragraph (2) that the Minister of Justice was mandated to gradually abolish two courts, namely all Swapraja Courts (Zelfbestuursrechtspraak) and all Customary Courts (Inheemse rechtspraak in rechtstreeksbestuurd gebied). The policy of abolishing adat courts was followed during the Soeharto era, through Law No. 14/1970 on the Basic Provisions of Judicial Power. This was stipulated in the Closing section of the Act, "The abolition of Customary and Swapraja Courts shall be carried out by the Government". In its General Elucidation, it is stated that the abolition ".in no way intends to deny the unwritten law, but will only transfer the development and application of the law to the State Courts." Nevertheless, with the law, practically, only the formal courts remained.

(c) Because customary courts are able to hear cases involving the public, the private sector, or a combination of both in a single trial, their jurisdiction differs from that of state courts. In actuality, the procedure may be negotiated and relatively informal, using mediation tools. Because of this, establishing or even figuring out a customary court's jurisdiction, particularly in regards to private or public affairs, is exceedingly difficult, if not impossible. It can also be harmful because it could bury the very idea of a customary court altogether. Customary law and/or legal systems are used in customary justice, which has its own logic and guiding principles.

(d) The context of state institutions exercising judicial power, such as the Supreme Court of the Republic of Indonesia, has launched a number of judicial reform programs in its Blueprint 2010–2035. Unfortunately, the document pays little or no attention to the relationship between judicial power and customary courts. Nevertheless, the Supreme Court has now opened a space to explore dialogue to discuss the issue of customary justice, as jointly initiated between HuMa Association and the Supreme Court Research and Development Agency, at Royal Kuningan, October 10, 2013. In BPHN's research notes, there are several reasons for the need to encourage non-litigation dispute resolution processes through customary courts in dispute resolution. First, in Indonesia, peaceful dispute resolution procedures have long been and are commonly used by the Indonesian people. Several studies have also shown this. The reasons are, among others:

(1) Limited community access to the existing formal legal system;

(2) Traditional communities in isolated areas basically still have strong legal traditions based on their traditional laws in solving legal problems that occur. This is a reality where tradition or custom still prevails in many places. It is also a reality that societal change is sometimes hampered by territorial boundaries, and that there are areas that are still 'sterile' or untouched by the applicability of the formal legal system.

(3)The formal legal system's approach to problem solving occasionally gets opposing viewpoints, is deemed insufficient, and fails to satisfy the sense of justice of those who still adhere to their own legal traditions;

(4) The formal legal system's inadequate infrastructure and resources prevent it from being flexible enough to meet the needs of the local community's sense of justice.

(5) Traditional communities in isolated areas basically still have strong legal traditions based on their traditional laws in solving legal problems that occur. This is the reality that tradition or custom still prevails in many places. It is also a reality that societal change is sometimes bounded by territorial boundaries, and that there are areas that are still 'sterile' or untouched by the applicability of the formal legal system.

(6) People who still adhere to their own legal traditions may have a different perspective and believe that the formal legal system's approach to problem-solving is insufficient and unsatisfactory;

(7) The formal legal system's inadequate infrastructure and resources prevent it from being flexible enough to meet the needs of the local community's sense of justice.

Dispute Resolution Mechanisms in Indigenous Communities through Customary Courts in Tana Toraja Regency.

Dispute resolution in indigenous communities through customary courts in Tana Toraja Regency is carried out by the Reconciling Judge. Reconciling Judges are Judges

who have the duties, main points and functions to provide decisions in the judicial process at the Customary Court of the Indigenous Peoples of Tana Toraja Regency.

1) **Reconciliation Judge**
The conciliatory judge is divided into 3 (three) levels, namely:

(a) Reconciling judges at the neighborhood level. The conciliatory judge at the Neighborhood level is a customary leader and community leader, including the RT, whose main task and function is to resolve disputes in the indigenous community at the Neighborhood level.

(b) Reconciliation judge at the Lembang level. The reconciliatory judge at the Lembang level is the reconciliatory judge in the neighborhood (customary figure) whose task, principal and function is to resolve disputes among indigenous peoples at the Lembang level.

(c) Reconciliation Judge at the Kecamatan level. The reconciliatory judge at the sub-district level is a reconciliatory judge who has the duty, main task and function of resolving disputes in indigenous communities at the sub-district level.

Based on this, that the Reconciling Judge in the Tana Toraja indigenous community has the same duties, principles and functions but differs in the scope of the task area.

2) **Dispute Resolution System**
Tana Toraja is carried out using a deliberation system even though it is in the form of a Court. In resolving a dispute, the reconciling judge can resolve a dispute that occurs in the customary community.

That the dispute resolution system in the indigenous people of Tana Toraja Regency by determining a schedule that has been agreed upon by the parties and the reconciling judge. The customary trial can be held at the house of the reconciling judge or at the house of one of the parties to the dispute. In general, the trial is conducted in an open and brief manner (one day). If a dispute occurs in an indigenous community, it is resolved at the environmental stage first by the Reconciling Judge and 2 (two) ad hoc judges, namely the Head of the RT and community leaders. If the decision at the Environmental Court is deemed not to provide legal certainty for the parties, then the trial can proceed to Lembang (Village). At the Lembang level, dispute resolution is conducted by the Customary Judge and 2 (two) Reconciler judges. If the decision at the Lembang Court is deemed not to provide legal certainty for the parties, then the Court may proceed to the Sub-district to resolve the dispute. If the decision of the Sub-District Court is deemed not to provide legal certainty for the parties, then the Court can proceed to the State Court system. Disputes that can be resolved in the customary society of Tana Toraja Regency are civil disputes. Criminal disputes that can be resolved are minor criminal disputes including maltreatment or beatings. While serious criminal disputes are resolved through the State justice system.

The constitutionality of Customary Courts in Dispute Resolution in Indigenous Peoples in Indonesia must consider the context of legal politics. The obstacles that customary courts must overcome are the legal politics being discussed here. Fundamentally, Indonesian policies on natural resource conflicts continue to be predominately focused on the economy or on turning them into a commodity rather than on

improving the sustainability of livable environments for people and the environment. The political drafting of legislation that reflect the objectives of capital accumulation in the natural resource sector is the root cause of these conflicts. But when it comes to the administration of natural resources, ego-sectoralism still rules. Additionally, there are overlapping problems with natural resource management and the defense of indigenous peoples' rights. Dispute Resolution Mechanisms in Indigenous Communities through Customary Courts in Tana Toraja Regency are carried out by Reconciling Judges both at the Neighborhood, Lembang and District levels. The conciliatory judge carries out Customary Justice with a deliberation system by the parties to the dispute to produce a decision.

4 Conclusion

The constitutionality of Customary Courts in Dispute Resolution in Indigenous Peoples in Indonesia must consider the context of legal politics. The legal politics referred to here is that customary courts are faced with a number of challenges. Fundamentally, Indonesian policies on natural resource conflicts continue to be predominately focused on the economy or on turning them into a commodity rather than on improving the sustainability of livable environments for people and the environment. The political drafting of legislation that reflect the objectives of capital accumulation in the natural resource sector is the root cause of these conflicts. But when it comes to the administration of natural resources, ego-sectoralism still rules. Additionally, there are overlapping problems with natural resource management and the defense of indigenous peoples' rights. Reconciling Judges at the Neighborhood, Lembang, and District levels administer dispute resolution procedures in Indigenous Communities through Customary Courts in Tana Toraja Regency. The conciliatory judge carries out Customary Justice with a deliberation system by the parties to the dispute to produce a decision.

References

1. Achmad Ali dan Wiwik Heryani, 2014, Sosiologi Hukum: Kajian Empiris Terhadap Pengadilan, Kencana, Jakarta
2. Adi Sulistiyono, Budaya Musyawarah untuk Penyelesaian Sengketa Win-win Solution daalam Perspektif hukum, Jurnal Hukum Bisnis, Vol. 25, No.1, 2006.
3. Agnes Wynona, Penyelesaian Sengketa Lingkungan Hidup", Jurnal Beraja Niti, Vol. 2 No.8, 2013.
4. Amriani, 2012, Nurnaningsih, Mediasi Alternatif Penyelesaian Sengketa Perdata Di Pengadilan, Jakarta: PT. Raja Grafindo Persada.
5. Dean G Pruitt & Z. Rubin, 2004, Konflik Sosial, Pustaka Pelajar, Yogyakarta.
6. Erman Rajagukguk, Budaya Hukum dan Penyelesaian Sengketa Perdata di Luar Pengadilan", Jurnal Magister Hukum, Vol. 2, No.4, Oktober 2000.
7. Frans Hendra Winarta, 2012, Hukum Penyelesaian Sengketa Arbitrase Nasional Indonesia dan Internasional, Sinar Grafika, Jakarta.
8. Gelar Sumbogo Peni, Urgensi Pendokumentasian Putusan Peradilan Adat, Jurnal Belom Bahadat, Vol. VIII No. 2, Juli-Desember 2018
9. H.M. Koesnoe, 2000, Prinsip–prinsip Hukum Adat tentang Tanah, Ubaya Press, Surabaya.

10. Huala Adolf, 2004, Hukum Penyelesaian Sengketa Internasional, Sinar Grafika, Jakarta
11. Husen Alting, 2010, Dinamika Hukum Dalam Pengakuan dan Perlindungan Hak Masyarakat Hukum Adat Atas Tanah, Laksbang PRESSindo, Yogyakarta.
12. I Ketut Sudantra, dkk., Sistem peradilan adat dalam kesatuan-kesatuan masyarakat hukum adat desa pakraman di Bali, Jurnal Kajian Bali, Vol. 07, No. 01, April 2017.
13. Lalu Sabardi, Konstruksi Makna Yuridis Masyarakat Hukum Adat Dalam Pasal 18b Uudn Ri Tahun 1945 Untuk Identifikasi Adanya Masyarakat Hukum Adat, Jurnal Hukum dan Pembangunan Tahun ke-43 No.2 April-Juni 2013
14. Mohammad Jamin, dkk, 2016, Eksistensi Peradilan (Desa) Adat Perspektif Undang-Undang Desa, UNS Press, Surakarta
15. Muhammad Bushar, 2003, Azas-azas Hukum Adat (Suatu Pengantar), Pradnya Pratama, Jakarta
16. Muhammad Umar, 2006, Peradaban Aceh (Tamadun) I, Buboen Jaya, Banda Aceh.
17. Nurdhin Baroroh, dkk., Peradilan Desa Adat sebagai Instrument Integral Pembangunan Hukum Nasional Ditinjau dari Undang-Undang No 6 2014 Tentang Desa, Supremasi Hukum, Vol. 4, No. 2, Desember 2015
18. Nurnaningsih Amriani, 2012. Mediasi Alternatif Penyelesaian Sengketa Perdata di Pengadilan, PT. Raja Grafindo Persada, Jakarta
19. Saafroedin Bahar, 2005, Seri Hak Masyarakat Hukum Adat: Inventarisasi Dan Perlindungan Hak Masyarakat Hukum Adat, Komisi Nasional Hak Asasi manusia, Jakarta,
20. Saatfrouedin Bahar, 2006, Kertas Posisi Hak Masyarakat Hukum Adat, Komisi Hak Asasi Manusia, Jakarta,
21. Salim H.S, 2003, Hukum Kontrak: Teori dan Teknik Penyusunan Kontrak, Sinar Grafika, Jakarta.
22. Susanti Adi Nugroho, 2009, Mediasi Sebagai Alternatif Penyelesaian Sengketa, Telaga Ilmu Indonesia, Jakarta,
23. Suyud Margono, 2000, Alternative Dispute Resulution dan Arbitrase, Ghalia Indonesia, Jakarta.
24. Takdir Rahmadi, 2017, Mediasi Penyelesaian Sengketa Melalui Pendekatan Mufakat, PT. Raja Grafindo Persada, Jakarta,
25. Taqwaddin, 2010, Penguasaan Atas Pengelolaan Hutan Adat oleh Masyarakat Hukum Adat (Mukim) di Provinsi Aceh, Disertasi Doktor Ilmu Hukum, Universitas Sumatera Utara, Medan