

The Role of Indigenous Leaders in the Mediation of Land-Based Social Conflicts in the Bugis Makassar Indigenous Peoples: A Qualitative Case Study

Putu Bagus Rama Yuda^{1*}, Ni Gusti Agung Ayu Mas Tri Wulandari²

^{1,2}Magister Hukum, Fakultas Hukum, Universitas Pendidikan Nasional, Indonesia

Email: Bagusramayuda100@gmail.com, ²Mastriwulandari@undiknas.ac.id

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Abstrack

This study aims to understand in depth the role of indigenous leaders in mediating land-based social conflicts in the Bugis–Makassar indigenous peoples, especially in Jenepono Regency, South Sulawesi. Land conflicts in this region are not only rooted in the issue of ownership, but also concern the value of honor (*siri'*) and social solidarity (*pacce*). The approach is qualitative, with a phenomenological case study design, enriched by a socio-legal perspective that views customary law as a social system embedded in Indonesian legal pluralism. Data were collected through in-depth interviews, participatory observations, and documentation studies of customary mediation practices. The results of the study show that traditional leaders (*ade' to-matoa*) play a strategic role as moral mediators, guardians of social harmony, and the link between customary law and state law. The customary mediation process is carried out through three main stages, namely *Mappatettong Siri'*, *Mappasilasae*, and *Pappaseng Siri'na Ade'*, which emphasizes the values of honesty (*lempu'*) and empathy (*pacce*). The value of *siri' na pacce* serves as a principle of restorative justice, placing the restoration of social relations above formal punishment. These findings show that Bugis-Makassar customary law remains a living law capable of filling the void in substantive justice within the national legal system. This research recommends strengthening customary institutions as strategic partners of the state in community-based dispute resolution, and integrating local cultural values into national legal policies to make the Indonesian legal system more humane and context-sensitive.

I. Introduction

Land in the view of indigenous peoples in Indonesia is not just an economic resource, but a symbol of social, spiritual, and cultural existence. For indigenous peoples, land is a heritage from ancestors that embodies values of identity, sustainability, and honor (Soekanto, 2012; Rahardjo, 2006). This view also lives in the Bugis Makassar society, where land is understood as *lekkong ri parengngae*, a source of life that not only sustains physically, but also upholds the dignity of the community (Pelras, 2006). Land in the Bugis tradition is not the property of individuals alone, but the property of a collective that is guarded together with the principle of *siri' na pacce* (self-esteem and social solidarity) (Mattulada, 1985; Rahman, 2021).

However, these noble values are now faced with rapid social change. Over the past two decades, land-based conflicts have become a crucial issue in Indonesia, especially due to overlaps between customary law and state law. According to data from the Agrarian Reform Consortium (KPA, 2023), there were more than 212 agrarian conflicts throughout 2022, with 16 cases occurring in South Sulawesi. These conflicts often occur between indigenous peoples and external parties such as mining companies, developers, and local governments. This tension reveals a clash between two legal systems — customary law rooted in socio-cultural values and state law grounded in formal regulations (Fadjar, 2020; Sulistiyono & Nurjaya, 2020).

In the context of the Bugis–Makassar community, land has a meaning that goes far beyond formal ownership. The community's relationship to the land is genealogical and spiritual. Therefore, every land dispute is not just an economic dispute, but a threat to the social and moral harmony of the community (Sahur, 2022). In such situations, indigenous leaders (known as *ade' to-matoa* or *ade' pattola*) play a central role in maintaining balance and mediating conflicts to prevent them from escalating into social violence.

Traditional leaders are not only symbolic figures but also holders of moral and social authority derived from kinship structures and religious values (Mustari Pide, 2009). He carried out the role of mediation based on the principles of deliberation (*mappasilasae*) and the principles of *lempu* (honesty) and *alempureng* (sincerity), values at the core of the Bugis customary law system. In this context, indigenous leaders become the main actors in social mediation, emphasizing the restoration of relationships rather than punishment (Li, 2017; Rahmi, 2021).

The concept of mediation in Bugis-Makassar customary law actually contains the essence of restorative justice. The main goal is not to find the losing and winning sides, but to restore social relations (*restitutio in integrum*) damaged by conflict (Braithwaite, 2002; Zehr, 2005). This approach is in line with the modern legal paradigm that is currently applied in the Indonesian criminal law system (Perpol No. 8 of 2021). Thus, customary law practice has long contained contextual and humanist restorative values.

However, on a practical level, indigenous leaders' role in mediating land conflicts is now facing significant challenges. Globalization, changes in economic structures, and formal bureaucratic intervention have made customary authorities marginalized (Rahmat, 2020). Many land conflicts that could previously be resolved through customary deliberation have now moved into the courts, which has only added to social tensions. In fact, formal litigation mechanisms are often considered uncontextual because they ignore the history, natural boundaries, and spiritual value of indigenous lands (Griffiths, 1986; Merry, 1988).

Within the framework of legal pluralism theory, as stated by Griffiths (1986) and von Benda-Beckmann (2002), law is not a single entity but rather a set of systems that coexist and influence one another. In the Indonesian context, especially in Bugis-Makassar, legal pluralism is obvious: customary law, state law, and religious law interact in the same social space. These three form a complex hybrid legal structure (Nurjaya, 2018).

Unfortunately, national policies have not fully accommodated customary law practices in land conflict resolution. Law Number 5 of 1960 concerning the UUPA recognizes the customary rights of indigenous peoples, but its implementation remains weak. Law Number 6 of 2014 concerning Villages also opens up opportunities for the recognition of customary villages. However, it has not been followed by technical policies that strengthen the authority of indigenous leaders (Marzuki, 2021). As a result, indigenous leaders are often in a dilemma between practicing indigenous values and adhering to formal legal procedures.

In this context of legal plurality, indigenous leaders act as a bridge between two worlds: tradition and legal modernity. He must be able to navigate two value systems — customary morality and the legal rationality of the state — to maintain social stability. According to Max Weber (1978), traditional leadership types are rooted in historical legitimacy and collective belief. Indigenous leaders gain authority not through administrative positions but through moral recognition from their communities. This

legitimacy confers symbolic power to mediate sensitive conflicts, such as land disputes (Weber, 1978; Burns, 2010).

In addition to moral legitimacy, the success of customary mediation is also determined by the social capital owned by traditional leaders. Bourdieu (1986) emphasized that social power does not always come from formal institutions but from networks of beliefs, symbols, and social reputations built within the community. Bugis-Makassar indigenous leaders use this social capital to strengthen their authority in resolving conflicts peacefully and inclusively.

Several previous studies have shown that customary-based mediation has a high success rate compared to formal litigation (Satria, 2019; Iriani, 2020). In Jeneponto and Gowa Regencies, for example, indigenous leaders were able to end hereditary land conflicts through the *ade'* to mappasilasae forum, where the disputing parties swore an oath before the community and ancestors to no longer prolong the dispute. This form of settlement has a much stronger social binding force than an administrative court decision.

However, new challenges arise when the younger generation begins to lose emotional closeness to traditional values. Modernization, formal education, and urbanization have created a cultural distance between indigenous peoples and their traditional value heritage (Yani, 2022). In this context, the ability of indigenous leaders to remain relevant and adapt is key to the sustainability of the customary conflict-resolution system. Therefore, it is important to examine how the role, strategy, and meaning of Bugis–Makassar indigenous leadership in the mediation of land conflicts in the modern era, where traditional values must be in dialogue with formal law.

This study uses a qualitative case-study approach to understand the social experiences and subjective meanings of actors in local contexts. This approach allows researchers to explore customary mediation in depth through interviews with indigenous and community leaders, as well as parties to disputes. Thus, this study not only describes the mediation process but also uncovers the cultural values, social ethics, and leadership strategies that underpin it.

Theoretically, this research enriches the study of socio-legal research, legal pluralism, and traditional leadership. In practice, the research is expected to yield recommendations for local governments, legal institutions, and civil society organizations for building a land conflict resolution system grounded in local wisdom and social justice. Thus, this research departs from the belief that justice is not always found in the courtroom, but lives in the community. The Bugis-Makassar traditional leader is a symbol of the continuity of living law, which affirms that true law grows

from the culture and moral values inherited by the nation's ancestors.

II. Research Method

Types and Approaches to Research

This study uses a qualitative approach with a phenomenological case study design. The qualitative approach was chosen because this research aims to understand the meaning, experience, and social practices of the Bugis–Makassar indigenous people in the context of land-based conflict resolution. According to Moleong (2016), qualitative research seeks to reveal the meaning behind social actions and human experiences in natural situations. The phenomenological case study design was used because this study sought to explore in depth the subjective experiences of indigenous leaders in mediating social conflicts. The phenomenological approach views human experience as the primary source of knowledge, while case studies offer an opportunity to explore, in context, the mediation practices that exist within specific communities (Creswell, 2018). In addition, this study draws on the perspective of socio-legal research, which views law not only as a normative rule but also as a social phenomenon enacted and interpreted by society (Banakar & Travers, 2005). Through this approach, customary law is seen as part of a living social system that maintains social balance amid legal pluralism in Indonesia.

Research Location

This research was carried out in Jeneponto Regency, South Sulawesi, which is one of the regions with a Bugis-Makassar social and cultural structure that is still strong in maintaining its customary system. This area was chosen purposively because the practice of mediating land conflicts through customary institutions remains prevalent, with traditional leaders (ade' to-matoa) playing an important role in resolving disputes among residents. In addition, Jeneponto has social dynamics that illustrate the interaction between customary law and state law, making it a suitable study location for empirically exploring legal pluralism.

Data Sources and Types

The data used in this study comprised both primary and secondary data.

Primary data were obtained from in-depth interviews and observations of customary mediation activities, as well as from social interactions between indigenous leaders and communities. The main informants include traditional leaders, community leaders, parties to the dispute, and local government officials. Secondary data were obtained through a literature review of legal documents, including Law Number 5 of 1960 concerning the UUPA, Law Number 6 of 2014 concerning Villages, customary archives, village regulations, and relevant academic literature on customary law, legal pluralism, and traditional leadership.

Research Informant

The selection of informants is conducted using a purposive sampling technique, which involves selecting informants based on specific criteria aligned with the research objectives (Sugiyono, 2018). Informants are selected based on their involvement and experience in resolving land conflicts through customary mechanisms. The main informants include *ade' to-matoa*, traditional leaders, village officials, and community members involved in land disputes. To deepen the information, researchers also used snowball sampling, which involves expanding the number of informants through recommendations from initial informants. The number of informants will be determined by data saturation, which occurs when no new information emerges from the interviews.

Data Collection Techniques

The data collection technique is carried out in several ways, namely: In-Depth Interview – used to explore the experiences and views of informants related to customary mediation practices, the value of *siri' na pacce*, and the relationship between customary law and formal law. Participatory Observation – is carried out by directly observing the process of customary deliberation or community social activities related to the resolution of land conflicts. Through this observation, researchers can understand social interactions, customary symbols, and communication patterns between actors (Spradley, 1980). Documentation Studies – used to obtain additional data from customary documents, minutes of mediation meetings, written agreements, village archives, and related legal literature.

Data Analysis Techniques

Data analysis was carried out interactively and continuously, following the model developed by Miles, Huberman, and Saldaña (2014). This analysis includes three main stages: (1) data reduction, namely filtering and grouping field data according to research themes such as the role of customary leaders, customary values, and forms of mediation; (2) data presentation, namely displaying the results of the reduction in the form of narratives, tables, and interview excerpts to facilitate interpretation; and (3) drawing conclusions and verification, namely formulating social meanings and patterns of interaction based on the theory of legal pluralism and traditional leadership. The analysis is carried out simultaneously with the data collection process, so that researchers can dynamically adjust field findings to the theoretical framework.

Research Stages

This stage of research is carried out gradually and systematically. The first stage is the pre-field stage, namely conducting literature reviews, preparing interview guidelines, and obtaining site licenses. At this stage, the researcher also conducted an initial identification of indigenous communities and figures involved in the land conflict mediation system. The second stage is field data collection, including observations, in-depth interviews, and documentation of indigenous activities in Jeneponto. This process was carried out for several weeks to ensure the depth of information and the representation of the perspectives of various actors, both indigenous leaders and the communities involved. The third stage is data analysis, where the researcher carries out the processes of reduction, categorization, and interpretation of the collected data. At this stage, triangulation is conducted across interview results, observations, and customary law documents to ensure the validity of the findings. The last stage is preparing reports and reflecting on the research results. The results of the interpretation were then compared with the theories used, including legal pluralism (Griffiths, 1986), traditional leadership (Weber, 1978), and the concept of *siri' na pacce* as a local moral value. Through this stage, the researcher developed a comprehensive understanding of the role of indigenous leaders in maintaining justice and social harmony amid the dynamics of legal pluralism in the Bugis–Makassar community.

III. Results and Discussion

Research Results

Social and Cultural Conditions of the Bugis–Makassar Indigenous Peoples

Observations show that the Bugis-Makassar community in Jeneponto Regency still upholds the value of *siri' na pacce* as a moral and social ethical foundation. Land is seen as a symbol of family honor and ancestral heritage (*pappaseng to-matoa*) that must be maintained sustainably. Every dispute regarding land boundaries or land inheritance is not only a legal issue, but also a moral and social issue related to the community's self-esteem (*siri'*). Communities in Arungkeke and Rumbia Villages, the study's locations, still rely on customary deliberation mechanisms to resolve land conflicts. Traditional leaders (*ade' to-matoa*) play a central role in every settlement process, and the community and village officials recognize their authority and neutrality.

Forms and Processes of Customary Mediation

Based on interviews with 12 informants (traditional leaders, community leaders, disputing parties, and village officials), customary mediation took place in three stages: Mappatettong Siri' Level: The initial process of honour recovery, in which both parties meet before the traditional elders to explain the case. The goal is to uphold the *series* and foster peaceful intentions. Mappasilasae stage – Open deliberation led by *ade' to-matoa*. The decision was taken by consensus, guided by the principles of *lempu* (honesty) and *pacce* (empathy). Pappaseng Siri'na Ade' Stage A peace agreement is ratified through a customary oath (*panre tudang*) and is stated in the customary minutes. All stages are carried out without coercion, involve spiritual and social values, and end with a symbolic banquet that marks the restoration of social relations. Of the three cases studied, all ended peacefully without going to court.

The Role of Indigenous Leaders

Indigenous leaders carry out three main functions: (1) as neutral mediators who maintain social balance; (2) as the moral guardians of the community who uphold the norms of *Siri' na pacce*; and (3) as communicators between customary law and state law. Their success is largely determined by charisma, integrity, and the ability to combine traditional values with an understanding of formal policies. Some village

heads even make customary decisions as an initial reference before making administrative records at the government level.

Interaction between Customary Law and State Law

Field findings show that customary law and state law are not always in conflict. In many cases, the two are complementary. Village governments often ask customary institutions to mediate first before disputes are submitted to formal legal institutions. However, customary decisions do not yet have formal juridical force, so they cannot be used as a legal basis in court. However, socially, customary decisions are more respected because they contain a sense of justice and contextual peace.

Discussion

The Role of Indigenous Leaders in the Framework of Legal Pluralism

The findings of this study confirm the relevance of the theory of legal pluralism, as stated by Griffiths (1986) and von Benda-Beckmann (2002), who affirm that in a single social space several legal systems can coexist and interact, negotiating boundaries and influencing one another. In the context of the Bugis-Makassar community, the customary law system does not stand apart from state law but exists as a system of values and social norms that complement the void left by formal law. The results of the interviews show that the people of Jeneponto still rely on traditional leaders to resolve land conflicts before resorting to the formal route. Customary mediation is carried out not only for its efficiency, but also because the community believes that a settlement grounded in the values of *siri' na pacce* is more likely to guarantee justice and social harmony than a court decision that is final but culturally dry. In the Bugis-Makassar social system, customary law has a position called "living law" (Soekanto, 2012). a law that lives, grows, and functions in real life in people's lives. When state law fails to achieve substantive justice, customary law emerges as a settlement mechanism rooted in collective consciousness. Therefore, the role of indigenous leaders as social mediators is not merely symbolic but also actual in maintaining community cohesion. Furthermore, this practice of legal pluralism demonstrates a synergy between formal and informal structures: state law provides administrative legitimacy, while customary law ensures social acceptance. Thus, the Bugis-Makassar community created a model of *coexistence of law* in which the plurality

of the legal system actually strengthens the effectiveness of justice at the local level.

Traditional Leadership as a Source of Legitimacy

In the perspective of Max Weber's (1978) traditional leadership theory, the authority of traditional leaders (*ade' to-matoa*) derives its legitimacy not from structural positions or formal power, but from collective beliefs inherited from generation to generation. The community follows the decisions of indigenous leaders because they are considered to represent the community's moral will and the values of their ancestors (*pappaseng to-matoa*). The results show that traditional leaders are not only respected for their age or lineage, but especially for the lempu (honesty), acca (wisdom), and getteng (constancy) they demonstrate in their daily lives. These values serve as the foundation for building public trust and social legitimacy that are stronger than the state's formal authority. Pierre Bourdieu's (1986) theory of social capital is also relevant to explain how indigenous leaders maintain their influence without formal instruments of power. Social capital, in the form of trust, moral reputation, and networks of relationships among citizens, serves as a symbolic resource that enables indigenous leaders to perform mediation effectively. In the Bugis-Makassar context, customary decisions have authority because they are supported by social norms and communal solidarity, rather than by written legal sanctions. This phenomenon also shows that law and leadership in traditional societies cannot be separated from the structure of social morality. Customary law authority is *embedded* in a cultural value system in which legitimacy is not derived from law but from social and spiritual recognition. Thus, *ade' to-matoa* is not only a mediator of conflict, but also a moral symbol that represents the collective justice of indigenous communities.

The Value of Siri' na Pacce as a Principle of Restorative Justice

The value of *siri' na pacce* is the core of Bugis-Makassar social ethics and customary law, which continues to survive to this day. *Siri'* means self-respect, honor, and moral responsibility to the community; while *pacce* means empathy, solidarity, and a deep sense of humanity (Mattulada, 1985; Rahman, 2021). In customary mediation practice, these two values serve as social mechanisms that prevent the escalation of conflict. The disputing party refrains from embarrassing their opponent (*siri'*), while *the pacce* encourages them to put collective interests above personal egos. This value results in a system of justice that emphasizes the restoration of social relations (restorative justice),

rather than retribution or punishment. This concept aligns with John Braithwaite's (2002) and Howard Zehr's (2005) ideas about restorative justice, which place peace, moral responsibility, and the restoration of social harmony as the primary goals of conflict resolution. In this regard, Bugis–Makassar customary mediation has long practiced culturally based restorative justice, long before the concept became popular in modern law. The value of *siri' na pacce* also serves as a social deterrent, preventing community members from committing moral violations. A person who violates customary norms not only faces social sanctions, but also loses *siri*, which means losing their social identity. Therefore, the effectiveness of customary law does not depend on physical sanctions, but on the symbolic and spiritual power of upheld moral values.

Implications for National Legal Development

These findings make an important contribution to the development of a socially just national law. The role of Bugis–Makassar customary leaders and institutions demonstrates that customary law is not merely cultural heritage but an effective instrument for resolving disputes grounded in moral values and substantive justice. In the context of positive law, Article 18B paragraph (2) of the 1945 Constitution and Article 103 of Law Number 6 of 2014 concerning Villages explicitly recognize the existence of customary law communities and their traditional rights. However, this recognition remains declaratory and has not been followed by an implementing policy that gives customary decisions formal legal force. Therefore, the results of this study confirm the importance of synergy between customary law and state law in community-based dispute resolution. Local governments can use customary mediation mechanisms as an alternative to dispute resolution (ADR) that is more efficient, less expensive, and rooted in local values. The integration of the principles of *siri' na pacce*, *lempu'*, and *alempureng* into national legal policy will enrich the humanist dimension in the Indonesian legal system. Thus, national law is not only a tool of control, but also a means of building social justice that favors grassroots communities. Furthermore, if the Bugis–Makassar customary mediation model is formally adopted for agrarian dispute resolution, this can strengthen legal legitimacy and minimize the potential for horizontal conflicts. Therefore, this research provides an empirical basis for the development of legal policies grounded in local wisdom, in line with the spirit of progressive law advanced by Satjipto Rahardjo (2006), namely that true law is a law that lives in the community and is on the side of humanity.

Socio-Legal Reflection

In the framework of *socio-legal research*, these findings prove that customary law functions not only as a norm, but also as a system of meaning that lives in social practice. Indigenous leaders play a dual role: as legal actors and as social agents who negotiate power relations between the state and society. Thus, Bugis-Makassar customary mediation cannot be understood simply as a local practice, but as an expression of community legal autonomy that remains relevant in the modern era. Customary law shows that justice is not always born from the text of the law, but from social dialogue and moral consensus recognized by the society itself.

IV. Conclusion

Based on the research and analysis conducted, it can be concluded that indigenous leaders play a central role in maintaining social balance and local justice through customary mediation mechanisms rooted in Bugis-Makassar cultural values. First, customary law in the Bugis-Makassar context functions as a living law, recognized and maintained through the community's social practices. This customary law not only regulates behavior but also establishes a moral order and social solidarity grounded in the values of *siri' na pacce*. Second, traditional leaders (*ade' to-matoa*) serve as mediators, moral guardians, and communicators within the legal system. The legitimacy of their leadership stems from the community's beliefs and the legacy of ancestral values, in line with Max Weber's (1978) concept of traditional authority. Customary decisions have binding social power because they are based on moral norms rather than on formal legal authority. Third, the value of *siri' na pacce* is the main principle in building culture-based restorative justice. These values emphasize healing social relationships and restoring mutual honor, not retaliation. Thus, resolving land conflicts through customary mechanisms is not only a form of cultural preservation but also a concrete form of social justice relevant to the local context. Fourth, this study's findings show that synergy between customary law and state law is essential to strengthening substantive justice at the local level. There is a need for a legal policy that recognizes and integrates the outcomes of customary mediation into the national legal system, as mandated by Article 18B, paragraph (2), of the 1945 Constitution and Article 103 of Law No. 6 of 2014 concerning Villages. Finally, this study emphasizes that the sustainability of customary law cannot be separated from the social legitimacy of indigenous leaders and the community's trust in their own

cultural values. From a *socio-legal* perspective, Bugis-Makassar customary law is a tangible representation of justice that is alive, participatory, and rooted in local wisdom.

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