

Tudang Sipulung: A Local Wisdom-Based Land Dispute Resolution Mechanism for Sustainable Development

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Abstract

This research explores the relevance of *tudang sipulung* to the principles of sustainable development and its effectiveness as a mechanism for resolving land disputes, informed by the community's local wisdom. This research employs socio-legal methods, including statutory, conceptual, and case study approaches. The findings of this study indicate that *tudang sipulung* can facilitate the peaceful and equitable reconciliation of the parties in accordance with the principles of *sipakatau*, *sipakalebbi*, and *sipakainge*. This mechanism has not only resolved disputes technically but also restored social cohesion and prevented the escalation of violence, thereby contributing to a more harmonious community and supporting the overall goals of sustainable development. Within the framework of the SDGs, *tudang sipulung* aligns with Goal 16 through its integration of the dimensions of peace, justice, and accountable institutions. Normatively, this mechanism has a solid legal foundation within the national legal pluralism system. The novelty of this research



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lies in three aspects: positioning *tudang sipulung* as a preventive and participatory instrument, integrating the sustainable development paradigm as a normative framework, and offering an institutionalization model within Indonesia's formal land law system. The research recommends the issuance of technical regulations that integrate *tudang sipulung* into the BPN mediation system, the appointment of customary leaders as certified mediators, and the recognition of customary deliberation agreements as legally binding peace agreements—strategic steps to realise a fair, inclusive, and responsive legal system for the cultural diversity of the nation.

KEYWORDS: Land Disputes, Legal Pluralism, Local Wisdom, Sustainable Development, *Tudang Sipulung*.

Introduction

Land is a natural resource that has strategic dimensions and is rich in value in the lives of Indonesian society, especially for agrarian communities that make land the foundation of their social, economic, and cultural existence.¹ Land disputes have become an increasingly complex and multidimensional phenomenon amid the accelerating wave of development that increases the need for space and land.² Findings from the Agrarian Reform Consortium (Konsorsium Pembaruan Agraria or KPA), throughout 2025 indicate that there were at least 341 eruptions of agrarian disputes in 33 provinces, covering an area of 914,547.936 hectares, affecting 123,612 families in 428 villages. This number increased by 15% compared to the previous year.³ This situation illustrates that the existing dispute

¹ Agik Nur Efendi et al., “Human-Ecological Interactions and the Evolution of Land Perceptions in Local Communities: An Analysis of Indonesian Literature,” *Human Evolution* 40, no. 1–2 (2025): 166–86, <https://doi.org/https://doi.org/10.14673/HE2025121154>.

² Xiaoqian Fang et al., “Connotation Analysis, Theoretical Foundation, and Research Framework of Land Use Functional Conflicts,” *Transactions of the Chinese Society of Agricultural Engineering* 41, no. 6 (2025): 1–8, <https://doi.org/10.11975/j.issn.1002-6819.202412016>.

³ Konsorsium Pembaruan Agraria, “Tancap Gas Di Jalur Yang Salah, Paradoks Kebijakan Agraria Prabowo-Gibran 2025,” *Konsorsium Pembaruan Agraria*, 2026, <https://www.kpa.or.id/2026/01/tancap->

resolution mechanisms are not yet fully capable of accommodating the diverse socio-cultural backgrounds of the disputing parties.⁴

Formal law often fails to reach the social and cultural roots of land disputes, as its rigid and bureaucratic procedures overlook the emotional and historical connections of communities to the land they have inhabited for generations.⁵ Litigation tends to produce win-lose verdicts that exacerbate divisions between parties, rather than restoring the social relationships damaged by the dispute. Hence, tensions at the community level often continue even after the case is legally resolved.⁶ Here, local wisdom such as *tudang sipulung* in the Bugis-Makassar community tradition offers a more holistic approach, namely deliberation based on collective values, a sense of shame (*siri'*), and mutual trust that can restore social balance sustainably without leaving prolonged legal scars.

The Bugis-Makassar community in South Sulawesi has had a traditional deliberation mechanism, "*tudang sipulung*," for centuries, which literally means "sitting together".⁷ This tradition reflects the spirit of deliberation and consensus in resolving common issues peacefully and democratically. This tradition has long been an effective means of communication among the government, community leaders, and residents to address various problems, including land disputes. In the context of land dispute resolution, *tudang sipulung* offers an alternative

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- ⁴ Seng Hansen, "Cultural Influence on Construction Dispute Resolution," *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction* 18, no. 2 (2026), <https://doi.org/10.1061/JLADAH.LADR-1477>.
- ⁵ Made Oka Cahyadi Wiguna, "Mempertimbangkan Aspek-Aspek Non Legal Formal Dalam Penyelesaian Sengketa Tanah Adat Di Bali," *Masalah-Masalah Hukum* 53, no. 3 (2024): 249–60, <https://doi.org/10.14710/mmh.53.3.2024.249-260>.
- ⁶ Gunawan Widjaja, "Managing Legal Disputes Through Alternative Disputes Resolution," *Journal of Ecohumanism* 3, no. 3 (2024): 451–60, <https://doi.org/10.62754/joe.v3i3.3347>.
- ⁷ Muhammad Syarif Nuh, "Tudang Sipulung: A Conflict Resolution Wisdom of Bugis- Makassar Community," *Hasanuddin Law Review* 2, no. 2 (2016): 241–49, <https://doi.org/http://dx.doi.org/10.20956/halrev.v1i2.308>.

solution that prioritises peace and social justice over the formal legal route, which often consumes significant time, money, and energy.⁸ One of the land disputes that occurred in South Sulawesi was the one in North Luwu in 2014, triggered by the arrival of migrants from Toraja Regency who opened cocoa fields in the area and caused friction with residents in Bone-Bone District and Tana Lili District. The case forced 195 families or 689 individuals to evacuate, and dozens of residents lost their homes. The parties involved in the conflict pursued the resolution of the dispute through the traditional mechanism of *tudang sipulung*. The *tudang sipulung* (deliberation) process is capable of mitigating the potential for further disputes, strengthening social cohesion, and building trust among the parties involved in the conflict.⁹ Thus, *tudang sipulung* resolves issues and maintains social harmony, which is a prerequisite for sustainable development.¹⁰

In the context of sustainable development, which requires a balance among economic growth, social justice, and environmental preservation, local value-based mechanisms for resolving land disputes are becoming increasingly relevant. The Sustainable Development Goals (SDGs),¹¹ particularly Goal 16 on peace, justice, and robust institutions, mandate the principles of sustainable development, which require inclusivity in decision-

⁸ Fikri, "Optimization of Tudang Sipulung Culture in Family Conflict Resolution: Maintaining Marriage Harmony in Bugis Community," *Tahkim* 19, no. 2 (2023): 159–74, <https://doi.org/https://doi.org/10.33477/thk.v19i2.5633>.

⁹ Ulio, I Gusti Ngurah Sudiana, and I Nyoman Ananda, "The Function of The Tolotang Traditional Leader's House as A Media for Conflict Resolution in The Hindu Community in Amparita Village," *Vidyottama Sanatana: International Journal of Hindu Science and Religious Studies* 7, no. 2 (2023): 177–88, <https://doi.org/10.25078/vidyottama.v7i2.2379>.

¹⁰ Bayu Suratman Bayu and Syamsul Kurniawan, "Tudang Sipulung in Muslim Community of Peniti Luar (Identity, Islamic Value and Character Building)," *Khatulistiwa* 9, no. 1 (2019): 67–89, <https://doi.org/10.24260/khatulistiwa.v9i1.1255>.

¹¹ Pål Wrange, "SDG 16: Promote Peaceful and Inclusive Societies for Sustainable Development, Provide Access to Justice for All and Build Effective, Accountable and Inclusive Institutions at All Levels," in *The Cambridge Handbook of the Sustainable Development Goals and International Law*, ed. Hey E Ebbesson J (Cambridge University Press, 2022), 399–421, <https://doi.org/10.1017/9781108769631.018>.

making, including the resolution of natural resource disputes. *Tudang sipulung*, as a traditional legal instrument that has been historically tested, has the potential to become an alternative dispute resolution that is not only procedurally effective but also culturally meaningful for communities affected by land disputes.

Previous research has examined various dimensions of dispute resolution based on local wisdom in Indonesia, ranging from the role of local wisdom in land law in North Sumatra,¹² cultural-based conflict resolution models among the Dayak Tomun indigenous community,¹³ and the *Bhag-Rembhag Sabhala'an* tradition in resolving religious conflicts in Madura,¹⁴ to the general recognition of alternative dispute resolution mechanisms by Indonesian communities.¹⁵ In addition, studies on the revitalisation of Pakat Perkara in the Dayak Tobag community,¹⁶ land dispute resolution post-Law No. 2 of 2012 with a case study of Glagah Village related to NYIA Airport,¹⁷ this includes the restorative approach of the Tepung Tawar tradition

¹² Taufik Siregar, Ikhsan Lubis, and Anwar Sadat Harahap, "Dispute Resolutions in Vernacular Settlements: The Role of Local Wisdom in Resolving Land Disputes in North Sumatra, Indonesia," *ISVS E-Journal* 10, no. 1 (2023): 312–19, https://isvshome.com/pdf/ISVS_10-1/ISVSej_10.1.11_Taufik.pdf.

¹³ Achmadi Achmadi et al., "Culture-Based Land Right Conflict Resolution Model: A Case Study of the Dayak Tomun Indigenous People," *The International Journal of Interdisciplinary Cultural Studies* 16, no. 2 (2021): 1–10, <https://doi.org/10.18848/2327-008X/CGP/v16i02/1-10>.

¹⁴ Safi' Safi' et al., "Bhag-Rembhag Sabhala'an as a Method of Resolving Religious Conflicts in the Madura Legal Tradition," *El-Mashlahah* 14, no. 1 (2024): 95–126, <https://doi.org/10.23971/el-mashlahah.v14i1.7819>.

¹⁵ Didik Sukriono et al., "Local Wisdom as Legal Dispute Settlement: How Indonesia's Communities Acknowledge Alternative Dispute Resolution?," *Legality : Jurnal Ilmiah Hukum* 33, no. 1 (2025): 261–85, <https://doi.org/10.22219/ljih.v33i1.39958>.

¹⁶ Salfius Seko and Alfonsus Hendri Soa, "Revitalizing Tradition: The Role of Pakat Perkara in Resolving Land Disputes within The Dayak Tobag Community," *Masalah-Masalah Hukum* 54, no. 1 (2025): 47–56, <https://doi.org/10.14710/mmh.54.1.2025.47-56>.

¹⁷ King Faisal Sulaiman and Iwan Satriawan, "Land Dispute Settlement Post Law No. 2 of 2012; Glagah Village Case Study Related to Nyia Airport," *Indonesia Private Law Review* 2, no. 2 (2021): 109–24, <https://doi.org/10.25041/iplr.v2i2.2328>.

for resolving criminal cases,¹⁸ as well as customary law serving as an instrument of restorative justice within a plural legal system.¹⁹ However, the majority of these studies focus on disputes that have already occurred (post-conflict), are sectoral to a specific ethnic group or tradition, and have not yet integrated the dimension of sustainable development as the main analytical framework.

The novelty of the author's research lies in three distinctive aspects: first, this research positions *tudang sipulung*—the Bugis-Makassar customary deliberation tradition—not merely as a reactive dispute resolution mechanism but as a preventive and participatory instrument in land acquisition planning for development purposes; second, this research explicitly integrates the sustainable development paradigm as a normative framework that connects local wisdom with long-term development goals, a perspective that previous studies have not explored; and third, this research offers a model for the institutionalization of *tudang sipulung* within the formal Indonesian land law system, thus moving beyond descriptive studies of customary practices to concrete and applicable policy recommendations.

The urgency of this research stems from the escalating land disputes triggered by the expansion of infrastructure development projects and large-scale investments, particularly in Eastern Indonesia, including South Sulawesi. Resolving disputes through the court system has proved time-consuming and costly. It often results in decisions that are not socially accepted by the losing party, potentially exacerbating existing social tensions. At the same time, the local wisdom of *tudang sipulung*, which should be a solution, is facing the threat of marginalization due to legal modernization and the weak

¹⁸ Junaidi, "The Restorative Justice Approach in the Tepung Tawar Tradition: How Do Customary Rules Resolve Criminal Cases?," *Udayana Journal of Law and Culture* 10, no. 1 (2026): 26–51, <https://doi.org/10.24843/UJLC.2026.v10.i01.p02>.

¹⁹ Rahmi Dwi Sutanti et al., "Customary Law as an Instrument of Restorative Justice: An Alternative Approach to Criminal Conflict Resolution in Plural Legal Systems," *Clio. Revista de Historia, Ciencias Humanas y Pensamiento Critico*. 5, no. 10 (2025): 1348–81, <https://doi.org/https://doi.org/10.5281/zenodo.15453907>.

documentation and codification of the customary institution. This research is urgently needed to prevent the loss of a dispute-resolution instrument that has empirically proven capable of restoring social relations between disputing parties, while also providing concrete policy recommendations for lawmakers to integrate *tudang sipulung* into the national land-dispute-resolution legal system before the tide of legal uniformity completely buries this great potential.

This research is a socio-legal study that combines the examination of written legal norms with the observation of dispute-resolution practices within the community, particularly *tudang sipulung*. The methodological approaches used include the statute approach to examine regulations related to local wisdom, the recognition of indigenous peoples and customary law communities in the context of land dispute resolution and sustainable development, the conceptual approach to study the concept of *tudang sipulung* as a Bugis-Makassar customary deliberation mechanism, and the case approach to understand how the practice of *tudang sipulung* functions in reality as an instrument for resolving disputes outside the court, such as land disputes in North Luwu Regency.

Result & Discussion

A. *Tudang Sipulung* as a Mechanism for Land Dispute Resolution Based on Local Wisdom for Sustainable Development

Indonesia, as a country with diverse ethnicities, cultures, and customary legal traditions, places itself within a framework of legal pluralism that cannot be easily overlooked.²⁰ Indonesian positive law, which is derived from state legislation, actually coexists with the law that grows and develops within indigenous

²⁰ Zainuddin Zainuddin, Juselim Sammak, and Salle Salle, "Akkattere: Syncretism of Patuntung Beliefs and Sharia on Pilgrimage of The Ammatoa Kajang Community," *Ahkam: Jurnal Ilmu Syariah* 23, no. 2 (2023): 473–96, <https://doi.org/https://doi.org/10.15408/ajis.v23i2.30675>.

communities, which often proves to be more effective in resolving social issues at the local level.²¹

Tudang sipulung is a tradition of deliberation and consensus practiced by indigenous communities in southern Sulawesi, particularly the Bugis and Makassar ethnic groups. This tradition emphasizes togetherness, harmony, and collective decision-making for the common good.²² This concept is highly relevant to the principles of sustainable development, which demand active community participation in the development process to create a balance between social, economic, and environmental aspects.

Land disputes arise when parties contest the land's boundaries, which can lead to uncertainty about land ownership rights if not resolved properly.²³ Resolving this dispute requires an appropriate method to accommodate the values of social justice.²⁴ *Tudang sipulung* emphasises the values of deliberation and consensus, which are part of the local wisdom of the Bugis-Makassar community.²⁵ Through *tudang sipulung*, the disputing parties can openly express their views, proposals, and considerations, thereby creating effective communication and

²¹ Irgi Setiawan et al., "Juridical Study of Customary Law In The Indonesian National Legal System," *Asian Journal of Social and Humanities* 2, no. May 08 (2024): 1824–31, <https://doi.org/https://doi.org/10.59888/ajosh.v2i8.317>.

²² Rahman Syamsuddin and Achmad Alfian Mujahid, "Tradition of Resolving Crimes in Kinship Approaches (Tudang Sipulung) Criminal Law and Local Culture in the Community of Balangtaroang Village, Bulukumba Regency, South Sulawesi Province," *El-Hadhanah : Indonesian Journal Of Family Law And Islamic Law* 3, no. 2 (2023): 235–49, <https://doi.org/10.22373/hadhanah.v3i2.3025>.

²³ M.G. Tiwa, A.E., AZ and K. W. Indrayanti, "Legal Analysis of Decisions on Settlement of Land Ownership Rights Disputes," *International Journal of Research in Social Science and Humanities* 05, no. 08 (2024): 35–43, <https://doi.org/10.47505/IJRSS.2024.8.5>.

²⁴ Mia Permata Sari and Suteki Suteki, "Penyelesaian Sengketa Pengadaan Tanah Guna Pembangunan Bandar Udara Internasional Berbasis Nilai Keadilan Sosial," *NOTARIUS* 12, no. 1 (2019): 83, <https://doi.org/10.14710/nts.v12i1.23764>.

²⁵ Sulfiana et al., "Dekontruksi Nilai-Nilai Pendidikan Islam Dalam Tradisi Tudang SipulungdiDesa Bonto Bunga Kecamatan Moncongloe Kabupaten Maros," *JurnalAl-Qiyam* 6, no. 1 (2025): 83–98, <https://ojs.staialfurqan.ac.id/alqiyam/article/view/949/594>.

mutual understanding.²⁶ This helps avoid larger disputes and maintains harmonious social relations. In practice, *tudang sipulung* as an instrument for resolving land disputes not only addresses technical issues related to land boundaries or ownership rights but also considers the social and cultural aspects inherent in the local community.²⁷ The agreement reached through this deliberation is binding and respected by all parties, thereby encouraging a sustainable and peaceful resolution.²⁸

One of the land disputes in North Luwu in 2014, involving residents of Bone-Bone District and Tana Lili District, resulted in 195 Heads of Families (KK), or 689 individuals, being displaced and dozens of residents losing their homes. These two areas are regions with the highest intensity of dispute occurrences. The land disputes that occurred were initially triggered by the influx of people from outside the region who migrated to the Luwu area. The migrants, most of whom come from the Toraja Regency area in South Sulawesi, opened land to plant cocoa or chocolate.²⁹ To resolve the dispute, a *tudang sipulung* was held, bringing together various parties, including traditional leaders, community leaders, and government representatives, to find a joint solution to the clash that had caused hundreds of families to evacuate. The two conflicting parties, namely representatives of the residents of Bone-Bone District and Tanalili District, were brought together at the Bone-Bone Police Station. In the

²⁶ Adrian Ibrahim, Armin Sukri Kanna, and Fajar Gumelar, "Tinjauan Teologis Tudang Sipulung Dalam Tradisi Bugis-Makassar Dan Implikasinya Terhadap Hubungan Islam-Kristen Di Sulawesi Selatan," *Melo: Jurnal Studi Agama-Agama* 4, no. 1 (2024): 20–33, <https://doi.org/10.34307/mjsaa.v4i1.158>.

²⁷ Fatmawati, "Tudang Sipulung Sebagai Media Integrasi Masyarakat Amparita Di Kabupaten Sidenreng Rappang, Provinsi Sulawesi Selatan," *Walasuji: Jurnal Sejarah Dan Budaya* 9, no. 1 (2018): 211–24, <https://doi.org/10.36869/wjsb.v9i1.32>.

²⁸ Valentino Ruminding, Tony Tampake, and Imanuel Teguh Harisantoso, "Tradisi Tudang Sipulung Sebagai Basis Perdamaian Dalam Perspektif Gereja Toraja Jemaat Seriti," *Jurnal Kolaborasi Resolusi Konflik* 5, no. 1 (2023): 57–64, <https://doi.org/10.24198/jkrk.v5i1.44995>.

²⁹ Dini Fajar Yanti, "Tudang Sipulung, Cara Asyik Luwu Utara Selesaikan Konflik Sosial," *Kumparan.com*, 2019, <https://kumparan.com/indonesia-seruu/tudang-sipulung-cara-asyik-luwu-utara-selesaikan-konflik-sosial/4>.

meeting, each party was allowed to express its grievances and desires. The mediator strives to bridge the two conflicting parties by providing several alternative solutions and ways out to reconcile both sides.

Basically, the *tudang sipulung* approach in dispute resolution aligns with the SDGs pillars in three dimensions simultaneously: first, the peace dimension, because this forum mitigates the potential escalation of horizontal violence through structured dialogue; second, the justice dimension, because each party is given an equal space to be heard and the mediator offers balanced alternative solutions without favouring one party unilaterally; and third, the dimension of strong and accountable institutions, because the involvement of police and local government in the *tudang sipulung* process demonstrates how formal institutions and customary institutions can work synergistically to produce resolutions that are legitimate and rooted in the local Bugis-Makassar cultural values.

One of the substantive advantages of *tudang sipulung* compared to formal litigation-based resolution mechanisms is its nature, which is grounded in local values such as *sipakatau* (mutual respect), *sipakalebbi* (mutual appreciation), and *sipakainge* (mutual admonition).³⁰ These three principles form an ethical foundation in every deliberation process so that the resolution achieved is not only procedurally valid but also morally meaningful for all parties involved.³¹ When these values are upheld in the negotiation process, the outcomes tend to be more accepted and voluntarily adhered to by the community, far from mere legal coercion.

The *tudang sipulung* process in land dispute resolution generally involves several stages that are structured according to

³⁰ Salmiati Salmiati et al., "Revitalizing Indigenous Wisdom to Prevent Bullying: A Qualitative Ethnographic Study of Bugis-Makassar Cultural Values in Education," *Social Sciences & Humanities Open* 13 (2026): 102342, <https://doi.org/10.1016/j.ssaho.2025.102342>.

³¹ Ince Ansar H Arifin et al., "Strengthening Religious Moderation through the Local Wisdom Values of *Sipakatau*, *Sipakalebbi*, and *Sipakainge* in Islamic Religious Education," *Edusoshum: Journal of Islamic Education and Social Humanities* 6, no. 1 (2025): 178–87, <https://doi.org/10.52366/edusoshum.v6i1.227>.

customary law. At the initial stage, the customary elders, or *matoa*, act as neutral and authoritative mediators, gathering information from both disputing parties in turn and equitably. Next, a tracing of land ownership history is conducted based on the community's collective memory, oral testimonies, and social evidence recognized by the community. This process fundamentally differs from the positivist legal approach, which relies solely on written documents, by acknowledging that, in the context of indigenous communities, the legitimacy of ownership is often embedded in communal memory and everyday practices.

In the framework of sustainable development, *tudang sipulung* has very strategic relevance because it can integrate social, economic, and environmental dimensions into a holistic process.³² Sustainable development requires that land use meets the needs of the current generation and ensures future generations can meet their own needs.³³ Through *tudang sipulung*, the community resolves existing land disputes and reaffirms communal norms about how land should be managed, inherited, and preserved for the sake of communal survival. It is what makes it an instrument of sustainability that goes far beyond mere technical dispute resolution.

Land dispute resolution through the *tudang sipulung* mechanism is a tangible manifestation of the implementation of SDG Goal 16 in the local context of South Sulawesi, where this customary deliberation becomes an inclusive space that brings together disputing parties equally and peacefully without having to rely entirely on formal litigation channels.³⁴ As a customary institution deeply rooted in the culture of the Bugis-Makassar community, *tudang sipulung* serves as an alternative justice

³² Asni Asni et al., "Gender Justice in *Tudang Sipulung*: An Ecofeminist–Maqāṣid Al-Sharī'ah Reading of Inheritance in Bugis Bone, Indonesia," *Jurnal Ilmiah Al-Syir'ah* 23, no. 2 (2025): 297, <https://doi.org/10.30984/jis.v23i2.3572>.

³³ Erling Holden, Kristin Linnerud, and David Banister, "Sustainable Development: Our Common Future Revisited," *Global Environmental Change* 26 (2014): 130–39, <https://doi.org/10.1016/j.gloenvcha.2014.04.006>.

³⁴ Robin Ramcharan, "SDG 16 and the Human Rights Architecture in Southeast Asia: A Complementary Protection Process," *Journal of Human Rights* 20, no. 2 (2021): 228–44, <https://doi.org/10.1080/14754835.2020.1841609>.

access mechanism open to all layers of society, including marginalised groups who often struggle to reach the formal justice system, thus aligning with the principle of justice for all mandated by the SDGs.³⁵ The resolution process based on the values of *sipakatau*, *sipakalebbi*, and *sipakainge* not only results in socially accepted agreements but also strengthens community cohesion and prevents recurring disputes, which are the foundations of a peaceful and inclusive society.

More than just a conflict-resolution mechanism, *tudang sipulung* actually functions as an instrument for community-based legal development that organically supports the SDG target of access to justice for all. In practice, this mechanism involves customary leaders, religious figures, and community representatives as facilitators who have high social legitimacy in the community, ensuring that every decision made receives voluntary compliance without the need for a formal law enforcement apparatus.³⁶ This advantage is what makes *tudang sipulung* not merely a substitute for the court but a complement to the national legal system that can reach social spaces where formal law is often absent or ineffective, especially in rural areas and indigenous communities that still strongly uphold ancestral values.³⁷

However, the sustainability of *tudang sipulung* as a dispute resolution mechanism in line with SDGs principles requires several systemic reinforcements so that this practice does not merely survive as cultural heritage but truly develops into an instrument of justice responsive to the dynamics of the times. Formal recognition through regional regulations, transparent documentation of customary procedures, and capacity-building for customary leaders to understand human rights and gender equality perspectives have become urgent agendas that local

³⁵ Margaret L. Satterthwaite and Sukti Dhital, "Measuring Access to Justice: Transformation and Technicality in SDG 16.3," *Global Policy* 10, no. S1 (2019): 96–109, <https://doi.org/10.1111/1758-5899.12597>.

³⁶ Muhammad Alwi et al., "Rekonstruksi Nilai Tudang Sipulung Dalam Penentuan Awal Nonno Rigalung Di Kabupaten Wajo: Perspektif Sosiologi Hukum Islam," *Al-Mada: Jurnal Agama, Sosial, Dan Budaya* 8, no. 4 (2025): 888–902, <https://doi.org/https://doi.org/10.31538/almada.v8i4.9199>.

³⁷ Nuh, "Tudang Sipulung: A Conflict Resolution Wisdom of Bugis-Makassar Community."

governments, academics, and civil society must collaboratively promote. Thus, *tudang sipulung* can continue to serve as a bridge between the local wisdom of South Sulawesi and the global development agenda, demonstrating that meaningful achievements of the SDGs can only be realized when solutions are rooted in the cultural identity and real needs of the local community.

B. Integration of *Tudang Sipulung* as a Mechanism for Land Dispute Resolution in the National Legal System

Tudang sipulung is a traditional deliberative assembly deeply rooted in the culture of the Bugis-Makassar community in South Sulawesi, serving as an important forum for group communication, decision-making, attitude formation, and human behavior. This deliberation process involves in-depth discussions to reach a mutual agreement.³⁸ This tradition also serves as a platform to integrate Indigenous knowledge with modern science, especially in the fields of agriculture and resource management, by facilitating collaborative projects that enhance sustainable practices and community resilience. The government plays an active role in turning the results of this deliberation into a formal, legally binding agreement.³⁹

In its historical context, *tudang sipulung* is not just an ordinary discussion forum but rather a socio-political institution with very high moral authority and social legitimacy among indigenous communities.⁴⁰ The values upheld in this forum include *sipakatau*, *sipakalebbi*, and *sipakainge*, all of which

³⁸ Muhammad Ilyas Thamrin Tahir et al., "Economic Learning with a National and Local-Cultural Values Combination Strategy," *Universal Journal of Educational Research* 8, no. 1 (2020): 225–29, <https://doi.org/10.13189/ujer.2020.080127>.

³⁹ Syahrul Yasin Limpo et al., "Integrating Indigenous and Scientific Knowledge for Decision Making of Rice Farming in South Sulawesi, Indonesia," *Sustainability* 14, no. 5 (2022): 2952, <https://doi.org/10.3390/su14052952>.

⁴⁰ Limpo et al.

reflect the spirit of restorative justice that is now highly sought after by modern legal systems.⁴¹ Thus, *tudang sipulung* has essentially been a living and functioning dispute resolution mechanism long before the state introduced its legal instruments.

Land disputes in Indonesia, based on data from the National Land Agency (BPN), show that land dispute cases drag on in court every year, consuming significant energy, costs, and time for the parties involved in the dispute.⁴² Land disputes are often not merely legal issues but also contain social, cultural, and emotional dimensions that cannot be resolved solely through a win-lose verdict by a judge.⁴³ Herein lies the relevance of *tudang sipulung* as a promising alternative, because this mechanism inherently encourages solutions that are accepted by all parties and maintains social harmony within the community. The failure of the litigation approach in resolving the root issues of land disputes actually strengthens the argument that the integration of customary mechanisms into the national legal system is an inevitability.⁴⁴

Theoretically, the integration of *tudang sipulung* into the national legal system can be viewed within the context of legal pluralism. This perspective acknowledges the existence of

⁴¹ Andi Luhur Prianto et al., "Lego-Lego and Informal Politics—an Exploration of Cultural Democracy in Bugis Society, Indonesia," *Frontiers in Political Science* 7 (2025): 01–13, <https://doi.org/10.3389/fpos.2025.1662683>.

⁴² Syamsuddin Pasamai and Salle Salle, "The Role of The National Land Agency (BPN) in Resolving Land Disputes in Indonesia," *Asian Journal of Social and Humanities* 2, no. 10 (2024): 2195–2202, <https://doi.org/10.59888/ajosh.v2i10.352>.

⁴³ Weiwei Zhang, Hongman Wei, and Muhammad Haroon, "Assessing Rural Land Use in Contemporary China: Data Compilation and Methodology," *Heliyon* 10, no. 11 (2024): e31939, <https://doi.org/10.1016/j.heliyon.2024.e31939>.

⁴⁴ Abdul Wahid and Adi Sulistiyono, "Justification for The Establishment of A Land Court in Indonesia: Realizing Justice in Land Dispute Resolution," *Masalah-Masalah Hukum* 54, no. 2 (2025): 179–213, <https://doi.org/10.14710/mmh.54.2.2025.179-213>.

multiple legal systems operating concurrently within a society.⁴⁵ Indonesia, as a pluralistic country with hundreds of ethnic groups and diverse customary systems, has long grappled with legal pluralism. The Indonesian Constitution, through Article 18B, paragraph (2) of the 1945 Constitution, explicitly recognizes and respects the unity of customary law communities along with their traditional rights, as long as they are still alive and in accordance with the principles of the unitary state.⁴⁶ Furthermore, Article 28I, paragraph (3), of the 1945 Constitution of the Republic of Indonesia also emphasises that cultural identity and the rights of traditional communities are respected in accordance with the development of the times and civilisation. This constitutional recognition opens up a wide space for legitimacy, allowing customary institutions like *tudang sipulung* to be viewed not only as informal mechanisms but also as integral parts of the broader legal order. Thus, there is a strong normative foundation to justify this integration without having to worry about conflicts with the principle of state law supremacy.⁴⁷

Some laws accommodate local wisdom in dispute resolution, albeit explicitly, such as Law No. 5 of 1960 on the Basic Agrarian Law (UUPA), which emphasises that the agrarian law applicable to land, water, and space is customary law as long as it does not conflict with national interests.⁴⁸ Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution allows for

⁴⁵ Brian Z. Tamanaha, *Legal Pluralism Explained: History, Theory, Consequences* (New York: Oxford University Press, 2021), <https://doi.org/10.1093/oso/9780190861551.001.0001>.

⁴⁶ I Gusti Agung Mas Rwa Jayantiari et al., "The Rights of Customary Law Communities to Resources: The Relationship of Coexistence of State Law and Customary Law," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 1 (2025): 188–98, <https://doi.org/10.29303/IUS.V13I1.1329>.

⁴⁷ Tody Sasmita Jiwa Utama, "Between Adat Law and Living Law: An Illusion of Customary Law Incorporation into Indonesia Penal System," *The Journal of Legal Pluralism and Unofficial Law* 53, no. 2 (2021): 269–89, <https://doi.org/10.1080/07329113.2021.1945222>.

⁴⁸ Oemar Moechthar et al., "The Epistemology of Land in an Adat Perspective: Philosophical Aspects of Human Relations With Land in the View of Mohammad Koesnoe," *Media Iuris* 7, no. 1 (2024): 149–68, <https://doi.org/10.20473/mi.v7i1.44976>.

dispute resolution through mediation or customary institutions, not limited to formal court channels.⁴⁹ Law No. 32 of 2009 on Environment Protection and Management acknowledges the local wisdom of indigenous communities in environmental management and prevents the criminalisation of traditional practices.⁵⁰

Law No. 41 of 1999 on Forestry as amended by Law No. 19 of 2004 on Stipulation of Government Regulation in Lieu of Law No. 1 of 2004 on amendments of Law No. 41 Year 1999 on Forestry to enactment, recognise the existence of customary forests and customary law communities in forest utilization.⁵¹ Law No. 6 of 2014 on Villages recognises customary institutions and village customary governance to regulate and resolve internal village issues.⁵² Law No. 1 of 2023 on the Criminal Code (KUHP) recognises living law (the law that lives in society/customary law). A person can be punished based on local customary law, even if the act is not explicitly regulated in written law, as long as it is in accordance with the values of Pancasila and human rights.⁵³

⁴⁹ Rusli Subrata, "Can Alternative Dispute Resolution Mechanisms Revolutionize Conflict and Dispute Resolution in Indonesia?," *Jurnal Litigasi* 24, no. 1 (2023): 151–64, <https://doi.org/10.23969/litigasi.v24i1.7198>.

⁵⁰ Arsyad Aldyan et al., "Local Wisdom-Based Environmental Management Policy in Indonesia: Challenges and Implementation," *Journal of Law, Environmental and Justice* 2, no. 3 (2024): 332–54, <https://doi.org/10.62264/jlej.v2i3.100>.

⁵¹ Putera Astomo and Asrullah Asrullah, "Legal Protection for The Indigenous Law Communities and Their Traditional Rights Based on the Verdict of the Constitutional Court," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 06, no. 01 (2019): 90–108, <https://doi.org/10.22304/pjih.v6n1.a5>.

⁵² Bagio Kadaryanto, Ardian Kurniawan, and Burhanuddin Burhanuddin, "Reconstruction of Indigenous Community Inclusion in Village Autonomy Policy: Towards a Substantive Autonomy Model in Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 1 (2025): 1–19, <https://doi.org/10.30631/alrisalah.v25i1.1845>.

⁵³ Riyanto Riyanto, Bambang Waluyo, and Beniharmoni Harefa, "Application of Customary Law in the Indonesian Criminal Law Framework after the Enactment of Law Number 1 of 2023 Concerning

Although the law does not explicitly mention *tudang sipulung*, the essence of this mechanism aligns with the spirit of deliberation and consensus within the framework of alternative dispute resolution. Formal integration can be achieved by granting legal recognition to agreements reached through *tudang sipulung*, for example, by treating them as peace deeds with legal force equivalent to a court ruling. This step does not require a major legislative revolution but rather just an adjustment to technical regulations that favour the strengthening of customary institutions.

In practice, the *tudang sipulung* process in the context of land disputes involves several key elements that distinguish it from conventional mediation. First, this forum is led by a respected customary leader or traditional authority recognised by both parties, rather than by a bureaucratically appointed professional mediator. Second, the *tudang sipulung* process is inclusive and participatory, with not only the disputing parties present but also members of the broader community serving as moral witnesses to the agreement reached. Third, the norms used as references in the negotiations are not solely positive legal norms but also customary, religious, and local wisdom values that are alive within the community. These characteristics give *tudang sipulung* an advantage in terms of social acceptance and voluntary compliance with the agreement, as the parties feel the resolution originates within their community rather than being imposed from outside.

The experiences of several regions in Indonesia that have successfully integrated customary law into their regional legal systems can serve as valuable references for formalizing of *tudang sipulung*. For instance, the province of Aceh has successfully integrated the Musyawarah *Meunasah*⁵⁴ and the

the Criminal Code,” *Journal of Progressive Law and Legal Studies* 3, no. 02 (2025): 161–75, <https://doi.org/10.59653/jplls.v3i02.1540>.

⁵⁴ Abidin Nurdin et al., “The Implementation of Meunasah-Based Sharia in Aceh: A Social Capital and Islamic Law Perspective,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021): 760, <https://doi.org/10.22373/sjhk.v5i2.10710>.

Sharia Court into the national judicial system through a special autonomy framework.⁵⁵ This shows that it is possible to combine customary law with national law and that it can work if both the regional and central governments are willing to do so. Similarly, in Papua, the customary institution of the Papua Customary Council has received recognition in various regional regulations as a partner in resolving communal disputes.⁵⁶ South Sulawesi itself has regional regulations on customary institutions, such as Regional Regulation of Bulukumba Regency No. 09 of 2015 on the Confirmation, Recognition of Rights, and Protection of the Ammatoa Kajang Customary Law Community; Regional Regulation of Enrekang Regency No. 1 of 2016 on Guidelines for the Recognition and Protection of Customary Law Communities; Regional Regulation of Sinjai Regency No. 1 of 2019 on Guidelines for the Recognition, Protection, and Empowerment of Customary Law Communities; and Regional Regulation of North Luwu Regency No. 2 of 2020 on the Recognition of Customary Law Communities. These regional regulations not only govern the formal recognition of the identity of customary law communities but also provide a legal basis for customary institutions to perform substantive functions, including the management of customary land and the resolution of internal community conflicts through mechanisms rooted in local values.

In this context, *tudang sipulung*, as an adat deliberation institution rooted in the traditions of the Bugis-Makassar community, indirectly gains legal relevance through provisions that grant adat institutions the authority to formulate and apply customary law within their jurisdiction. It means that when these regional regulations recognize customary institutions as entities authorized to manage customary land affairs, the *tudang*

⁵⁵ Syahrul Anwar, Mohd Anuar Ramli, and Muhammad Nuruddien, "Autonomy and Islamic Criminal Law Enforcement in Creating Social Order in Aceh Region," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (2025): 438–57, <https://doi.org/10.18860/j-fsh.v17i2.32771>.

⁵⁶ Veronika Kusumaryati, "Adat Institutionalisation, the State and the Quest for Self-Determination in West Papua," *The Asia Pacific Journal of Anthropology* 21, no. 1 (2020): 1–16, <https://doi.org/10.1080/14442213.2019.1670238>.

sipulung forum, one manifestation of these institutions, also gains legitimacy to function as a forum for resolving land disputes at the community level. Furthermore, these regional regulations create opportunities for a more systematic formalization of the role of *tudang sipulung* by integrating it into the framework of alternative dispute resolution recognized by the state, ensuring that the decisions made through this forum have greater binding force and are acknowledged within the formal legal system, while also preserving the continuity of customary functions as instruments for resolving land conflicts based on local wisdom.

Conclusion

Tudang sipulung, a tradition of consensus deliberation among the Bugis-Makassar community, has proved to be an effective instrument in land dispute resolution, as reflected in the Luwu Utara case in 2014, because it can bring the parties together equally based on local values of *sipakatau*, *sipakalebbi*, and *sipakainge*. More than just a conflict resolution mechanism, *tudang sipulung* aligns with the principles of sustainable development and SDG Goal 16 because it integrates the dimensions of peace, justice, and accountable institutions into a holistic, inclusive process rooted in local cultural wisdom — making it a morally and socially meaningful alternative compared to formal litigation pathways.

Overall, the integration of *tudang sipulung* into the national legal system has a strong normative foundation, ranging from the constitution and various sectoral laws to regional regulations in South Sulawesi, which together form a framework of legal pluralism that recognizes the existence and role of customary institutions. This customary deliberation mechanism is not only sociologically relevant because it is deeply rooted in the traditions of the Bugis-Makassar community, but also practically superior because it produces agreements voluntarily accepted by the parties, grounded in the local values they collectively hold. The harmonization of customary law and state law is a feasible objective with sufficient political will and support, as evidenced by the experiences of regions such as Aceh and Papua. Therefore, the formalization of *tudang sipulung* as an alternative method

for resolving land disputes recognized by the state is not only feasible but also a strategic step toward the realization of a fair, inclusive, and responsive legal system that is responsive to the nation's cultural diversity.

This research recommends that the government needs to immediately issue technical regulations that formally integrate the *tudang sipulung* mechanism into the mediation system of the BPN and village courts, particularly in South Sulawesi, with the following concrete steps: first, the Provincial and Regency/City BPNs should establish standard operating procedures (SOP) for *tudang sipulung*-based mediation that positions Bugis-Makassar customary leaders as state-recognised certified mediators, on par with formal mediators, before cases are referred to litigation; the Ministry of ATR/BPN is encouraged to issue guidelines that make *tudang sipulung* agreements legally binding peace agreements, so that the results of customary deliberations are not only morally and socially binding but also receive legal recognition and protection from the state.

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