

Reconstruction of Divorce Settlement Based on *Siri' na Pacce* Values within the Indonesian Islamic Family Law System

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ABSTRACT

In the Indonesian Islamic family law system, divorce has legal repercussions, but it also has social ramifications related to social interactions, family dignity and the continuity of links among parties concerned. The ideals of honour, empathetic, solidarity, responsibility, and dignified dispute resolution depicted by *Siri' na Pacce* are vital in improving the systems of divorce settlement, in the Bugis-Makassar culture. The objective of this research is to find out the position of *Siri' na Pacce* values in divorce settlements and to develop a divorce resolution reconstruction model that is in accordance with the Indonesian Islamic family law system. This research adopts a normative legal method. Primary and secondary legal sources and literature on Islamic law and local wisdom are analyzed. The research is based on statutory, conceptual, and cultural value approaches. The results suggest that divorce settlement is mostly focused on ending the formal partnership, but the dignity restoration, moral duty, child protection and post-divorce reconciliation have not been sufficiently taken into account. To include *Siri' na Pacce's* ideals into religious court procedures, it can be done thru increasing mediation, post-divorce obligations, defending the parties' dignity and adopting restorative approaches. Such integration encourages a divorce settlement that is procedural, as well as considers the balance of rights and obligations, family bonds and what is best for the children. The study finds that by reconstructing divorce settlement based on *Siri' na Pacce*, it is possible to establish a more compassionate, just, contextual and welfare-oriented Islamic family law system.



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INTRODUCTION

Divorce is usually that of as the legal ending of a marriage, but it is much more than the cessation of a marital status. In the case of Indonesia, divorce can damage more than just the former spouses, for Muslim families it can harm the children, extended family, social relationships and the reputation of those concerned. (Bryan Habib Gautama, Muhammad Ripurio and Ghea Rahmayanti, 2023). According to Indonesian family law, divorce is officially processed by the Religious Courts, which are supported by marriage legislation, the Compilation of Islamic Law and mediation attempts within the courts.

The legislative measures are intended to prevent arbitrary divorce and to ensure that attempts at reconciliation are made before the legal termination of a marriage. (Andi Anugrah Surya Ardhya, 2024). However, in practice divorce cases are mostly concerned with the completion of the legal formalities and the determination of the official rights and duties of the parties. Often ignored are how

the parties should respect each other, meet their post-divorce obligations, protect children from continuing conflict, and restore stronger relationships after marriage ends.

The situation indicates that divorce settlement should not be regarded merely as a means of terminating a formal connection. It must also take account of the human and social consequences of family break-up. This is particularly the case in Indonesia, where legal processes are coexistent with long held cultural norms. Local wisdom can be an important ethical basis in improving the settlement of family disputes as long as the values of local wisdom are in accordance with Islamic principles and national legislation.

Another traditional value that still has an important meaning for the community of Bugis-Makassar is *Siri' na Pacce*. (Rahmawati Harisa, 2022).

While the two ideas are related, each has its own distinct moral importance. The term 'Siri' is typically associated with ideals of dignity, honour, self-respect and the sense of shame that a person feels when his actions affect the integrity of himself or his family. *Pacce*, conversely, is empathy, compassion, solidarity and the willingness to share in the struggles of others. In the everyday social life these values lead people to keep their own dignity but also to acknowledge their obligation to others. In family relationships, these values can help partners respect each other when resolving conflicts, prevent humiliation and think about the impact of their decisions on children and other family members. (Rezky Juniarsih Nur, Siti Komariah and Wilodati Wilodati, 2024)

The concepts revealed in *Siri' na Pacce* are similar in important ways to Islamic family law. The Islamic religion attaches considerable importance to concepts such as justice, responsibility, consultation, compassion, defending human dignity, and *maslahah*. But even when divorce becomes inevitable, Islamic beliefs still do not sanction hatred, disregard or violation of rights. Therefore, a husband and wife are not to be liberated of their moral and legal obligations, especially to their children, just because they are separated. From this perspective, *Siri'na Pacce* can offer a culturally relevant ethical framework for a more meaningful interpretation of the principles of Islamic family law in Bugis-Makassar community. (Andika Wahyudi Gani and Hamsu Abdul Gani, 2024)

Several research have been conducted on the link of local culture, Islamic law and family life among the Bugis and Makassar communities. Previous research has shown that marriage and divorce in Bugis society are determined not only by state law but also by customary values, religious views, gender relations, and family expectations. Other studies have explored *Siri' na Pacce* as a moral theory guiding social behaviour, conflict resolution, and the maintenance of family honour. Research on traditional dispute resolution has demonstrated that these principles can help in debate, reconciliation and healing broken social links. (Ahmad Hairul Alamsyah, 2022).

More recently study has come closer to the domain of family dispute resolution. There are scholars who have looked at how local Bugis-Mandar traditions mediated divorce and how these traditions relate to the goals of Islamic law or *maqasid al-shari'ah*. Other researches on the efficiency of mediation in Religious Courts also provide information that formal mediation does not always lead to reconciliation between spouses. Child custody and post-divorce rights have also been the focus of research, highlighting the need to protect children and bring justice to people affected by divorce. (Nurazizah Rahmi, Yadi Ruyadi and Wilodati, 2025). These research together have considerably emphasized the fact that divorce is not only a procedural legal problem. "Cultural values, social ties, and the needs of vulnerable family members should also be considered.

However, there is still a huge vacuum in the existing literature. *Siri' na Pacce* has been studied extensively and classified as a cultural philosophy, a customary conflict settlement mechanism, a marriage practice related value or an element of assistance in mediation. The methodical development of *Siri' na Pacce* as the basis for reconstructing divorce settlement in the broader system of Indonesian Islamic family law has not been generally studied. (Yulia, Baso Madiung, Mustawa, Ruslan Renggong and Zulkifli, 2023). Also, one of the ways of measuring effectiveness of divorce mediation is thru

spouses reconciling and withdrawing their divorce papers. This view is too restrictive for not all unhappy marriages can, or should be saved. There are instances where divorce may be the best practical choice. The assessment of the quality of the settlement in such instances should also include whether it protects dignity, prevents future animosity, respects the rights of women and children, encourages responsible parenting and reduces post-divorce conflict.

The present study presents a new perspective by viewing *Siri' na Pacce* not only as another cultural factor in mediation but also as an important ethical basis for the reconstruction of divorce settlements. (Mirwan, Sakaria, Nuvida Raf, Abd. Rasyid Masry, and Nurbaeti, 2026). The proposed framework understands *siri'* as a principle that demands the protection of dignity, integrity and personal responsibility. *Pacce* is a reflection of empathy, social concern, solidarity and consciousness of the consequences encountered by others. These values are expected to guide the whole divorce process, not just the mediation stage. They can be used before divorce to encourage reconciliation and avoid conflict, during court proceedings thru courteous and equitable dispute settlement, and after divorce by meeting financial, parental and social commitments.

This is the novelty of the integrated approach of this research. This research is intended to transcend the perception of local wisdom as a symbolic cultural element. It is intended to translate the ethical teachings of *Siri' na Pacce* into principles that can reinforce the practice of Islamic family law. The proposed reconstruction does not attempt to replace national law or formal judicial proceedings by customary law. The goal is not to replace but to synthesize Islamic legal ideals, national family laws and relevant local wisdom in a complementary fashion. Taking these characteristics into account would make divorce settlements a more accurate reflection of the lived experiences of families, while taking greater account of justice, dignity, responsibility and the long-term welfare of children.

This research is therefore designed to pursue four distinct objectives. It begins by reviewing the existing scheme of divorce settlement in the Indonesian Islamic family law system and points out the fundamental limits. Second, it investigates the implications and lessons of *Siri' na Pacce* regarding marital dispute and divorce. Third, it looks at how these cultural norms are implemented in mediation and judicial processes and in the realization of post-divorce rights and obligations. Fourth, it builds a model of a reconstructed divorce settlement based on *Siri' na Pacce* that is compatible with Islamic law and Indonesian national law. The ultimate goal of the research is to facilitate the development of a family law strategy that is legally defensible, humane, culturally sensitive and geared toward justice and well-being for all those impacted by divorce.

RESEARCH METHODS

The research uses normative-empirical legal research approach, which is using statutory, conceptual, social, and Islamic law viewpoints. (Afif Noor, 2023). The objective of this study is to evaluate divorce settlement processes in the Islamic family law system in Indonesia and to reconstruct it by combining the cultural principles of *Siri' na Pacce*, a local Bugis-Makassar value system which stresses self-respect, solidarity, empathy, and social responsibility. The research tools are interview instructions, observation sheets, documentation and review instruments for legislation, court opinions and literature on divorce, Islamic family law and the values of *Siri' na Pacce*. The data were collected thru literature review, document analysis, observation and in-depth interviews with the judges of Religious Courts, academics, religious leaders, traditional leaders, mediators and parties who had expertise in resolving divorce cases. Moh. Mujibur Rohman, Nashrul Mu'minin, Muwafiq Ibrahim Mas'ud, Eliham (2024). The data are analyzed qualitatively thru the processes of data reduction, data display, interpretation and drawing conclusions. Descriptive, analytical and prescriptive analysis of normative and empirical data are used to identify problems in the current divorce settlement procedure. Thus, the findings are used to build a model of divorce settlement reconstruction that integrates the

principles of Islamic family law with *Siri'na Pacce* ideals with the intention of achieving a more equitable, dignified, and family welfare-oriented resolution.

RESULTS AND DISCUSSION

Problems in Divorce Settlement within the Islamic Family Law System

In the Indonesian Islamic family law, the divorce settlement procedure is basically organized thru the Religious Courts that act with a structured mechanism. The process includes filing a suit, mediation, examination by the court, assessment of evidence and delivery of a judicial decision. In fact, however, the present process is confronted with a number of problems, indicating that divorce settlement has not fully accomplished substantive justice for the parties concerned. The rights and obligations of spouses, the protection of children and the solution of post-divorce conflicts are especially obvious in the given problems in mediation. (Muh Asrhil Harid, Abdul Hayyaqadhan Ashufa (2025).

Regarding mediation, reconciliation attempts are often not conducted in the best way and are still considered as a mere procedure to be complied with before the matter is examined substantively. (Balawyn Jones , Amira Aftab (2023). Mediation frequently highlights the potential for saving marriage, but not always the core reasons of conflict, social relationships and the consequences of divorce. Even when reconciliation in the sake of saving the marriage is no longer possible, mediation should still be targeted at achieving agreements on financial support, custody of children, division of responsibilities, post-divorce communication and inter-family interactions. Mediation should be used not merely as a means to prevent divorce, but also as a means to lessen conflict and preserve the dignity of both parties.

Another problem is satisfaction of rights and obligations of spouses after divorce. In Islamic family law, the dissolution of marriage carries a variety of repercussions, such as iddah maintenance, mut'ah, child support, custody rights, and the partition of marital property. Nevertheless, it is often difficult to implement rulings taken by the court. Court requirements are not always discharged successfully. Often persons entitled to maintenance or other economic rights have to make extra measures to guarantee that such responsibilities are really fulfilled. (Anwar Fauzi (2025).

This case is an example of the gap between normative legal certainty and the practice of rights enforcement. Child protection is another area that needs serious attention. Divorce has its effects on all parties particularly on the husband and wife as well as on the psychological, social, educational and economic status of children. In actuality, divorce cases are usually concerned with child custody and financial support. At the same time, the continuing emotional bonds of children with both parents, the communication patterns and shared parental obligations after divorce are not usually well defined. Parental discord can, under such situations, place the child in the most vulnerable position.

Furthermore, a divorce judgment is not always determinative of all disagreements between the parties. However, even once the divorce is legally complete, issues around maintenance, child custody, marital property, communication with ex-spouses and relationships with extended families can remain. This reveals that the existing process for divorce settlements is largely formal-juridical in nature, focusing on the termination of the legal status of marriage, while ignoring the social and cultural dimensions of family dispute. Such an approach has not properly included local values that emphasize respect for dignity, accountability, empathy and social interactions.

In this regard, the ideas of *Siri' na Pacce* are very significant for the re-construction of divorce settlement processes. The concept of *siri'* is significant because it emphasizes the value of maintaining self-respect and dignity. (Fajri M Kasim, Salman Abdul Muthalib, Samsinar Syarifuddin, Munawwarah Samad (2022). *Pacce* is about empathy, solidarity and caring for the suffering. By combining these principles, we may support a divorce settlement process that goes beyond just ending a formal partnership; it should also preserve the parties' dignity, protect children, establish post-divorce duties,

and prevent social strife. This would mean that divorce settlements might be oriented to a more humane, just and welfare-oriented model, consistent with the idea of *maslahah* in Islamic family law.

The Relevance of *Siri' na Pacce* Values in Divorce Settlement from the Perspective of Islamic Family Law

Siri' na Pacce values have long been strongly embedded in the social and cultural life of the Bugis-Makassar people. Social values are not only the regulation of relationships but also the criteria by which people view honour, responsibility, solidarity and care for others. *Siri 'na Pacce* is highly significant when considering divorce settlement because divorce is not only the end of the legal relationship of the spouses, but also the personal dignity, the familial relationships, the welfare of children, and the maintenance of the social balance within the society. (Halim Wiryadinata, (2024).

The idea of *siri'* is strongly connected to self-respect, honour and human dignity. When considering divorce settlement, this value might be considered as a moral obligation to maintain the dignity of the two individuals, even after the marriage is dissolved. (Andi Anugrah Surya Ardhy (2024). Divorce is not a tool of humiliation, exposure of personal disgrace or degradation of each other. This idea is in line with the notion of fairness in the Islamic law which requires equal and adequate treatment and prohibits causing damage to any of the parties. Therefore, a divorce settlement should protect the rights of the husband, wife and children while preserving the dignity of all involved.

In contrast, *pacce* is empathy, compassion, solidarity and the feeling of responsibility for the suffering of others. You can observe *Pacce* in divorce, for example, where parties continue to meet their commitments to ex-spouses and children after the marriage is over. (Hasni, Rezky Juniarsih Nur. (2024). These responsibilities include providing child support, ensuring access to education and health services, adhering to custody arrangements and taking into account the social and economic situations of vulnerable people. This notion is in line with the Islamic value of family obligation beyond divorce.

The values of *Siri'* and *Pacce* are fundamentally rooted in Islamic teachings of consultation and *ishlah*, meaning reconciliation. Islamic law advocates resolution of issues thru conversation, consultation and peaceful ways provided the rights of both sides are respected. Consultation during divorce procedures doesn't necessarily have to be about salvaging the marriage. Even when divorce is inevitable, spouses can utilize contemplation to agree on essential issues such as child custody, maintenance, division of marital property, post-divorce communication and ties between extended families. *Siri' na Pacce* can offer a more humanitarian aspect based on mutual respect to improve mediation here.

Moreover, the compatibility of *Siri' na Pacce* with Islamic family law may be viewed thru the notion of *maslahah* which prioritizes the public and family welfare. The objective of divorce settlements should be not just about legal certainty but also about what is good for the family and what would avoid greater harm. '*Siri*' is the fundamental value of maintaining honour, whereas *pacce* is the fundamental value of compassion, social duty, and solidarity. All these principles can strengthen the principle of *maslahah* in ensuring that divorce settlements take into account the best interests of children, protect the vulnerable party and allow for the maintenance of social relationships after divorce.

Thus, *Siri' na Pacce* corresponds to the principles of Islamic family law, and they indeed have shared ideals that can support one another. The engagement of these local values might enrich the divorce settlement methods to be more than only formal-judicial but also ethical, social, cultural and humanitarian. This strategy can provide a basis for a divorce settlement model that is fair, maintains dignity, stimulates communication and focuses on family welfare and *maslahah*.

Reconstruction of a Divorce Settlement Model Based on *Siri' na Pacce* Values within the Islamic Family Law System

Reconstruction of the divorce settlement model with the values of *Siri' na Pacce* within the framework of Islamic family law is an effort to build a settlement mechanism that is not only legal certainty, but also substantive justice, human dignity, family responsibility and the welfare of all parties

involved. (Muh Alghifari, Andi Agung Mallongi, Dewi Putriani (2025). The Religious Courts have only handled the formal-juridical parts of divorce settlements, i.e. whether or not the marriage can be preserved or should be legally dissolved. In addition to the legal repercussions, divorce has social, psychological, economic and cultural consequences, which requires a broader approach to dispute resolution.

The proposed methodology considers the values of *Siri' na Pacce* as the ethical basis in the mediation process and handling of divorce situations. The idea of *siri'* is closely connected with self-respect, honour and dignity and can be useful in formulating a dispute resolution mechanism which aids in avoiding humiliation, personal dishonour or the degradation of a former spouse in the divorce processes. Mediators and judges in this context are not simply performing procedural functions, they are also talking to each party in a way that recognizes both sides and their dignity. Therefore, even if the marriage cannot be saved, it is possible to divorce with dignity.

In parallel, the principles of *pacce* empathy, solidarity, compassion, and responsibility can be adopted to improve post-divorce obligations. Ending a marriage does not imply family responsibilities, especially those involving children, should terminate. In this way, the reconstructed model should focus on the child's best interests in agreements about custody, financial assistance, education, health care, communication, and the child's emotional bonds with both parents. This strategy guaranties that children are not perceived as victims of parental conflict, but receive a consistent provision of appropriate care and protection.

Reconstruction activities should be aimed at improving the realization of the post-divorce rights. It is not enough to simply make agreements or court rulings regarding the maintenance of *iddah*, *mut'ah*, child support, marital property and other rights; there should also be awareness and processes to ensure that they can be efficiently enforced. Here *siri* can be understood as a moral imperative pushing people to fulfill their commitments to preserve their honour. *Pacce* stresses the significance of taking care of the economically or socially underprivileged. (Damayanti Wahyu Muh. Syata, Acep Fatchuroji (2024).

Moreover, a *Siri' na Pacce* inspired approach should widen the objective of mediation beyond merely the preservation of the marriage to a wider objective of holistic conflict resolution. In cases where divorce is inevitable, mediation can be used to create post-divorce agreements about how ex-spouses and their extended families will manage their relationships. Prolonged hostilities should be avoided and social healing promoted.

Thus, the reconstruction of a divorce settlement model on the *Siri'na Pacce* combines the legal, moral, social and cultural factors in a single method for settling disputes. The model is not only about the formal ending of the marriage, but also about dignity, rights of children, rights after divorce, family duties, and societal peace. This kind of integration is in line with the concepts of justice, *ishlah*, consultation, responsibility, and *maslahah* in Islamic family law which contributes to forming a divorce settlement system that is more humanist, egalitarian, and welfare-oriented.

CONCLUSION

The research demonstrates that the settlement of divorce in the Indonesian Islamic family law system is still facing many problems, especially in terms of mediation, the fulfillment of post-divorce rights, child protection and societal conflict following the dissolution of marriage. The existing process prefers the formal-juridical approach and has not adopted social, cultural, moral and dignity related issues completely. The main outcome of this study demonstrates that the values of *Siri' na Pacce* are very important to the fundamentals of Islamic family law. The concepts of justice, consultation, *ishlah*, family duty and *maslahah* are intimately connected to the importance of *siri'* (self-respect and dignity) and *pacce* (empathy, solidarity, compassion and responsibility). Therefore, this study proposes the reconstruction of the divorce settlement methods by adding the values of *Siri' na Pacce* in the mediation

and case resolution processes in the Religious Courts. The proposed model should not be limited to the legal termination of marriage, but it should also emphasize the protection of children, the realization of rights after divorce, the dignity of human beings and social healing. In an effort to create a more humane, equitable and welfare-oriented divorce settlement system, this study proposes the improvement of skills of mediators and judges, development of mediation guidelines based on local values, and establishment of mechanisms to monitor the enforcement of post-divorce rights and obligations.

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