Bicara in the Pangadereng System: A Philosophical Analysis of Criminal Dispute Resolution in Bugis Society from the Perspective of Islamic Criminal Law

Rahmatunnair [1*]
[1]Institut Agama Islam Negeri Bone, Indonesia
E-mail: *rahmatunnairbone@gmail.com*

Abstract

This study aims to analyze the existence of bicara within the Pangadereng system of Bugis society and its relevance to criminal dispute resolution from the perspective of Islamic criminal law. This study employs a qualitative approach using library research through an examination of literature on Bugis customary law, Pangadereng, and the principles of Islamic criminal law. The data are analyzed through data reduction, data presentation, verification, and conclusion drawing. The findings reveal that bicara is a normative institution that plays a significant role in resolving disputes by emphasizing deliberation, justice, propriety, accountability, reconciliation, and the restoration of social relationships. These values have philosophical relevance to the principles of al-ʻadl, al-ṣulḥ, al-maṣlaḥah, al-masʼūliyyah, and al-ʻafw in Islamic criminal law. This study argues that bicara has the potential to serve as a conceptual foundation for developing an integrative justice model that connects customary law, Islamic criminal law, and national law in a proportionate manner.

Keywords: ***Bicara*; *Pangadereng*; Customary Law; Islamic Criminal Law..**

INTRODUCTION

Criminal case resolution in modern society is generally situated within the framework of a formal judicial system oriented towards law enforcement, the establishment of evidence, the imposition of sanctions, and the protection of society's legal interests (Gani & Surianto, 2026). However, the resolution of criminal cases cannot always be understood solely as a matter of applying positive legal norms, since it also encompasses philosophical, sociological, and cultural dimensions that shape how justice is conceptualized and realized. In societies that continue to maintain customary value systems and traditional institutions, conflict resolution operates through distinctive mechanisms rooted in worldviews, social norms, and moral principles transmitted across generations (Haq, 2023). This perspective demonstrates that law does not exist merely as a set of written rules enacted by the state; rather, it also emerges and develops through social consensus, customary authority, and conflict-resolution practices that derive their legitimacy from the community (Salsabila & Anggara, 2026). Therefore, studies on criminal case resolution need to consider the existence of customary law as a source of knowledge and a practice of justice that remains relevant to understanding the plurality of legal systems in Indonesia.

Within the context of Bugis society, one of the value systems and social institutions that occupies a significant position in regulating communal life is Pangadereng. Pangadereng is a Bugis cultural value system that serves as a guideline for establishing social order, interpersonal relationships, and balance within community life (Nair, Nuzul, Keri, Irfan, & Kiramang, 2026). Conceptually, Pangadereng comprises five principal elements: ade' (customary law), bicara (judicial affairs or legal matters), rapang (analogies and precedents), wari' (social regulations and classification), and sara' (Islamic law). These five elements constitute an integrated system of values that functions not only as a behavioral guideline but also as a normative foundation for resolving various social issues (Tahir, Abdallah, & Dasmarianti, 2025; Haif, 2026). Among these elements, bicara occupies a strategic position because it is directly concerned with dispute resolution, the handling of violations of norms, the determination of culpability, and the restoration of social order. Accordingly, bicara should not be understood merely as the act of speaking or expressing opinions, but rather as a normative institution and a mechanism for resolving cases that embodies the principles of justice, accountability, deliberation, and propriety based on Bugis cultural values.

Nevertheless, the existence of bicara within Pangadereng faces conceptual and practical challenges arising from the development of the national legal system, the modernization of social life, and the increasingly dominant orientation towards resolving criminal cases through formal judicial institutions. These developments raise fundamental questions concerning the position, legitimacy, and relevance of the bicara mechanism in resolving criminal cases within contemporary Bugis society (Sulastry S., Satriani, Lestari, & Syarif, 2026). On the one hand, the state judicial system derives its formal legitimacy from statutory regulations, while, on the other hand, indigenous communities continue to maintain conflict-resolution orientations that prioritize social harmony, the restoration of relationships between parties, moral responsibility, and communal balance. This issue becomes particularly compelling when examined from the perspective of Islamic criminal law, especially in relation to the principles of al-ṣulḥ (reconciliation), al-'adl (justice), al-mas'ūliyyah (accountability), and al-maṣlaḥah (public interest and welfare) (Nasution & Lubis, 2026). Nevertheless, the relationship among these values should not be understood as establishing a direct equivalence between customary law, Islamic criminal law, and national criminal law. A philosophical analysis is required to identify the points of convergence, differences, and respective limits of legitimacy among these legal systems in criminal case resolution practices. Such an analysis is particularly important to ensure that customary-based resolution mechanisms continue to uphold

victims' rights, perpetrators' accountability, the interests of the community, and the applicable principles of law (Setiawan & Fauzi, 2025).

Based on the foregoing discussion, research entitled The Existence of Bicara in Pangadereng: A Philosophical Analysis of Criminal Dispute Resolution in Bugis Society from the Perspective of Islamic Criminal Law is essential to uncover the philosophical position of bicara as an institution for case resolution within the value structure of Pangadereng, while also analyzing how bicara interacts with other normative principles in shaping an approach to case resolution grounded in justice and social equilibrium (Nasution & Lubis, 2026). Through this approach, the study is expected not only to contribute to the development of legal philosophy and Islamic criminal law scholarship but also to offer a conceptual perspective on strengthening local wisdom within Indonesia's criminal case resolution system. Ultimately, the existence of bicara should be positioned not merely as a legacy of Bugis tradition but also as an object of critical inquiry for understanding the potential contribution of customary law to the development of a justice system that is more responsive to social, cultural, and humanitarian values (Nair, Nuzul, Keri, Irfan, & Kiramang, 2026).

METHODS

This article is based on library research, namely research conducted through the identification, collection, and examination of various literature sources relevant to the research focus (Haryono et al., 2024). The research data were obtained through a review of various scholarly references, including books, scientific journal articles, previous research findings, and other academic sources with substantive relevance to the research problem. Data collection was carried out by identifying, selecting, classifying, and examining the literature based on thematic relevance, source credibility, and its contribution to the development of the research arguments and conceptual framework (Arcanita, Putrajaya, Warsah, & Istan, 2023; Stapleton, Carter, & Bredahl, 2020). Through this process, the study seeks to establish an adequate theoretical foundation and obtain relevant conceptual information to address the research questions.

The collected data were subsequently processed and analyzed qualitatively through three stages: data reduction, data presentation, and verification and conclusion drawing. Data reduction involved selecting, focusing on, and simplifying information obtained from various literature sources to ensure its alignment with the research focus and objectives. Data presentation was carried out by organizing and systematically arranging the reduced information into descriptive-analytical accounts, thereby facilitating the identification of relationships among concepts, theories, and findings from previous studies. Subsequently, verification and

conclusion drawing were undertaken through a re-examination of data consistency, conceptual interpretations, and the interrelationships among arguments developed based on the reviewed literature. These three stages were systematically implemented to produce conclusions that are argumentative, critical, and grounded in academically accountable sources (Sari, 2021)

RESULTS AND DISCUSSION

1. The Philosophical Position of Bicara within the Structure of Pangadereng in Bugis Society

Bicara is one of the fundamental elements of the Pangadereng system, occupying a strategic position in regulating social life and establishing legal order within Bugis society. Within the structure of Pangadereng, bicara is understood not merely as the act of expressing opinions or a process of communication between parties, but also as a normative institution concerned with dispute resolution, the administration of justice, and the restoration of social equilibrium (Tahir, Abdallah, & Dasmarianti, 2025). The existence of bicara demonstrates that Bugis society has developed a legal framework of thought that positions case resolution as an integral component of the mechanisms for maintaining social order. In this context, bicara functions as an instrument for identifying problems, examining the truth, determining accountability, and formulating resolutions based on norms and values collectively recognized by the community (Ruslan, 2026). This underscores that the legal system in Bugis society does not rest solely upon formal rules but also derives its legitimacy from collective consciousness and the authority of customary values embedded in community life.

The philosophical position of bicara is also inseparable from its relationship with the other four elements of Pangadereng, namely ade' (customary law), rapang (precedents or analogies), wari' (social regulations and classification), and sara' (Islamic law) (Hamriana & Siri, 2025). These five elements constitute an integrated system of values that complement one another in regulating the relationships between individuals, society, and prevailing norms. Ade' provides the foundation for customary propriety and social order; rapang serves as a point of reference based on previous experiences and resolution practices; wari' regulates social order through established customary arrangements; while sara' provides normative orientation grounded in the principles of Islamic teachings. Within this framework, bicara occupies an institutional space through which these values are articulated and implemented in resolving legal matters (Haruna, Caturwati, Rustiayanti, Herdiani, & Saleh, 2024). The integration of these five elements demonstrates the holistic character of the Pangadereng system, as it connects customary dimensions, social experience, institutional order, legal reasoning, and religious values (Nair, Nuzul, Keri, Irfan, & Kiramang, 2026). Therefore, bicara cannot be understood as an independent

institution but rather as an integral component of the Bugis legal and cultural system, deriving its normative strength from its interconnectedness with all elements of Pangadereng.

Philosophically, bicara represents the Bugis conception of justice, which is oriented not only towards determining culpability and imposing sanctions but also towards considering social equilibrium, human dignity (siri'), moral responsibility, and the restoration of relationships between parties. The value of siri' is particularly significant because it concerns human dignity, self-respect, and honor, all of which must be preserved throughout the process of case resolution. Accordingly, legal violations are not viewed merely as acts contrary to established norms but also as conduct that potentially undermines social harmony and the equilibrium of communal life (Gani & Surianto, 2026). This orientation demonstrates that justice within the perspective of bicara possesses substantive and communal dimensions, namely a conception of justice that takes into account the relationships among perpetrators, victims, families, and the wider community. From an ontological perspective, bicara represents the essence of justice as a fundamental necessity of communal life; epistemologically, legal truth and deliberation are constructed through customary norms, social experiences, deliberative processes, and religious values; while axiologically, bicara is directed towards realizing social order, human dignity, responsibility, and collective welfare. Thus, bicara can be conceptualized as an institution for case resolution that possesses a philosophical foundation while also maintaining relevance to the development of restorative justice thought grounded in the local wisdom of Bugis society (Nair, Nuzul, Keri, Irfan, & Kiramang, 2026).

2. Principles and Mechanisms of Criminal Case Resolution Based on Bicara

The bicara mechanism for case resolution in Bugis society is grounded in several fundamental principles, namely deliberation, justice, accountability, propriety, and the restoration of social equilibrium. These principles reflect a customary legal framework that regards case resolution not merely as a process of determining right and wrong, but also as a mechanism for restoring the order of communal life disrupted by violations. Deliberation serves as an essential instrument in the resolution process because it provides an opportunity for the parties involved to express their views, articulate the issues at stake, and consider forms of resolution that are socially acceptable (Rahmi, Sularto, & Sutanti, 2026). Meanwhile, the principles of justice and propriety serve as the foundations for determining accountability and assessing the consequences of the actions committed. From this perspective, bicara demonstrates a distinctive approach to case resolution that is oriented not only towards legal certainty but also towards moral, social, and humanitarian dimensions as integral components of achieving substantive justice.

The mechanism of case resolution through bicara also highlights the importance of involving various elements of society, particularly customary leaders, disputing parties, families, and the wider social community. Such involvement demonstrates the communal character of case resolution in Bugis tradition, as a violation is not necessarily perceived as an individual matter between the perpetrator and the victim, but also as a social event that may affect the harmony of relationships within the community (Ruslan, 2026). In this process, customary leaders play an important role in facilitating dialogue, providing considerations based on the norms of Pangadereng, and assisting in formulating resolutions that take the interests of the parties into account (Haruna, Caturwati, Rustiayanti, Herdiani, & Saleh, 2024). The acknowledgment of wrongdoing, willingness to accept responsibility, granting of forgiveness, and achievement of mutual agreement are aspects that may form part of the process of restoring social relationships. Accordingly, the success of case resolution is measured not solely by the fulfillment of demands for sanctions, but also by the ability of the parties to rebuild relationships that have been damaged (Rahmi, Sularto, & Sutanti, 2026). This orientation reveals a restorative dimension within the bicara mechanism, particularly because it positions the restoration of honor, perpetrator accountability, and social equilibrium as integral objectives of case resolution.

Nevertheless, the existence of the bicara mechanism in criminal case resolution needs to be positioned proportionately in relation to the national legal system. Not all criminal cases can be resolved through customary reconciliation mechanisms, since the characteristics of criminal offenses, the extent of harm, victims' interests, and public interests entail different legal consequences. Therefore, the application of bicara values must take into account the classification of criminal offenses, the protection of victims' rights, perpetrator accountability, and the limits of the authority of customary institutions under the applicable positive law (Ruslan, 2026). In this context, customary-based resolution mechanisms may serve a complementary role, provided that they do not conflict with the principles of the rule of law, human rights, and applicable statutory regulations. Philosophically, this situation demonstrates that bicara has the potential to contribute to the development of a restorative justice approach rooted in the local wisdom of Bugis society (Haq, 2023). This contribution lies in its capacity to connect the normative dimensions of law with moral and social values, ensuring that case resolution is directed not only towards law enforcement but also towards restoring interpersonal relationships, protecting victims' dignity, and maintaining harmony within community life. Thus, bicara can be positioned as a source of philosophical reflection in the development of a criminal case resolution system that is more responsive to cultural plurality and the values of justice embedded in Indonesian society.

3. The Relevance of Bicara to the Reconstruction of Justice from the Perspective of Islamic Criminal Law

The philosophical values of bicara within the Pangadereng system have conceptual relevance to the fundamental principles of Islamic criminal law, particularly al-ʻadl (justice), al-ṣulḥ (reconciliation), al-maṣlaḥah (public interest and welfare), al-masʼūliyyah (accountability), and al-ʻafw (forgiveness) (Khamim, Rizal, M. C., & Mustakim, 2025). This relevance can be identified in the orientation of case resolution, which emphasizes not only the enforcement of legal norms and the imposition of sanctions but also the restoration of social relationships, the protection of human dignity, and the realization of collective welfare (Wahid, 2021). The principle of al-ʻadl corresponds to the Bugis perspective, which places equilibrium and propriety at the foundation of case resolution. Meanwhile, al-ṣulḥ reflects the importance of reconciliation as a means of resolving disputes, whereas al-maṣlaḥah provides an orientation towards achieving beneficial outcomes and maintaining social order. Furthermore, the principle of al-masʼūliyyah affirms that every action resulting in harm must entail accountability, while al-ʻafw provides room for forgiveness as a form of resolution that takes humanitarian considerations into account. The convergence of these values demonstrates that bicara possesses a philosophical foundation that can be brought into dialogue with the principles of Islamic law in developing a more comprehensive approach to case resolution (Sinaga & Marpaung, 2026).

The relationship between bicara and Islamic criminal law also reveals an epistemological space for bringing local wisdom into dialogue with religious norms without diminishing the distinctive characteristics of either system. Within the Pangadereng tradition, bicara derives its legitimacy from customary values, social authority, and normative agreements embedded in Bugis society (Sulastry S., Satriani, Lestari, & Syarif, 2026). Meanwhile, Islamic criminal law derives its normative foundation from the Qur'an, Hadith, and the development of legal reasoning through the methods of istinbāṭ employed by Islamic scholars. These differences in their sources of legitimacy mean that the two systems cannot be conceptually equated, even though certain principles share similar substantive orientations. In Islamic criminal law, for instance, the scope for reconciliation and forgiveness varies according to the category of criminal offense. In cases concerning ḥuqūq al-ādamī (human rights), forgiveness and reconciliation generally have relatively broader scope, particularly in cases involving qiṣāṣ and diyāt. Conversely, cases concerning ḥuqūq Allāh (the rights of God) and public interests are subject to specific provisions that cannot be resolved solely through agreements between the parties (Khamim, Rizal, M. C., & Mustakim, 2025). Therefore, the dialogue between bicara and Islamic criminal law needs to be developed through a critical analysis of the objectives of punishment, the position of

victims, perpetrator accountability, and the nature and classification of criminal offenses.

Based on these conceptual relationships, bicara has the potential to contribute to the development of an integrative justice model that brings together Bugis customary legal values, the principles of Islamic criminal law, and the provisions of national criminal law. This integrative model can be developed through three principal orientations: normative justice, relational restoration, and social welfare (Salsabila & Anggara, 2026). Normative justice situates case resolution within the framework of compliance with legal regulations and the protection of the rights of all parties. Relational restoration emphasizes the importance of acknowledgment of wrongdoing, accountability, reconciliation, and the restoration of victims' dignity, while social welfare directs case resolution towards maintaining social order and harmony within community life (Setiawan & Fauzi, 2025). Within this framework, the value of siri' can serve as a cultural foundation for safeguarding human dignity, while the principles of al-'adl and al-maṣlaḥah provide normative orientations for realizing balanced justice (Pulungan, Lubis, Rinaldi, & Ilyas, 2026). Nevertheless, the integration of these three systems must continue to take into account the limits of customary institutions' authority in resolving cases, the protection of human rights, victims' interests, and the applicable provisions of positive law. Thus, the existence of bicara is significant not only as a legacy of the legal institutions of Bugis society but also as a source of legal thought that can be developed to establish an approach to criminal case resolution that is contextual, humane, and oriented towards substantive justice.

CONCLUSION

Bicara is a normative institution that occupies a strategic position within the Pangadereng system of Bugis society. It functions not only to resolve disputes but also to uphold justice, honor, accountability, and social equilibrium through the integration of ade', rapang, wari', and sara'. Its case-resolution mechanism, grounded in deliberation, propriety, acknowledgment of wrongdoing, accountability, reconciliation, and the restoration of relationships, demonstrates a restorative character rooted in local wisdom. Philosophically, this orientation is relevant to the principles of Islamic criminal law, particularly al-'adl (justice), al-ṣulḥ (reconciliation), al-maṣlaḥah (public interest and welfare), al-mas'ūliyyah (accountability), and al-'afw (forgiveness). However, the convergence of values does not imply an equivalence in the sources of legitimacy or the respective jurisdictions of the two systems. Therefore, bicara has the potential to be developed as a source of legal thought for an integrative justice model that connects customary law, Islamic criminal law, and national law,

while critically and proportionately safeguarding victims' rights, perpetrator accountability, public interests, and compliance with positive law and human rights.

This study contributes to the development of legal scholarship by conceptualizing bicara as a normative institution within the Pangadereng system and examining its philosophical connections with Islamic criminal law. It expands the discourse on legal pluralism by demonstrating how customary values can inform restorative justice principles. Furthermore, the study offers an integrative conceptual framework that bridges customary law, Islamic criminal law, and national law while emphasizing justice, accountability, reconciliation, and social harmony.

This study is primarily conceptual and philosophical in nature, focusing on the normative dimensions of bicara and its relationship with Islamic criminal law. Consequently, it does not comprehensively examine the practical implementation of customary dispute resolution across different Bugis communities. Variations in customary practices, institutional authority, and contemporary legal challenges remain insufficiently explored. Moreover, the effectiveness of bicara in protecting victims' rights and ensuring legal accountability requires further empirical investigation.

Future research should employ empirical and interdisciplinary approaches to investigate the implementation of bicara in contemporary Bugis society, particularly regarding criminal dispute resolution. Comparative studies involving customary law institutions, Islamic legal authorities, and national judicial institutions are also necessary. Furthermore, developing an integrative justice framework requires clear normative guidelines, institutional coordination, and safeguards for victims' rights, perpetrator accountability, public interests, human rights, and compliance with applicable national legislation.

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