



Maintaining The Sustainability Of Collective Life Through Teseng (Profit-Sharing) Agreements In The Bugis-Makassar Community South Sulawesi

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Abstract. This paper explores maintaining the sustainability of collective life through teseng agreements in the Bugis-Makassar Community, South Sulawesi. This paper's goal is to analyze: (1) the meaning of teseng in Bugis-Makassar community; and (3) teseng as an effort to maintain the sustainability of collective life. This research is empirical legal research conducted by conducting in-depth interviews with respondents. Teseng or tesang is a term used to refer to a profit-sharing arrangement for the Bugis-Makassar community's agriculture in South Sulawesi Province. This agreement is a mutual agreement that binds both parties, the landowner and the cultivators. The "profit-sharing" system through teseng can improve the sustainability of collective life through agricultural development, accommodating the interests of the parties, increasing the income of cultivators, increasing community prosperity, increasing community awareness and involvement, and increasing the welfare of agricultural landowners.

Key Words: Collective Life, Profit-Sharing, Sustainability, Teseng

1 Introduction

Indonesia has a variety of ethnic groups and customs that enrich it with elements of many cultures. The people continue to uphold cultural traditions as a legacy from their ancestors. Customary law, a reflection of the character and spirit of the nation, is one of Indonesia's cultural treasures. While the origins and essence of the practices—that is, their Indonesianness—are the similar, the areas' unique customs differ. Because of this, the Indonesian people call their traditions *Bhinneka Tunggal Ika* (unity in diversity) [1]. Indonesia's cultural diversity is a reflection of the nation's personality and the manifestation of its soul, termed by Carl von Savigny as *volksgeist* or spirit of the people. The diversity of cultures, customs, and knowledge of local communities that have existed since ancient times. This local knowledge gives birth to positive human behaviour when interacting with the surrounding environment and nature. The source of local knowledge can be religious values, customs, ancestral advice, and local culture. This collection of values becomes the culture of a particular region and will continue from generation to generation. Activities involving the use and management of natural resources always incorporate local wisdom.

Diverse cultural compositions within Indonesian society engender variations that subsequently manifest in distinct legal systems. Customary law, Islamic law, and Dutch

civil law are the three normative traditions that comprise Indonesia's legal diversity. Indigenous communities uphold customary law, rooted in enduring normative principles, a sense of equity, and the desire to maintain local harmony. As such, it is essentially a legal tradition.

Customary law is a standard that emerges from the people's sense of justice and constantly evolves. It consists of unwritten norms of behavior that people always follow and respect because they have legal ramifications [2]. Meanwhile, Islamic law and Dutch civil law are two imported legal traditions that entered the archipelago after the spread of Islam and the Dutch colonization of the archipelago [3].

The Bugis-Makassar community, which resides on mainland Sulawesi Island, particularly in the province of South Sulawesi, has its own customs and culture. The province is characterized by various ethnic groups: the Mandar, Toraja, Makassar, and Bugis. The Bugis, who make up the majority of the Sulawesi southern peninsula, are the largest ethnic group. The ethnic Bugis-Makassar group has its own heritage, philosophy, religion, and socio-cultural structure. The concept of life in society is defined by cultural values. The Bugis-Makassar community's primary cultural value is a habit that they always practice, either individually or in groups, for a specific purpose [4].

In Bugis-Makassar community, one of the institutions recognized by customary law is a profit-sharing system known as *teseng* or *tesang*. It is a land-related agreement. Although land is not the subject matter of this agreement, it is relevant to land. Objects include both labor and production [5].

The profit-sharing system is one of the local wisdoms recognized by the Indonesian people for generations. There are a multitude of regional designations for profit-sharing systems within Indonesia. Java describes the profit-sharing system using a variety of terms, including *maro*, *mertiga*, *martelu*, and *merpapat*. The profit-sharing system is known as *teseng* in South Sulawesi and *nandu*, *telon*, *ngelima-lima*, *ngemepat-empat* among farmers in Bali. Farmers in West Sumatra refer to the system as *mampaduokan*, *mampatigoi*, and a variety of other names, including *meudua* in Aceh [6]. In the Bugis-Makassar community in South Sulawesi Province, the traditional profit-sharing system (*teseng*) is carried out by a landowner giving his land to a farmer partner who will cultivate his land on a basis of mutual trust without a contract agreement. They bear both profit sharing and risks together [7].

Several scholarly studies have been conducted on *teseng*, including Abd. Rahman R et.al,[8] Syamsul Arif et al, [9] Hasibuddin, [10] Srianti Permata, [11] and Syarifuddin, [12] *teseng* in the perspective of Islamic law. Nurdin, [13] Sufirman Rahman et.al Bakhtiar et.al, [14] and Anita, [15] wrote about *teseng* with an emphasis on local wisdom and Agricultural Profit Land Sharing Agreement Law No. 2 of 1960.

Based on the description above, the author focuses on *teseng* as a profit-sharing agreement to revitalize agricultural land into productive land, addressing the following issues: (1) the meaning of *teseng* in Bugis-Makassar community; (2) *teseng* as an effort to maintain the sustainability of collective life

2. Methods

This study is socio-legal in nature. This kind of legal research employs empirical data from human behavior, including spoken behavior captured from interviews and observed bodily behavior.[16] This type of empirical legal research is qualitative,

looking at socially created facts like people's attitudes and actions toward the law [17]. This research used a literature study and in-depth interviews with community members, landowners, and tenant farmers in the Bugis-Makassar community in South Sulawesi Province.

3. Result and Discussion

3.1 1. The Meaning of Teseng in Bugis-Makassar Community

The Bugis-Makassar communities, which comprise the majority of South Sulawesi Province, are familiar with the terms "teseng" (Bugis language), which denote production-sharing agreements. In the local vernacular, "matte-seng" or "teseng" denotes a cooperative structure that was founded by the community and various entities, such as gardens, rice fields, and animals. The manager and the financier, or owner of the object, are the two main players in this system [18].

While the terminologies remain consistent across the Bugis-Makassar ethnic region, there is considerable variation in the agreement's execution and structure. The prevalent customs and understanding within the local community inextricably link to the divergence in the manner and structure of profit-sharing agreements (unwritten).

Teseng is defined as a profit-sharing system or partnership in local communities with various objects, such as rice fields and gardens, involving two parties, namely the landowner and the tenant farmers. Traditional transactions implement this partnership system without any legality, solely relying on the agreement between the involved parties. For generations, the prevailing customary law has guided the teseng tradition [19].

The profit-sharing system is a system where an agreement is made for carrying forth commercial operations. In the business world, a profit-sharing arrangement is reached regarding the earnings to be shared by two or more parties. The two parties agree on a profit-sharing percentage that is based only on each party's willingness to share without any form of pressure [20].

The Bugis-Makassar community employs the following teseng system literacies: (1) The agricultural land for planting is provided by the landowner. Tenant farmers oversee the growing process and provide the planting seeds. The landowner's only duty under this arrangement is to pay the land tax. The dependents of the tenant farmer who works on the property are under his or her care. The landowner provides the farmland to be cultivated; the tenant farmer sharecropper contributes costs, equipment, and labor; and both the tenant farmer and the landowner contribute seeds and fertilizer. These dependents include land equipment, irrigation, fertilizer application, seed sowing, planting, plowing, and fertilizing the land until harvest time. Under this method, the landowner must supply half of the planting seeds and pay taxes on the farmed property. In contrast, the tenant farmer has complete responsibility for all parts of cultivation, including plant care and maintenance, and for half of the seeds; (3) The landlord supplies the land and planting seeds, while the tenant farmer supplies the labor and equipment. Under this particular arrangement, the landowner is in charge of deciding how many seeds to plant and paying the taxes, leaving the tenant farmer merely with the obligation of cultivating the field [21].

Tenant farmers who implement the teseng system typically have between five and ten years of experience implementing the teseng system. The motivation of tenant farmers to continue employing the teseng system is stimulated by the positive perception that is gained through experience with the teseng system [22].

3.2.2. Teseng as an Effort to Maintain the Sustainability of Collective Life

The teseng agreement as an agreement to cultivate agricultural land is an act of legal relationship. This is a type of profit-sharing agreement between a landowner and a tenant farmer to manage agricultural land. The agreement permits the tenant farmers to cultivate the land and share the profits with the landowner, following a jointly determined agreement.[23]

Profit-sharing systems that are based on local wisdom, such as teseng, have the potential to enhance the welfare of communities in a variety of ways.

1. Agribusiness Development: The ‘profit-sharing’ system that the agrarian communities of Bugis-Makassar have adopted can support the development of agriculture. Thus, increased income and prosperity can improve community welfare.
2. Accommodating the interests of the parties: A “profit-sharing” system that accommodates the interests of the parties, such as landowners and cultivators, can improve the welfare of the community. Each party receives fair rewards based on their respective contributions.
3. Increased Farmer Income: Cultivators can increase their income by adopting the “profit-sharing” system. Thus, increased income and prosperity can improve the welfare of the cultivator community.
4. Increased Community Awareness and Involvement: A “profit-sharing” system based on local wisdom can increase community awareness and involvement in agricultural development. This is because the community is more involved and plays a larger role in agricultural development.
5. Improved Welfare of Landowners: The “profit-sharing” system applied by landowners can improve their welfare. The income from maize agribusiness can enhance the quality of life and prosperity of farm landowners.
6. The “profit-sharing” system through teseng can improve the sustainability of collective life through agricultural development, accommodating the interests of the parties, increasing the income of cultivators, increasing community prosperity, increasing community awareness and involvement, and increasing the welfare of agricultural landowners

4. Conclusion

Teseng or tesang is a term used to refer to a profit-sharing agreement in agriculture in the Bugis-Makassar community in South Sulawesi Province. This agreement is a mutual agreement that binds both parties, the landowner and the tenant farmer. The “profit-sharing” system through teseng can improve the sustainability of collective life through agricultural development, accommodating the interests of the parties, increasing the income of cultivators, increasing community prosperity, increasing community awareness and involvement, and increasing the welfare of agricultural landowners.

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