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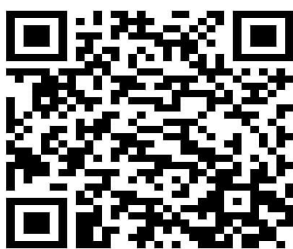
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## Integrating Contemporary Islamic Law and Local Custom: A Study on the *Teseng* Agreement in the Bugis- Makassar Community

**Abstract:** This study examines the integration of contemporary Islamic law and local culture through the *Teseng* agreement practiced within the Bugis-Makassar community. Employing normative legal research, it analyzes the *Teseng* institution using conceptual and comparative legal approaches. The findings reveal that *Teseng* represents a compelling example of the organic integration of customary law and Islamic law, in which both legal traditions reinforce rather than contradict one another. This integration did not originate from formal state authority but evolved from the community's collective pursuit of justice, mutual trust, and social harmony, with respected local leaders serving as key mediators between the two normative systems. Core customary values, including *siri'* and *pacce*, interact harmoniously with Islamic legal principles such as *'adl* (justice), *amānah* (trustworthiness), and *ta'āwun* (mutual cooperation), creating a normative framework that often proves more effective than formal legal sanctions. Despite the pressures of modernization, *Teseng* continues to develop as a dynamic form of living law while providing a contextually grounded and sustainable model for the development of contemporary Shari'ah economic law. The study makes a significant theoretical contribution by strengthening the concept of living law within the framework of normative legal pluralism, demonstrating that the relationship between Islamic law and customary law is shaped through an organic, bottom-up process of negotiation rather than a hierarchical legal structure. It further enriches contemporary Islamic legal scholarship by showing that *muzārah* 'ah and *mukhābarah* can be harmonized with local customary institutions when mediated by shared ethical values such as *siri'*, *ta'āwun*, and *amānah*. Practically, the study offers a culturally grounded model of dispute resolution that promotes peaceful and equitable outcomes, while academically contributing to broader debates on legal

pluralism by affirming that community-based legal traditions remain adaptive, resilient, and relevant in addressing contemporary legal challenges.

**Keywords:** Bugis-Makassar Community, Islamic Law, Local Custom, *Teseng* Agreement.

## INTRODUCTION

Indonesia, as a country that is socially, culturally, and religiously diverse, is a fertile ground for non-uniform legal practices.<sup>1</sup> Amidst the formal and codified legal system of the state, indigenous communities in various corners of the archipelago continue to uphold local norms that have been deeply rooted long before the modern state was established.<sup>2</sup> One of Indonesia's cultural treasures is customary law, which reflects the character and spirit of the country, termed by Carl von Savigny as *volksgeist* or spirit of the people.<sup>3</sup> Bhinneka Tunggal Ika, which means 'unity in diversity', reflects the cultural diversity of the people.<sup>4</sup> The diverse cultural backgrounds are also reflected in the various legal systems.<sup>5</sup>

The Bugis-Makassar tribe is distinguished by its extensive customs. The Bugis-Makassarese community holds traditions, customs, and culture in high regard. These traditions and culture have been observed and implemented by the Bugis-Makassar tribal community ever since their inception.<sup>6</sup> One phenomenon that draws attention is the practice of the *Teseng* agreement among the Bugis-Makassar community in South Sulawesi—a sharing agreement of agricultural produce that has emerged from the womb of tradition

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<sup>1</sup>Maruarar Siahaan, "The Universality of Human Dignity and Human Rights: An Indonesian Experience," in *New Perspectives on Human Dignity in Asia*, ed. Brett G. Scharffs, Hannah Clayson Smith, and Emily H. Butler (London: Routledge, 2025), 114–136, <https://doi.org/10.4324/9781003668527-9>.

<sup>2</sup>Firdaus Arifin et al., "Recognition of Customary Norms Within the Framework of Indonesian Legal Positivism," *Khazanah Hukum* 7, no. 1 (2025): 92–104, <https://doi.org/10.15575/kh.v7i1.39409>.

<sup>3</sup>Rafael Domingo, *Law, Religion, in a Secular Age* (United States of America: The Catholic University of America Press, 2023).

<sup>4</sup>Zainuddin, Juselim Sammak, and Salle, "Patuntung: The Encounter of Local Culture and Islamic Sharia in the Ammatoa Kajang Community," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 1 (2023): 177–199, <https://doi.org/10.19105/al-lhkam.v18i1.8207>.

<sup>5</sup>Rr Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 25–48, <https://doi.org/10.15408/ajis.v23i1.32549>.

<sup>6</sup>Achmad Musyahid Idrus et al., "The Tradition of Mappasikarawa in the Bugis-Makassar Community Marriage: A Study of Islamic Law Philosophy," *Samarah* 7, no. 2 (2023): 848–874, <https://doi.org/10.22373/sjkh.v7i2.17125>.

and is nurtured by the collective trust of the local community.<sup>7</sup> This agreement is not recognised in the national civil law codification, yet it lives, applies, and binds the parties socially even more strongly than a written contract. On the other hand, the Bugis-Makassar community, which is predominantly devoutly Muslim, also uses the principles of *syarī'ah* as moral and legal references in their daily lives,<sup>8</sup> including in economic and agricultural relations. The meeting of these three normative systems—state law, customary law, and Islamic law—creates a space of tension as well as a space for negotiation that requires in-depth study to be understood in a complete, fair, and contextual manner.

To capture the complexity of *Teseng* practices comprehensively, this research relies on three complementary theoretical frameworks. First, legal pluralism is developed by Brian Z. Tamanaha. In every social arena examined, there appears to be a multiplicity of legal orders—village law, regional law, national law, and transnational and international law, as well as additional forms of law such as customary law, religious law, and the law of specific ethnic or cultural communities.<sup>9</sup> Such legal pluralism does not always result in harmony, but often creates normative tensions between different legal systems.<sup>10</sup>

This framework helps explain why the *Teseng* agreement remains alive and functional despite not receiving formal recognition from the state, as its legitimacy derives from communal authority that transcends the boundaries of legal positivism. Second, the concept of living law, pioneered by Eugen Ehrlich, emphasises that true law is not what is written in the statute books but what truly lives in the actual behaviour of society (the law

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<sup>7</sup> Salle Salle et al., “Teseng: Implementation of Justice Values in Profit-Sharing Agreements Based on the Local Wisdom of the Bugis Makassar Community,” *Jurnal Hukum Novelty* 15, no. 2 (2024): 215–229, <https://doi.org/10.26555/jhn.v15i2.28735>.

<sup>8</sup> Andi Marlina, Andi Mulyono, and Nurjanah Lahangatubun, “Islamic Law and Bugis-Makassar Culture: An Approach to Anti-Illegal Gratification,” *Jurnal Al-Dustur* 7, no. 1 (2024): 64–79, <https://doi.org/10.30863/aldustur.v7i1.6271>.

<sup>9</sup> Brian Z. Tamanaha, *Legal Pluralism Explained: History, Theory, Consequences* (New York: Oxford University Press, 2021), <https://doi.org/10.1093/oso/9780190861551.001.0001>.

<sup>10</sup> Pahlefi Pahlefi et al., “Harmonization of Customary Law and Investment Policy in Indonesian Indigenous Natural Resource Governance,” *Trunojoyo Law Review* 8, no. 2 (2026): 345–384, <https://doi.org/https://doi.org/10.21107/tlr.v8i2.33687>.

that actually lives in the people).<sup>11</sup> The *Teseng* agreement, therefore, is a concrete manifestation of the living law that exists in the daily lives of the Bugis-Makassar community, long before the state felt the need to regulate it. Third, the concept of *'urf* in *uṣūl al-fiqh*—which refers to customs or traditions widely recognised and accepted by a Muslim community—provides an epistemological bridge between local traditions and Islamic law.<sup>12</sup> Scholars of *uṣūl* agree that *'urf* that does not contradict the *naṣṣ* of *syarī'ah* can be a legitimate source of law (*al-ʿādah muḥakkamah*).<sup>13</sup> Through these three theoretical lenses, the research seeks to demonstrate that the *Teseng* agreement is not merely a stagnant customary heritage but a living legal institution that can be aligned with contemporary Islamic legal principles within an inclusive legal pluralism framework.

The theoretical framework outlined above does not exist in a vacuum but rather responds to an increasingly developing academic discourse in contemporary Islamic law studies—namely, how *syarī'ah* and customs negotiate, adapt, and mutually shape each other in the context of concrete Muslim community life. In the context of contemporary Islamic law studies, the phenomenon of integration between *syarī'ah* and customary law (*'urf*) has become an important discourse, especially in understanding how Muslim communities around the world adapt the principles of *mu'āmalah* jurisprudence with local wisdom that has been deeply rooted for centuries.<sup>14</sup> Specifically in Indonesia, the development of Islamic economic law reflects the country's ongoing efforts to harmonise Islamic legal values with

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<sup>11</sup> Marcos Augusto Maliska, “Ehrlich, Eugen,” in *Handbook of the History of the Philosophy of Law and Social Philosophy*, ed. Gianfrancesco Zanetti, Mortimer Sellers, and Stephan Kirste (Cham: Springer Nature, 2023), 63–71, [https://doi.org/10.1007/978-3-031-19550-1\\_8](https://doi.org/10.1007/978-3-031-19550-1_8).

<sup>12</sup> Salleh Siti Fatimah, Ismail Siti Khatijah, and Mohd. Yusoff Zurita, “An Analysis of the Elements of Social Change in the Context of 'Urf in Islamic Law,” *Global Journal Al Thaqafah* 7, no. 1 (2017): 99–116, <https://doi.org/10.7187/GJAT13120170701>.

<sup>13</sup> Muhammad Husni Abdulah Pakarti et al., “The Role and Application of 'Urf as a Source of Islamic Law: A Historical Review and Fiqhiyah Rules,” *An-Nisa: Journal of Islamic Family Law* 2, no. 3 (2025): 175–192, <https://doi.org/10.63142/an-nisa.v2i3.300>.

<sup>14</sup> Zaimuariffudin Shukri Nordin et al., “Integrating Islamic Law and Customary Law: Codification and Religious Identity in the Malay Buyan Community of Kapuas Hulu,” *Journal of Islamic Law* 6, no. 1 (2025): 89–111, <https://doi.org/10.24260/jil.v6i1.3410>.

the pluralistic national legal system, which integrates elements of religious law, customary law, and state law.<sup>15</sup>

The practice of *Teseng*, which regulates the distribution of harvests between landowners and cultivators, reflects the complexity of negotiations between *syarī'ah* doctrine, particularly in *muzā'arah* and *mukhābarah*.<sup>16</sup> The Bugis-Makassar cultural value system emphasizes the principles of *siri'* (dignity) and *pesse* (empathy). The study of the integration of Islamic law and customary law in the context of agrarian economics is becoming increasingly relevant amidst efforts to formalise *syarī'ah* economic law in Indonesia and the need to understand how living law works at the community level.

The implementation of the *Teseng* agreement in the field faces various fundamental problems that reflect the tension between different norms. Ambiguity in determining the primary legal reference, between *syarī'ah* provisions and customary practices, manifests concretely in the inconsistency of profit-sharing proportions practised across regions in South Sulawesi. Some communities apply a 50:50 split, while others maintain a 60:40<sup>17</sup> or even 70:30 scheme that lacks a written normative basis,<sup>18</sup> making them prone to unresolved disputes through both formal and customary channels.

The mechanism of integration between Islamic law and customary law in *Teseng* often tends to be implicit and unstructured, which results in legal uncertainty for the parties involved.<sup>19</sup> This uncertainty is evident in the scarcity of written *Teseng* agreements, which

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<sup>15</sup> Dewi Fransiska Mamonto et al., "The Evolution of Islamic Civil Law in Indonesia: Developments, Contemporary Challenges, and Future Directions," *Nusantara: Journal of Law Studies* 3, no. 2 (2024): 147–158, <https://doi.org/10.5281/zenodo.17385985>.

<sup>16</sup> Andi Herawati, Zainuddin, and Syarif Raehana, "Islamic Economic Law Perspectives of Profit-Sharing Systems (*Teseng*) in the Cultivation of Rice Fields in Bugis-Makassar Community, South Sulawesi, Indonesia," *Manchester Journal of Transnational Islamic Law & Practice* 20, no. 1 (2024): 4–6.

<sup>17</sup> Muhammad Aras Prabowo and Farid F Saenong, "Construction and Comparison of Social Audit on *Teseng* Profit Sharing Practices in the Bugis Tribe of Indonesia with the Perspective of Sharia Audit and Conventional Audit," *Jurnal Ilmiah Islam Futura* 26, no. 1 (2026): 67–92, <https://doi.org/10.22373/jiif.v26.i1.33890>.

<sup>18</sup> Zainuddin Zainuddin, Salle Salle, and Andi Risma, "Balanced Justice in Islamic Inheritance to Realize Unity and Sustainability of Collective," in *3rd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2022)* (Denpasar: Atlantis Press SARL, 2023), 66–70, <https://doi.org/10.2991/978-2-494069-93-0>.

<sup>19</sup> Muhammad Mujab Nabil et al., "Analisis Ketidadaan Kepastian Hukum Bagi Masyarakat Adat Dalam Proyek Strategis Nasional Guna Mendorong Revisi Kebijakan Pembangunan Nasional Berdasarkan

mostly rely on verbal agreements,<sup>20</sup> so that when disputes arise, there are no evidentiary instruments recognised by either religious or state courts. This condition is exacerbated by the absence of regional regulations in South Sulawesi province that explicitly recognise and regulate profit-sharing agricultural agreements based on local wisdom as part of the living law system, unlike some areas in Java that have integrated maro and mertelu agreements into village regulations.<sup>21</sup>

Previous research on the *Teseng* agreement in the Bugis-Makassar community has made significant contributions to understanding this local profit-sharing practice from various perspectives, but collectively, it still leaves several substantial research gaps. Methodologically, most previous studies tend to rely on descriptive qualitative approaches that are partial and limited to certain communities or regions, thus failing to produce a comprehensive mapping of the variations in *Teseng* practices across regions or generations; moreover, studies such as consumer behavior research based on the Theory of Planned Behavior are still in the early exploratory stage and have not been tested more broadly with stricter mixed methods.<sup>22</sup> From a theoretical perspective, although some studies have attempted to integrate the perspectives of Islamic economic law and local wisdom,<sup>23</sup> such as the analysis of fiqh empowerment towards the *Tesang* tradition and the study of justice values in *Tesang*,<sup>24</sup> the integration between contemporary Islamic law (modern fiqh

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Prinsip Pluralisme Hukum,” *Amandemen: Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia* 2, no. 3 (June 18, 2025): 194–205, <https://doi.org/10.62383/amandemen.v2i3.1060>.

<sup>20</sup> Salle et al., “*Teseng*: Implementation of Justice Values in Profit-Sharing Agreements Based on the Local Wisdom of the Bugis Makassar Community.”

<sup>21</sup> Tri Wahyuningsih, “Sistem Bagi Hasil Maro Sebagai Upaya Mewujudkan Solidaritas Masyarakat,” *Komunitas* 3, no. 2 (September 2, 2011): 197–204, <https://doi.org/10.15294/komunitas.v3i2.2316>.

<sup>22</sup> Muslimin Kara, Ega Rusanti, and A. Syathir Sofyan, “Consumer Choice Behavior in Partnership Systems (*Teseng*): Qualitative Analysis of Theory of Planned Behavior,” *Jurnal Minds: Manajemen Ide Dan Inspirasi* 10, no. 1 (2023): 133–154, <https://doi.org/10.24252/minds.v10i1.36014>.

<sup>23</sup> Herawati, Zainuddin, and Raehana, “Islamic Economic Law Perspectives of Profit-Sharing Systems (*Teseng*) in the Cultivation of Rice Fields in Bugis-Makassar Community, South Sulawesi, Indonesia.”

<sup>24</sup> Zainuddin Zainuddin et al., “Maintaining The Sustainability Of Collective Life Through *Teseng* (Profit-Sharing) Agreements In The Bugis-Makassar Community South Sulawesi,” in *2nd International Conference on Changing of Business Law (ICOCLB 2024)* (Selangor: Atlantis Press SARL, 2025), 3234–3333, <https://doi.org/10.2991/978-2-38476-356-6>; Muhammad Aras Prabowo et al., “Business Ethics of *Te’seng* in the Agricultural Sector in Indonesia,” *Salud, Ciencia y Tecnología - Serie de Conferencias* 4 (2025): 1429, <https://doi.org/10.56294/sctconf20251429>; Abd Rahman R et al., “Local Wisdom in Economic Practice:

mu'āmalah) and local customary law has not been adequately conducted in a systematic and in-depth manner; most studies still place them side by side without critically analysing the points of convergence, normative tensions, or harmonisation mechanisms within the framework of the prevailing law in Indonesia.<sup>25</sup> As for the unresolved findings, these studies have not thoroughly addressed how the position of the *Teseng* law fits within the context of the continuously evolving contemporary Islamic law, how the Bugis-Makassar community actively negotiates the legitimacy of customary law and *syarī'ah* in real practice, and how the legal and social implications of the *Teseng* agreement would be viewed integratively within the Indonesian national legal system—this gap serves as the main justification for the research titled "Integrating Contemporary Islamic Law and Local Custom: A Study on the *Teseng* Agreement in the Bugis-Makassar Community."

The research titled "Integrating Contemporary Islamic Law and Local Custom: A Study on the *Teseng* Agreement in the Bugis-Makassar Community" holds significant strategic importance in the broader context of developing Islamic economic law in Indonesia, considering that Indonesia, as the country with the largest Muslim population in the world, faces major challenges in harmonising *syarī'ah* principles with customary law practices that are deeply rooted in various local communities. The *Teseng* agreement practised by the Bugis-Makassar community is a tangible representation of a local wisdom-based economic system passed down through generations. Therefore, an in-depth study of it can serve as an integration model that provides both theoretical and practical contributions to the formation of a more inclusive and contextual Islamic economic law framework in Indonesia. Furthermore, this research has the potential to strengthen the regulatory foundation for the development of *syarī'ah* financial institutions, *syarī'ah*-based cooperatives, and muamalah agreement instruments at the regional level, which have not yet been fully accommodated in national legislation, while also opening up academic

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An Empowerment Fiqh Analysis of the Tesang Tradition of the Buginese and Makassarnese," *Cogent Social Sciences* 9, no. 1 (2023): 1–14, <https://doi.org/10.1080/23311886.2023.2194112> .

<sup>25</sup> Sufirman Rahman et al., "The Essence and Implementation of Profit Sharing Agreement of Agricultural Land in South Sulawesi, Indonesia," *International Journal of Innovative Science and Research Technology* 4, no. 1 (2019): 230–235, [www.ijisrt.com](http://www.ijisrt.com)230.

dialogue between contemporary muamalah jurisprudence and local customary law to create an adaptive, just, and nationally aware Islamic economic legal system.

This research aims to analyze the integration between Islamic law and local customs in the practice of the *Teseng* profit-sharing agreement among the Bugis-Makassar community, focusing on two main aspects: first, identifying the relevant principles of Islamic law and customs and how they are articulated in the normative construction of *Teseng*; second, exploring the strategies and mechanisms used by the community to integrate these two legal systems, including the processes of negotiation, adaptation, and resolution of normative conflicts. Theoretically, this research is expected to contribute to the development of legal pluralism theory, particularly in the context of the interaction between religious law and customary law in Muslim communities, as well as enrich the discourse on legal integration methodologies within Indonesia's plural national legal system. Practically, the findings of this research can provide recommendations for the development of policies and regulations that are more responsive to the legal realities of living in society, as well as serve as a reference for the Bugis-Makassar community and other stakeholders in formulating a more just, certain, and sustainable profit-sharing agreement mechanism while still respecting Islamic values and local wisdom.

## METHOD

This research is empirical legal research and qualitative analysis.<sup>26</sup> Theoretically, this study integrates the perspectives of living law and legal pluralism as an analytical framework to understand the relationship between customary norms and Islamic law related to the *Teseng* agreement.<sup>27</sup> The practice of the *Teseng* agreement is carried out by the Bugis-Makassar community in their daily socio-economic life. This approach was chosen because the object of study encompasses not only legal norms found in texts but also the legal reality

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<sup>26</sup> Sainun Sainun, Hery Zarkasih, and Arif Sugitanata, "Tuan Guru and the Efforts to Prevent Early Marriage Among Sasak Tribe," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 37-57, <https://doi.org/10.18860/j-fsh.v16i1.23742>.

<sup>27</sup> T. Romi Marnelly et al., "Customary Law as Living Law in Environmental Forest Governance: A Sociology of Law Perspective on Legal Pluralism," *Jurnal Hukum Unissula* 42, no. 2 (2026): 333-360, <https://doi.org/https://dx.doi.org/10.26532/jh.v42i2.46995>.

that emerges from the interaction between the principles of *mu'āmalāt* jurisprudence and local customary norms, which have undergone processes of adaptation and internalisation at the community level. This research sources empirical data from two layers. First, primary data is obtained through in-depth interviews with *Teseng* practitioners, customary leaders, and religious figures who have direct knowledge of the practice, supported by observations of the agreement implementation process in the field. Second, secondary data is obtained from empirical literature documenting previous *Teseng* practices, including earlier research findings and relevant regulations. The use of empirical literature as secondary data is operationalised critically by evaluating the context of data collection, the time period, and community representation in each source so that the data used reflects actual practices and not just normative descriptions.

The analysis in this research is conducted through two systematically operationalised approaches, namely the conceptual approach and the comparative approach, based on three main theoretical frameworks: the theory of legal pluralism, the living law theory, and the theory of legal integration. The conceptual approach is used to identify and define the analytical indicators of the two opposing normative systems, namely the principles of *mu'āmalāt* fiqh—covering elements of *'aqd*, object validity, risk distribution, and the prohibition of *gharar*—as well as the Bugis-Makassar customary norms that encompass the values of *siri'*, *sipakatau*, social trust mechanisms, and kinship-based profit-sharing structures. Next, the comparative approach is used to compare the two normative systems based on established analytical parameters, identifying three points of relation: convergence (similarities in values and functions of norms), divergence (normative conflicts or tensions), and legal accommodation (adjustment mechanisms that occur in practice). The analysis process is conducted in stages through a combination of deductive and inductive reasoning: deductively, the principles of fiqh and customary norms are used as premises to evaluate the legality and legitimacy of the *Teseng* practice; inductively, field findings and empirical data are used to formulate the patterns of legal integration that prevail in the community. The final synthesis of this process aims to produce an analytical model that explains how contemporary Islamic law and Bugis-Makassar customary law

operate side by side, influence each other, and shape a living legal order in the practice of the *Teseng* agreement.

## RESULTS AND DISCUSSION

### Integration of Islamic Law Principles and Customary Law in *Teseng* Agreements

The integration mechanism in this paper illustrates the relationship between Islamic law and customary law in the Bugis-Makassar community's '*Teseng*' agreement as confirmatory harmonisation, not merely accommodation or negotiation – because the research finds that the practice of *teseng* in the Bugis-Makassar community is consistent with the concept of *muzāra'ah* and *mukhābarah* in Islamic economic law,<sup>28</sup> given that both are based on integrity and trust between parties as fundamental characteristics of Islamic obligations. In other words, customary law is not simply "accommodated" by Islamic law, nor is it the other way around; rather, both legal systems are found to have converging value substances.<sup>29</sup> Therefore, the *Teseng* system, which places *Pappateseng* and *Patteseng* in equal legal positions, reflects the value of proportional justice in accordance with *syarī'ah* principles, all while preserving the existing customary structure within society.

The *Teseng* agreement is one form of profit-sharing that has grown and developed in the lives of the indigenous people in South Sulawesi, particularly among the Bugis-Makassar community.<sup>30</sup> This agreement essentially regulates the relationship between landowners and land cultivators in the management of rice fields or farms with a specific profit-sharing system. As a deeply rooted local cultural product, the *Teseng* agreement cannot be separated from the value system that lives within the community, namely the customary values and Islamic values that have historically merged into the daily lives of the

<sup>28</sup> Herawati, Zainuddin, and Raehana, "Islamic Economic Law Perspectives of Profit-Sharing Systems (*Teseng*) in the Cultivation of Rice Fields in Bugis-Makassar Community, South Sulawesi, Indonesia."

<sup>29</sup> Subhan Subhan, Fuad Rahman, and Albert Alfikri, "Transintegration of Customary Law and Sharia: Lesson from Historical Law and Cultural Law," *Substantive Justice International Journal of Law* 7, no. 1 (2024): 70–83, <https://doi.org/10.56087/substantivejustice.v7i1.296>.

<sup>30</sup> Zainuddin et al., "Maintaining The Sustainability Of Collective Life Through *Teseng* (Profit-Sharing) Agreements In The Bugis-Makassar Community South Sulawesi."

Bugis-Makassar people since the arrival of Islam in the region in the 17th century.<sup>31</sup> In regulating the agrarian life of the local community, the two establish a distinctive and complementary normative order.

Based on in-depth interviews with several customary leaders and tenant farmers in the Gowa and Maros regencies, it was found that the customary law underlying the *Teseng* agreement does not originate from written rules, but rather from a collective memory passed down through generations. An informant, a farmer named Muh. Ali (*Patteseng*) in Gowa Regency, recounted: "We have never written anything. Just talking in front of the elders is enough. It has been like that since ancient times, since the time of our grandfather." This statement confirms that the legitimacy of the *Teseng* agreement does not rely on formal documents but rather on the recognition of the indigenous community as moral witnesses.

From field observations, the *Teseng* agreement is almost entirely conducted orally, usually at the landowner's house or under a large tree by the rice field, with several neighbours present as unofficial witnesses. No written contract was found in the observed daily practices. Technical aspects such as the division of the harvest – which is generally agreed upon with a share ratio of half (50:50) or a third (1/3 for the cultivator) – are determined through brief verbal negotiations but are considered socially binding. What is interesting about the field findings is the strong influence of the values of *Siri* and *Pacce* in disciplining the behaviour of both parties. A *Pappateseng*, Abdullah Mattu, in Pangkep, stated that he never felt the need to formally demand his share because "if he does not pay, it brings shame to his family, not just to him. This observation shows that the family honour-based social control mechanism functions far more effectively than formal legal sanctions, so the obligations in the *Teseng* agreement are fulfilled not merely due to legal pressure but because of a deep-rooted moral impetus within the Bugis-Makassar cultural identity.

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<sup>31</sup> Hasaruddin Hasaruddin, Sitti Mania, and Anis M., "Islamization in Sinjai in the 17th Century: The Arrival of Islam and Social Change," *AlShajarah* 23, no. 2 (2018): 339–361, <https://journals.iium.edu.my/shajarah/index.php/shaj/article/view/362/341>.

The existence of the *Teseng*, which has been passed down through generations, is relevant when examined through the lens of the living law theory proposed by Eugen Ehrlich. Ehrlich argued that the true law is not what is written in the statute books but rather the norms that are genuinely alive and practised by society in their daily lives.<sup>32</sup> *Teseng* is the perfect manifestation of that concept. *Teseng* was not born from state legislation, nor is it based on the Civil Code (KUHPerdata) regarding profit-sharing agreements (even though Law No. 2 of 1960 on Profit-Sharing Agreements formally regulates a similar matter). However, it grew organically from social interactions, economic needs, and the communal value system of the agrarian Bugis-Makassar community.<sup>33</sup> The norms in *Teseng* – such as the obligation of cultivators to diligently care for the land, the prohibition against transferring cultivation rights without the owner's permission, and the dispute resolution mechanism through customary deliberation – all function effectively not because of state sanctions but because of social sanctions and the strength of collectively recognised cultural values.

The sustainability of *Teseng* as an adat legal institution can also be understood through the concept of the inner order of associations developed by Ehrlich, which posits that each social group – family, village community, or farmer group – has its own internal order that regulates relationships among its members more realistically and effectively than state law.<sup>34</sup> In the context of the Bugis-Makassar community, *Teseng* lives and is maintained precisely because it is rooted in a deeper social structure of patron-client relationships (*ade' sipakalebbi*),<sup>35</sup> shame (*siri'*),<sup>36</sup> and the principles of mutual respect and maintaining honour

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<sup>32</sup> O.V. Shcherbaniuk and A.Z. Manyk, "The Concept of 'Living Law' by E. Ehrlich from the Point of View of the Specificity of Social Relations in the Globalized World," *Analitično-Porivnāl'ne Pravoiznavstvo* 4 (2023): 652-655, <https://doi.org/https://doi.org/10.24144/2788-6018.2023.04.102>.

<sup>33</sup> Zainuddin et al., "Maintaining The Sustainability Of Collective Life Through *Teseng* (Profit-Sharing) Agreements In The Bugis-Makassar Community South Sulawesi."

<sup>34</sup> Eugen Ehrlich, *Fundamental Principles of the Sociology of Law* (New York: Routledge Publishers, 2017).

<sup>35</sup> Hendrik Hendrik et al., "Patron-Client Relationships in Capture Fisheries Business: A Policy Challenge," *Journal of Infrastructure Policy and Development* 8, no. 8 (2024): 4675, <https://doi.org/10.24294/jipd.v8i8.4675>.

<sup>36</sup> Hasniati Hasniati et al., "Does Local Wisdom Improve Quality of Public Services?: Learn from the Bugis-Makassar Culture," *International Journal of Psychosocial Rehabilitation* 24, no. 03 (2020): 825-839, <https://doi.org/10.37200/IJPR/V24I3/PR200836>.

among the parties involved. Landowners who violate the *Teseng* agreement – for example, by unilaterally evicting tenants without a reason recognised by the community – not only face social pressure but also risk losing their *siri'* in the eyes of society, a consequence that, from the Bugis-Makassar cultural perspective, is far more severe than formal legal sanctions.

Conversely, Islamic law establishes a normative framework that simultaneously directs and reinforces the practice of *Teseng* agreements to ensure that they are consistent with the principles of *syarī'ah*. In the fiqh of muamalah, profit-sharing agreements for agricultural land are called *muzā'arah*<sup>37</sup> and *mukhābarah*.<sup>38</sup> These agreements are cooperative contracts between proprietors and cultivators, with the distribution of profits based on mutual agreement. The *muzā'arah* and *mukhābarah* contracts are considered valid by the majority of scholars from the Hanafi, Maliki, and Hanbali schools, provided that they satisfy specific conditions, including the absence of excessive *gharar* (ambiguity), the clarity of the contract object, and the clarity of the profit-sharing ratio. Scholars have differing opinions regarding the validity of the document. The Bugis-Makassar Muslim community's implementation of the *Teseng* agreement also indirectly reflects these principles.

The determination of the profit-sharing ratio in the *Teseng* agreement is a clear indication of the integration of Islamic law and customary law. In practice, local customs have led the community to agree on equitable profit-sharing proportions. Depending on who pays for production, the ratio of landowners to cultivators is 1:1 or 1:2.<sup>39</sup> The principle of justice in Islamic law dictates that the distribution of results must be proportional<sup>40</sup> to the contributions and risks borne by each party, and such agreements are consistent with

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<sup>37</sup> Jamaluddin Jamaluddin et al., "Examining the Synthesis of Islamic Commercial Principles and Local Customary Practices: A Case Study of Nyambut Sawah Traditions in Tejamari, Banten," *Journal of Islamic Law* 5, no. 1 (2024): 86–104, <https://doi.org/10.24260/jil.v5i1.2091>.

<sup>38</sup> Herawati, Zainuddin, and Raehana, "Islamic Economic Law Perspectives of Profit-Sharing Systems (*Teseng*) in the Cultivation of Rice Fields in Bugis-Makassar Community, South Sulawesi, Indonesia."

<sup>39</sup> Salle et al., "Teseng: Implementation of Justice Values in Profit-Sharing Agreements Based on the Local Wisdom of the Bugis Makassar Community."

<sup>40</sup> Omar A. and Jaffar M.M., "The Continuous Model of Stochastic Mudharabah Investment," *Pertanika Journal of Social Sciences and Humanities* 24, no. October (2016): 83–92, [https://ptsldigital.ukm.my/jspui/bitstream/123456789/579206/1/ukmvital\\_116525%2BSource01%2BSource010.PDF](https://ptsldigital.ukm.my/jspui/bitstream/123456789/579206/1/ukmvital_116525%2BSource01%2BSource010.PDF).

this principle.<sup>41</sup> In this instance, customary law functions as a means of transforming the fundamental principles of Islam into tangible regulations that are comprehensible and embraced by all echelons of society.

Additionally, the spirit that inspires the *Teseng* agreement authentically realises the principles of mutual assistance, or *ta'awun*, in Islam. Through this agreement, landowners who possess capital in the form of land assist those who lack land but possess the labour and capacity to cultivate it, which is fundamentally a form of social solidarity.<sup>42</sup> As stated in Q.S. Al-Mā'idah (5) verse 2, this spirit is consistent with Islamic teachings that encourage its adherents to assist and collaborate in acts of kindness. This spirit of unity has long been embodied in the traditional customs of the Bugis-Makassar community through the concepts of *sipakatau* (mutual humanisation and respect), *sipakalebbi* (mutual appreciation of advantages), and *sipakainge* (reminding each other).<sup>43</sup> All social relationships, including economic ones like the *Teseng* agreement, rely on these concepts as their moral foundation.

The integration of Islamic law and customary law in the *Teseng* agreement works through a mechanism of normative complementarity, where both legal systems fill and strengthen each other without erasing their respective identities.<sup>44</sup> Conceptually, Bugis-Makassar customary law provides a procedural and social framework – ranging from the methods of oral agreements and the involvement of community leaders to the distribution of harvests agreed upon through deliberation – while Islamic law injects a moral-theological dimension through principles such as *'adl* (justice), *amanah* (trust), and the prohibition of *gharar* (harmful uncertainty). Thus, when *Pappateseng* and *Patteseng* agree, the legitimacy of the agreement does not rely solely on customary consensus but is also reinforced by

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<sup>41</sup> Zubair Hasan, "Risk Sharing versus Risk Transfer in Islamic Finance : A Critical Appraisal," *ISRA International Journal of Islamic Finance* 7, no. 1 (2015): 7-24, <https://doi.org/10.12816/0021394>.

<sup>42</sup> Abd Rahman R et al., "Local Wisdom in Economic Practice: An Empowerment Fiqh Analysis of the Tesang Tradition of the Buginese and Makassarnese," *Cogent Social Sciences* 9, no. 1 (2023): 1-14, <https://doi.org/10.1080/23311886.2023.2194112>.

<sup>43</sup> Hasniati et al., "Does Local Wisdom Improve Quality of Public Services?: Learn from the Bugis-Makassar Culture."

<sup>44</sup> Nordin et al., "Integrating Islamic Law and Customary Law: Codification and Religious Identity in the Malay Buyan Community of Kapuas Hulu."

religious awareness, making each clause of the agreement a responsibility before God so that adherence to the agreement becomes a spiritual obligation, not just a social obligation.

In the framework of *ushul fiqh*, the intersection between Islamic law and practical application can be understood through the concept of '*urf*' – that is, customs or traditions that are recognised and consistently practised within a society.<sup>45</sup> The scholars of *ushul fiqh* categorise '*urf*' into two categories: '*urf shahih*', which is a custom that does not contradict the texts of *syarī'ah* and can be used as a legal basis, and '*urf fasid*', which is a custom that contradicts the principles of Islam and must be rejected.<sup>46</sup> The *Teseng* agreement, with all its procedures deeply rooted in the agrarian life of Bugis-Makassar, essentially meets the criteria of '*urf shahih*' because it contains elements of mutual consent (*an taradhin*), clarity of object, and proportional distribution of results—values that align with the *maqāṣid al-syarī'ah*<sup>47</sup> in the context of preserving wealth (*ḥifẓ al-māl*) and upholding justice.<sup>48</sup> *Maqāṣid al-syarī'ah* can provide a guiding framework for designing empowerment strategies that are not only economically effective but also uphold Islamic values of justice, prosperity, and sustainability.<sup>49</sup> The *fiqh* principle *al-'ādatu muḥakkamah* (customary practices can be made into law) serves as the theological foundation that allows the practice of *Teseng* to be

<sup>45</sup> Muhammad Luthfi, Yaris Adhial Fajrin, and Hasnan Bachtiar, "The Existence of 'Urf in the Resolution of Marriage Disputes in Islamic Law: A Living Law Perspective," *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 1 (2024): 146–158, <https://doi.org/10.29303/ius.v12i1.1356>.

<sup>46</sup> Januddin Muhammad Yusuf and Nawir Yuslem, "Acehnese Dayah Ulama's Response to the Use of 'Urf in Istimbath of Fiqh Law from Islam Nusantara," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 (2023): 291–306, <https://doi.org/10.29240/jhi.v8i1.5732>.

<sup>47</sup> The five principal objectives of Islamic law (*maqāṣid syarī'ah*), namely the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). See Andri Winjaya Laksana et al., "Rehabilitative Sentencing for Narcotics Addicts within the Framework of National Law and Maqāṣid Syarī'ah," *El-Mashlahah* 16, no. 1 (2026): 1–22, <https://doi.org/https://doi.org/10.23971/el-mashlahah.v15i2.10409>.

<sup>48</sup> Sahban Sahban, Zainuddin Zainuddin, and Wahida Wahida, "Between Innovation and Prohibition: A Contextualised Islamic Legal Analysis of Cryptocurrency Compliance with Sharī'ah Principles in the Indonesian Context," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 13, no. 1 (2026): 151, <https://doi.org/10.29300/mzn.v13i1.10673>.

<sup>49</sup> Triyono Adi Saputro et al., "Geographical Indications and Maqāṣid Al-Sharī'ah: Realizing Intellectual Property as an Instrument of Economic Justice," *Al-Muamalat: Jurnal Ekonomi Syariah* 12, no. 2 (2025): 339–358, <https://doi.org/10.15575/am.v12i2.51236>.

absorbed into the framework of Islamic law without losing its local character<sup>50</sup> while also affirming that Islam does not come to destroy well-established traditions but rather to purify them and provide a more robust normative legitimacy.<sup>51</sup>

Operationally, the integration of these two legal systems is realised in practice through a gradual and contextual process of Islamisation of customs, where *syari'ah* values are absorbed into customary norms without erasing the deeply rooted local wisdom.<sup>52</sup> In the *Teseng* agreement, this integration is evident in the determination of profit-sharing ratios that refer to both local customs and the principle of *muzara'ah* in Islamic commercial law, as well as in dispute resolution that combines traditional mediation (*tudang sipulung*) with the spirit of *islah* (reconciliation) in Islam. Traditional leaders and religious scholars often play a dual role as guardians of both systems simultaneously, creating a hybrid legal (fiqh hybridity)<sup>53</sup> space that combines Islamic principles (*syara'*) with customary law (*ade'*) in various social and cultural practices. This integration reflects a harmonious relationship between religious and cultural norms, ensuring that practices align with Islamic teachings while preserving local customs. *Syara'* and *ade'* are considered complementary, with *syara'* providing spiritual and ethical guidance and *ade'* offering a practical and social framework for behaviour.

Traditional leaders and religious scholars often play a dual role as guardians of both systems simultaneously, creating a hybrid legal space that combines Islamic principles *syara'*

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<sup>50</sup> Imam Mustofa et al., "Living Islamic Law in Indigenous Communities in Indonesia: Integration of Fiqh in the Tradition of Mu'amalah of the Muslim Community of Banjar," *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 2 (2025): 289–312, <https://doi.org/10.24090/mnh.v19i2.14792>.

<sup>51</sup> Nikmatullah Nikmatullah, "Grave Pilgrimage: The Interface of Islam and Local Tradition in Indonesia," *International Journal of Religious Tourism and Pilgrimage* 13, no. 4 (2026): 64–76, <https://doi.org/https://doi.org/10.21427/4wfc-5x51>.

<sup>52</sup> Ilyas Ilyas et al., "The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 897–919, <https://doi.org/10.22373/sjhk.v7i2.15650>.

<sup>53</sup> Hijrian Angga Prihantoro et al., "Fiqh Hybridity in a Pluralistic Society: The Case of the Saprahan Tradition in Pontianak, Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 25, no. 1 (2026): 83–98, <https://doi.org/10.31958/juris.v25i1.15429>.

with *ade'* in various social and cultural practices.<sup>54</sup> This integration reflects a harmonious relationship between religious and cultural norms, ensuring that practices align with Islamic teachings while preserving local customs.<sup>55</sup> *Syara'* and *ade'* are considered complementary, with *syara'* providing spiritual and ethical guidance and *ade'* offering a practical and social framework for behavior.<sup>56</sup> Islamic law and customary law have provided colour and substance and serve as a philosophical foundation for the formulation and renewal of positive law as well as its implementation in society.<sup>57</sup>

Furthermore, in the practice of the *Teseng* agreement in the Bugis-Makassar community, the value of justice (*adele'*) is not solely measured by the agreed profit-sharing ratio—typically one-third for the cultivator and two-thirds for the *Pappateseng*—but is embedded in the framework of *siri'* and *pacce* that morally binds both parties. An informant, *Patteseng* in Gowa Regency, recounted that the *Teseng* agreement is rarely put in writing because "it is enough with *abbicara* (oral deliberation) in front of the family; no one dares to betray because it concerns their dignity." Justice in *Teseng* is thus relational and contextual; a beneficial plot will reduce its share when the harvest fails due to a disaster, while an honest tenant will report the actual yield even without supervision, because violating this agreement is considered a social disgrace far heavier than the material loss itself.

Based on field observations, if a dispute arises between *Pappateseng* and *Patteseng* in implementing the *Teseng* agreement, the first step commonly taken by the community is to sit together through the mechanism of *tudang sipulung*. They do not go directly to court, because that would be a disgrace. Usually, we first call the village chief or the village imam

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<sup>54</sup> Solihan Solihan et al., "Legal Syncretism in Practice: Acculturation of Islamic and Customary Norms in the Tunggu Tubang Marriage Tradition of Semende," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (2025): 185–199, <https://doi.org/10.19109/nurani.v25i1.25060>.

<sup>55</sup> Mursyid Djawas et al., "The Integration Between *Syara'* and *Ade'* in Marriage Tradition Bugis Bone, South Sulawesi," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (2023): 342–364, <https://doi.org/10.19105/al-lhkam.v18i2.10373>.

<sup>56</sup> Djawas et al.

<sup>57</sup> Munawar Munawar et al., "A Dialog Between Islamic Law and Adat (Customary Law) in the Social Context of West Kalimantan, Indonesia," *Al'Adalah* 22, no. 1 (2025): 323–346, <https://doi.org/10.24042/adalah.v22i1.24008>.

to sit together and resolve it. Field observations conducted in several agrarian communities in Bone and Soppeng regencies also confirm these findings. Tudang sipulung is facilitated by respected traditional leaders or religious figures, and the decisions resulting from this forum tend to be voluntarily adhered to by both parties. A farmer who was once involved in a dispute over the division of harvests stated that he felt more relieved accepting the decision from *tudang sipulung* compared to going through the formal legal route. This pattern reflects how Islamic legal values—particularly the principle of *islāh* (reconciliation), which prioritises peace without litigation—organically merge with the Bugis customary law mechanism that places social harmony and balance of relationships among citizens as the main priority.<sup>58</sup> The blending of the two happens not through official documents but through the community's shared understanding of the moral authority that comes from the *tudang sipulung* forum itself.

The validity of the *Teseng* agreement from the perspective of Islamic law must also be evaluated in relation to the pillars and conditions of the contract. The parties concerned in the contract (*'aqdain*), the object of the contract (*ma'qūd alaihi*), and the *sīghat*, or declaration of intent, are the pillars of a contract in Islam.<sup>59</sup> Although a *Teseng* agreement is typically conducted verbally and without written documents, all of these elements are essentially fulfilled through a clear agreement between the landowner and the cultivator regarding the object, duration, and division of the results. In this instance, customary law functions as a criterion of legitimacy that fortifies the social validity of the contract.<sup>60</sup> Consequently, an oral agreement, which may lack formal evidence, retains significant

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<sup>58</sup> Christopher Hartono and Andrew Wijaya, "Tinjauan Yuridis Terhadap Siri' Dan Pesse Sebagai Asas Moral Dalam Penyelesaian Sengketa Waris Adat Bugis," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 6, no. 2 (2025): 1101–1110, <https://doi.org/10.38035/jihhp.v6i2.6774>.

<sup>59</sup> Mohammed Bashir Ribadu and Wan Nurhayati Wan Ab. Rahman, "A Generic Framework for E-Commerce Requirements to Comply with Sharia in Business-to-Consumer Perspective," in *2016 SAI Computing Conference (SAI)* (London: IEEE, 2016), 752–757, <https://doi.org/10.1109/SAI.2016.7556064>.

<sup>60</sup> Bruce L. Benson, "Customary Law," in *Encyclopedia of Law and Economics*, ed. Alain Marciano and Giovanni Battista Ramello (New York, NY: Springer New York, 2019), 514–523, [https://doi.org/10.1007/978-1-4614-7753-2\\_515](https://doi.org/10.1007/978-1-4614-7753-2_515).

binding power within the customary community through the social norms and trust that surround it.<sup>61</sup>

The theory of legal integration in the context of the *Teseng* agreement (agricultural profit-sharing) in the Bugis-Makassar community reflects how two different normative systems—contemporary Islamic law and local customary law—can operate synergistically without negating each other. The *Teseng* agreement, as a traditional socio-economic institution deeply rooted in the agrarian culture of Bugis-Makassar for centuries,<sup>62</sup> essentially embodies the values of muamalah that align with the principle of muzara'ah in Islamic jurisprudence, namely cooperation between landowners and cultivators based on justice and mutual agreement in the distribution of results.<sup>63</sup> Legal integration in this context is not merely understood as a mechanical adoption of religious norms into customary practices but rather as a dialectical dialogue involving the mechanism of '*urf*' (customs recognized by Islamic law) as an epistemological bridge so that the local values contained in *Teseng*—such as the spirit of *sipakatau* (mutual humanization) and *sipakalebbi* (mutual respect)—can be recognized as valid in a *syarī'ah* sense as long as they do not contradict *maqāṣid al-syarī'ah*. Thus, *maqāṣid al-syarī'ah* provides a more substantive evaluation framework<sup>64</sup> than the normative-formal approach for assessing the implementation of the *Teseng* agreement.<sup>65</sup> The theory of legal integration positions the *Teseng* agreement not as a legal residual that needs to be replaced, but rather as a normative entity that can be enriched and legitimised through a contemporary Islamic legal approach that is inclusive, adaptive, and contextual.

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<sup>61</sup> Iman Fadhilah Iman et al., "Exploring the Monogamy Principle in the Samin Community's Customary Marriages in Kudus: Harmonisation of Tradition and State Law," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 2 (2024): 281–304, <https://doi.org/10.18326/ijtihad.v23i2.281-304>.

<sup>62</sup> Salle et al., "Teseng: Implementation of Justice Values in Profit-Sharing Agreements Based on the Local Wisdom of the Bugis Makassar Community."

<sup>63</sup> Jamaluddin et al., "Examining the Synthesis of Islamic Commercial Principles and Local Customary Practices: A Case Study of Nyambut Sawah Traditions in Tejamari, Banten."

<sup>64</sup> Cory Vidiati et al., "The Eco-Agriculture Pivoted on Maqāṣid Asy-Syarī'ah: A Qualitative Dynamic System Analysis for Food Security," *Asy-Syarī'ah* 27, no. 2 (2025): 123–142, <https://doi.org/10.15575/as.v27i2.38920>.

<sup>65</sup> Farid Wajdi et al., "Halal Tourism Policy in the Contemporary Era: A Maqāṣid Al-Sharī'ah Perspective on Regulatory Gaps," *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): 247–270, <https://doi.org/10.32332/milrev.v5i1.12529>.

## The Mechanism of Integrating Islamic Law and Customary Law in the *Teseng* Agreement

The *Teseng* agreement, as a system of agricultural profit-sharing in the Bugis-Makassar community, is one form of agrarian transaction<sup>66</sup> that has been in place long before the formalisation of state law emerged in the lives of farming communities. In practice, *Teseng* is not merely an ordinary economic agreement but rather a social institution that encompasses highly complex spiritual, moral, and relational dimensions.<sup>67</sup> The Bugis-Makassar community built this system on the foundation of interpersonal trust (*pacce* and *siri'*), which serves as the ethical basis in every social interaction,<sup>68</sup> including in agricultural matters. When Islam entered and took root in the lives of this society, recorded between the years 1604 and 1607,<sup>69</sup> it did not immediately erase local cultural practices,<sup>70</sup> including *Teseng*, but rather absorbed, negotiated, and organically integrated them so that both coexisted within a functional normative system.

The mechanism of integration between Islamic law and customary law (*Teseng*) does not occur through formal legislative processes or decisions by a single authority,<sup>71</sup> but rather through a long process that takes place at the community level, guided by figures who hold dual authority—as both customary leaders and religious leaders.<sup>72</sup> Figures such as the *kali* (*kadhi*) or village imam often become mediators who practically translate the principles of

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<sup>66</sup> Rahman R et al., “Local Wisdom in Economic Practice: An Empowerment Fiqh Analysis of the *Teseng* Tradition of the Buginese and Makassarnese.”

<sup>67</sup> Herawati, Zainuddin, and Raehana, “Islamic Economic Law Perspectives of Profit-Sharing Systems (*Teseng*) in the Cultivation of Rice Fields in Bugis-Makassar Community, South Sulawesi, Indonesia.”

<sup>68</sup> Safriadi Safriadi, Andi Batara Al Isra, and Hardiyanti Munsir, “Integration of Cultural Logic into Traditional Business Practice in Makassar, Indonesia,” *Frontiers in Sustainable Cities* 8 (2026): 01–13, <https://doi.org/10.3389/frsc.2026.1723013>.

<sup>69</sup> Hasaruddin, Mania, and M., “Islamization in Sinjai in the 17th Century: The Arrival of Islam and Social Change.”

<sup>70</sup> Budi Sulistiono and Misri A. Muchsin, “Portraying The Tract of Islam in Empowering The Dynamics of The Potential of Maritime Nusantara through The Spice Route Perspective,” *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 46, no. 1 (2022): 139, <https://doi.org/10.30821/miqot.v46i1.899>.

<sup>71</sup> Djawas et al., “The Integration Between Syara’ and Ade’ in Marriage Tradition Bugis Bone, South Sulawesi.”

<sup>72</sup> Subhan, Rahman, and Alfikri, “Transintegration of Customary Law and Sharia: Lesson from Historical Law and Cultural Law.”

muamalah jurisprudence into the customary language understood by the farming community. This process is not an imposition from above but rather grows from below, from the community's need to have a normative framework capable of addressing conflicts and uncertainties that arise in daily agricultural transactions. This interaction is therefore bottom-up and contextual, not ideological and systematic.<sup>73</sup>

One of the most tangible points of interaction between Islamic law and customary law in *Teseng* lies in the distribution of harvest yields. In Islamic jurisprudence, agreements similar to *Teseng* are categorised as *muzārah* 'ah and *mukhābarah*, where the profit-sharing proportion must be agreed upon before the contract begins and must not contain elements of *gharar* (harmful uncertainty).<sup>74</sup> The Bugis-Makassar customary law has long recognised the principle of proportionality in profit-sharing, which is regulated through verbal agreements. Both systems converge at the same point: the necessity of a clear and fair agreement. The community then receives dual legitimacy for their agreement—valid both traditionally and religiously—without having to choose one over the other.

Furthermore, the value of *siri'* in Bugis-Makassar culture plays a very strategic role in maintaining adherence to the *Teseng* agreement. *Siri'* can be understood as a sense of shame and honour that serves as the main driver of social behaviour.<sup>75</sup> In the context of *Teseng*, someone who violates an agreement is considered to have breached customs and bears a moral burden that, from an Islamic perspective, is linked to sin and dishonesty in *mu'āmalah*. In other words, the concept of *siri'* and *amanah* in Islam merge into a normative force that is far more effective than mere formal legal sanctions. Obedience to agreements

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<sup>73</sup> Sohrah Sohrah et al., "Songkabala Tradition in the Makassarese Society: Local Values and Messages of the Al-Qur'an an Anthropological Perspective on Islamic Law," *Samarah* 7, no. 1 (2023): 455–478, <https://doi.org/10.22373/sjhk.v7i1.16689>.

<sup>74</sup> Aisyah As-Salafiyah, Mohammad Mahbubi Ali, and Aam Slamet Rusydiana, "Beyond Profit: Maqāsid Al-Sharī'ah in Islamic Finance Through Partnership Contracts ('Uqūd Al-Ishtirāk)," in *Islamic Financial Markets and Institutions: Challenges, Financial Stability, and Inclusivity*, ed. Farhad Taghizadeh-Hesary et al. (Singapore: Springer, Singapore, 2025), 175–194, [https://doi.org/10.1007/978-981-96-8650-6\\_9](https://doi.org/10.1007/978-981-96-8650-6_9).

<sup>75</sup> Wahyuddin Halim and Andar Nubowo, "Muhammadiyah Bugis-Makassar: Dispersal of Muslim Organizations in and from South Sulawesi, Indonesia," *Studia Islamika* 32, no. 2 (2025): 313–346, <https://doi.org/10.36712/sdi.v32i2.42544>.

is no longer about fearing the court but about maintaining one's dignity in front of the community and before God.

Land ownership and social status also shape the dynamics of this integration in *Teseng*. In the traditionally hierarchical Bugis-Makassar social structure—with categories of *arung* (nobility), to *maradeka* (free people), and *ata* (slaves)<sup>76</sup> in *Teseng* agreements often involve structurally imbalanced relationships. Customary law legitimises this hierarchy, while Islamic law, in principle, emphasises equality between the parties in the contract.<sup>77</sup> This tension is resolved in practice by maintaining a framework of social hierarchy in interaction etiquette while incorporating Islamic justice standards into the substance of profit distribution. Such adaptations reflect local intelligence in maintaining social cohesion without fully sacrificing religious principles.

Based on field observations, generational changes in the Bugis-Makassar community have brought significant transformations to the practice of the *Teseng* agreement. The older generation views *Teseng* as a sacred social bond, based on the value of *siri'* (dignity) and trust between *Pappateseng* and *Patteseng*, so the agreement is sufficient to be made verbally without formal documentation. However, the younger generation, exposed to modern education and urbanisation, tends to view this system more pragmatically—some leave it to work in the non-agricultural sector, while others are beginning to demand the formalisation of agreements in writing for legal certainty. This shift not only changes the form of the *Teseng* agreement but also alters the values of cooperation and trust that have long been the main foundation of the profit-sharing system in Bugis-Makassar culture.

The economic transformation occurring in the Bugis-Makassar community has also brought significant shifts,<sup>78</sup> including the *Teseng* agreement, which has long been the

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<sup>76</sup> Mr. Ahmadin, "Sociology of Bugis Society: An Introduction," *Tebar Science: Jurnal Kajian Sosial Dan Budaya* 5, no. 3 (2021): 20–27, <https://doi.org/https://doi.org/10.36653/jksb.v5i3.89>.

<sup>77</sup> Baidar mohammed mohammed Hasan and Muneer Ali Abdul Rab, "The Principle of Equality in Islam Is an Analytical Study of The Concepts of Differentiation and Racism," *Malaysian Journal of Syariah and Law* 9, no. 1 (2021): 17–34, <https://doi.org/10.33102/mjsl.vol9no1.295>.

<sup>78</sup> Rezky Juniarsih Nur and Siti Komariah, "Gender Dynamics Analysis: Uncovering the Roles and Identities of Bugis-Makassar Women," *The Journal of Indonesia Sustainable Development Planning* 4, no. 2 (2023): 216–226, <https://doi.org/10.46456/jisdep.v4i2.432>.

backbone of their agrarian life. With the advent of modernisation and agricultural mechanisation, the patron-client relationship that has long governed the distribution of results between *Pappateseng* and *Patteseng* is beginning to change, both in the proportion of profit-sharing and in the accompanying social bonds.<sup>79</sup> Market economic incentives have pushed some tenant farmers to shift to non-agricultural sectors such as trade and services. At the same time, agricultural land is increasingly being managed commercially, causing the *Teseng* relationship, which was originally rich in the values of cooperation and trust (*sipakatau*), to now shift towards more contractual and calculative transactions. Nevertheless, in several areas such as Pinrang, Soppeng, Bone, and Wajo, which are agricultural centres in South Sulawesi, the *Teseng* system persists as a social safety net for groups of people whom the waves of economic modernisation have not fully reached.

The *Teseng* agreement system in the Bugis-Makassar community is a concrete example of the functioning of legal pluralism as conceptualised by Brian Z. Tamanaha through his socio-legal pluralism perspective, which asserts that within a social space, various normative systems can coexist simultaneously, not always originating from the state (non-state law), yet still recognised and adhered to by the respective communities.<sup>80</sup> The theory of legal pluralism posits that multiple legal systems may coexist within a singular social space, each vying for legitimacy and authorisation.<sup>81</sup> Legal pluralism enables the interaction and harmonisation of customary and Islamic laws without contradicting one another.<sup>82</sup> This fosters the integration of religious norms with the cultural norms that are

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<sup>79</sup> Nurdin Nurdin and Djuniarti Djuniarti, "Teseng: A Symbiosis of Law and Local Wisdom in Agricultural Profit-Sharing Agreements in South Sulawesi," *Jurnal Hukum IUS QUIA IUSTUM* 33, no. 1 (June 3, 2026): 92–113, <https://doi.org/10.20885/iustum.vol33.iss1.art5>.

<sup>80</sup> Tamanaha, *Legal Pluralism Explained: History, Theory, Consequences*.

<sup>81</sup> Nur Mala Sari et al., "Legal Pluralism and the Enforcement of Zina Offences: Analysis of Customary and Jinayat Law in the Alas Community, Aceh," *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 23, no. 2 (2026): 449–476, <https://doi.org/https://doi.org/10.21154/justicia.v23i2.12655>.

<sup>82</sup> Mursyid Djasas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, no. 1 (2024): 64–82, <https://doi.org/https://doi.org/10.20956/halrev.v10i1.4824>.

present in the community.<sup>83</sup> Islamic law and customary law are in harmony and interact without being mutually exclusive.<sup>84</sup>

The *Teseng* agreement is based on the customary law of Bugis-Makassar, which has been deeply rooted long before the state agrarian law was introduced through the Basic Agrarian Law No. 5 of 1960. In practice, the *Teseng* agreement is not formalised in a legal document but relies on *siri* (sense of shame/honor) and social trust (*sipakatau*) as enforcement mechanisms that are culturally far more effective than state legal instruments. This aligns with Tamanaha's argument that legal pluralism is not merely a theoretical phenomenon but an empirical reality where folk law and state law coexist in everyday social life.<sup>85</sup> Thus, *Teseng* is not merely an agrarian economic agreement but also a living arena of an autonomous local legal system, which proves that normative authority does not always flow from state legitimacy but also from the traditions, cultural values, and social cohesion of the Bugis-Makassar community itself.

## CONCLUSION

This research analytically addresses two main objectives identified from the outset: first, to identify the principles of Islamic law and customary law articulated in the normative construction of *Teseng*; second, to explore the strategies and mechanisms for integrating both within the Bugis-Makassar community. Responding to the gap in previous research that placed customary law and Islamic law side by side without critically analysing their points of convergence and normative tensions, this study finds that their integration is characterised by confirmatory harmonisation—not merely one-way accommodation. Specifically, the *Teseng* agreement has proven to be consistent with the principles of *muzāra'ah* and *mukhābarah* in Islamic commercial jurisprudence, where the profit-sharing

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<sup>83</sup>Muhammad Shuhufi and Arip Purkon, "Harmonization of Islamic Law and Local Culture: A Study of Indonesian Sundanese Ethnic Culture," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023): 138–153, <https://doi.org/http://dx.doi.org/10.30984/jis.v21i1>.

<sup>84</sup>Aftab Haider et al., "Can Islamic Law and Secular Law Coexist Without Conflict," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 485–512, <https://doi.org/https://doi.org/10.29240/jhi.v10i2.11331>.

<sup>85</sup>Lukman Hakim, Qatrunnada Hamparan Melati, and Purnawan Dwikora Negara, "Integrating Adat Law in Indonesia: Challenges and Opportunities in a Centralized Legal Framework," *Indonesian State Law Review* 8, no. 1 (2025): 58–82, <https://doi.org/10.15294/islrev.v8i1.19628>.

ratio of 50:50 or 1/3 for the cultivator reflects the principle of proportional justice ('adl) accepted by the majority of Hanafi, Maliki, and Hanbali scholars. The values of 'siri' and 'pacce', found to function as mechanisms of social enforcement, have proved to be more effective than formal legal sanctions, as both are organically integrated with the principles of *amanah* and *ta'āwun* in Islam. This condition shows that the *tudang sipulung* mechanism, as a forum for dispute resolution, is not only a customary practice but also a realisation of the principle of *islāh* in Islam. This hybrid legal space cannot be adequately explained by either the state legal positivism approach or normative fiqh alone.

Theoretically, this finding advances Eugen Ehrlich's living law theory by showing that *Teseng* is not merely a law that lives in the behaviour of society but rather a legal institution that actively negotiates with other normative systems—in this case, Islamic law—through a bottom-up and contextual process rather than a hierarchical and linear one. This strengthens Tamanaha's theory of legal pluralism that normative legitimacy does not have to originate from state authority but can instead grow from social cohesion and the cultural values of agrarian communities. Furthermore, the concept of *'urf ṣaḥīḥ* in *uṣūl al-fiqh*—particularly the principle of *al-'ādah muḥakkamah*—has proven to serve as an epistemological bridge that allows the practice of *Teseng* to be absorbed into the framework of Islamic law without losing its local character, thereby enriching the discourse on the integration of Islamic law and customary law in Indonesia. Practically, this finding has concrete implications for several stakeholders: for policymakers, regional regulations in South Sulawesi are needed that explicitly recognise *Teseng* as part of the living legal system. For customary institutions and religious authorities, village leaders/imams need to be encouraged to continue their dual roles as guardians of both normative systems and facilitators of written agreement documentation for legal certainty. For Islamic financial institutions, the *Teseng* model can serve as a reference for developing contextually and locally wisdom-based agricultural financing instruments based on *muzāra'ah*. Future research is recommended to explore the impact of modernisation and generational change on the sustainability of *Teseng* in major agricultural areas such as Bone, Soppeng, and Wajo,

and to test whether a similar model of integrating customary and Islamic law can be applied to other Muslim agrarian communities in Indonesia.

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Conceptualization, ZN; methodology, ZN and MIN; software, ZN; validation, AM and SL; formal analysis, MIN; investigation, AM and ZN; resources, MIN and SL; data curation, AM, ZN, and SL.; writing—original draft preparation, ZN; writing-review & editing, ZN and MIN; visualization, SL; supervision, ARH; project administration, SL; funding acquisition, SL. All authors have read and agreed to the published version of the manuscript.

## **CONFLICT OF INTEREST**

The authors declare that there are no financial, professional, personal, or institutional conflicts of interest that could have influenced the research, analysis, interpretation of data, or the writing and publication of this manuscript. The authors affirm that the study was conducted independently and objectively, without any commercial or financial relationships that could be construed as a potential conflict of interest.

## **AI USAGE STATEMENT**

AI tools were used solely for language editing and formatting. All ideas, analyses, interpretations, and conclusions are entirely the authors' own, and all AI-assisted outputs were reviewed to ensure academic integrity. The authors reviewed and verified all AI-assisted outputs to ensure accuracy, originality, and alignment with academic integrity standards. The author retains full responsibility for the originality, accuracy, and academic integrity of this paper.

## BIBLIOGRAPHY

- A., Omar, and Jaffar M.M. "The Continuous Model of Stochastic Mudharabah Investment." *Pertanika Journal of Social Sciences and Humanities* 24, no. October (2016): 83-92.  
[https://ptsldigital.ukm.my/jspui/bitstream/123456789/579206/1/ukmvital\\_116525%2BSource01%2BSource010.PDF](https://ptsldigital.ukm.my/jspui/bitstream/123456789/579206/1/ukmvital_116525%2BSource01%2BSource010.PDF).
- Abdulah Pakarti, Muhammad Husni, Ending Solehudin, Maruf Maruf, Iqbal Saujan, and Saeideh Shakibiciu. "The Role and Application of 'Urf as a Source of Islamic Law: A Historical Review and Fiqhiyah Rules." *An-Nisa: Journal of Islamic Family Law* 2, no. 3 (2025): 175-192. <https://doi.org/10.63142/an-nisa.v2i3.300>.
- Ahmadin, Mr. "Sociology of Bugis Society: An Introduction." *Tebar Science: Jurnal Kajian Sosial Dan Budaya* 5, no. 3 (2021): 20-27. <https://doi.org/10.36653/jksb.v5i3.89>.
- Anggraeni, Rr Dewi. "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints." *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 25-48. <https://doi.org/10.15408/ajis.v23i1.32549>.
- Arifin, Firdaus, I Gde Pantja Astawa, Ihsanul Maarif, Dewi Sulastri, and Mohd Kamarulnizam Abdullah. "Recognition of Customary Norms Within the Framework of Indonesian Legal Positivism." *Khazanah Hukum* 7, no. 1 (2025): 92-104. <https://doi.org/10.15575/kh.v7i1.39409>.
- As-Salafiyah, Aisyah, Mohammad Mahbubi Ali, and Aam Slamet Rusydiana. "Beyond Profit: Maqāsid Al-Sharī'ah in Islamic Finance Through Partnership Contracts ('Uqūd Al-Ishtirāk)." In *Islamic Financial Markets and Institutions: Challenges, Financial Stability, and Inclusivity*, edited by Farhad Taghizadeh-Hesary, Hassanudin Mohd Thas Thaker, M. Ishaq Bhatti, and Anwar Allah Pitchay, 175-194. [https://doi.org/10.1007/978-981-96-8650-6\\_9](https://doi.org/10.1007/978-981-96-8650-6_9).
- Benson, Bruce L. "Customary Law." In *Encyclopedia of Law and Economics*, edited by Alain Marciano and Giovanni Battista Ramello, 514-523. New York, NY: Springer New

York, 2019. [https://doi.org/10.1007/978-1-4614-7753-2\\_515](https://doi.org/10.1007/978-1-4614-7753-2_515).

Daud, Hafiz Samiullah, and Saqib Sharif. "Exploring the Feasibility of Muzara'ah Based Islamic Running Finance Model as an Alternative for Agriculture Credit." *Journal of Islamic Accounting and Business Research*, 2024. <https://doi.org/10.1108/JIABR-12-2022-0352>.

Djawas, Mursyid, Abidin Nurdin, Muslim Zainuddin, Idham Idham, and Zahratul Idami. "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism." *Hasanuddin Law Review* 10, no. 1 (2024): 64–82. <https://doi.org/10.20956/halrev.v10i1.4824>.

Djawas, Mursyid, Ridhwan Ridhwan, Wafaa' Yusof, Wardana Said, and Hedhri Nadhiran. "The Integration Between Syara' and Ade' in Marriage Tradition Bugis Bone, South Sulawesi." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (2023): 342–364. <https://doi.org/10.19105/al-lhkam.v18i2.10373>.

Domingo, Rafael. *Law, Religion, in a Secular Age*. United States of America: The Catholic University of America Press, 2023.

Ehrlich, Eugen. *Fundamental Principles of the Sociology of Law*. New York: Routledge Publishers, 2017.

Farid Wajdi, Rizki Firmanda Dardin, Umami Salamah, Mhd Nurhusein Daulay, and Kholidah. "Halal Tourism Policy in the Contemporary Era: A Maqāṣid Al-Sharī'ah Perspective on Regulatory Gaps." *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): 247–270. <https://doi.org/10.32332/milrev.v5i1.12529>.

Haider, Aftab, Naim Mathlouthi, Mohamed Saer Rahal, and Jamil Afzal. "Can Islamic Law and Secular Law Coexist Without Conflict." *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 485–512. <https://doi.org/10.29240/jhi.v10i2.11331>.

Hakim, Lukman, Qatrunnada Hampanan Melati, and Purnawan Dwikora Negara. "Integrating Adat Law in Indonesia: Challenges and Opportunities in a Centralized

Legal Framework.” *Indonesian State Law Review* 8, no. 1 (2025): 58–82.

<https://doi.org/10.15294/islrev.v8i1.19628>.

Halim, Wahyuddin, and Andar Nubowo. “Muhammadiyah Bugis-Makassar: Dispersal of Muslim Organizations in and from South Sulawesi, Indonesia.” *Studia Islamika* 32, no. 2 (2025): 313–346. <https://doi.org/10.36712/sdi.v32i2.42544>.

Hartono, Christopher, and Andrew Wijaya. “Tinjauan Yuridis Terhadap Siri’ Dan Pesse Sebagai Asas Moral Dalam Penyelesaian Sengketa Waris Adat Bugis.” *Jurnal Ilmu Hukum, Humaniora Dan Politik* 6, no. 2 (2025): 1101–1110. <https://doi.org/10.38035/jihhp.v6i2.6774>.

Hasan, Baidar mohammed mohammed, and Muneer Ali Abdul Rab. “The Principle of Equality in Islam Is an Analytical Study of The Concepts of Differentiation and Racism.” *Malaysian Journal of Syariah and Law* 9, no. 1 (2021): 17–34. <https://doi.org/10.33102/mjisl.vol9no1.295>.

Hasan, Zubair. “Risk Sharing versus Risk Transfer in Islamic Finance : A Critical Appraisal.” *ISRA International Journal of Islamic Finance* 7, no. 1 (2015): 7–24. <https://doi.org/10.12816/0021394>.

Hasaruddin, Hasaruddin, Sitti Mania, and Anis M. “Islamization in Sinjai in the 17th Century: The Arrival of Islam and Social Change.” *AlShajarah* 23, no. 2 (2018): 339–361. <https://journals.iium.edu.my/shajarah/index.php/shaj/article/view/362/341>.

Hasniati, Hasniati, Supriadi Hamdat, Siti Fatimah, and Nining Haslinda Zainal. “Does Local Wisdom Improve Quality of Public Services?: Learn from the Bugis-Makassar Culture.” *International Journal of Psychosocial Rehabilitation* 24, no. 03 (2020): 825–839. <https://doi.org/10.37200/IJPR/V24I3/PR200836>.

Hendrik, Hendrik, Irwan Effendi, Zulkarnaini Zulkarnaini, Clara Yolandika, Azizah Mahary, and Izzatulmila Effendi. “Patron-Client Relationships in Capture Fisheries Business: A Policy Challenge.” *Journal of Infrastructure Policy and Development* 8, no.

8 (2024): 4675. <https://doi.org/10.24294/jipd.v8i8.4675>.

Herawati, Andi, Zainuddin, and Syarifa Raehana. "Islamic Economic Law Perspectives of Profit-Sharing Systems (Teseng) in the Cultivation of Rice Fields in Bugis-Makassar Community, South Sulawesi, Indonesia." *Manchester Journal of Transnational Islamic Law & Practice* 20, no. 1 (2024): 4-6.

Idrus, Achmad Musyahid, Roswati Nurdin, Rahman Qayyum, Patimah Halim, and Rahmah Amir. "The Tradition of Mappasikarawa in the Bugis-Makassar Community Marriage: A Study of Islamic Law Philosophy." *Samarah* 7, no. 2 (2023): 848-874. <https://doi.org/10.22373/sjhk.v7i2.17125>.

Ilyas, Ilyas, Faisal A.Rani, Syamsul Bahri, and Sufyan Sufyan. "The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 897-919. <https://doi.org/10.22373/sjhk.v7i2.15650>.

Iman, Iman Fadhilah, Tedi Kholiludin, Muhammad Lutfi Hakim, and Ubbadul Adzkiya'. "Exploring the Monogamy Principle in the Samin Community's Customary Marriages in Kudus: Harmonisation of Tradition and State Law." *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 2 (2024): 281-304. <https://doi.org/10.18326/ijtihad.v23i2.281-304>.

Jamaluddin, Jamaluddin, Milatul Hayat, Masduki Masduki, Oom Mukarromah, and Jamaludin Jamaludin. "Examining the Synthesis of Islamic Commercial Principles and Local Customary Practices: A Case Study of Nyambut Sawah Traditions in Tejamari, Banten." *Journal of Islamic Law* 5, no. 1 (2024): 86-104. <https://doi.org/10.24260/jil.v5i1.2091>.

Kara, Muslimin, Ega Rusanti, and A. Syathir Sofyan. "Consumer Choice Behavior in Partnership Systems (Teseng): Qualitative Analysis of Theory of Planned Behavior." *Jurnal Minds: Manajemen Ide Dan Inspirasi* 10, no. 1 (2023): 133-154. <https://doi.org/10.24252/minds.v10i1.36014>.

- Laksana, Andri Winjaya, Ida Musofiana, Alwan Hadiyanto, Ahmed Kheir Osman, and Ahmed Rabie Hassan. "Rehabilitative Sentencing for Narcotics Addicts within the Framework of National Law and Maqāṣid Syarī'ah." *El-Mashlahah* 16, no. 1 (2026): 1-22. <https://doi.org/10.23971/el-mashlahah.v15i2.10409>.
- Luthfi, Muhammad, Yaris Adhial Fajrin, and Hasnan Bachtiar. "The Existence of 'Urf in the Resolution of Marriage Disputes in Islamic Law: A Living Law Perspective." *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 1 (2024): 146-158. <https://doi.org/10.29303/ius.v12i1.1356>.
- Maliska, Marcos Augusto. "Ehrlich, Eugen." In *Handbook of the History of the Philosophy of Law and Social Philosophy*, edited by Gianfrancesco Zanetti, Mortimer Sellers, and Stephan Kirste, 63-71. Cham: Springer Nature, 2023. [https://doi.org/10.1007/978-3-031-19550-1\\_8](https://doi.org/10.1007/978-3-031-19550-1_8).
- Mamonto, Dewi Fransiska, Selfrinda Rezkita Mahmud, Risnawati Utina, Geya Sukmawati, and Fahira Nadra Male. "The Evolution of Islamic Civil Law in Indonesia: Developments, Contemporary Challenges, and Future Directions." *Nusantara: Journal of Law Studies* 3, no. 2 (2024): 147-158. <https://doi.org/10.5281/zenodo.17385985>.
- Marlina, Andi, Andi Mulyono, and Nurjanah Lahangatubun. "Islamic Law and Bugis-Makassar Culture: An Approach to Anti-Illegal Gratification." *Jurnal Al-Dustur* 7, no. 1 (2024): 64-79. <https://doi.org/10.30863/aldustur.v7i1.6271>.
- Marnelly, T. Romi, Resdati Resdati, Dian Kurnia Anggreta, Defri Yoza, and Seger Sugiyanto. "Customary Law as Living Law in Environmental Forest Governance: A Sociology of Law Perspective on Legal Pluralism." *Jurnal Hukum Unissula* 42, no. 2 (2026): 333-360. <https://dx.doi.org/10.26532/jh.v42i2.46995>.
- Munawar, Munawar, Yusriadi Yusriadi, Juniawati, Dedy Ari Asfar, and Dilah Tuah. "A Dialog Between Islamic Law and Adat (Customary Law) in the Social Context of West Kalimantan, Indonesia." *Al'Adalah* 22, no. 1 (2025): 323-346.

<https://doi.org/10.24042/adalah.v22i1.24008>.

Mustofa, Imam, Muhammad Sauqi, Diana Ambarwati, and Alwi Yahya. "Living Islamic Law in Indigenous Communities in Indonesia: Integration of Fiqh in the Tradition of Mu'amalah of the Muslim Community of Banjar." *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 2 (2025): 289-312. <https://doi.org/10.24090/mnh.v19i2.14792>.

Nabil, Muhammad Mujab, Zahran Qolbi Salim, Amelia Nabila Pramesthi, and Ianju Parlindungan Tinambunan. "Analisis Ketiadaan Kepastian Hukum Bagi Masyarakat Adat Dalam Proyek Strategis Nasional Guna Mendorong Revisi Kebijakan Pembangunan Nasional Berdasarkan Prinsip Pluralisme Hukum." *Amandemen: Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia* 2, no. 3 (June 18, 2025): 194-205. <https://doi.org/10.62383/amandemen.v2i3.1060>.

Nikmatullah, Nikmatullah. "Grave Pilgrimage: The Interface of Islam and Local Tradition in Indonesia." *International Journal of Religious Tourism and Pilgrimage* 13, no. 4 (2026): 64-76. <https://doi.org/10.21427/4wfc-5x51>.

Nordin, Zaimuariffudin Shukri, Ismail Ruslan, Yusriadi Yusriadi, Nur Hamzah, and Didi Darmadi. "Integrating Islamic Law and Customary Law: Codification and Religious Identity in the Malay Buyan Community of Kapuas Hulu." *Journal of Islamic Law* 6, no. 1 (February 28, 2025): 89-111. <https://doi.org/10.24260/jil.v6i1.3410>.

Nur, Rezky Juniarsih, and Siti Komariah. "Gender Dynamics Analysis: Uncovering the Roles and Identities of Bugis-Makassar Women." *The Journal of Indonesia Sustainable Development Planning* 4, no. 2 (2023): 216-226. <https://doi.org/10.46456/jisdep.v4i2.432>.

Nurdin, Nurdin, and Djuniarti Djuniarti. "Teseng: A Symbiosis of Law and Local Wisdom in Agricultural Profit-Sharing Agreements in South Sulawesi." *Jurnal Hukum IUS QUIA IUSTUM* 33, no. 1 (June 3, 2026): 92-113. <https://doi.org/10.20885/iustum.vol33.iss1.art5>.

- Pahlefi, Pahlefi, Eko Nuriyatman, Lili Naili Hidayah, Rika Lestari, Waleed Eid M Aldhafeeri, and Khalid Saleh Y Alammari. "Harmonization of Customary Law and Investment Policy in Indonesian Indigenous Natural Resource Governance." *Trunojoyo Law Review* 8, no. 2 (2026): 345-384. <https://doi.org/10.21107/tlr.v8i2.33687>.
- Prabowo, Muhammad Aras, and Farid F Saenong. "Construction and Comparison of Social Audit on Teseng Profit Sharing Practices in the Bugis Tribe of Indonesia with the Perspective of Sharia Audit and Conventional Audit." *Jurnal Ilmiah Islam Futura* 26, no. 1 (2026): 67-92. <https://doi.org/10.22373/jiif.v26.i1.33890>.
- Prihantoro, Hijrian Angga, Dandung Budi Yuwono, Muhammad Lutfi Hakim, Koeswinarno, Muh. Isnanto, and Hendri Gunawan. "Fiqh Hybridity in a Pluralistic Society: The Case of the Saprahan Tradition in Pontianak, Indonesia." *JURIS (Jurnal Ilmiah Syariah)* 25, no. 1 (2026): 83-98. <https://doi.org/10.31958/juris.v25i1.15429>.
- Rahman R, Abd, Hasse Jubba, Irwan Abdullah, Supardin, Hamzah Hasan, Tasmin Tangngareng, and Mirna Yusuf. "Local Wisdom in Economic Practice: An Empowerment Fiqh Analysis of the Tesang Tradition of the Buginese and Makassarnese." *Cogent Social Sciences* 9, no. 1 (2023): 1-14. <https://doi.org/10.1080/23311886.2023.2194112>.
- Rahman, Sufirman, Hamza Baharuddin, Abdul Qahar, and Nurdin. "The Essence and Implementation of Profit Sharing Agreement of Agricultural Land in South Sulawesi, Indonesia." *International Journal of Innovative Science and Research Technology* 4, no. 1 (2019): 230-235. [www.ijisrt.com230](http://www.ijisrt.com230).
- Ribadu, Mohammed Bashir, and Wan Nurhayati Wan Ab. Rahman. "A Generic Framework for E-Commerce Requirements to Comply with Sharia in Business-to-Consumer Perspective." In *2016 SAI Computing Conference (SAI)*, 752-57. London: IEEE, 2016. <https://doi.org/10.1109/SAI.2016.7556064>.

- Safriadi, Safriadi, Andi Batara Al Isra, and Hardiyanti Munsu. "Integration of Cultural Logic into Traditional Business Practice in Makassar, Indonesia." *Frontiers in Sustainable Cities* 8 (2026): 01–13. <https://doi.org/10.3389/frsc.2026.1723013>.
- Sahban, Sahban, Zainuddin Zainuddin, and Wahida Wahida. "Between Innovation and Prohibition: A Contextualised Islamic Legal Analysis of Cryptocurrency Compliance with Sharī'ah Principles in the Indonesian Context." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 13, no. 1 (2026): 151. <https://doi.org/10.29300/mzn.v13i1.10673>.
- Sainun, Sainun, Hery Zarkasih, and Arif Sugitanata. "Tuan Guru and the Efforts to Prevent Early Marriage Among Sasak Tribe." *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 37–57. <https://doi.org/10.18860/j-fsh.v16i1.23742>.
- Salle, Salle, Zainuddin Zainuddin, Syifa Nur Aini, and Andika Prawira Buana. "Teseng: Implementation of Justice Values in Profit-Sharing Agreements Based on the Local Wisdom of the Bugis Makassar Community." *Jurnal Hukum Novelty* 15, no. 2 (2024): 215–229. <https://doi.org/10.26555/jhn.v15i2.28735>.
- Saputro, Triyono Adi, Isman, Diana Setiawati, Azhar Alam, and Nur Rizqi Febriandika. "Geographical Indications and Maqāṣid Al-Sharī'ah: Realizing Intellectual Property as an Instrument of Economic Justice." *Al-Muamalat: Jurnal Ekonomi Syariah* 12, no. 2 (2025): 339–358. <https://doi.org/10.15575/am.v12i2.51236>.
- Sari, Nur Mala, Febiawan Suparman Mustar, Abdul Manan, Jailani Jailani, and Cut Maya Aprita Sari. "Legal Pluralism and the Enforcement of Zina Offences: Analysis of Customary and Jinayat Law in the Alas Community, Aceh." *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial* 23, no. 2 (2026): 449–476. <https://doi.org/10.21154/justicia.v23i2.12655>.
- Shcherbaniuk, O.V., and A.Z. Manyk. "The Concept of 'Living Law' by E. Erhlich from the Point of View of the Specificity of Social Relations in the Globalized World." *Analitično-Poriwnál'ne Pravožnavstvo* 4 (2023): 652–655.

<https://doi.org/10.24144/2788-6018.2023.04.102>.

Shuhufi, Muhammad, and Arip Purkon. "Harmonization of Islamic Law and Local Culture: A Study of Indonesian Sundanese Ethnic Culture." *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023): 138–153. <http://dx.doi.org/10.30984/jis.v21i1>.

Siahaan, Maruarar. "The Universality of Human Dignity and Human Rights: An Indonesian Experience." In *New Perspectives on Human Dignity in Asia*, edited by Brett G. Scharffs, Hannah Clayson Smith, and Emily H. Butler, 114–136. London: Routledge, 2025. <https://doi.org/10.4324/9781003668527-9>.

Siti Fatimah, Salleh, Ismail Siti Khatijah, and Mohd. Yusoff Zurita. "An Analysis of the Elements of Social Change in the Context of 'Urf in Islamic Law." *Global Journal Al Thaqaifah* 7, no. 1 (2017): 99–116. <https://doi.org/10.7187/GJAT13120170701>.

Sohrah, Sohrah, Asmaul Husna, Rahmatul Akbar, Andi Sugirman, and M. Thahir Arfah. "Songkabala Tradition in the Makassarese Society: Local Values and Messages of the Al-Qur'an an Anthropological Perspective on Islamic Law." *Samarah* 7, no. 1 (2023): 455–478. <https://doi.org/10.22373/sjkh.v7i1.16689>.

Solihan, Solihan, Izomiddin Izomiddin, Mohammad Syawaludin, Kiki Mikail, and Padila Padila. "Legal Syncretism in Practice: Acculturation of Islamic and Customary Norms in the Tunggu Tubang Marriage Tradition of Semende." *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (2025): 185–199. <https://doi.org/10.19109/nurani.v25i1.25060>.

Subhan, Subhan, Fuad Rahman, and Albert Alfikri. "Transintegration of Customary Law and Sharia: Lesson from Historical Law and Cultural Law." *Substantive Justice International Journal of Law* 7, no. 1 (2024): 70–83. <https://doi.org/10.56087/substantivejustice.v7i1.296>.

Sulistiono, Budi, and Misri A. Muchsin. "Portraying The Tract of Islam in Empowering The Dynamics of The Potential of Maritime Nusantara through The Spice Route

Perspective.” *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 46, no. 1 (2022): 139.  
<https://doi.org/10.30821/miqot.v46i1.899>.

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

Vidiati, Cory, Ahmad Hasan Ridwan, Lathifaturahmah, Dini Selasi, Heru Cahyano, Irfan Safrudin, and Mualimin Mochammad Sahid. “The Eco-Agriculture Pivoted on Maqāṣid Asy-Syarī’ah: A Qualitative Dynamic System Analysis for Food Security.” *Asy-Syari’ah* 27, no. 2 (2025): 123–142. <https://doi.org/10.15575/as.v27i2.38920>.

Wahyuningsih, Tri. “Sistem Bagi Hasil Maro Sebagai Upaya Mewujudkan Solidaritas Masyarakat.” *Komunitas* 3, no. 2 (September 2, 2011): 197–204.  
<https://doi.org/10.15294/komunitas.v3i2.2316>.

Yusuf, Januddin Muhammad, and Nawir Yuslem. “Acehnese Dayah Ulama’s Response to the Use of ’Urf in Istibath of Fiqh Law from Islam Nusantara.” *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 (2023): 291–306. <https://doi.org/10.29240/jhi.v8i1.5732>.

Zainuddin, Juselim Sammak, and Salle. “Patuntung: The Encounter of Local Culture and Islamic Sharia in the Ammatoa Kajang Community.” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 1 (2023): 177–199. <https://doi.org/10.19105/al-lhkam.v18i1.8207>.

Zainuddin, Zainuddin, Salle Salle, Mohammad Arif, and Amiril Hamsi. “Maintaining The Sustainability Of Collective Life Through Teseng (Profit-Sharing) Agreements In The Bugis-Makassar Community South Sulawesi.” In *2nd International Conference on Changing of Business Law (ICOCLB 2024)*, 3234–3333. Selangor: Atlantis Press SARL, 2025. <https://doi.org/10.2991/978-2-38476-356-6>.

Zainuddin, Zainuddin, Salle Salle, and Andi Risma. “Balanced Justice in Islamic Inheritance to Realize Unity and Sustainability of Collective.” In *3rd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2022)*, 66–70.

