# INHERITANCE LAND DISPUTE SETTLEMENT MODEL BASED ON SOCIAL CULTURAL CAPITAL "ATOIN METO" IN SOUTH CENTRAL TIMOR DISTRICT

Yorhan Y. Nome
Detji K.E.R. Nuban
Norani Asnawi

**ABSTRACT**

*Land is not only a unifying factor and a social relations reminder, but land can also be a factor in destroying kinship relations in society. The approach in solving problems with positive law or state law actually leaves many new problems, because the legal action parties get no mutual satisfaction. There are only winners and losers, or no longer a win-win solution obtained by the parties. This phenomenon is a threat to the harmonious life of every citizen, due to it leaves hatred, anger and dissatisfaction as the results of the dispute settlement experienced. It is necessary to have the best settlement options for the disputing parties, especially in inheritance land disputes, most of which are people who have family relations for Indonesia continues to resonate with Restorative Justice. Therefore, this research is focused on finding a model for resolving the inheritance land case based on the socio-cultural capital of Atoin Meto owned by the Timorese community. It is a cultural approach that prioritizes kinship and kinship relations by looking at cultural values. The research approach used is the socio-legal approach, by prioritizing the discussion aspect of the nature and values of Atoin Meto existed in society so as to present a new model approach that involves local wisdom as socio-cultural capital in the community. This research provides information of Atoin Meto nature for the Timorese. Furthermore, the meaning of Atoin Meto is not limited to it. It is placed as the basis of values, kinship and kinship in Timorese society. All Timorese are aware and know that what is meant is family, when "Atoin Meto" is chanted. The Atoin Meto socio-cultural values are existed/lived and used in Timorese society, namely the Value of Trust in Uis Neno, Uis Pah and Nitu; The value of tok tabuah, tamolok tabuah or Please Help and Help Each other; Value of Living Together; The Value of Honesty with the Naketi ritual; Value of Mutual Love or Lasi Manekat; Forgiving Value; and the Value of Peace in the Oko Mama Culture. Meanwhile, the model of inheritance land disputes settlement based on socio-cultural capital Atoin Meto is carried out with three settlement mechanisms, namely the Settlement of the Customary Level/Taloitan Lasi Nao Lanan Allat; Completion of Dusun/Taloitan Lasi Nao Aplenat Dusun Level; and, Village Level Settlement/Taloitan Lasi Nao Aplenat Desa. This study suggests that the culture of Atoin Meto be maintained and be preserved for the next generation for the culture of "Atoin Meto" is an ideal dispute resolution model for the Timorese.*

Keywords: Inherited Land, Cultural Social Capital, Atoin Meto

## INTRODUCTION

Land has a dual function in society, namely a social asset and a capital asset. Social assets are inheritance land which is passed down from generation to generation as a guide to whether or not someone is originally from certain area. Land becomes a unifying factor and a means of reminder for social unity and community relations. While land as a capital asset which means land is a commercial material and as an object of speculation[1], many parties want to use the land as an existing capital asset. The community is indeed experiencing degradation so that it is often used by various parties for the benefit of certain parties, not for the benefit of the existing community. The problem that arises later in the relationship between the community and land as a capital asset is the recognition of ownership.

Land is not only a unifying factor and a reminder of social relations, but land can also be a factor in destroying kinship relations in society. If we look at the number of agrarian legal actions, the numbers are quite small, but the number of areas involved in conflict disputes is getting bigger. Violence and criminalization against society is getting bigger and continuing.[2] East Nusa Tenggara, particularly the districts of South-Central East and Kupang District also have a number of land issues, which experienced by the Timorese (Atoin Meto). Conflicts over land disputes (specifically inherited land) often occur. For example, namely the inheritance land dispute known as Pagar Panjang land (land area of 319,000 square meters), located in South Oesapa Village, Kelapa Lima District, Kupang City stated that the previous Kupang Regent, Ayub Titu Eki was urged to compensate for the loss of land belonging to the Konay family in the amount of Rp. 16.8 Billion.[3] There is also an inherited land dispute between Martinus Taneo (Plaintiff) and Sem Faofoni (Defendant) which has been decided by the So'e District Court Number: 5/Pdt.G/2020/PN.Soe[4] showing that inherited land problems still often occur in family and community life. This issue also disrupts the relationship between the parties, both family and community relations. The data on land lawsuits submitted to the Oelamasi District Court of Kupang Regency as a measure that land issues (inherited land) still dominate, as follows:

---

[1] Istanti, Akhmad Khisni, Deed Journal, Vol. 4 No. 2, June 2017, p.271
[2] https://ntttime.wordpress.com accessed on July 13 2018, at 16:35 WITA
[3] https://regional.kompas.com accessed on July 13 2018, at 5:44 pm
[4] Directory of Supreme Court Decisions, accessed on March 5, 2021, at 16.33 WITA

**Table 1. Data on Land Lawsuits in Kupang Regency and South Central Timor Regency**

| PN OELAMASI | | PN SOE | |
|---|---|---|---|
| YEAR | NUMBER OF CASES | YEAR | NUMBER OF CASES |
| 2014 | 18 Cases | 2017 | 35 Cases |
| 2015 | 32 Cases | 2018 | 30 Cases |
| 2016 | 34 Cases | 2019 | 33 Cases |
| 2017 | 14 Cases | 2020 | 33 Cases |

Data Source: Oelamasi District Court and Directory of Supreme Court Decisions

The above data shows that the disputes number or cases of land disputes in Timorese society in the period 2014-2020 in 2 districts namely Kupang Regency and South Central Timor is quite diverse from year to year, there is an increase and decrease in the number of cases shown in numbers, but if If you look closely, you will find the real condition that the number of diverse land disputes is able to increase conflict disputes that occur in the community, as well as increase the number of criminals due to land cases.

Indonesia has become a fairly modern country, as well as looking at the pattern of state justice which is also moving modern, thus making the Indonesian always rely on the resolution of various disputes through positive legal channels and lead to justice. As a result, the Indonesian are now not starting to abandon the traditional pattern of dispute resolution. The presence of a (modern) state judiciary is increasingly displacing the traditional judicial pattern which is full of noble values owned by the Indonesian.[5]

Nevertheless, today's reality shows different facts. The approach used in solving problems with positive law or state law actually leaves many new problems, for the disputing parties do not get mutual satisfaction. There are only winners and losers, no longer win-win solutions obtained by the parties. . This phenomenon is a threat to the harmonious life of every citizen, because it leaves hatred, anger and dissatisfaction as the results of the settlement of the dispute experienced.

Today, Indonesia is again resonating "restorative justice". Therefore, it should be the best settlement options for the disputing parties in society, especially in inheritance land disputes, most of which are people who have family relations.

Based on the above thoughts, this research focuses on how to find an appropriate model of inheritance land dispute resolution, rooted in the community, re-purposed for the community, not only relying on positive law which will lead to the Criminal Code as the ultimum remedium. So, it is necessary to look at the basic aspects of socio-cultural capital that exist in the community to be included in the settlement of inheritance land disputes. The Timorese society lived in the Kupang Regency and in particular in the South Central Timor (TTS) Regency has an *Atoin Meto* culture that play an active role and be able to influence the social life of the Timorese community, and in fact humans cannot be separated from the local culture that lives on. in society.

**THE PROBLEM STATEMENT AND METHOD**

Based on the background, it is necessary to study and analyze the nature of "Atoin Meto" for the Timorese people and the socio-cultural values of "Atoin Meto" that still exist/live and apply in Timorese society as well as the model of settlement of inheritance land disputes based on socio-cultural capital. "Atoin Meto". The nature of the problem in this study is socio-legal. Therefore, the approach used is a socio-legal approach, with a research strategy of textual studies, documents, and field studies. Primary data sources are obtained directly from the results of field studies of the Timorese community and parties who have had disputes over land inheritance, cultural use, and so on. Secondary data is obtained through reviewing the results of previous studies, and data on statutory documents and court decisions regarding inheritance land disputes. Data was collected using three methods: the method of observation; in-depth interviews; and focus group discussions.

**THEORETICAL PERSPECTIVE**

**Land Disputes and Settlement Forms**

Legal actions cannot be separated from a conflict and are a social phenomenon.[6] Where there is conflict, there must be conflict. There are so many conflicts in everyday life, whether it is a minor conflict or a major conflict. This is experienced by all circles due to it is part of life[7]. The definition of dispute in the Indonesian dictionary is a conflict or conflict. Conflict means the existence of opposition or opposition between people, groups, or organizations against one object of the problem. According to Sarjita, land disputes are: "Disputes that occur between two or more parties who feel or are harmed by these parties for the use and control of

---

[5] Karolus Kopong Medan, Dissertation, Reconciliative Courts: Construction of Criminal Dispute Resolution According to the Lamaholot Community Tradition in Flores - East Nusa Tenggara, 2006, p.1.

[6] Social phenomena in society sometimes develop into a social problem due to different perspectives on the problem in the phenomenon of social relations. In the relationship between human activities and other humans, sometimes they experience dysfunction which can lead to conflict. Widodo Tresno Novianto, Alternative Model: Medical Dispute Resolution Out of Court Through Medical Dispute Settlement Institutions in Health Services, UNS Press Publisher, Surakarta, 2014, p. 160

[7] Sri Hajati, et al., Journal of Legal Dynamics, Vol 14 No. 1, January 2014, Land Dispute Resolution Models Through Mediation in Realizing Efficiency and Permanent Legal Assurance, Universitas Airlangga, Surabaya, p.39

their land rights, which are resolved through deliberation or through the courts.[8] A dispute arises if one party wants the other party to do or not do something but the other party refuses to do so. The search for various types of processes and methods to resolve disputes that arise is something urgent in society. The forms of dispute resolution used are always oriented to how to achieve victory (such as war, fights and even court institutions). Because victory is the main goal, the parties tend to try various ways to get it, even though through unlawful means. As a result, if one of the parties wins, it is not uncommon for the relationship between the disputing parties to be bad, even turning into hostility. In its development, forms of victory-oriented settlement are no longer the main choice, and even avoided as much as possible. The parties prioritize compromise in any dispute resolution that arises between them, with the hope that through compromise neither party feels defeated. There are at least 2 (two) kinds of dispute resolution institutions known in the community, namely:

1. Traditional dispute resolution institutions, originating from the people's political and legal systems and taking place traditionally (folk institutions); and
2. Dispute resolution institutions built from the state political and legal system (state institutions).

The forms of dispute resolution known in simple and complex (modern) societies are basically negotiation, mediation, arbitration, and adjudication. However, in a simple society there are also known acts of violence, acts of letting go, and acts of avoidance. The forms of dispute resolution above are strongly influenced by the system of values, beliefs, norms, perceptions, and attitudes of the community in interpreting disputes. Furthermore, these dimensions in the perspective of legal anthropology are known as the legal culture of the community in dispute resolution.

**Definition of Inheritance and Legal Basis**

The word "inheritance" is taken from the Arabic "Al-miirats" which means the transfer of something to another person or people. The form of inheritance can vary, including heirlooms, wills, and assets. Usually made when the owner is still alive, then distributed when he dies. If the form of inheritance is in the form of property, there are two types that can be distributed to the heirs. The first is movable property in the form of vehicles, certificates of deposit, and precious metals. On the other hand, immovable wealth is in the form of houses, land, and debt.

Inheritance law is a rule that is enforced so that the process of dividing inheritance goes smoothly. According to Prof. Dr. Wirjono Prodjodikoro, an Indonesian law expert defines inheritance law as a regulation regarding the position of a person's wealth when the testator has died. It is also interpreted as a way of transferring property to the heirs. The explanation of inheritance law is also included in Presidential Instruction Number 1 of 1991. Based on this regulation, inheritance law functions as a rule that determines the names of heirs, the transfer process, and the nominal distribution.

Meanwhile, the legal basis for inheritance in Indonesia consists of three types, which are based on community culture, religion, and government regulations. The first is customary inheritance law, in the form of norms or customs in certain areas. Usually, it is not written and only applies to specific regions. In general, customary inheritance law adheres to four systems, namely heredity, collective, majority, and individual. The determination of the system is influenced by kinship relations or the pattern of life of the local community. The second is Islamic inheritance law applied by Muslims in Indonesia. The law is contained in Articles 171-214 concerning the Indonesian Law Compilation. In this regulation, there are 229 articles that write of property inheritance according to Islam. In essence, Islam implements a bilateral individual inheritance system, originating from the mother or father. The third is civil inheritance law which refers to western countries. This rule applies to all Indonesian people. The stipulation is stated in Book II of the Civil Code (KUHP) Articles 830-1130. The elements in inheritance law are there are heirs; there are properties; and there are heirs.

**Social Capital**

In social life, of course, there are relationships built, the actors in society are considered to start with the resources that they control (perhaps fully) and which are in their interests. Social relations that are formed when individuals try to make the best use of their individual resources are not only important to be seen as components of the social structure but also as resources for these individuals, these resources are referred to as 'social capital'.

Social capital is a collection of resources inherent in family relationships and in the social organization of the community and which are beneficial for the cognitive and social development of children or youth. It is not only social capital but also cultural capital which covers community knowledge and understanding of practices and guidelines for living in society. Social capital, including its elements such as trust, cohesiveness, altruism, mutual assistance, networking, and social collaboration, has a great influence on community growth through various mechanisms. For example, the increasing of responsibility sense towards the public interest, the expanding participation in the democratic process, the strengthening of social harmony and reducing violence and crime levels.[9] The three parameters of social capital are networks, norms and trust that have the potential to increase community productivity. Social capital will not run out if used, but will increase. The damaging of social capital is mostly because it is not used.

Timorese society has the potential for social capital that is rooted in culture, namely the *Atoin Meto* culture. It is because there are beliefs, norms and values that guide social life in the Timor region. The existing of social capital should be developed and became an appropriate solution to help various problems solving occur in the community.

---

[8] Sarjita, Land Dispute Resolution Techniques and Strategies, Yogyakarta: Tugujogja Pustaka, 2005, p.8
[9] Blakeley and Suggate, "Public Policy Development" in David Robinson (ed), Social Capital and Policy Development, Wellington: The Institute of Policy Studies, 1997, p. 80-100; Suharto, Public Policy Analysis: A Practical Guide to Studying Social Policy and Problems, 2005a; Building a Community Empowering People: Strategic Study of Social Welfare Development and Social Work, 2005b.

## DISCUSSION AND ANALYSIS

### The Nature of *Atoin Meto* for the Timorese Society

Timoreses are known as *Atoin Meto* in its' society. The view of the wider community states that Timorese are all people who live and come from Timor. Timorese people believe in the relationship between heaven and earth, and that human life cannot be separated from the spirits of the dead. *Nitu* which is "ancestral spirits" which is the link with *Uis Neno* or God of Heaven / God Almighty, is intended to maintain balance in life. The maintenance of life on Earth also includes an *Atoin Amaf* or people who are "elderly" in society and often act as Village Judges. In Timorese society, *Atoin Amaf* acts as cases resolver the cases of community members by way of peace or what is now known as Restorative Justice effort. There is exception for serious crimes such as murder. This is left to the government authorities. *Atoin Amaf* is responsible to his ancestors, the community and the government in all his judicial activities,

The kinship system in Timor is based on *Uma* institution, as part of the *Kanaf* (klen) according to the father's lineage (patrilineal). Within the Timorese/*Atoni* community (*Atoin Meto*), *Uma* is a territorial unit controlled by a group of descendants who come from one ancestor and are still bound to a single *Kanaf* unit with its own totem. Each member of the Uma bears his Kanaf name and resides in several *Kuan*, under the leadership of the eldest nuclear family. There is an *Ume Mese* or *Lopo Mese* in each *Kuan* which functions as a traditional house, meeting place and *Kuan* barn. The shape of the traditional house is simple, without walls and only consists of four central pillars as a symbol of the *ni ainaf* (motherly pillar) of a residence. The *Ume Mese* of every *Kuan* that is still one *Kanaf* cannot be separated from the *Ume* Parent relationship in the original *Kuan*. The eldest man from *Ume Induk* is called *Amaf Mnasi* (the older father) of all *Kanaf* members. *Amaf Mnasi* is domiciled and serves as the head of the customary government and the leader of traditional ceremonies. He is the holder of *Leu* as the sacred object of his *Kanaf*, and he is the link between the living and the dead. Likewise, he is the chairman of the tribunal of customary justice in resolving disputes between members of his relatives, including in disputes regarding inheritance land.

*Atoin Meto* is not only seen as a term for the Timorese, but more than that. *Atoin Meto* implies the values that live and develop in Timorese society. The nature or existence of *Atoin Meto* in the life of the Timorese society is clearly known that *Atoin Meto* describes the basis of values, kinship and kinship in Timorese society.

### Existing "Atoin Meto" Cultural Socio-Cultural Values and Applicable in Timorese Society

Socio-cultural values in Timorese society become a way of life for every member of the community, because these values are considered good and right and must be obeyed by the whole community. Socio-cultural values are usually not in written form, but in oral form and are known and mutually agreed upon by every member of the community. *Atoin Meto* socio-cultural values are needed to regulate relations among Timorese. These values will shape the way of life and cultural identity that distinguishes the Timorese people from other communities. Furthermore, these values are used in solving various problems that arise in Timorese society. Some of existing and applying Timorese socio-cultural values today are:

a. Value of Trust in *Uis Neno*, *Uis Pah* and *Nitu*

   Some Timorese still adhere to a primitive community belief system, animism. It essentially recognizes and even believes that life is governed by three forces: *Uis Neno* (God of the sky/God Almighty), *Uis Pah* (God of the earth) and *Nitu* (spirit of the ancestors). They consider *Uis Neno* as a father who protects their children. His role as a father is manifested in bringing rainwater to earth. Meanwhile, *Uis Pah* is likened to a mother. It is *Uis Pah* who is considered raising and feeding humans (naive man *hao mansian*). Belief in *Uis Pah* is found in the magic of the earth/nature, while Nitu is the spirit of the spirits of their ancestors/ancestors respectively. The Timorese people who are still steadfast in the teachings of their ancestors are always guided by their tribal chief / *Usif* to always do good to others, to the environment by protecting, caring for and preserving the forest, all of which are an offering to *Uis Neno* and *Uis Pah*. They believe by doing so will get a reward in the form of blessings, protection and salvation, or on the contrary get wrath if they do evil.

b. Value of *tok tabuah, tamolok tabuah* or Please Help and Help Each other

   The value of helping and helping each other is known as the vernacular term *tok tabuah, tamolok tabuah* which means "sit down and talk together by opening up and helping each other" in Timorese society,. It gives meaning to *Atoin Meto* that anything can be achieved by the Timorese people when they come together, open themselves and their hearts, and work hand in hand to achieve certain goals. The realization of this value is achieved through "family gathering" by sitting together and bearing each other's burdens as fellow *Atoin Meto*. It is applied by the people of Timor in various conditions of joy and sorrow, including in an effort to resolve various community problems by calling the whole family to sit down together.

c. Value of Living Together

   Timorese people have complete awareness as a human being who cannot live alone and needs other people to live together. Communication is established that connects one person to another in living together. This will complete the value of living together by giving meaning to care, respect and appreciate each other. This awareness makes Timorese people choose to build good communication and form a strong sense of brotherhood between one another as fellow *Atoin Meto*. In the living of Timorese life, when someone declares that he or she is *Atoin Meto*, a sense of brotherhood will automatically be formed and built. Therefore, the treatment will be very different, become intimate and full of kindness.

d. The Value of Honesty with the *Naketi* ritual

   The value of honesty is very important for the people of Timor, because the measure of a person's trust is seen from the level of person honesty. Honesty will bring safe, comfortable, peaceful and harmonious condition for all people. The value of honesty is also present in the *Naketi* ritual, which means to organize or rearrange for the Timorese people. *Naketi* is considered as one of the efforts that mean the lives of Timorese people will be filled with various unbelievable events that cannot be

understood by humans. So, Naketi is needed to find out the causes and provide solutions for these events. *Naketi* starts from an honest attitude of someone to be opened and conveyed everything relating the events happened to him.

e.  Value of Mutual Love or *Lasi Manekat*
Based on the belief in *Uis Neno* which teaches every Timorese to love one another or *Lasi Manekat* as a form of applying the "Law of Love", this value is also related to the understanding that every Timorese must mean to do, carry out all that is good, noble, beautiful and noble or in vernacular language referred to as *Moe Alekot*. These values are served as guidelines for the Timorese as well as serve as role models for the life of the Timorese faith.

f.  Forgiveness Value
The value of forgiveness was adopted from the relationship of trust between *Atoin Meto* and *Uis Neno* or God Almighty for the Timorese,. This value becomes significant for individual and group needs. The value of forgiveness cannot be separated from Timorese culture because the meaning of it is likened to the implementing of the "Law of Love" taught by *Uis Neno*. Timorese people have very close kinship, and are aware that they can make mistakes as a human being at any time, but the importance is *Atoin Meto* attitude should be different from other people. Therefore, the value of forgiveness is one of living values and growing in Timorese society.

g.  Peace Value in Oko Mama Culture
The value of peace is one of the important values in the life of the Timorese people. It is based on the awareness of living together as human beings and the awareness of frictions during the interaction which then will lead to disputes and problems. Timorese people maintain the peace value with the *Oko Mama* or betel nut culture. These mean that the culture of chewing betel nut together makes the community close, familiar and become family, and feeling of shared responsibility to overcome problems happened. The Timorese people feel that maintaining the kinship and its quality through the peace values and *Oko Mama*'s culture is significant than anything else. Therefore, the Timorese prefer to strive for the achievement of peace value in solving various problems, including the issue of inherited land.

**Inherited Land Dispute Resolution Model Based on Cultural Social Capital "Atoin Meto"**
Using legal effort in inheritance land disputes settlement for the Timorese community is unable to minimize inheritance land disputes cases occurred in the community. It is because it needs to be done through socio-cultural approach based on *Atoin Meto*. It is due to this culture has been integrated with the community and it is well received by all members. There are some models of resolving inheritance land disputes based on *Atoin Meto*'s socio-cultural capital with the structure of the *Atoin Meto* cultural mechanism in Oetuke Village, South Central Timor Regency. They are as follows:

1. Settlement of Customary Level/ *Taloitan Lasi Nao Lanan Allat*
2. Dusun Level Completion/ *Taloitan Lasi Nao Aplenat Dusun*
3. Village Level Settlement/ *Taloitan Lasi Nao Aplenat Desa*

In the event of an inheritance land dispute, the three stages/mechanisms above will be used. The three mechanisms can be explained as follows:

1.  Settlement of Customary Level/ Taloitan Lasi Nao Lanan Allat
Inherited land disputes occur in the community will be reported in advance to the first mechanism, the traditional leaders/*Atoin Amaf* and neighborhood association. Each neighborhood association has its own *Atoin Amaf* selected based on deliberation and consensus at neighborhood association level and the results of the decision to appoint *Atoin Amaf* must be obeyed by all members of the community. *Atoin Amaf* and neighborhood association play an important role in this first mechanism. *Atoin Amaf* and neighborhood association held a special meeting in preparation for following up on community reports, as well as agreeing on a meeting day after the report was submitted by Party A. Then, Party A and Party B in the dispute were summoned by *Atoin Amaf* and by Party A to meet. The meeting was held at the *Lopo* of Indigenous People of *Atoin Meto* by presenting the disputing parties. Initially, it was opened by *Atoin Amaf* by asking *Uis Neno, Uis Pah* and *Nitu* for mercy to approve the process of resolving the inheritance land dispute to be carried out. Later, *Atoin Amaf* asked party A and party B to convey the problem based on their respective versions. The submission was then confirmed with other parties who were present, such as extended family and neighbors to obtain a neutral view from the other party. Then, *Atoin Amaf* gave his views which contained a solution to the dispute. If it is accepted, the settlement process is considered complete and would be closed with a prayer by the local Religious Council. However, if one of the parties remains dissatisfied and does not accept the solution proposed by *Atoin Amaf*, it will proceed to the second mechanism.

2.  Dusun Level Completion// Taloitan Lasi Nao Aplenat Dusun
If the first mechanism or settlement at the village level is not reached and a peace point is found, it will be continued with the second mechanism, namely settlement at the village level. The *Atoin Amaf* and neighborhood association will convey to the citizen association and village regarding the disputed matter and arrange for a meeting schedule for the parties and other parties to hear statements and opinions. The meeting will be held at the Village Hall and the flow is almost the same as in the first mechanism: being called, met and asking for stories from both parties to the dispute, after which instructions and solutions are given. If it is accepted, it will be closed with a prayer by the local Religious Council, but it will proceed to the third mechanism if it is not accepted
.

3.  Village Level Settlement/ Taloitan Lasi Nao Aplenat Desa
    This third mechanism is considered the most effective in resolving inheritance land disputes in the community. The level of this mechanism presents 5 (five) parties, namely the Village Government; *Usif*/ Traditional Elders; Public figure; Shepherd of the Church; and, the Disputing Parties. The village party will summon the disputing parties to attend the meeting of the inheritance land dispute resolution process which will be held in the Village Office Hall. The parties are accompanied by their respective *Atoin Amaf*, along with related parties such as family and neighbors. The meeting is opened by the Village Head and invites the parties to convey *Oko Mama* which contained money as an opener. Furthermore, the parties will submit a chronology of inheritance land disputes based on each party's version, followed by information from related parties such as family or neighbors. Then, the Village Head invites *Usif* / Traditional elders consisting of 3 (three) people namely Nae, Metan, and Muni.
    The Usifs are all gathered together and will perform traditional speeches to prove the status of the inheritance land disputed by the parties. The community believes that nature will work / act because they are *Atoin Meto*. This way will prove which party has the right to the inherited land through the results of customary speech. The community leaders and the church are given the opportunity to give their views regarding the dispute when the customary speech is done. After which, it will be taken over by the Village Head to conclude and state a solution for the inheritance land dispute that occurs. One solution is often given so that all parties can feel the distribution of inherited land equally to the disputing parties is fair. After that, the meeting of the settlement process was closed with a prayer and the condition of the parties recovered. The settlement of inheritance land disputes using the approach based on *Atoin Meto*'s socio-cultural capital is felt to be very effective with the model that has been applied by the village and the Timorese community in the Oetuke area. This is proved by the fact that it is rare for land disputes that have been resolved at the village level to proceed to the stage of legal action in court.

## CONCLUSIONS AND RECOMMENDATIONS

Based on the description of the results of the research conducted, it can be concluded that the essence of *Atoin Meto* for the Timorese people is a term for the Timorese in the life of the Timorese people. However, it is not limited to that, the meaning of *Atoin Meto* is placed as the basis of values, kinship and kinship in Timorese society. All Timorese are aware and know that what a family meant when *Atoin Meto* sung. *Atoin Meto* is often placed in cultural and religious rites, known as *Uis Neno* (God of Heaven/God Almighty), *Uis Pah* (God of Earth), and *Nitu* (God of Ancestors). In the *Atoin Meto* culture, there are *Usif* and *Atoin Amaf* who act to resolve cases of community members by way of peace or what is now known as Restorative Justice, except for serious crimes such as murder. Then, it is left to the government authorities. *Atoin Amaf*, in all his judicial activities, is responsible to his ancestors, the community and the government.

The socio-cultural values of *Atoin Meto* still exist/live and apply in Timorese society, namely the Value of Trust in Uis Neno, Uis Pah and Nitu; The value of *tok tabuah, tamolok tabuah* or Please Help and Help Each other; Value of Living Together; The Value of Honesty with the *Naketi* ritual; Value of Mutual Love or *Lasi Manekat*; Forgiving Value; and, Value of Peace in *Oko Mama* Culture. Meanwhile, the model of settlement of inheritance land disputes based on *Atoin Meto* cultural social capital, namely the Customary Level Settlement/*Taloitan Lasi Nao Lanan Allat*; Completion of Village/*Taloitan Lasi Nao Aplenat* Village Level; and, Village Level Settlement/ *Taloitan Lasi Nao Aplenat* Desa. This study suggests that the *Atoin Meto* culture must be maintained, as a unifying culture in Timorese family relationships, and use the *Atoin Meto* culture in solving various problems in society.

## BIBLIOGRAPHY

Adi Sulistiyono, 2008, *Existence and Dispute Resolution of Intellectual Property Rights (IPR),* UNS Press Publisher, Surakarta.

Ali Achmad Chomzah, 2003*, Land Law Series III, Settlement of Land Rights Disputes and Land Law Series IV, Land Procurement for Government Agencies*, Prestasi Pustaka, Jakarta.

Alo Liliweri, 2014, *Introduction to Cultural Studies*, Nusa Media Publishers, Bandung.

Heru Nugroho, 2001, *Suing the Power of the State*, Muhammadiyah University, Surakarta.

Hilman Hadikusuma, 1980, *Fundamentals of Understanding Customary Law*, Alumni, Bandung.

………, 2003, *Introduction to Indonesian Customary Law*, Mandar Maju, Bandung.

K. Harjasoemantri, 2000, *Environmental Management Law*, Gadjah Mada University Press, Yogyakarta.

Koentjaraningrat, 2005, *Some Principals of Social Anthropology*, Dian Rakyat Publisher, Jakarta.

M. Arifin Hakim, 2001, *Basic Social Sciences: Theory and Concepts of Social Sciences*, Satya Library, Bandung.

Ronny Kountur, 2009, *Research Methods*, Buana Printing, Jakarta.

Sarjita, 2005, *Land Dispute Resolution Techniques and Strategies*, Tugujogja Pustaka, Yogyakarta.

Soebakti Poespanoto K. N, 1981, *The Principles and Structure of Customary Law*, Pradnya Paramitha, 6th Edition. Jakarta.

Soeleman Biasene Taneko, 1981, *Fundamentals of Customary Law and Customary Law*, Alumni, Bandung.

Soepomo, 1979, *Chapters on Customary Law*, Pradnya Paramita, Jakarta.

Soerjono Soekanto, 2016, *Indonesian Customary Law*, PT. Raja Grafindo Persada, Jakarta.

T.O Ihromi, 1993, *Legal Anthropology: An Anthology*, Indonesian OBOR Foundation, Jakarta.

Widodo Tresno Novianto, 2014, *Alternative Model: Medical Dispute Resolution Out of Court Through Medical Dispute Settlement Institutions in Health Services*, UNS Press Publisher, Surakarta.

Wirjono Prodjodikoro, 1998, *Introduction and Principles of Customary Law*, CV. Haji Mas Agung VIII printing, Jakarta.

## JOURNAL & PAPERS

Istanti, Akhmad Khisni, Jurnal Akta, Vol. 4 No. 2, June 2017

Sri Hajati, et al., Journal of Legal Dynamics, Vol 14 No. 1, January 2014

I Nyoman Nurjana, "Understanding disputes and the culture of dispute resolution in a multicultural society: a legal anthropological perspective", Paper, University of North Sumatra, 27 – 28 June 2007.

INTERNET
https://ntttime.wordpress.com
https://regional.kompas.com

Yorhan Y. Nome
*Head of Researcher*
*Lecturer of the Faculty of Law, University of Nusa Cendana*

Detji K.E.R. Nuban
*Member of Researcher*
*Lecturer of the Faculty of Law, University of Nusa Cendana*

Norani Asnawi
*Member of Researcher*
*Lecturer of the Faculty of Law, University of Nusa Cendana*