



Gender Justice in *Tudang Sipulung*: An Ecofeminist–*Maqāṣid al-Sharī'ah* Reading of Inheritance in Bugis Bone, Indonesia

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ABSTRACT

This article examines *Tudang Sipulung*, a traditional deliberative forum within the Bugis community of Bone Regency, South Sulawesi, as a culturally embedded mechanism for the distribution of inheritance. Using an ecofeminist perspective alongside the framework of *maqāṣid al-sharī'ah*, the study employs an empirical legal approach combined with legal-anthropological analysis. Data were collected through semi-structured interviews with religious leaders, local government officials, and heirs, supported by field observations and an examination of religious court decisions and village archival records. The findings show that women actively participate in inheritance deliberations and play a significant role in maintaining both family harmony and environmental sustainability. Their involvement reflects a close relationship between women's economic responsibilities, household livelihoods, and ecological awareness. The practice of *Tudang Sipulung* demonstrates the protection of wealth (*hiḥz al-māl*) through negotiated and equitable distribution; the protection of lineage (*hiḥz al-nas*) by reducing intrafamily conflict; and the protection of life (*hiḥz al-nafs*) by discouraging excessive accumulation and social tension. Conceptually, this study contributes to Islamic legal scholarship by reading customary inheritance practices through the combined lenses of ecofeminism and *maqāṣid al-sharī'ah*. In practice, it offers a gender-sensitive, environmentally grounded mediation model that may inform the resolution of inheritance disputes in pluralistic social settings.

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1. INTRODUCTION

Indonesia is characterized by cultural diversity, including varied inheritance practices (Abubakar et al., 2023; Hasballah et al., 2021; Muhtarom & Nugroho, 2022; Zaelani et al., 2023; Zaidah et al., 2023). This diversity reflects the interaction between customary traditions and religious values in predominantly Muslim societies (Hamdani et al., 2022; Idrus et al., 2024; Rasyid et al., 2024; Reskiani et al., 2022; Shuhufi & Purkon, 2023; Syahriana & Mahmudi, 2022). South Sulawesi is one of the regions that applies inheritance distribution by integrating Islamic law and customary law (Assaad et al., 2023; Tarmizi et al., 2020). This integration is commonly realized through deliberation within a forum known as *Tudang Sipulung*, which fosters togetherness and equality.

Tudang Sipulung has become a Bugis tradition in South Sulawesi for discussing important matters, including conflict resolution. This system is considered effective because problem-solving involves community and religious leaders, as well as local government officials, who often act as mediators. This deliberation forum is frequently used in inheritance distribution, particularly in the Bone Regency, thereby helping to minimize disputes among heirs. This is evidenced by the relatively low number of inheritance disputes filed at the Watampone Religious Court, as agreements are reached through *Tudang Sipulung*.

Previous studies have explored *Tudang Sipulung* mainly as a medium of communication and a cultural institution for collective decision-making. Andi Atrianingsi et al. (2018) highlighted it as a medium of communication between the government and the people of Bone Regency. Baharuudin Dolla (2016) examined it as a means for disseminating information among community groups. Similarly, studies by Nurseng et al. (2023), Ismaya et al. (2023), and Yunus (2020) demonstrate that *Tudang Sipulung* is an effective method for integrating Islamic law and local Bugis wisdom. Likewise, Aswar et al. (2022) show that this forum serves as a platform for Bugis youth to discuss important issues. However, scholarly attention remains limited regarding the role of *Tudang Sipulung* in inheritance distribution, which enables women to access their inheritance entitlements, including land that can be cultivated for family livelihoods. This forum, however, demonstrates a capacity to harmonize Islamic legal norms with local wisdom while still considering gender equality, environmental concerns, and social justice.

Therefore, it is analytically significant to examine further the application of principles of justice in the practice of *Tudang Sipulung*, particularly in the distribution of inheritance. This is crucial because it addresses the fulfillment of women's rights in Bugis society, which is structurally patriarchal in many of its social arrangements. Furthermore, the resulting decisions can accommodate women's inheritance rights through deliberation and the enforcement of sharia, as women also have inheritance rights, including a share of land. To address this, this study examines the *Tudang Sipulung* concept as a means of accommodating women's rights in inheritance matters in the Bone Regency. This includes analyzing the involvement of local government and religious leaders in deliberations aimed at fostering gender equity. By comparing Islamic inheritance law with empirical studies of inheritance distribution within the community, this study seeks to highlight women's involvement in negotiations, to ensure that their rights are recognized, and to link these rights to women's ecological ethics.

This study utilizes the ecofeminist and *maqāṣid al-sharī'ah* frameworks as two complementary concepts. Vandana Shiva's subsistence ethics (Mies & Shiva, 1993; Shiva, 2016) and Merchant (2014) partnership model explain how women's concern for land and livelihoods aligns with the

maqāṣid al-sharī'ah principles, particularly those concerning the preservation of property, life, and offspring. Through this framework, *Tudang Sipulung* is understood not merely as a procedural forum but as an expression of ecological morality that aligns with Islamic ethics and social justice. This concept places women and men on equal footing in social life, realized through deliberation grounded in relational justice and inclusive decision-making (Crenshaw, 2013; Fineman, 2010).

This study conceptualizes *Tudang Sipulung* as a consensus-based, peace-oriented deliberative process that involves all heirs and is typically witnessed by local religious and governmental leaders. It gives deliberate attention to women's rights so that outcomes reflect justice, *maslahah* (public benefit), and gender equality. Female heirs can voice claims, which are then collectively ratified. The inquiry addresses three gaps: (1) Islamic inheritance research tends to prioritize doctrine and court practice over community-based, extra-judicial mechanisms; (2) women's voices in inheritance deliberations are often marginalized despite their importance for everyday justice; and (3) ecofeminism, emphasizing care, interdependence, and resistance to patriarchy, has been underused as an interpretive lens for how women navigate inheritance negotiations. In the context of ecofeminism and *maqāṣid al-syarī'ah*, this research proposes a concept of gender justice grounded in the local wisdom of the Bugis community. It contributes to the growing body of Islamic legal anthropology that links ethical reasoning, local wisdom, and environmental sustainability in shaping plural pathways to justice. This study contributes not only to Indonesian socio-legal scholarship but also to global debates on Islamic law, gender, and alternative dispute resolution.

2. METHODS

This study employs a qualitative socio-legal approach that combines doctrinal analysis of *farā'id* (Islamic inheritance law) with fieldwork in Bone Regency, South Sulawesi. The research was conducted in two villages: one located in the Cina District and the other in the Barebbo District of Bone Regency, South Sulawesi. The research explores how *Tudang Sipulung*, as a customary deliberative mechanism, embodies principles of gender justice and ecological ethics in inheritance distribution. Data were collected through semi-structured interviews, observation, and document analysis (Dobinson & Johns, 2017). A total of twelve participants (eight women and four men) were selected using purposive and snowball sampling, representing female heirs, village leaders, elders, and religious figures directly involved in inheritance deliberations. Inclusion criteria required that participants have participated in at least one *Tudang Sipulung* deliberation on inheritance within the past three years, whereas individuals without direct involvement were excluded.

Primary data were collected through semi-structured interviews with heirs, religious leaders, and local government officials, who were selected through purposive and snowball sampling. Secondary data were obtained from inheritance-related decisions of the Watampone Religious Court and from relevant literature (Baxter & Jack, 2008). Data analysis was conducted thematically by organizing the collected data according to research subthemes and analytically framing the findings. Further findings were projected descriptively to describe women's involvement in *Tudang Sipulung*, access to inheritance, and their ecological role. These themes were then interpreted through ecofeminist concepts (care, sustenance, and relational ethics) and the *maqāṣid al-sharī'ah* principles of *ḥifẓ al-mal* (protection of wealth), *ḥifẓ al-nafs* (protection of life), and *ḥifẓ al-nasl* (protection of lineage).

3. RESULTS AND DISCUSSION

The Inheritance Distribution Process through *Tudang Sipulung* among the Bugis Community

According to informants, *Tudang Sipulung* begins with an initial agreement on the time and place of deliberation, usually at the parents' home. Heirs residing elsewhere are consulted to attend either in person or through remote communication (e.g., video calls). The forum may be held either before or after the testator's death. In some cases, it coincides with the seventh-day memorial (*mattampung*) to secure full attendance, including relatives from afar. The process was described in detail by an informant as follows:

“*Tudang Sipulung* is first announced to all parties, especially the heirs, and scheduled, which may be before or after the testator's death. Once a time is set, the village head and *imam* are invited. The forum's purpose is to clarify each heir's share to prevent future disputes: while the testator is alive, assets remain under the testator's control and pass to heirs only upon death. The procedure begins by inventorying assets and confirming the rightful heirs, after which the division is discussed” (Interview with a community member, Bone Regency, 2024)

From the informant's explanation above, it is evident that the *Tudang Sipulung* forum for inheritance distribution is a restricted deliberative forum that involves only family members, particularly the heirs, and local village authorities. Interestingly, this forum may be conducted during the prospective testator's lifetime, which diverges from Islamic inheritance law, which generally stipulates that inheritance is divided only after the testator's death. However, in practice, in the interest of *maslahah* (public benefit) and conflict prevention, families often agree to conduct inheritance discussions while the testator is still living. Another informant further illustrated this:

“For example, there was a case before H.M passed away. When he was severely ill due to cancer and his condition had worsened, he asked all his heirs to gather. He also requested the presence of the Village Head and the Village *Imam*. At that meeting, the inheritance shares for each heir were discussed and agreed upon. Since he had no children, having never married, and all his siblings had already passed away, his heirs were the children of his deceased siblings.” (Interview with a community member, Bone Regency, 2024)

The practice of distributing inheritance through pre-death deliberation appears relatively common among the Bugis community in Bone, South Sulawesi, as a means of anticipating and preventing potential conflicts among heirs after the testator's death. This was illustrated by an informant who stated:

“*Tudang Sipulung* is more effective because it convenes all heirs for collective deliberation, ensuring transparency and clarity. In one case, H.S., before her death, expressed her intention to allocate all assets to a distant relative (SP) who had cared for her, bypassing her closer heirs, her nieces and nephews, due to what she perceived as prolonged neglect. After her death, the nieces and nephews disputed the arrangement and filed a lawsuit.” (Interview with a community member, Bone Regency, 2024)

This case demonstrates that unilateral inheritance arrangements, conducted without the involvement of all legal heirs and without formal acknowledgment by village authorities, can precipitate future conflict among heirs. Therefore, it can be concluded that distribution through deliberative mechanisms, such as *Tudang Sipulung*, is more effective at preventing disputes and more

consistent with the principles of peaceful and just inheritance allocation. The effectiveness of *Tudang Sipulung* in resolving inheritance-related conflicts among heirs is illustrated in the case of the inheritance distribution involving an individual referred to by the initials HN, as recounted by one informant:

“In HN’s case, the heirs were his wife and three daughters, but a dispute arose over property acquired during his first marriage, a plot of land bought during that union. The former wife and her children claimed rights, while the second wife argued she also had an interest because a chicken coop was built there during her marriage. A *Tudang Sipulung* at the village office as a neutral venue, attended by all heirs, the village head, the *imam*, and community leaders, produced a settlement: each heir, including the former wife, received a portion, which was documented in a written agreement endorsed by village authorities.” (Interview with a community member, Bone Regency, 2024)

The *Tudang Sipulung* tradition is considered effective in resolving inheritance disputes and reducing the likelihood of litigation among heirs, thereby maintaining family relationships. As one informant stated, this tradition serves as a customary-law-based dispute resolution mechanism, involving religious leaders and the local government and prioritizing deliberation in decision-making. Once a consensus is reached, village authorities prepare a written statement documenting the agreed distribution as written evidence of the agreement. This meeting is held either prior to or following the testator’s death to determine the appropriate share for the heirs.

Resolving conflicts through *Tudang Sipulung*, which prioritizes agreement, is also in line with Islamic law. Even in the Qur’an, several verses, including Surah al-Baqarah: 224, Surah al-Nisa: 114, Surah al-Anfal: 61, Surah al-Hujurat: 9-10, and Surah Ali-Imran: 103. These verses emphasize the importance of peace, the avoidance of hostility or conflict, the maintenance of good intentions, and the command to reconcile conflicting parties. Furthermore, the Prophet Muhammad, as a role model, demonstrated his role as a bringer of peace to humanity.

Peace is the most appropriate principle and guideline for resolving conflicts, including inheritance disputes. This approach is reflected in the practice of the Watampone Religious Court, which adjudicated an inheritance dispute in Decision No. 435/Pdt.G/2020/PA.Wtp, a peaceful resolution was successfully achieved after mediation between the parties. This reflects the wisdom of forgoing the obsession with winning, thereby preserving familial relationships (pa-watampone.go.id).

Similarly, in another case before the Watampone Religious Court, through Decision No. 1138/Pdt.G/2021/PA.Wtp, although mediation did not initially result in an agreement, the plaintiff withdrew the case through his attorney and pursued peaceful dispute resolution. The court granted the withdrawal request, noting that the plaintiff made no objections and that no unlawful acts were alleged. The court then ordered the Registrar to note the withdrawal in the case registry (Decision Number 1138/Pdt.G/2021/PA.Wtp).

These two cases demonstrate that, in resolving inheritance matters, there is a consistent emphasis on peaceful settlement. Even when a case enters the court system, efforts are routinely undertaken to resolve it through mediation. Furthermore, if mediation fails, the procedure permits withdrawal of the lawsuit, thereby allowing the parties to pursue an amicable resolution outside

the judicial process. It can be asserted that inheritance distribution through *Tudang Sipulung* is a viable and often more effective alternative because it occurs within a context of togetherness and family harmony.

From an economic standpoint, resolving inheritance disputes through *Tudang Sipulung* is considerably more efficient and, in many cases, free of financial cost. In contrast, court proceedings are frequently dismissed on procedural grounds, yet they still impose financial burdens on litigants. One example is Decision Number 34/Pdt.G/2021/PA.Wtp, where the plaintiff's claim was rejected for failing to include all parties, resulting in an additional cost of IDR 2,260,000. This case demonstrates that the *Tudang Sipulung* tradition, which prioritizes deliberation and the maintenance of good family relationships, offers a practically accessible alternative to court proceedings, which can be time-consuming and costly.

The distribution of inheritance by agreement is a socio-legal mechanism that can also accommodate women's rights, both in law and custom. All communities, especially Muslims, tend to prioritize peaceful dispute resolution because it prioritizes balance and respects women's positions, thereby aligning with Islamic principles (Basri et al., 2022; Khosyi'ah & Rusyana, 2022). For example, in Aceh and South Sulawesi, inheritance conflict resolution prioritizes deliberation among heirs because of its flexibility and capacity to produce outcomes perceived as proportionally just (Harnides et al., 2023; Mursyid et al., 2024). Despite their effectiveness, opportunities for women's participation in inheritance negotiations often remain constrained; therefore, the *Tudang Sipulung* tradition emerges as a deliberative forum with the potential to empower women and strengthen gender equality through participatory inheritance practices.

Inheritance deliberation is widely practiced in Indonesia, with outcomes varying according to the degree of consensus among heirs. In Mandar, the *masideppungeng* tradition, supported by community leaders and government, allocates inheritance proportionally according to heirs' needs (Assaad et al., 2022). This includes allocating the family house to the youngest child and land to a son (Rahman et al., 2022; Schlumbohm, 2022). Through deliberation, women's shares may be equal to, or in some cases exceed, those of men, with particular considerations reflecting the value of gender equality (Rohman & Muafatun, 2021). However, if deliberation is unsuccessful and leads to conflict, the *Tudang Sipulung* tradition fosters mutual respect and a commitment to the rights of all parties, which are acknowledged and protected (Sopyan et al., 2020).

Accommodation of Women's Rights in Inheritance Distribution through *Tudang Sipulung* in the Bugis Community

It is analytically significant to examine women's involvement in *Tudang Sipulung*, particularly in inheritance distribution, given that the Bugis community, including Bone, is known for strong patriarchal social structures. Regarding this matter, one informant stated:

“Women are consistently invited to participate and are also given their share. For example, in the case of HM, it was agreed in *Tudang Sipulung* that the house would pass to the niece because she had cared for the deceased during her illness. The sibling was given land, and another niece was given a rice field. All parties accepted the outcome of the deliberation.” (Interview with a community member, Bone Regency, 2024).

The field data indicate that women, as heirs, are consistently present and receive their shares. Daughters are often allocated a residential house, especially if they cared for the deceased during

her life and illness. It is also customary in Bugis society to give a house to a daughter, especially if she is the youngest child, as her siblings are likely to have left the house after marriage. However, it is important to examine whether women's presence is primarily symbolic or whether they have the bargaining power to negotiate their share. Regarding this, another informant explained:

“Women’s involvement varies. Many accept the forum’s decision, while others negotiate, for example, by requesting an exchange between a house and land or, if they already have a house, by exchanging a rice field for another asset, or by requesting an exchange of land located in different villages for practical considerations. Such requests are reconsidered in the forum. In Bugis Bone, daughters consistently receive a recognized share and, in *Tudang Sipulung*, are invited to attend and voice their views.” (Interview with a community member, Bone Regency, 2024).

However, according to another informant:

“In practice, daughters often accept the forum’s outcome, while brothers, especially the eldest, tend to play a more dominant role in directing the deliberation; parents frequently entrust the distribution process to the eldest son. The village head and *imam* serve as guides and witnesses to keep proceedings orderly and in line with Islamic law, and the village head issues a written endorsement formalizing the agreed outcome.” (Interview with a community member, Bone Regency, 2024).

This provides a more nuanced picture of women’s involvement in *Tudang Sipulung*. From this explanation, it can be concluded that, although *Tudang Sipulung* formally recognizes women and their rights as heirs, the forum is often dominated by male heirs, particularly the eldest son. Viewed through the lens of feminist legal theory, this is especially salient: the mere inclusion of women’s voices and perspectives is insufficient; what matters is the achievement of both procedural and substantive justice.

From a women’s rights perspective, *Tudang Sipulung* aims to include all heirs, whether married or unmarried, and to allow women to negotiate their shares. Although the typical pattern in Bugis Bone is for daughters to receive houses and sons to receive fields or livestock (reflecting gendered work roles), allocations are not fixed and remain subject to negotiation. With many women now active in the productive sectors, and some already receiving a house as dowry, this template cannot be applied rigidly; decisions are made on a case-by-case basis. The forum provides a deliberative space in which all heirs, including daughters, may articulate their claims and preferences.

Regarding daughters’ shares, although Qur’an Surah al-Nisā’ (4):11 sets a two-to-one ratio for sons and daughters, Indonesia’s Compilation of Islamic Law (KHI) allows consensual adjustment. Article 183 permits heirs to ‘reach a peaceful settlement’ in distributing the estate after each has understood their Qur’anic portion, reflecting Indonesia’s family-oriented practice of peaceful settlement, including *Tudang Sipulung* among the Bugis of Bone. By agreement, a daughter may receive more than a son, or a sibling may voluntarily transfer part of a share to one in greater need. This flexibility shows how the KHI adapts Islamic law to local wisdom. *Tudang Sipulung* thus operationalizes in practice the KHI’s peaceful distribution while safeguarding the rights of daughters.

The rights of women remain a focus, as evidenced by the emergence of movements advocating for gender equality, which have had a measurable social and legal impact (Akman, 2021; Breton & Perez, 2023). This includes the National Movement of Rural Women (NMRW), a union of rural women that later established a forum to combat oppression and advocate for equal land ownership, and that also engaged in resolving inheritance disputes (Radebe, 2019). This also occurs in Europe, particularly in rural areas, where gender equality in the economy and natural resource management is emphasized (Kaska, 2022; Segalen, 2021). Meanwhile, in Sri Lanka, women are still often tied solely to the task of caring for children, and in the event of divorce, inequality and discrimination arise, as stipulated in prenuptial agreements and wills (Lyna, 2022). Therefore, accommodating the rights of women who are not passive family members constitutes a form of dignity, social recognition, and lineage continuity (Hipni, 2019).

Tudang Sipulung has functioned as a deliberative mechanism that safeguards women's inheritance rights, thereby promoting balance and advancing gender equality in inheritance distribution. Islamic law, through inheritance verses, also serves as a means of abolishing the pre-Islamic (*jāhiliyyah*) traditions that excluded women from inheritance rights. However, Islamic law does not disregard societal traditions that do not contradict its principles and even demonstrates its flexibility in adapting to variations in time, place, and social context.

Through a gender equality lens, *Tudang Sipulung* demonstrates inclusive participation by allowing women to voice opinions and claim inheritance rights alongside male heirs within a deliberative framework (Harnides et al., 2023; Ideham, 2022). The same balance applies to other traditional inheritance systems, such as those in Aceh, Madura, Rembang, South Sulawesi, and West Sulawesi, which implement equal distribution of inheritance between men and women based on the principles of mutual respect, harmony, and justice (Hipni, 2023; Rahman et al., 2022; Supriyadi & Ahamed, 2021). This system demonstrates that gender-just principles are embedded in inheritance practices, rather than being introduced from outside cultures, thereby integrating Islamic values and local wisdom.

Research by Jinat Hossain and Ishtiaq Jamil (2023) in Bangladesh found that gender-equal inheritance distribution results from various factors, including international political movements advocating for gender equality and local community support, which influence the formulation of policies for equal inheritance rights. Traditional inheritance systems are also significant determinants in advancing gender equality and recognizing women's inheritance rights (Tarmizi, Abubakar, et al., 2024). Therefore, traditions long grounded in gender equality warrant reinforcement through forums such as *Tudang Sipulung*, and this research contributes to strengthening deliberative traditions that institutionalize gender-just principles.

Gender-equal inheritance distribution is influenced by three key factors: justice, policy, and education (Bhalotra et al., 2020; Syaikhu et al., 2023; Yasun, 2018). Syahrur's *budud* theory emphasizes that justice, not gender, determines inheritance, aligning with Graham's (2004) view that gender is socially constructed through roles and norms (Ridwan, 2022). Through legal policies and access to education, women become aware of their inheritance rights and enhance their capacity to negotiate entitlements. This fosters a more optimal interpretation of equality, as reflected in participation in *Tudang Sipulung*, which provides an institutional space for articulating and negotiating inheritance claims.

Although women's involvement in *Tudang Sipulung* is evident, decision-making processes remain influenced by male authority, particularly among senior male relatives. This is often demonstrated by remaining silent, respecting their male siblings as breadwinners, or participating in family financial management. Such patterns indicate persistent structural constraints on gender equality. Through *Tudang Sipulung*, this challenge can be overcome by prioritizing mutual respect and by providing opportunities for women to assert their rights as heirs and to be treated fairly, in accordance with principles of justice, Islamic teachings, and local wisdom.

Epistemological Roots of Islamic Ecofeminism

Ecofeminism, as articulated by Shiva (2016) and Mies & Shiva (1993), as well as by Subagiya (2024), emphasizes the interconnectedness of women, communities, and the environment in combating patriarchal domination. However, ecofeminism as a theory remains limited in its capacity to comprehensively address climate injustice, gender inequality, and other issues that may fall under its umbrella (Rahima, 2024). This limitation provides the rationale for developing an ecofeminist framework grounded in Islamic legal and ethical thought.

Islamic ecofeminism is epistemologically rooted in ontological and theological principles that integrate divinity, humanity, and nature. Unlike Western ecofeminism, which stems from a critique of inequality and patriarchal culture that separate culture and nature, Islamic ecofeminism is strengthened by the concept of divinity (*tawḥīd*) as its cosmic and axiological foundation (Nasr, 2011). Through the perspective of *tawḥīd*, it is understood that all creation is inseparable from God's will, which is bound by unity and balance. Consequently, all beings humans (both men and women) as well as the natural environment possess inherent dignity and are entitled to ethical respect because all originate from the One Almighty God.

Tawḥīd encompasses not only theological but also epistemological aspects that guide humans in understanding the conditions of life. The Quran emphasizes that Allah created everything with balance and due measure (QS. al-Raḥmān/55:7-9). This verse underscores the need to protect humans and the natural environment as a condition for sustaining cosmic and social equilibrium. Humans who are unfair to others, including women, and to nature, are understood to violate the ethical implications of *tawḥīd*, as they disregard the divinely mandated principle of balance (*mīzān*).

From monotheism, the concept of *amānah* (trust) emerged, placing humans as leaders and thereby assigning them spiritual and moral responsibility for maintaining the balance and harmony of God's creation. The Qur'an describes this *amānah* as a great responsibility that even the heavens, the earth, and the mountains are reluctant to bear (QS. al-Aḥzāb/33: 72). *Amānah* is thus the basis of Islamic ecological ethics that demands that human relations with nature and between humans be based on requiring that relationships between humans, and between humans and nature, be grounded in a sense of responsibility, justice, and respect for life (Al-Jayyousi, 2015; Foltz, 2006). This aligns with the discussion by Daffa and Purnamasari (2024), who examined ecofeminist practices in community organization activities, particularly in Arjasari Village, Bandung Regency. The Prophetic traditions identified in their study emphasize sustainable and responsible land management, thereby supporting an ecofeminist framework rooted in Islamic ethical principles and ecological responsibility.

In Islamic-based ecofeminism, *amānah* (trust) is understood not merely as environmental responsibility but also as moral consciousness that affirms gender equality. Women and nature are not passive objects under patriarchal control, but rather relational partners in maintaining environmental sustainability (*hifz al-bi'ah*). The relationship between women, men, and nature must reflect the principles of justice and balance, as an ethical manifestation of monotheistic consciousness (*tawhīd*). Thus, Islamic ecofeminism is not a mere Islamization of Western ecofeminist epistemology, but rather an indigenous construction of knowledge grounded in *tawhīd*, *amānah*, and balance (*mīzān*), whereby justice for women and nature is an integrated expression of ecological ethics and spiritual devotion.

This concept aligns with the study by Millah et al. (2020), which offers an innovative framework for harmonizing Islamic teachings and eco-ethnic perspectives, grounded in epistemology and ontology and informed by women's empirical experiences. This is reinforced by data from female activists at the Ath-Thariq Islamic boarding school in Garut, West Java, who are working to preserve the natural environment. Ontologically, female activists at the Islamic boarding school reject any rigid dualism between humans and nature. They protect, preserve, and love nature with the concept of *rahmatan li al-'ālamīn*. Epistemologically, they integrate local and Islamic knowledge to interact with nature. They also apply the principles of heterogeneity, human-nature interdependence, and sanctity, viewing environmental preservation as an integral form of worship (*'ibādah*), obedience, and charitable action (*ṣadaqah*).

Ecofeminist and *Maqāṣid al-Sharī'ah* Perspectives on *Tudang Sipulung*

Based on the research findings, the implementation of *Tudang Sipulung* is further examined from an ecofeminist perspective and through the framework of *maqāṣid al-sharī'ah*, which addresses women's rights in both legal and natural contexts. This perspective demonstrates that women play an active role in maintaining balance, advancing equality, and safeguarding shared resources, including by receiving a share of inheritance, thereby securing their livelihoods and enabling equal participation in environmentally sustainable land use.

Interviews show that women are consistently invited to participate and are granted shares. More importantly, their preferences often reflect considerations tied to everyday subsistence and family sustainability. For instance, a daughter may choose rice fields over a house because they provide a stable source of food and income for her household. Such choices reflect an ecofeminist logic of care and sustenance, prioritizing sustenance and survival over the symbolic accumulation of property. This means that the concept of ecofeminism provides an interpretive lens for understanding women's agency in sustaining social relations, ecological responsibility, and family welfare simultaneously.

Despite this, challenges to patriarchal dominance are still common, particularly in practices where the eldest son retains a dominant role in determining inheritance outcomes, often positioning daughters as secondary beneficiaries. The deeply rooted patriarchal system has always placed men at the forefront of family decision-making, including in economic matters. However, even within these constraints, women develop everyday and negotiated forms of agency: exchanging assets, questioning allocations, or demanding practical adjustments. These small-scale negotiations, although often informal, represent ecofeminist forms of resistance and resilience

efforts by women to preserve personal dignity, sustain family relations, and secure the material foundations of their children's lives.

An ecofeminist analysis also shows that *Tudang Sipulung* is not merely a mechanism for allocating property but also an arena for negotiating gender relations. With women's participation in *Tudang Sipulung*, their voices are more likely to be heard, even though such participation remains shaped by norms that continue to privilege male authority. However, these challenges can be addressed through an ecofeminist perspective, thereby strengthening women's presence in the implementation of *Tudang Sipulung*. This invites an ecofeminist reinterpretation that foregrounds women's lived experiences and strengthens their substantive presence in the deliberative process. This reflection illustrates that traditions that have historically paid limited attention to gender equality can be reconstructed by incorporating Islamic law as a foundation for their implementation, thereby fostering an ethos of justice and equality without displacing the moral authority of local Bugis wisdom.

The concept of *Tudang Sipulung* becomes a more holistic mechanism when linked to the analysis of *maqāṣid al-sharī'ah* and ecofeminist ethics, as women's participation can help preserve property, life, and descendants. Women's involvement in inheritance distribution decisions helps sustain household welfare by incorporating the principle of justice for future generations and treating inheritance not merely as individual property but as a collective family resource. Therefore, the ecofeminist approach reinforces the ethical orientation of *Tudang Sipulung* not only as a process of property transfer but also as a means of sustaining livelihoods and social continuity.

From the perspective of *maqāṣid al-sharī'ah*, maintaining religion (*ḥifẓ al-dīn*) serves as a guiding principle to uphold Islamic values. Social conflict is minimized (Sarib et al., 2025; Tarmizi, Amir, et al., 2024), maintaining wealth to realize a prosperous life (*ḥifẓ al-māl*), safeguarding rational deliberation and fairness in decision-making (*ḥifẓ al-'aql*), and thinking about the welfare of the family across generations (*ḥifẓ al-nasl*). By transferring the deceased's property transparently to rightful heirs, the forum protects wealth while maintaining family stability.

The practice of *Tudang Sipulung* can be fruitfully interpreted through the *maqāṣid al-sharī'ah* framework, which positions justice and public welfare as the higher objectives of Islamic law. More specifically, the analysis of *maṣlahah* in *Tudang Sipulung* is reflected in the operationalization of *maqāṣid al-sharī'ah* within the empirical practice of socially just inheritance distribution, as outlined below:

Protection of Wealth (Ḥifẓ al-Māl)

Empirically, *Tudang Sipulung* serves as a deliberative mechanism that ensures clarity of ownership and allocation of inherited assets. In this forum, all family assets are recorded and openly agreed upon in the presence of family members, community leaders, and religious authorities, thereby reducing the potential for future disputes. The principle of *ḥifẓ al-māl* here means not only protecting assets from loss but also ensuring a socially just allocation. The concept of justice should not be considered solely in arithmetical terms, but rather in terms of individual contributions, differentiated needs, and the long-term welfare of the family. This aligns with the concept of

maṣlahah mursalah, which prioritizes the common good over individual claims in the distribution of inheritance.

In the case of HN in *Tudang Sipulung*, the first and second wives, as well as their children, jointly deliberated over the status of the land. Considering long-term livelihood sustainability, the female heirs agreed that the land should not be sold but rather cultivated to support the family's livelihood. One female heir explained that *"the rice fields are our source of livelihood. Even though they have been divided as an inheritance, they are not for sale but rather remain as land to support the family for the next generation."* This consideration reflects the view that safeguarding property is not only an individual need but a shared responsibility tied to family continuity. This principle aligns with ecofeminist ethics, which emphasize sustenance, care, and the maintenance of social–ecological balance.

Protection of Lineage (Ḥifẓ al-Nasl)

Beyond the protection of material interests, *Tudang Sipulung* also functions to preserve familial cohesion and moral continuity, reflecting the maqāṣid of *ḥifẓ al-nasl*. *Tudang Sipulung* maintains family harmony through a deliberative process involving all heirs. This forum affirms kinship ties and strengthens the social legitimacy of lineage by collectively recognizing the rights and responsibilities of each family member. Therefore, *ḥifẓ al-nasl* is understood not only in biological terms but also socially and morally, namely, as maintaining the continuity of family relationships and values (*siri' na pesse*), which are a central ethical foundation of Bugis identity.

The *Tudang Sipulung* process also fulfills the maqāṣid of *ḥifẓ al-nasl* by mitigating the risk of family fragmentation. In several cases, elders intervened when disputes between siblings began to strain kinship relations. One informant noted, *"If we quarrel about inheritance, it breaks the family. Tudang Sipulung makes us talk again."* This indicates that the forum serves as a normative and moral mechanism for sustaining familial and genealogical harmony. The collective decision-making, often guided by village heads and imams, ensures that inheritance distribution not only maintains lineage continuity but also facilitates the social reproduction of kinship ethics, echoing ecofeminist notions of relational ethics and care within the family ecology.

Protection of Life (Ḥifẓ al-Nafs)

Tudang Sipulung is a socio-psychological mechanism for resolving and preventing conflict within the family. Based on agreement, it creates a sense of peace and mutual acceptance, fostering togetherness among heirs. This consideration aligns with the protection of life and emotional well-being, preventing greed, and maintaining emotional stability by avoiding conflict whenever possible. In this context, prioritizing togetherness over confrontation is understood as a means of preserving family cohesion. This is crucial because family peace benefits all family members.

Research shows that unresolved inheritance conflicts often escalate into serious social and, in some cases, physical harm. Therefore, maintaining emotional stability is crucial for the smooth running of the *Tudang Sipulung*. As one male heir put it, *"If everything is discussed properly, everything can be resolved with a calm heart."* This consideration indicates that emotional self-control plays a significant role in preventing harm and sustaining personal and collective well-being. Therefore, deliberation in the *Tudang Sipulung* is beneficial for fostering psychological balance and making wise decisions.

Gender Justice, Legal Pluralism, and Deliberative Legitimacy

Substantially, the practice of *Tudang Sipulung*, as evidenced by the cases discussed, demonstrates its conformity with the *maqāṣid al-syarī'ah*, functioning not merely as a normative principle but as a living and socially embedded tradition. Concern for women's rights and their involvement in land use are closely aligned with the concept of ecofeminism, which emphasizes balance between family welfare, economic sustainability, and ecological integrity. Therefore, *Tudang Sipulung* has embodied the principles of gender equality, deliberation, justice, and protection of life, descendants, and property. Although some aspects do not fully correspond with Islamic inheritance law, such as determining the timing of distribution and each heir's share, *Tudang Sipulung's* *maqāṣid* considerations, which prioritize agreement, justice, and shared welfare, remain consistent with the objectives of Islamic law in realizing substantive justice.

Through the harmonization of *maqāṣid al-sharī'ah* and ecofeminist ethics within the *Tudang Sipulung* tradition, this deliberative model enables inheritance distribution to be both equitable and gender-responsive. The key aspects highlighted include: 1) increasing women's participation enhances the substantive legitimacy of *Tudang Sipulung*, 2) the presence of mediators such as the government and religious leaders reinforces Qur'anic principles of justice and affirms women's inheritance rights, 3) deliberation through *Tudang Sipulung* is properly documented so that it fulfills the element of legal certainty, and 4) contributes to community understanding of gender-responsive Islamic inheritance law. Strengthened in these ways, *Tudang Sipulung* may serve as a culturally grounded, gender-sensitive model of alternative dispute resolution applicable to plural Muslim societies.

The Bugis *Tudang Sipulung* bears close resemblance to inheritance practices across Indonesia, including *meusapat* in Aceh, *massideppungeng* in Mandar, and the Minangkabau matrilineal system. Each represents a localized accommodation between Islamic and customary norms: flexible negotiations that recognize women's entitlements while preserving kinship unity (Assaad et al., 2022; Hamdani et al., 2022; Harnides et al., 2023). These variations illustrate Indonesia's pluralistic legal culture, where inheritance is not applied in a strictly doctrinal manner but is socially mediated to balance justice, gender, and family cohesion.

These comparisons indicate that inheritance practices across Muslim societies, whether in Indonesia, Morocco, Bangladesh, or Turkey, tend to operate less as rigid mechanisms of wealth transfer and more as negotiated social processes balancing law, custom, and family harmony (Hossain & Jamil, 2023). The Bugis *Tudang Sipulung* thus illustrates a broader Islamic legal pluralism where communal deliberation mediates between gender justice and social cohesion, contributing to comparative discussions on the convergence of *adat* (customary law) and Islamic law in Southeast Asia.

This study identifies the strengths and limitations of the *Tudang Sipulung* tradition. The strengths include lower financial and temporal costs compared to formal litigation; it preserves family bonds and prevents social fragmentation; it is flexible enough to accommodate unique needs (e.g., caring daughters, widows); and it is anchored in Islamic values through the involvement of religious leaders. Nevertheless, challenges persist, particularly in the form of male dominance—most notably by eldest sons—and the tendency for women's participation to remain procedural rather

than substantive. The implementation of *Tudang Sipulung* requires sustained reinforcement of gender-equality values. Similarly, limitations in the documentation of deliberative outcomes may still generate legal uncertainty. However, good intentions and mutual respect function as important normative safeguards. These limitations indicate that *Tudang Sipulung* must continue to be further developed through gender-sensitive education and the guarantee of legal certainty.

This research addresses three interrelated analytical dimensions: first, Islamic law and local wisdom exhibit a constructive interaction and mutual accommodation. Second, the idea of Islamic ecofeminism highlights women's agency and ethical recognition as a counterbalance to patriarchal dominance. Third, with respect to Alternative Dispute Resolution (ADR), this research positions the *Tudang Sipulung* tradition as an ADR mechanism that complements formal judicial processes in dispute resolution. Through *Tudang Sipulung*, inheritance distribution is understood not merely as a transfer of assets but as a deliberative process aimed at preserving family balance and social cohesion.

4. CONCLUSION

This study concludes that *Tudang Sipulung* represents a dynamic synthesis between Islamic legal ethics and Bugis customary wisdom. When examined through the combined analytical lenses of ecofeminism and *maqāṣid al-shari'ah*, this communal deliberative forum operates as both a socio-legal and ecological mechanism for achieving gender justice and family harmony in inheritance distribution. Empirically, the practice demonstrates the realization of *ḥijz al-māl* by ensuring fair access to inherited property among entitled heirs, *ḥijz al-nasl* by safeguarding family cohesion and preventing intergenerational conflict, and *ḥijz al-nafs* by reducing greed and emotional tension through consensus-based decision-making. These objectives are achieved through deliberations grounded in collaboration, reciprocity, and gender equality, reflecting core ecofeminist principles of care, balance, and relational ethics.

Conceptually, the integration of ecofeminist ethics with *maqāṣid al-shari'ah* offers an alternative model of inheritance governance that is both gender-responsive and ecologically grounded. This model challenges patriarchal assumptions that constrain women's agency in inheritance matters and marginalize their economic and ecological roles within the family. By recognizing women not merely as recipients of inheritance but as active negotiators and custodians of family welfare, *Tudang Sipulung* repositions inheritance as a shared social responsibility rather than a purely individual entitlement. From a practical perspective, this research recommends further strengthening and institutional consolidation of *Tudang Sipulung* through consistent community practice, improved documentation of deliberative outcomes, and sustained engagement of religious and customary authorities. Such development would enhance transparency, accountability, and legal certainty, while remaining consistent with the objectives of *ḥijz al-māl* and *ḥijz al-nasl* in the digital era. Ultimately, *Tudang Sipulung* illustrates how Islamic law, when dialogically engaged with local custom and ethical pluralism, can operationalize *maṣlahah* and gender justice in a living, participatory form that bridges legal norms, cultural practices, and ecological ethics in pursuit of sustainable social harmony.

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