



## Exploration of Local Wisdom in Land Dispute Resolution in Alor Regency

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**Abstract:** Land disputes are a common problem in rural areas that still rely on customary land inheritance without formal ownership documents. This study examines the mechanism of land dispute resolution based on local wisdom in South Pura Village, Pulau Pura District, Alor Regency, focusing on *Tengtokung* (diving ritual) as a form of alternative dispute resolution recognized by the local community. Referring to Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, this research adopts an empirical juridical method with statutory and legal anthropology approaches, as well as case studies of two land disputes that occurred in 2017 and 2019. Primary data were obtained through interviews with traditional leaders, village officials, and disputing parties, while secondary data were collected from literature studies. The results show that *Tengtokung* is conducted through a series of customary ceremonies involving community leaders, religious figures, and the families of the disputing parties, with outcomes considered final and fair by both sides. The strengths of this mechanism include its speed, low cost, confidentiality, and focus on restoring social relationships. However, its weaknesses lie in the absence of formal legal recognition and its reliance on the good faith of the parties, which may lead to future disputes. This study recommends strengthening the synergy between customary mechanisms and the national legal system to ensure legal certainty while preserving the community's social harmony.

**Keyword:** Land Disputes, Local Wisdom, *Tengtokung*, Alternative Dispute Resolution, South Pura Village.

### INTRODUCTION

Land disputes are one of the most common problems in rural communities, especially in areas that still rely on customary land inheritance without formal ownership documents. In South Pura Village, Pulau Pura District, Alor Regency, land has a meaning that goes far beyond its economic function. Land is a symbol of family identity, a source of livelihood, and part of the ancestral heritage that must be preserved. In the social structure of the local community, the relationship between humans and the land is also closely related to family honor and kinship ties formed from generation to generation.

However, the development of the times brings new dynamics that often trigger conflicts(Suhri, 2016),(Warjiyati, 2019),(Simanjuntak & SH, 2021). The increased need for land for agriculture, housing, and economic activities, coupled with the limitations of official documents such as title certificates, often make land ownership claims often overlap(Rato, 2013),(Geme et al., 2023),(Rade et al., 2023). Inheritance, which is based only on oral communication from parents to children, also makes it difficult to prove ownership before state law. As a result, land disputes in this region not only disrupt personal relationships between residents, but can also threaten long-standing social harmony(Khilmi & Hafidzah, 2020),(Rato, 2015),(Lumbantoruan, 2016),(Bilung, 2020).

Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution (APS) provides a legal basis for dispute resolution outside the courts(Fira et al., 2023), (Yulianti et al., n.d.), (Utomo, 2018). This law stipulates that dispute resolution can be carried out through non-litigation means, such as arbitration, mediation, negotiation, conciliation, or other forms agreed upon by the parties(Atma, 2021),(Sulistyono, 2022),(Rade et al., 2023),(Nasution, 2021). The APS mechanism has advantages in terms of process speed, relatively low cost, and procedural flexibility that can adapt to the local cultural context. The main principles in the APS are voluntariness, deliberation, and mutual agreement that binds the parties(um Kalaway et al., 2023),(Saptomo, 2010),(Lobo et al., 2022).

In South Pura Village, one of the forms of APS that has been practiced for a long time is the traditional forum "Tengtokung". This forum is led by respected traditional leaders or village elders, and prioritizes deliberation resolution by considering the values of justice according to local customs. In Tengtokung, dispute resolution does not only focus on who "wins" or "loses", but on restoring social relations, maintaining harmony between parties, and avoiding prolonged grudges. Mechanisms like this are in line with the spirit of Law Number 30 of 1999, especially in terms of providing space for the community to resolve disputes peacefully without having to go through a long judicial process.

Several real cases in South Pura Village show the importance of the role of local wisdom in resolving land disputes. The first case occurred in 2017 between Mr. Metusalak Osingmahi and Mr. Matheos Abollanuha at RT 07 RW 04. The object of the dispute is a piece of land in the Jial Tang area, Mount Maru, covering an area of 45 x 35 m<sup>2</sup>. Both sides claim that the land is the inheritance of their deceased parents. There are no formal ownership documents, only the oral statements of the parents as well as evidence of plants and natural boundaries that are the basis of the claim. The lack of clarity of authentic evidence makes this dispute difficult to resolve formally legally, so customary forums are a relevant option.

The second case occurred in 2019 between Adrianus Singdopong (a resident of Abangbul, RT 05 RW 03) and Tertilianus Bukangbalolu (a resident of Malabang, RT 03 RW 02). The object of dispute is a piece of farmland in Malabang with an area of 47 x 38 m<sup>2</sup>. Adrian considered the land to be unilaterally claimed by Tertilianus as his own. This dispute was initially brought to the village government, but did not result in a decision determining who was the rightful owner of the land. Finally, both parties agreed to settle it through Tengtokung. The agreement to use this customary forum shows the community's recognition of the effectiveness of local wisdom as an alternative to dispute resolution.

These two cases reflect both challenges and opportunities in integrating dispute resolution mechanisms based on local wisdom with the national legal framework. On the one hand, local wisdom such as Tengtokung offers a fast, inexpensive, and accepted process by the parties because it is rooted in the local culture. On the other hand, the absence of formal records and strong legal recognition of the results of customary decisions raises the potential for new disputes in the future.

Based on these conditions, an in-depth study is needed to understand how the mechanism for resolving land disputes based on local wisdom in South Pura Village can be

optimized. This study is expected to provide recommendations on how the results of customary decisions can be integrated or recognized in the national legal system, so that legal certainty is achieved while maintaining social harmony. This integration will be a tangible manifestation of the implementation of Law Number 30 of 1999 which provides space for alternative dispute resolution that is effective, fair, and in accordance with the character of the local community.

## **METHOD**

This research is a type of empirical juridical research that is descriptive and uses a legislative approach (*Statute of Limitations*) and legal anthropology approach with case study methods (*case approach*), restrictions on special research related to local wisdom which is used as customary law as an alternative in solving a problem. This research also uses primary data obtained from field research, among others, in the form of interviews with traditional heads or customary institutions and the community of South Pura Village. This secondary legal material is obtained from literature research in the form of secondary material on legal principles, legal principles, and legal doctrines. The method of collecting field research data in the form of interviews whose questions have been prepared in advance, and observation of the implementation of ADR, is carried out where the results are used as a complement to literature law research, with the aim that the results of field research and literature research complement each other as the results of research that can be accounted for. Data analysis techniques with deductive logic and using grammatical and systematic interpretation.

## **RESULTS AND DISCUSSION**

### **Characteristics of land dispute cases in the last five years in South Pura Village, Pulau Pura District, Alor Regency**

Based on the results of the researcher's interview with Mr. Metusalak Osingmahi (2025) as the party who had a land dispute with Mr. Abollanuha in South Pura Village on January 20, 2017. At 08.00 at the house of Mr. Metusalak Osingmahi with the question of how the land dispute case could occur between Mr. Metusalak Osingmahi and Mr. Matheos Abollanuha?

Mr. Metusalak Osingmahi said that the actual land ownership is Mr. Metusalak Osingmahi with an area of 43x35 cm<sup>2</sup>, which is located in RT 07 RW 04 Gunung Maru, South Pura Village. The beginning of the dispute began with a claim of land ownership between Matheos Osingmahi and Matheos Abollanuha. Both parties claim that the land of Jial Tang (Place Name) located on Mount Maru, South Pura Village belongs to their parents. Both parents of the parties to the dispute have died. There is no authentic evidence of the land left behind by their parents, except for their parents' accounts of the beginning of the land and evidence of the plants and natural boundaries.

Based on the story of their respective parents, the two parties to the dispute view the disputed land as theirs. Based on this story, in the 2018 soil season Mr. Matheos Abollanuha cleared the land to open a garden, but one of Mr. Metusalak Osingmahi's sons, namely Yudiel Osingmahi, took Mr. Matheos Abollanuha's machete which was stored in the garden and handed it over to the Head of South Pura Village and reported that The village government resolved this land dispute.

In 2019, a land dispute involving Mr. Metusalak Osingmahi and Mr. Matheos Abollanuha was resolved through a RW meeting forum on a report from Mr. Metusalak Osingmahi. The results of the RW meeting were not accepted by Mr. Matheos Abollangua family because they held on to the parents' statement that Jial Tang's land belonged to their family so that Mr. Matheos Abollangua's family had the right to it.

The dispute was then resolved again through the RT meeting forum. The RT meeting forum at that time determined that the disputed land belonged to Mr. Metusalak Osingmahi. But Mr. Matheos Abollanuha did not accept the decision and claimed that the disputed land

belonged to him because he had heard his parents say that the land belonged to them. Mr. Matheos Abollanguha's dissatisfaction continued and according to the information obtained at the time of the research that there was a desire from the families of both parties to solving this problem through prayer, that is, asking for God's guidance through people who are seen as having gifts. However, the answer or decision of the person who determined the disputed land belonged to Mr. Metusalak Osingmahi. Mr. Matheos Abollanuha still did not receive the results of the RT Meeting and the results of the prayer.

Because Mr. Mahteos Abollanuha remained firm in his stance, the hamlet meeting offered to lock the land (the term key is used for land that is cultivated by two or more farmers). The results of the Hamlet meeting that determined the disputed land was locked were not accepted by both parties. The Hamlet meeting forum then offered *Tengtokung* (Diving Ritual) as an alternative and both parties stated that they accepted the dispute. So on May 16, 2019, a diving ritual procession was held at Let Al beach to determine the status of land ownership in the dispute between Mr. Metusalak Osingmahi and Mr. Matheos Abollanuha with the result of Mr. Metusalah Osingmahi as the winner.

Furthermore, the case of a land dispute between Mr. Adrianus Singdopong and Mr. Tertilianus Bukangbalolu. Based on the results of an interview by the Researcher with Mr. Adrianus Singdopong (2025) as the party whose land was disputed on June 27, 2019, at 15:00 WITA at his house with the question of what caused the land dispute case?

Mr. Adrianus Singdopong said that the land that was the object of the dispute was a plot of farmland in Malabang RT 03 RW 02 with a land area of 47x38 cm<sup>2</sup>. The farmlands in the Malabang village area belong to the Malabang extended family, especially the disputed farmland. As is known, Mr. Adrianus Singdopong and Mr. Tertilianus Bukangbalolu are residents of A Retta Hamlet. However, Adrianus Singdopong is a resident of Abangbul while Tertilianus Bukangbalolu is a resident of Malabang. This is what made Tertilianus Bukangbalolu consider the disputed land to belong to his parents so that he is entitled to the disputed land.

On the other hand, Mr. Adrianus Singdopong in his statement stated that the disputed land did belong to the parents of Mr. Tertilianus Bukangbalolu but its ownership status had been transferred to the Singdopong family when there was a marriage in the Bukangbalolu family and the Singdopong family. As is known, Adrianus Singdopong's grandmother is from Malabang, namely the sibling of Tertilianus Bukangbalolu's grandfather.

According to information obtained by the researcher, Tertilianus Bukangbalolu's grandfather had handed over the farmland to his brother. Thus, during that time, Adrianus Singdopong's family felt that they owned the farmland even though it was located in the Malabang area.

In 2020, Mr. Adrianus Singdopong reported that Mr. Tertilianus Bukangbalolu at the South Pura Village Government was related to a dispute, namely a piece of farmland in Malabang, which he had been working on. According to Mr. Adrianus Singdopong, the land has been claimed by Mr. Tertilianus Bukangbalolu as the owner. Therefore, he pleaded that the South Pura Village Government could immediately resolve the dispute. The settlement of land disputes at the RT, RW and village levels did not result in a decision on who owned the land, so the two parties to the dispute agreed to resolve it through *Tengtokung* (*Diving Ritual*).

### **A form of local wisdom is used in resolving land disputes in South Pura Village, Pulau Pura District, Alor Regency**

Based on an interview by the researcher with the Head of South Pura Village, Mr. Joi Fransis Dakamoly (53), on July 15, 2025, as the South Pura Village Apparatus at the Village Office, Mr. Joi Fransis Dakamoly, who handles land dispute resolution at the South Pura

Village Office, with the question of what is the pattern of local wisdom in resolving land disputes in South Pura Village, Alor Regency?

Mr. Joi Fransis Dakamoly stated that there were several land disputes reported by the community and rekea had tried to resolve them. But it should be noted that the land in South Pura Village is a legacy of the parents from the past so that the evidence of land ownership is only known from the natural boundaries told by the parents from generation to generation, so that if a dispute occurs sometimes it takes a long time to settle. Two cases have been tried to be resolved but the parties have expressed their dissatisfaction so they agreed to resolve it through *Tengtokung* (*Diving ritual*).

The above statement provides an overview of the efforts made by the village government in resolving land disputes. As is known, of the five land disputes reported to the village government, not all of them could be resolved. Land disputes reported to the village government are usually resolved directly by the Village Head or entrusted to the Hamlet Head or RT Chairman to be resolved. However, there are land disputes that cannot be resolved so that the dispute becomes prolonged.

For the local community in this village, their lives cannot be separated from the soil. They put the land in a social, cultural and religious order. They have the habit of resolving land disputes through alternatives that are seen as better when a dispute occurs.

The choice to resolve disputes through diving rituals is related to their view of the existence of supernatural forces behind nature, both on land and at sea that can resolve disputes fairly. Their belief in the power of nature also shaped the brand's behavior pattern to make the diving ritual an alternative legal process for resolving land disputes.

### 1) Implementation of *Tengtokung* (Diving Ritual)

*Tengtokung* (diving ritual) is usually carried out when there is a land dispute and cannot be resolved by the village government or community leaders, traditional leaders or religious leaders in the village. If the parties choose *Tengtokung*, then the implementation plan will be announced to all village communities. The schedule of the diving ritual was determined and agreed. The parties are asked to prepare everything related to the implementation of *Tengtokung* (Diving Ritual), namely:

- a. Each party prepares 1 diver. The parties can dive on their own or show their representatives.
- b. Each party prepares one person who is in charge of holding a long stick (*bela*)
- c. Each party prepares 1 long stick (*bela*). The defense will be used to give a warning by pointing the end of the defense at the body of the defender if the defending side wins but still lasts a long time in the sea. The goal is for the diver to go ashore because the opponent has gone up before.

### 2) Stage of Ceremony Implementation

The purpose of the implementation of *Tengtokung* (diving ritual) is to find out the truth of the land dispute involving two parties, because each party maintains its opinion. The mechanism for resolving land disputes through *Tengtokung* is usually preceded by a ritual ceremony attended by the local government, community leaders/traditional leaders, religious leaders, local communities and parties to the dispute. Nowadays the ritual procession is carried out by saying prayers according to the teachings of Christianity led by the Pastor or the church assembly, and the parties in the procession to the beach. In the procession to the beach, the procession participants were divided into three groups, namely:

- a. The mediation group consists of religious leaders, traditional leaders and government figures.
- b. The plaintiff group consists of the plaintiff, the *defense attorney*, the families and their supporters.

c. The defendant's group consists of the defendant, the defense attorney, the families and their supporters.

On the way to the beach, the disputing parties are led by long stick holders (defend). Each party followed a different path but was close to each other so that their voices could be heard. During the run, differences of opinion continued to occur, namely the parties and their supporters continued to quarrel/argue about the land issue. Differences of opinion can continue in speeches that claim to be victorious or in the tone of suppressing the opponent with shouting, even swearing at the opponent so that if the opponent is the wrong party, then the supernatural forces that are believed to exist can provide warnings and certain risks.

After arriving at the beach, a joint prayer was held once again. At a predetermined location, namely at a sea depth of approximately 2-3 meters from the coastline, the two parties in dispute were asked to dive and hold the stone, which was preceded by a calculation of the cue from one of the procession participants. Warnings are usually carried out with a calculation of one to three. On the third count, the two divers began diving to hold the rocks. They sat with their faces facing the deepest sea. The fishermen's boats were deployed to guard against the possibility of divers experiencing fatigue due to being carried by the current or naturally being hit by sea waves and appearing on the surface in an unconscious state, as is believed to be a direct ritual risk.

The disputing parties may dive on their own or be represented by a diver. Usually divers are determined by the parties themselves. The point is that the disputing party can choose to be represented by an outside diver from his family and the diver must be a permanent resident of South Pura Village. Divers from one side do not have to be agreed upon by the other. According to the information obtained by the researcher, in the past, if one of the parties chose a representative from outside the family, they were usually given a piece of land in return, with an agreement first made between the disputing party and the person who was asked to dive. It does not matter whether the diver who is asked to dive will come out as the winner or not.

Nowadays the reward for services for a diver outside the family does not have to be with a piece of land, but depends on the agreement between the disputing party and the person who is asked to be a diver. It should be noted that the strength or ability of a diver is not a measure in this procession because there is a belief that although the diver is not an accomplished diver, he can survive longer in the sea, if in the dispute he is in a position to represent the right people. Victory and defeat or the truth and error of the two disputing parties are determined at the time of diving. The diver who appears first on the surface of the sea is the loser or the wrong party. While divers who survive in the ocean longer are the winners or the right.

### 3) Stages After Diving

After the dive was carried out, the parties met at the house of the winning party. They reconciled and prayed together as an expression of gratitude that the dispute they were facing had been justly decided by God.

a. Based on dispute resolution efforts carried out through dating whose results are often disappointing or the results of unsatisfactory decisions, costly and time-consuming. The slow resolution of disputes through the courts led to the issuance of a Supreme Court policy in 1992 which stated that every case at the District Court and the High Court level must be resolved within no more than 6 months.

This is based on the fact that many cases are piling up in the courts and cannot be solved. With a situation like this, the choice of local wisdom settlement is a good choice according to the people of South Pura Village in resolving land disputes because it is considered more effective. Considerations where people tend to take advantage of dispute resolution with local wisdom include:

a) Solution in a tangible way

The process of achieving this can sometimes take one or two meetings between the disputing parties.

b) Low cost

In general, the mediator in this case the village head is not paid, the administrative costs are small and do not need to be accompanied by a lawyer.

c) Confidential

Everything that the parties say in the process of submitting their opinions to the mediator is all closed, not open to the public as in the court process

d) Unemotional

The way of approach is directed at mutually beneficial cooperation to reach a compromise.

In addition to the advantages of selecting dispute resolution according to local wisdom, there are also disadvantages, namely:

a. Difficult execution mechanism due to the way the judgment is executed

b. It really depends on the good faith of the parties to resolve the dispute until it is resolved.

c. The mediator will not bring good results, especially if insufficient information and authority are given to the head.

## CONCLUSION

In the context of land dispute resolution, *Tengtokung*(Ritual Immersion) is one of the alternative legal processes that is seen as fairer and more effective in mediating differences of opinion between parties, when the settlement of land disputes at the village government level cannot produce a decision that satisfies the disputing parties. Of course, there must be awareness from villagers to make land ownership rights or land certificates so that conflicts that are detrimental to the community can be avoided.

Because of the settlement of land disputes through local wisdom(*Diving Ritual*) It also provides positive aspects for the local community such as being efficient in terms of time, cost-effective, the place of settlement is not too far away, the decision is final and non-binding, resulting in a decision that is seen as fairer for the parties to the dispute.

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