• Human Trafficking in Accordance with Prosperity and National Economic Development
  Renny Supriyatin Bachro & Mien Rukmun

• Disparity in The Judge’s Ruling About Community Property Disputes After Divorce;
  (An Analysis of The Verdict in The South Jakarta Religious Court, Religious Court of Jakarta
  And Supreme Court)
  Kamarusdiana

• Existence of Local Government Toward the Implementation of Coaching and Legal
  Supervision for Franchisee Business
  Ika Atikah

• Legislation Fatwa National Sharia Board-Indonesian Council of Ulama (DSN-MUI) In the State
  Economic Policy
  Fitriyani Zoin

• Presidential Threshold Between the Threshold of Candidacy and Threshold of Electability
  Suparto

• Mahar and Pænre*: Regardless of Social Strata Bugis Women in Anthropological Studies of
  Islamic Law
  Yayan Sopyan & Andi Asyraf

• Kedudukan Hasil Audit Investigatif Pada Kekayaan Badan Usaha Milik Negara Persero Dalam
  Hukum Pembuktian Pidana di Indonesia
  Susanto

• Hubungan Hukum Dokter dan Pasien Serta Tanggung Jawab Dokter Dalam Penyelenggaraan
  Pelayanan Kesehatan
  Yussy A. Mannas

• Paradigma Orientasi Mencari Kebenaran Materiil Dalam Proses Pembuktian Akta Otentik
  Yustika Tatar Fauzi Harahap & Isis Ikhwansyah
CITA HUKUM is Indonesian Law Journal published by Faculty of Sharia and Law, State Islamic University Syarif Hidayatullah Jakarta in Associate with Center for Study of Indonesian Constitution and Legislation (POSKO-LEGNAS) UIN Jakarta. This journal specializes in Indonesian Legal Studies and try to present various results of the latest and high-quality scientific research which is issued twice in a year at June and December.

CITA HUKUM has been indexed at SINTA 3 and become a CrossRef Member since year 2015. Therefore, all articles published by CITA HUKUM will have unique DOI number.

INTERNATIONAL ADVISORY BOARD
Prof. Tim Lindsey, SCOPUS ID: 36785442900; h-index: 5, Melbourne University Australia
Prof. Muhammad Munir, Scopus ID: 54414595100 h-index: 1, Department of Law, International Islamic University Islamabad, Pakistan
Prof Mark Cammack, Scopus ID: 6507989992 h-index: 3, Southwestem Law School Los Angeles USA
Prof. Euis Nurlaelawati, Scopus ID: 56247081700 h-index: 1, Faculty of Sharia and Law, UIN Sunan Kalijaga Yogyakarta

EDITORIAL BOARD
Prof. Gani Abdullah, h-index Google Scholar: 5, UIN Syarif Hidayatullah Jakarta
Prof. Salman Maggalatung, h-index Google Scholar: 3, UIN Syarif Hidayatullah Jakarta
Dr. Asep Saepudin Jahar, Scopus ID: 57156653300, h-index Google Scholar: 1, UIN Syarif Hidayatullah Jakarta
Dr. Ahmad Tholabi Kharlie, Thomson Reuters ID: R-5028-2017, h-index Google Scholar: 3, UIN Syarif Hidayatullah Jakarta

EDITOR IN CHIEF
Nur Rohim Yunus, Thomson Reuters Researcher ID: F-3477-2017, ORCID ID: 0000-0003-27821266, SSRN ID: 2645355, h-index Google Scholar: 3, Department of Constitutional Law, UIN Syarif Hidayatullah Jakarta, Indonesia

MANAGING EDITOR
Muhammad Ishar Helmi, Thomson Reuters Researcher ID: F-3345-2017, ORCID ID: 0000-0001-7060-8191, h-index Google Scholar: 1, Department of Criminal Law UIN Syarif Hidayatullah Jakarta, Indonesia

EDITORS
Indra Rahmatullah, ORCID ID: 0000-0002-6160-4225, h-index Google Scholar: 1, Department of Economic Law, Faculty of Sharia and Law, UIN Syarif Hidayatullah Jakarta, Indonesia.
Mara Sutan Rambe, ORCID ID: 0000-0001-5404-6635, h-index Google Scholar: 1, Department Criminal Law, Faculty of Law, UIN Syarif Hidayatullah Jakarta, Indonesia.

ENGLISH LANGUAGE EDITOR
Fitria, ORCID ID: 0000-0001-9733-1233, Department of International Law, York Law School, University of York, UK, United Kingdom.

ASSISTANT TO THE EDITORS

Redaktur Office
Faculty of Sharia and Law UIN Syarif Hidayatullah Jakarta
Street Ir. H. Juanda 95 Ciputat Jakarta 15412
Phone. (62-21) 74711537, Faks. (62-21) 7491821
Website: www.fsh-uinjkt.net, E-mail: jurnal.citahukum@uinjkt.ac.id
Link: http://journal.uinjkt.ac.id/index.php/citahukum
Welcoming contributions from scientists, scholars, professionals, and researchers in the legal disciplines to be published and disseminated after going through script selection mechanisms, reviewing sustainable partners, and rigorous editing processes.
# TABLE OF CONTENTS

Human Trafficking in Accordance with Prosperity and National Economic Development  
Renny Supriyatni Bachro, Mien Rukmini ................................................................. 1-18

Disparity in The Judge’s Ruling About Community Property Disputes After Divorce; (An Analysis of The Verdict in The South Jakarta Religious Court, Religious Court of Jakarta And Supreme Court)  
Kamarusdiana ........................................................................................................... 19-44

Existence of Local Government Toward the Implementation of Coaching and Legal Supervision for Franchisee Business  
Ika Atikah ................................................................................................................ 45-70

Legislation Fatwa National Sharia Board-Indonesian Council of Ulama (DSN-MUI) In the State Economic Policy  
Fitriyani Zein ......................................................................................................... 71-94

Presidential Threshold Between the Threshold of Candidacy and Threshold of Electability  
Suparto .................................................................................................................. 95-108

Mahar and Paenre’, Regardless of Social Strata Bugis Women in Anthropological Studies of Islamic Law  
Yayan Sopyan, Andi Asyraf ................................................................................. 109-138

Kedudukan Hasil Audit Investigatif Pada Kekayaan Badan Usaha Milik Negara Persero Dalam Hukum Pembuktian Pidana di Indonesia (Position of Investigative Audit Results on State Owned Enterprises’ Property in the Criminal Proof of Law in Indonesia)  
Susanto .................................................................................................................. 139-162

Hubungan Hukum Dokter dan Pasien Serta Tanggung Jawab Dokter Dalam Penyelenggaraan Pelayanan Kesehatan (Legal Relations Between Doctors and Patients and The Accountability of Doctors in Organizing Health Services)  
Yussy A. Mannas ................................................................................................. 163-182

Yustika Tatar Fauzi Harahap, Isis Ikhwansyah .............................................. 183-200
Mahar and Paenre’;
Regardless of Social Strata Bugis Women in Anthropological Studies of Islamic Law

Yayan Sopyan, Andi Asyraf
Universitas Islam Negeri Syarif Hidayatullah Jakarta

Abstract:
Indonesia is a multicultural, multi-ethnic and multi-religious pluralist country where Islam is one of religion that exists. Islam in Indonesia is not present in the blank area but there have been earlier traditions and religions and then later alive and thriving, interact with one another and live in harmoniously. The most powerful pull of religious values and traditions is marriage. This research aims to analyze the runway used by the Bugis in Bulukumba Regency in setting mahar and paenre’, understanding the point of view of the Bugis society’s point of view life related to the dowry and paenre’ and explain and synergy and knowing the correlation of Islam acting against dowry and paenre’ in the understanding of the Bugis community. The result showed that the mahar and paenre’ in Bugis society determined based on the social strata of the bride, not only caused by a noble, but it likewise from of the position, job or educational level has reached. Behind of it, there is a philosophical meaning in the form of local wisdom values that can integrate or harmonious and synergize with the Islamic teaching.

Keywords: Mahar, Paenre’, Women, Social Strata, Bugis, Bulukumba

Received: March 25, 2018, revised: April 26, 2018, Accepted: Mei 14, 2018.

1 Yayan Sofyan is an Associate Professors at Department of Sharia and Law, Universitas Islam Negeri (UIN) Syarif Hidayatullah, Jakarta. E-mail: yayan_sopyan@uinjkt.ac.id. ORCID ID: https://orcid.org/0000-0001-8767-5323.

2 Andi Asyraf is a researcher at Universitas Islam Negeri (UIN) Syarif Hidayatullah, Jakarta. E-mail: andraabdurrahman@gmail.com.
Mahar dan Paenre’:
Penghormatan Terhadap Strata Sosial Perempuan Bugis Telaah Antropologi Hukum Islam

Abstrak:

Kata Kunci: Mahar, Paenre’, Strata Sosial Perempuan, Bugis, Bulukumba

Recommended Citation:
Introduction

Indonesia is a country which built on the pillars of diversity, whether in ethnic, culture, customs, and religion. In the latter, religion in Indonesia was born and flourished with all binding norms for every believer. This norm absorbed in the institutions of the community. For example, the Muslim community Muslim regulated by the Islamic law in all aspects of life. The functional point of Islamic law is to form a Moslem society in the social structure in social life. Because it has to have a norm that must follow in life together, the norms inherent in strong fact in reality. Enforcement of Islamic jurisprudence substantially can contribute in building a society that is aware of the law and the civil. In another hand, we also have to be aware that Islam was present instead of empty space, but there are previous traditions and other religions that grow and have equal rights before the law so that a wise and proper method is required. More fundamental than that, Indonesia is instead the State of religion, but rather a country that base of ideology and spirit of nationality, most of its citizens are indeed Muslims. Associate with the Islamic jurisprudence should carry out the spirit of "Islam rahmatan li al-'aalamin". Structuring legal systems collided with the character of pluralism of the community will be counterproductive at once ineffective. Try to apply Islamic Sharia to each element of the community cannot be separated from the culture, customs, and customary law that is still maintained in some areas. Each tribe has different customs. One action in which the state also obliges to do so according to their respective religions and beliefs is the system of marriage.

According to the Islamic marriage system, there are a few things that have to be met, including the obligation of giving dowry by the husband to the wife (QS. An-Nisa’ (4): 3). The verse tells us that the grant was a great small's dowry set upon agreement of both parties, because the grant was to be done with sincerity. Based on this verse, it can be concluded that the dowry was given by the husband to the wife owned as a sign of their relationships. Mahar is an award given by a man as an expression of his loyalty and love to his wife. Al-Sadlan, as quoted by Abu Malik Kamal, shows, even the dowry may be

---

something that has a material or immaterial value, and this agreed by the postulates that their compliance with the correct understanding of the dowry requirements. Because its substance is not as compensation which material, but it would be represented of want and sincerity of intention to live together in the Big Dipper households so it can be realized in the form of money or material (which already apply in common), and in the form of something that has immaterial value, as long as the bride is happy or willing to accept it.6

Regarding the marriage, there are many customs that regulate in each region. We cannot deny that marriage must follow the prevailing customs in the area. Marriage is indeed one of the customs that develops following the development of society, but the belief to adhere to a customary law still prevails in a marriage custom. It cause of the law will be effective if it has a strong relatively to the social base. It means the law followed by the citizens on a voluntary basis.7 The customary law of marriage between indigenous peoples which differ from another, between one ethnic group and another, among which is different from that of Christian, Hindu, and villagers and urban communities. Due to the different rules that are often customary in resolving indigenous intermarriage becomes protracted, even sometimes agreement is not reached between the two parties and raises tensions.8

So, the interesting point to be studied in this research is the culture of Bugis. In this culture, the outline of the ceremony begins with mappaenre’balanca that is a procession of the bridegroom accompanied by a group of relatives, male and female, young and old with bringing various kinds of food, a set of women’s clothing, fruits (such as coconut, banana, etc.), And dowry at this wedding day the guests are invited and they give a gift or money as a donation (saloreng).9 In determining the dowry they had their own benchmark. Despite they have been being used an Islamic teaching as the basic foundation of the marriage, but at this stage of the procession either ahead of or and afterward they still use local customs as one an execution condition of the marriage. For example, in Islam, the term of dowry is known as “Mahar” while in Bugis tradition it known as sunrang or sompa’. Sompa or sunrang was huge seriousness, according to the degree of the girl or the social and counted in the value ofrella (real) nominal Rp.2,-. Mahar that is given nominal value according

---

to the number of *rella* may consist of rice field, garden, *Keris*, boat and so on which all have important meaning in marriage.\(^{10}\)

On the other hand, in the Bugis tradition before the wedding is called *mappabotting* there are several requirements must be met by the groom called *paenre’* which is an amount of money determined by the prospective bride to the groom to see the willingness or ability of the bride to be part of their family. This money is used to finance the wedding party held by the women. Magnitude *paenre’* or *Panai’* is dependent on the social status of the prospective bride. The higher the social status of the bride then certainly will be higher.\(^{11}\)

One of the areas in South Sulawesi that is still strong in using Bugis culture is Bulukumba Regency, which is the procession of marriage both before and in it still retains the customs. From the standpoint of legal anthropology, the customs that are still preserved to this day certainly have a certain purpose; there are habits that implicitly have the philosophical meaning contained therein. Herein lies the crucial authors do research with the title of this research question.

**The Existence of Mahar in Marriage**

The word *Mahar* in Etymology term is derived from the Arabic noun is in the form of *mashdar* “Mahron” which derive from fa-‘a-la (verb) *maharoyamharu-mahron*, since if used in a sentence like *maharohu almar-ata* (he (male) gives dowries to women) or *ja’ala laha maharon* means (give him a dowry).\(^{12}\) As for *al-mahru* (plural: *mahuruun*) meaningful *al-Shodaq* which means dowry.\(^{13}\) In terminology, the dowry is the mandatory gift of the prospective husband to the prospective wife as a form of sincerity to cause a sense of love for a wife to the prospective husband, or a gift required for prospective husbands to prospective wife, both in the form of objects and services (freeing, teaching and so on).\(^{14}\)

Mahar based on KBBI is the granting of a compulsory form of money or goods from the bridegroom to the bride when the Covenant of marriage is established.\(^{15}\) The dowry is referred to as a treasure is mandatory in a Covenant

---

11 Cited on 4th May 2014, 15.29 WIB from MksBolKm.com
of marriage over the wife in receiving some of the benefits of *budhu* '(sexual activity).\textsuperscript{16} The basic meaning of *shadaq* is giving alms (with something), *nihlah* means giving, and *fariidhah* means giving.\textsuperscript{17} But, according to Peunoh Daly dowry is the right of a wife received from her husband; the husband gives it willingly without expecting reward as a statement of affection and responsibility of the husband for the welfare of his family. Mahar is not a reward of *budhu* '(mating) of the wife because the pleasure and joy of socializing are felt by both parties.\textsuperscript{18} Mahar or *shadaq* in Islamic marriage law is an obligation that must be paid by a bridegroom to the bride.\textsuperscript{19} Mahar is one of the rights of wives based on the *Quran*, *Sunnah of the Prophet*, and the *Ijma* 'of the Muslims.\textsuperscript{20} Dowry or *Maskawin* in Indonesia “*Maskawin*” in Abd. Shomad opinions are:\textsuperscript{21} a). A gift from Husband to wife before, after or in process of marriage, b). A gift from Husband to his wife in the framework of the marriage contract between the two, as a symbol of love from the husband and the willingness of the future wife to be his wife.

As for the dowry, according to the Compilation of Islamic Law (KHI) in an article 1 letter d mentioned; 'Giving of the prospective groom to the prospective bride, whether in the form of goods, money or services that are not contrary to Islamic law. The law of giving dowry is mandatory. \textsuperscript{22} The legal basis of duties concerning dowry is contained in the QS. An-Nisa’ (4): 4And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease. In QS. An-Nisa’ (4): 24 also mentioned; and [also prohibited to you are all] married women except those your right hands possess. [This is] the decree of Allah upon you. And lawful to you are [all others] beyond these, [provided] that you seek them [in marriage] with [gifts from] your property, desiring chastity, not unlawful sexual intercourse. So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. And there is no blame upon you

\textsuperscript{17} Mahmud Yunus, *Kamus Arab-Indonesia*, (Jakarta: PT. Hidakarya Agung, 1990), p. 121
for what you mutually agree to beyond the obligation. Indeed, Allah is ever Knowing and Wise.

Departing from these verses the scholars have established that the dowry is mandatory under the Qur’an, Sunnah, and *ijma*.23 Hadith of the Prophet Saw.;

“Do you have anything to make a dowry? No, for Allah's sake, Messenger of Allah, answer him. "Go to your family, see maybe you get something" pleaded the Prophet. The man left, not long after he returned, “By Allah, I do not get anything “he said. The Messenger of Allah said: "Seek though only a ring of iron". The man went away and then he returned shortly, "By Allah, O Messenger of God, I do not get a ring from iron, but this is my sarong, half for this woman." “What can you do with your holster? If you wear it then this woman does not get the sheath, and if she wears it you do not wear the holster. "The man sat down until when he sat for a long time, he got up. The Prophet saw him turning away, so he ordered someone to call the man, when he was before the Messenger of Allah, he asked: “What do you memorize from the Qur’an?” “I know this letter and the surah" he replied. "Really e memorizes it in your heart?” Firmly Rasulullah. "Yes” he replied. "If so, well, I have married you to this with the dowries of the Qur’an which you memorized,” said the Prophet. (Al-Bukhari No. 5087).24

Moreover, Mahar is the gift from the men in accordance with the request of women with the boundaries of *ma’ruf*. The amount of the dowry is unlimited. Islam gives the basic principle of “*ma’ruf*”. It means within reasonable limits according to the ability and position of the husband that can be estimated by the wife.25 Sharia does not give specific restrictions over the dowry, so it is in accordance with levels of ability, the conditions and customs of the community. Therefore, the Shari’a does not impose certain restrictions on dowry, so that each gives according to the level of his ability and in accordance with the conditions and habits of his community. Of all the existing Shari’a texts it is pointed out that there is no Shari’a related to the type of dowry other than in the form of something of value without regard to little or much. Thus, the dowry may be in the form of a ring of iron, or a bowl of palm, or in the form of a service of the teaching of the Book of God, and/or the like, if both sides of the marriage.26 The object or money on the gift is owned by women. If desired by

---

him or on the initiative of the woman then the husband may simply eat and participate in the life of the dowry he gave, which has become the property of the wife.\textsuperscript{27} Regarding the dowry provisions, the amount depends on the ability of the husband candidate with the approval of the wife, but let it not be excessive.\textsuperscript{28} Jabir RA. Said, Rasulullah said; "If a man feeds his two hands only for a woman's dowry, she is lawful for him." (Ahmad and Abu Dawud).\textsuperscript{29}

The scholars of the sect agree that there is no maximum in the dowry because of Allah's word QS. An-Nisa '4): 20 which read: But if you want to replace one wife with another and you have given one of them a great amount [in gifts], do not take [back] from it anything. Would you take it in injustice and manifest sin? From this verse, it is understood that there is no maximum limit of dowry. Umar ibn al-Khattab once declared the restriction of the dowry no more than forty \textit{auqiyah} of silver, but a woman rebuked him by saying, "You cannot restrict it, for God says: You have given to one of them \textit{qinthar} (great treasure)." Umar RA. Canceled his intention while saying, "a woman speaks right and a man is wrong." But they disagreed about the minimum limit.\textsuperscript{30} Syafi'i, Hambali, and Imamiyah argued that there is no minimum limit in dowries. Anything that can be used as a price in the sale and purchase may be made a dowry even if only one \textit{qirsy}. Meanwhile, Hanafi said that the minimum amount of dowry is ten dirhams. If a contract is made with less than the dowry, then the contract remains valid and must pay dower ten dirhams. Malik said the minimum amount of dowry is three dirhams. If the contract is done with less than the amount of dowry, then there is mixing, then the husband must pay three dirhams. But if not interfering, he may choose between three dirhams (by continuing the marriage) or \textit{fasakh} (agreement), and then pay half the \textit{mushma mahr}.\textsuperscript{31}

In Islamic law does not set the amount of the dowry but based on the ability of each person's circumstance and family. So, the amount of the dowry is the agreement of both parties who will do the Covenant of marriage. In Islamic jurisprudence it is only established that's dowry has to be shaped and useful,
regardless of the amount. Although there are no minimum and maximum limits but should be based on the willingness and ability of the husband. Islam does not like excessive dowry,\textsuperscript{32} Hadith narrated by Ibn Abbas: "Zubair from Ibn ' Abbas, the Prophet has said: the best woman (wife) is the prettiest of his face and the cheapest dowry (Al-Baihaqi).\textsuperscript{33}"

In connection with the payment of dowry, there are various opinions, Syafi'i, Malik, and Dawud argue husband is not obliged to give the dowry entirely unless it has started with intercourse, and if still solitary (have not done intercourse), then only must pay half. In QS. Al-Baqarah (2): 237 mentioned; "If you divorce your wives before you mix with them, Yet verily you have determined the dowry. So pay for half of the do what you have determined unless your wives are forgiven or forgiven by those who hold the bonds of marriage, and your forgiveness is closer to piety. And do not forget the virtue among you. Verily Allah is All-Seer of all that I do. "If the amount of the dowry has not been determined and the wife has never been interfered with, then the wife is only entitled to the gift according to her husband's condition. Giving this as compensation for what is given by his ex-wife, this is based on the word of Allah SWT.\textsuperscript{34} In QS. Al-Baqarah (2): 236; "There is no obligation to pay (dowry) upon you if you divorce your wives before mixing with them and before you determine the dowry. And give them (a gift of) compensation. The one who is capable according to his ability and the poor according to his ability (also), that is giving accordingly that is the stipulation of those who do good."

The Purpose and Wisdom Mahar: Between Nihlah and Muamalah Contract

With respect to the social aspect of marriage, it is based on the assumption that the person making the marriage means to have grown and dared to live independently, hence his position of honor, his position in society is fully appreciated. Mahar is a symbol of the marital relationship of husband and wife and the symbol of responsibility of the bride to the bride, who later became his wife. Therefore, the purpose and wisdom of the dowry is a path that will make the wife of the heart of pleasure and blessed to accept the power of her husband to his wife, besides the dowry also aims;

\textsuperscript{34} Abd. Shomad, \textit{Hukum Islam Penormaan Prinsip Syariah Dalam Hukum Indonesia}, (Jakarta: Kencana, 2010), p. 305.
a. To strengthen the relationship and love.

b. As an effort to observe and appreciate the position of women, or to give the right to hold its affairs.

One of the Islamic endeavors is to pay attention to and respect the position of women, namely to give them the right to hold their affairs. In the age of ignorance, the woman’s rights are eliminated and wasted, so her guard can arbitrarily be able to use her wealth, and not give her the opportunity to take care of her property and use it. Then Islam came to remove the shackles, to him the right of dowry and to the husband was obliged to give a dowry to him, not to his father.35 The mahar which the husband has paid to his wife becomes his wife’s property, therefore the wife has the right to spend, grant and so on without the consent of her husband or guardian. About the types of dowry are everything that can be owned and can be used as a tool of compensation or exchange rate. Concerning the dowry properties, the scholars agree that the law of marriage is based on the exchange with a certain good which is known for its nature, which is certain of its kind, magnitude, and value. Then they gave opinions about unknown and unspecified items. For example, someone says, "I will marry you to him with a slave dowry", without explaining his characteristics until it can be known how much the price or value.36

Imam Malik and Imam Abu Hanifah, allow him. While Imam Shafii forbade him. If there is such a marriage, according to Imam Malik, the bride has the right to obtain the dowry as mentioned for her. But according to Imam Abu Hanifah, the bridegroom is forced to change its value. This opinion crosses because of the problem, whether such marriages can be equated with the buying and selling should be miserly, or not to that extent, but give something higher than that, as the realization of generosity? The scholars who equate it with the first type of sale, they say that buying and selling of an item that is not known to its characteristics are prohibited, so also with such marriages. And scholars who equate it with the second kind, they say that such marriages are permissible.37

37 Ibnu Rusyd, Bidayatul Mujtahid wa Nihayatul Muqtashid, Penerjemah Abdul Rasyid Shiddiq, (Jakarta: Akbar Media Eka Sarana, 2013), p. 86
Islam and Culture

Nurcholis Madjid states that religion and culture can only be distinguished but inseparable. The correct way of thinking in terms of tradition and innovation requires the ability to distinguish between the two. However, most people find it difficult to do so.\(^\text{38}\) In a different illustration, Gus Dur mentioned that Islam and culture have their own territory and rules, especially in Indonesia which has many tribes, nations, cultures, customs, and religions. And all this is supported by the state philosophy that has been implanted that is Bhineka Tunggal Ika. Islam is one whereas cultures are diverse, then putting the position must be balanced and not contradictory. Because, according to Gus Dur, Islam comes from revelation. Because it is normative, it tends to be permanent, the cultural delight is Human artificial, and therefore it evolves according to the age of the times and tends to change always.\(^\text{39}\)

The Qur'an not only obliges the human relationship with God, but also the human relationship with a man. Even those who ignore let alone leave one or both are threatened in the QS. Ali Imran (3): 112; "Ignominy shall be their portion whosoever are found save (where they grasp) a rope from Allah and a rope from men. They have incurred anger from their Lord, and wretchedness is laid upon them. That is because they used to disbelieve the revelations of Allah, and slew the prophets wrongfully. That is because they were rebellious and used to transgress. The human relationship with God is in the form of a religious order, whereas human relationships with humans form socially. Social form a society, which is becoming a cultural container. When used the term Islam, the first relationship is in the form of second worship \textit{muamalat}. The ultimate goal of religion is the greeting in the hereafter and the greetings of \textit{ruhaniyah} in the world, whereas the one directed by culture is the greeting in the world only.\(^\text{40}\)Islam contains two aspects, worship and \textit{muamalat}, or religion and culture. In both aspects that Islam is called by the Qur'an by the term \textit{diin}, in QS. Al-Ma'idah (5): 3; "Today I perfected for you to be in your and my blessed my favor with you and I blessed Islam to be yours." Thus, there is Islam and there is Islamic culture. With a scientific view between the two can indeed be distinguished, but with the views of Islam itself cannot be separated. The second is inherent with the former forming the integration. So closely interwoven and its integration, so sometimes difficult to put a case, whether to


\(^{39}\) www.nu.or.id

enter religion or culture. The cultural principles laid down by ad-in are addressed to humanity. Humanity is the essence of man. That's why he's all right. From these the principles are determined by ad-diin not to be changed. Humanity is the same first, now and the future. But the manifestation of humanity called accident is growing, developing, different and renewed. But while the changes for the sake of the change take place, the principle is completely fixed. This principle guides indicated, wormed and preached by the Qur’an and Hadith.

I find Indonesian, the dialogical relationships of various aspects of life and geographical areas in the case of religious relations intensity will be higher. The direction of the question will be related to the question of whether it is merely an engineering of a political interest or a cultural engineering. In the face of this tendency, it is necessary to develop conceptualizations of functional activities on the objective issues of human life. Therefore, it must be realized by every adherent of a religion that religious thought and activity is a cultural dialogue that grows and develops in the direction of human critical and creative power without having to release or relative his religious beliefs. Thus, the dialogue of religion will be able to grow and develop constructively as a cultural dialogue so that aspects of scientific thought and methodology of science and technology can play its functional role.

The Procession of Marriage in Bugis Custom in Bulukumba

Marriage in the eyes of indigenous peoples, that marriage is aimed at building, fostering and maintaining harmonious and peaceful family relationships and kinship. Due to the values that live in indigenous peoples concerning the purpose of the marriage and concerning the honor of the family and related relatives in the community, the process of marriage execution must be regulated with customary order in order to avoid irregularities and embarrassing violations which will eventually impose the dignity, honor the family and relatives concerned. According to Van Dijk as quoted by Tolib Setiady, marriage according to customary law is very concerned with family affairs, society, dignity and personal. In contrast to the marriage of modern

---

41 Sidi Gazalba. Ibid. p.110
42 Sidi Gazalba. Ibid. p. 113
Western (European) society that marriage is only a matter of those who will marry only.45

Bulukumba District is located in the southern part of Sulawesi Peninsula and is approximately 153 kilometers from the capital of South Sulawesi Province. Historical, cultural and religious paradigms provide a sense of morality in a system of government that in a certain order becomes an ethic for the structure of people’s lives through a principle of "Mali ‘siparappe, Tallang sipahua." Mali means drifting or drowning, siparappe ‘means mutual help, the sentence is an idiom in Bugis which means “help each other if there is a disaster,” while in the Makassarese dialect the sentence is known as tallang (sinking or drifting) sipahua (mutual help or help to a surface). For Bugis society, marriage means siala "take each other". So, marriage is a reciprocal bond. Although they come from different social status, after becoming husband and wife they are partners. It’s just that marriage is not merely the union of two brides, but a ceremony of union and fellowship of two families who usually have had a previous relationship to cultivate it (ma’pasideppe’ mabelae or approaching the distant ones). It is also often found two friends or business partners who agree to marry off their derivative, or match their child since childhood.46

The mappabotting of the Bugis-Makassar people is something very sacred and a symbol of social status that is appreciated. Accompanied by customary and religious rules so as to form a series of unique ceremonies, full of manners, and courtesy and mutual respect for each other. In the implementation there are several steps that must be passed:

a. Makkapese’-kapese’ and Mattiro

Makkapese’-kapese’ ‘means the stage of assessment, the stage where representatives of the large men’s clan begin to explore which women will be juxtaposed with the prospective groom, then proceed with mattiro where the family will also find out about the prospective bride to be proposed, whether she is physically perfect or has certain deficiencies. Thereafter for the nobility, the lineage of women and men was scrutinized to know their noble status accordingly or not. Do not get the applicant level lower than the level of women to be proposed.47

b. **Ma’duta**

After the first official visit to ask the question indirectly and subtly, if the female family welcomes the intention of the first visit from the male side, then both parties determine the day to propose application (*ma’duta*) officially. During the process of applying, the lineage, status, kinship, and the two prospective brides are further investigated, discussing the *sompa* and the amount of money (*dui ‘menre’*) that the male party has to pay for the cost of the partner’s party, as well as the gift of the offering to the prospective bride and family. After all these conditions are agreed upon, the day of the meeting is determined to confirm (*ma’pasiarekkeng*) the agreement.48

c. **Mapettu**

*Mapettu* is 'to decide and inaugurate all the results of the discussions taken at the time of the application, in Bugis language called "*mappasiarekkeng*" such as shopping money, *leko*, dowry, marriage ceremony, and so forth. If in Bone *mapettu* there is 'this is done in the form of a dialogue between the spokesman of the men with the spokesman of the women. 49

As discussed in the series of events *mapettu* there 'is as follows;

1. *Tanra Esso*, the determination of the peak event or wedding feast day is very necessary to consider several factors, such as at any time that is considered spare for the family. If the family, whether male or female, is a farmer, they usually choose time after harvest. 50

2. *Paenre’* or cash money.

3. *Leko* (seserahan). There are also gifts usually called *leko*. *Leko* is given at the time of bringing the groom to the bride’s house to carry out the ceremony. Usually, this leko contains such completeness for the bride consisting of makeup, shoes, and so forth. 51

4. *Sompa* or *sunrang* (Mahar). On the day of the deal the gift of engagement to the bride (*patio’*or binder) is brought, among other things, a ring, along with a number of other symbols, such as sugar

---

48 Ali Akbarul Falah, *ibid*. p. 56
cane, as a symbol of something sweet; jackfruit (panasa) is likened to a
close or acquaintance respected by their parents, but both parents and
the bride and groom themselves are not present. The man’s spokesman
then discussed the things agreed upon, then answered by the women’s
representative, and then determined the day of the wedding party.
Afterward, the gifts that were brought were circulated to women’s
representatives for questioning, firstly by men and then women, then
taken to the prospective bride’s room.\textsuperscript{52}

d. Mappabotting

Wedding day begins with mappaenre’ your spending (appanai leko in
Makkassar), is the process of the groom’s relatives accompanied the entourage
of the male-female, young and old, to bring all kinds of food, clothing women,
and dowry. When we got home the bride women then ceremony of marriage or
aggaukeng (pagaukang in the native language) held. At the party guests are
invited to give gifts or money as a donation (soloreng). A few days after the
wedding, the newlyweds visit the husband’s family and stay for a while there.
In that visit, the wife must bring gifts to all members of the husband’s family.
Then there are visits to the wives’ families, as well as with gifts for all of them.
Newlyweds should also stay for a while in the family home. Only then can they
occupy their own home nalaoanni alena (naentengammi kalenna in Makassar).
It means that they have formed their own household.\textsuperscript{53}

Mahar and Paenre’ In Bugis Customs in Bulukumba

Sompa or dowry is the giving of men to women who marry him, in the
form of money or objects, as one of the requirements for marriage validity. The
number of sumps as spoken by the bridegroom at the time of marriage (akad
nikah), according to the customary provisions the amount varies according to
the level of social strata or social level of a person.\textsuperscript{54} According to local people,
dowry is one of the elements that must exist in marriage. Should not be
nonexistent. Another term used in naming the dowry is sunrang that provided
by the male to the female in isitiadat customary in Bulukumba.

\textsuperscript{52}Ali Akbarul Falap. “Pandangan Masyarakat Islam Terhadap Tradisi Mattunda Wenni
Pamulang Dalam Perkawinan Adat Bugis Di Kecamatan Gantarang Kabupaten Bulukumba Sulawesi
Selatan. Skripsi S1 Fakultas Syariah UIN Malang. 2009.p. 56
\textsuperscript{53}Mattulada. “Kebudayaan Bugis Makassar”, dalam Koentjaraningrat, ed.. Manusia dan P
267-268
\textsuperscript{54}Asmat Riady Lamallongeng, Dinamika Perkawinan Adat Dalam Masyarakat Bugis Bone,
(Makassar: Dinas Kebudayaan dan Pariwisata Kabupaten Bone, 2007), p. 16
In ancient times, indeed sompa or sunrang which is valid for a long time in the Bugis area is valued with the old currency (the Bugis call it rella). For the high dowry nobles are expressed with a kate of 88 Real, plus one servant (ata’) worth 40 Real and one buffalo worth 25 Real. Sompa for women of high nobility called sompa bocco (peak sompa) which usually reach 14 kati. As for the women of the middle class nobles’ only one kati, for the good people (to deceng) half kati, among ordinary people a quarter of kati.\textsuperscript{55}

The determination of the number of dowries based on their social level is reinforced by one of the local adat leaders who affirm that indeed the customary law prevailing in Bulukumba (mahar) should be based on its social level. Social levels not only for reasons of nobility, but also because of the position or because of education tela h reached. The given type of dowry usually uses soil or gold.\textsuperscript{56}

Here the authors find the type of dowry received by four informants/resource persons (Bulukumba community) in the procession of his marriage among others;

a. A plot of housing size is 10 x 15 m\textsuperscript{2}. (Andi Megawati Adil)

b. A plot of housing area of 15 x 20 m\textsuperscript{2}. (Andi Sriwati).

c. A plot of rice field (the area is not mentioned). (Andi Indah Kumalasari).

d. A garden plot in Long area is 15 x 20 m\textsuperscript{2}. (Andi Asmawati Kr. Ade).

One of the religious leaders in Bulukumba said that dowry is indeed a must, although there are some differences of opinion among scholars. In the days of old parents, (in addition to the values mentioned above) they always orientate the dowry in the form of land, but the conditions that exist in the present where the paradigm of society has certainly shifted, people began to replace the land with something of value such as rings or other objects. Similarly, the phenomenon occurred in ten sub-districts in Bulukumba. In practice it turns out that the dowry does not stand alone, there are elements of tradition that enter into it which sometimes makes people misperception of the people in Bulukumba, such as the pallao tana, Pallao tana means if a man who comes from outside the region (city or district) married a woman from an area, she was required to pay some money for crossing the border to marry women

\textsuperscript{55} Asmat Riady Lamallongeng. Ibid. p. 17
\textsuperscript{56} Private interview with Andi Jumliadi Adil (traditional leaders). Bulukumba, July 28, 2015.
from the area. D a *pallah sapposisseng* means a fee or money given to a one-time cousin (son of an uncle or aunt) of the bridegroom as a form of compensation because his closest cousin has been married. And this provision applies to all brides both coming from the same region as the bride or not. If so, the religious leaders will intervene to straighten it, that it is part of the Islamic Shari'a but it is associated with the local culture as long as there is no coercion.57

The author has explained that the dowry is determined on the basis of women’s social status and is judged on the basis of *rella* or can be the land in general, at the moment there have been some transitions, though not against the rule that the dowry should be based on the women’s social strata the former *rella* or land system, can now be a ring, which in essence can be a valuable item. By looking at the current condition of the Bugis community in Bulukumba, the current dowry has been using the *stel* -a system, meaning that although the quantity is uncertain, if the dowry is gold in one *set*, it is included in the form of rings, earrings, necklaces, and if the total sum is not there are under ten grams.58

It is undeniable that in fact, there are indeed some things that change because of the erosion of the changing times, but that does not happen thoroughly because some values are maintained. The change only occurs in material habits, for example, if the Bugis were used to using coconuts for transactions and used in marriage processions, they are no longer used. Things that are materially altered but the values contained are maintained.59

Although dowry can be given with the value of money or in the form of land, or (in the present) can use gold, which needs to be emphasized that each level of social strata differs in the determination of the amount of dowry. If considered the higher the social strata, the higher the number of dowries that must be given. Currently, especially in the Bugis Bulukumba community, it is clear that the type of dowry in the past is considered to be irrelevant because its validity is also not recognized anymore. This indicates that the people of Bulukumba are clearly very responsive to the times.

The high number of dowries given to the bride was originally based on the strata or social degree it possessed, there has been a shift or change in this case. Social stratum at this time is not only caused by the blood of his nobility,

57 Private interview with P. Abdul Hafid (clergy), Bulukumba July 28, 2015.
58 Private interview with P. Abdul Hafid (clergy), Bulukumba July 29, 2015.
but also because of the positions held, the job is well established or qualified, or because of the level of education that has been taken by the prospective bride.

Besides dowry, in the procession of determining the marriage day (tanra esso), the most important thing is the amount of money raised by the men to the women.\textsuperscript{60} The amount of spending money is determined based on the prevalence or agreement in advance between family members who enforce marriage.\textsuperscript{61} Bugis community in Bulukumba said that in essence paenre’is a gift from the family of the groom to the family of the bride.\textsuperscript{62} also, those who say that paenre’is money raised to women as the cost of the wedding party. (Interview with Andi Megawati Adil). There is also a mean paenre’with spending money.\textsuperscript{63}

In Bulukumba, paenre’is known as pakkuta’nang system. Where the bridegroom’s family asked the bride’s family about the amount of spending the money required by them in order to have an agreement between the two parties. This expenditure is the obligation of the groom to cover the costs of the marriage, including the expenses of the event, etc. not only that, the expenditure also aims to compensate the family for the bride because the bride will leave them and will forge a new life with her husband. Panai or paenre’ is purely one of the customary rules prevailing in Bugis society in Bulukumba. The provisions concerning paenre’ had existed long before Islam came to Bulukumba.\textsuperscript{64}

Magnitude of paenre’ is the same as dowry, the amount is determined based on the social strata of the bride, if he comes from the descendants of nobility, the higher the number of paenre’ that must be issued by the groom. Similar to dowries, the magnitude of paenre’can also be influenced by the position, occupation, and level of education. The type of paenre used by the Bugis community in Bulukumba was used to use something in the form of soil, coconut, or cow animal, but over time paenre’ can now use money, so paenre’ is now called dui maenre’ or money paenre’.\textsuperscript{65}

\textsuperscript{60} Asmat Riady Lamallongeng, Dinamika Perkawinan Adat Dalam Masyarakat Bugis Bone, (Makassar: Dinas Kebudayaan dan Pariwisata Kabupaten Bone, 2007), p. 12
\textsuperscript{61} Nonci. Upacara Adat Istiadat Masyarakat Bugis, Makassar: CV. Aksara, 2002, p. 12
\textsuperscript{62} Private interview with Andi Asmawati Kr. Ade (Peoples), Bulukumba July 28, 2015.
\textsuperscript{63} Private interview with Andi Sriwati (Peoples), Bulukumba July 28, 2015.
\textsuperscript{64} Private interview with Andi Jumliadi Adil (traditional leaders). Bulukumba, July 28, 2015.
\textsuperscript{65} Private interview with Andi Jumliadi Adil (traditional leaders). Bulukumba, July 28, 2015.
Here the author describes the number paenre’ received by several informants, the overall value of which is said to have converted menaj adi value for money at this time, because the value of money in a few years ago is clearly different this time, and the overall value of the following, based on the calculation of informants, such as; Paenre’ worth Rp. 20,000,000 received by Andi Megawati Adil, Paenre’ worth Rp. 30,000,000 received by A. Asmawati Kr. Ade, Paenre’ worth Rp. 40,000,000. received by Andi Sriwati, Paenre’ for Rp. 50,000,000. received by Andi Indah Kumalasari, Paenre’ for Rp. 75,000,000. received by Andi Batari Ramli, and highest Paenre’ amount Rp. 500,000,000. Which P. Abdul Hafid gave to his wife.

The existence of the provisions on paenre’ is indeed translated into local customs, but the paradigm (partial) of society has shifted, there are some groups of people who dare to declare to the male family (regarding the number of paenre’) to not be forced, in ancient times this is indeed a standard, if not able to fulfill it then the men can no longer continue the conversation (regarding marriage). However, because the insight of society is increasingly open, the amount of money paenre’ very varied, should not be forced and depends on ability.66

Observing that the provisions of paenre’ s size, although also based on the social stratum of the prospective bride, but in this case, based on some informants’ information, the authors observed that the paenre’ s size is more varied and compromised, in the form of some money in general. Another case with the dowry that tends to be standard, in addition to base on social strata owned, must be a thing or item that is clear form (not in the form of money, but very high value if cashed), and cannot be compromised.

The author also finds that paenre’ in Bugis customs has been prevalent in the Bugis society before the advent of Islam, so it can be observed that the number of dowries determined by the bride’s social strata is influenced by the longstanding provisions of costum law (regarding paenre’) and live in Bugis society (especially in Bulukumba). Therefore, between customs and Islam, in this case, have been adapted and have aculturated and walked side by side.

Provisions on the dowry and paenre’ must be based on the social strata owned by the women indeed sometimes give the impression that it will incriminate the men, based on the information some informants (the community) they say that should not be burdensome because it has dared to apply and ready everything, but sometimes also burdensome. Already men

---

66 Private interview with P. Abdul Hafid (Clergy), Bulukumba July 28, 2015.
should have known and understood the existing provisions in the women's extended family, some critics also said that the amount should not be set too high, should be adjusted with the ability alone (but the amount given does not reduce the expectations or needs such marriages). Because the future will disrupt the bride and groom after they get married, usually they are in debt because it is to meet the value of dowry and *paenre'* is too high.  

**The Meaning of Mahar and *Paenre'* in Bugis Society in Bulukumba**

Because the design of this study is an anthropological study of Islamic law, the author is obliged to explore the meaning contained in the determination of the number of dowries and *paenre'* in Bugis society in Bulukumba. Many perspectives are presented by informants, the authors will describe as follows:

If the rules of granting dowry or *paenre'* are not adhered to then there are social sanctions from the public in general, especially large family clusters both parties. There is an expression (*tea na nakke na sassali pammanakang*), if it means "I do not want to be disgraced by the nephew". Social sanctions that occur for example out of the big family and society gossip about that which sometimes do not stop.  

Sanctions that can be given is only limited to social sanctions, because the form of social practice, so that cannot be made a kind of sanctions that are normative. Without the giving of dowry and *paenre'* a woman is considered to have no honor, dowry in the perspective of Bugis society in Bulukumba is considered as a form of compensation for the honor of a woman, while *paenre'* is used to finance the technical procession of marriage. Some say that it as an appreciation of the dignity of a woman Also as a form of respect for the extended family of the bride.

The existence of that provision is to honor one's origin, and to show that one belongs to an honorable lineage. The philosophical meaning contained in it is to keep each other's good name of the family due to the social status it has. Although the form of respect (for example) does not have to be in the form of dowry and *paenre'* is too high, it still is not appropriate also if given in a very

---

67 Private interview with Andi Megawati Adil (peoples), Bulukumba July 28, 2015.
70 Private interview with Andi Megawati Adil (peoples), Bulukumba, July 28, 2015.
71 Private interview with Andi Sriwati (peoples), Bulukumba, July 28, 2015.
minimal form. Generally in Bugis society, also in Bulukumba known *siri* culture 'which is still held firm until today.\(^{73}\)

*Siri* culture 'can be actualized or represented in various patterns of life in Bugis society, one of them is the existence of custom rules about the number of dowry and *paenre'* based on social strata that exist in the middle of society. *Siri'* there is a purpose to show social status, for example, a person will not want his child if proposed by a man if the amount given is less than the amount he set, because he will be *siri*’ (shy), especially in the presence of his extended family. There is also a representation of *siri*’ in the form of mention of the number of dowries and *paenre*’ in large nominal, but in reality, given to his daughter does not match the mentioned. For example, because he has a certain status (lineage), he felt uncomfortable if someone they want to marry his son with (dowry only) a set of tools of prayer. *Siri*’ her can be disturbed if will marry her childlike a marriage of ordinary people (in the amount of dowry and *paenre*’).\(^{74}\) In this case the authors view that *siri*’means prestige or self-esteem.

One example of the actualization of *siri* cultural principles ’ in everyday life be nation, state and religion, for example: the whole ranks of government will feel ashamed or tarnished if they do not carry out their duties properly, in the sense that it does not fulfill its obligation to run or even to commit acts that violate the rules (by taking advantage of his position to commit abuses, such as corruption, collusion, and nepotism), or someone will feel ashamed and do not have pride if he violates the prevailing laws and regulations , small example for example: someone will not have pride or embarrassing if he violate traffic signs on public roads.\(^{75}\)

In Millard’s dissertation, he conveys that the Bugis society is identical with *social location* or *onronna*. The purpose of *onronna* here is where a person wants to place himself, if indeed he considers himself as an ordinary person then his position is like that. In Bugis society *social location* or social position becomes very important. One example of the tendency of Bugis society in searching for social location for example; the Bugis are very diligent about performing the pilgrimage, for on the one hand, if one has a hajj he will be privileged in the midst of society, usually he will be given a special seat for the hajj at weddings or events others. One other example as well; he will assume

---


\(^{74}\) Private interview with M. Arskal Salim (Bugis Scholar). Ciputat, October 9, 2015.

\(^{75}\) Private interview with P.A. Salman Maggalatung (Ilmuwan Bugis), Ciputat, October 19, 2015.
that it is inappropriate for a person to wish to marry his child with a minimum amount of dowry, if he is to marry such an amount (mahr), perhaps not with the child of that person. So, marriage in Bugis society can be said is still gawe parents.76

The author also found several Bugis cultural terms that explain the meaning behind the determination of the number of dowries and paenre’ in Bugis society. Indigenous figures and religious figures whom the writer encountered to find out the philosophical meaning embodied in the adat provision stated that it (the number of dowries and paenre’ based on social strata owned) represents the attention of cultural principles (sipakatau, sipakale’bi, sipakainge’) held firm by the Bugis community.

The meaning of the sipakatau here can be understood by humanizing each other humans, meaning that one must be aware of his position, must know himself, because if someone does not know himself, he will be arrogant, when he is arrogant then he will not humanize the others. Sipakainge’ means is to remind each other, its meaning leads to the principle of solidarity, lest one be trapped or trapped in a negative thing, solidarity for mutual counseling advice. Sipakale’bi can be meaningful to give appreciation, praise, and not demeaning people, or in other words mutual respect.77

These values symbolize how good the Bugis customs are, for example; if a person of class ata’ (a class not a noble descendant) comes home a Bugis with full respect to become a son-in-law it will be accepted with pleasure (but of course with the procession of customs that apply). The philosophical values are (sipakatau, sipakale’bi, sipakainge’) which will not be lost and will be passed on to the descendants of Bugis society because the scope and understanding of those values are very wide.78

All the values or cultural principles mentioned are reflected in 3 philosophy of Bugis with phrases (malilu ‘sipakainge’), (mali siparappe’), and (rebba sipatokkong), if translated into Indonesian, the meaning of the 3 slogans or phrases is “If anyone forgot then remind each other, if there is a drift then hold it (please), and if there is a fall to be a support”. The purpose and purpose of the phrase seem to lead to the same thing, which in essence is a principle of solidarity in order to help each other between one another. If at any time there is a need hand out (help), it has become our duty to help him, vice versa, if we

76 Private interview with M. Arskal Salim (Ilmuwan Bugis). Ciputat, October 9, 2015.
78 Private interview with P. Abdul Hafid (Tokoh Agama), Bulukumba, July 28, 2015.
are struck by a distress or a kind of disaster then it has become another duty to pay attention.\textsuperscript{79}

Customs depends on the consensus of society, if any society still wishes to preserve the tradition, since it considers (mahar and paenre’) to be part of the social location or dignity to be shown, that it is their' siri’. If such a reason that was built then that is a good reason, the argument becomes strong to emphasize how a cultural practice that is based on the value (value), the value in the form of human dignity because God has glorified human existence (QS. Al-Isra’(17: 70). Such matters are clearly acceptable as long as no Sharia is violated.\textsuperscript{80}

But others assume that such practices should not be sustained any longer because they will have social effects (such as the occurrence of elopement due to a young man having to pay unnoticed costs), they want to practice religious teachings. But those who have a view of siri’ also consider such things (dowry and paenre’) is a religious practice as well that is glorifying. However, the decisive preservation of the tradition depends on the consensus present in society.\textsuperscript{81}

\textbf{Harmonization of Mahar and Paenre’ In Perspective of Bugis Society with Islam: An Analysis}

Where there is society, there is a law (adat). This is a common fact all over the world. Did not Cicero more or less 2000 years ago have pledged: \textit{yam societas, ibi ius}. The laws contained in every human society, how simple and small the society is, mirror it. Since each society, having its own culture, in its own style, has its own geestresstructuur, the law within each society, as one of the embodiments of the community’s geestresstructuur, has its own style and character.\textsuperscript{82}

Likewise, customary law in Indonesia. As with all legal systems in other parts of the world, the customary law always grows from a real necessity of life, a way of life and a worldview, which is entirely a cultural society where customary law prevails. It is impossible that a particular customary law which is foreign to the society is imposed or made if a strange foreign law is contrary

\textsuperscript{79} Private interview with P.A. Salman Maggalatung (Bugis Scholars), Ciputat October 19 2015
\textsuperscript{80} Private interview with M. Arskal Salim (Bugis Scholars). Ciputat, October 9, 2015.
\textsuperscript{81} Private interview with M. Arskal Salim (Bugis Scholars). Ciputat, October 9, 2015.
\textsuperscript{82} Bushar Muhammad, \textit{Asas-Asas Hukum Adat}, Cet. 14, (Jakarta: PT Balai Pustaka, 2013), p 41-42
to the will of the most people in the society concerned or inadequate to the people's sense of justice, in short: contrary to the culture of the people concerned.83

Besides, the people of Indonesia are a religious society; therefore, even though the state is not a religious state, it cannot be accidents that Indonesia is a religious state, a religion-concerned country, not a secular state that cares only worldly. So religion for the Indonesians if not for the purpose of his life, then he is a part of his life.84

The author agrees with the opinion conveyed by Muhammad Hudaeri et al.85 Where he mentions that Islamic tradition is anything that comes from or is associated with or gives birth to an Islamic soul. Islam can be a spiritual and moral force that influences, motivates and colors the behavior of individuals. The problem is how do I know that certain traditions or elements of tradition come from or are associated with or give birth to the soul of Islam? in this context, he argues, refers to Barth's opinion that marks the relationship between action and the purpose of human interaction, namely: ".... the consequences of (action and) interaction always vary with the intent of individual participation". Therefore, the author argues as follows; in relation to the provision of the high number of dowries and pane in the Bugis society, it seems as if it has a contradiction with the hadith narrated by Ibn Abbas: "From Ibn Abbas ra, has said the Messenger of Allaah: the best of women (wives) the prettiest of his face and the cheapest dowry." (HR Baihaqi).86

The Hadith is only a recommendation in the sense that there is no obligation to follow it, because there is no single argument that limits the maximum amount in the grant of dowry, and some scholars differ in terms of the minimum number of dowries. In QS. An-Nisa’ (4): 3 only mentioned so; “Give the dowry (dowry) to the woman (whom you marry) as a gift with full willingness. then if they give unto you a portion of the dowry with gladness, then eats (take) the giving of it (as a meal).”

However behind the costume rules on the number of dowries and paenre’ given based on social strata the female reimbursement has certain cultural values, as the author has described in the previous sub-chapter on the meaning contained in the determination of the number of dowries and paenre’ in Bugis society, that is; existence of siri culture’, sipakatau principle, sipakale’bi, and sipakainge’.

Siri culture ‘although it has a broad understanding aspect, can also be implemented in the determination of the number of dowries and paenre’ in Bugis society in Bulukumba, this if interpreted as a shame to maintain self-esteem or dignity (degree) self and family honor then this is appropriate with QS. Al-Mujadalah (58): 11; “… and when it says:” Stand ye “, then stand, Allah, will exalt those who believe among you and those who are given knowledge of some degree. and Allah is well acquainted with what you do.

The cultural relevance of siri’ to this verse means that God only gives degrees of glory to the knowledgeable but pious and believers. If linked between jealous ‘and Darajat as mentioned God in this verse, it is as if God said, “who has s envy’ are people who have the knowledge and use reason.” So, it is not fitting for dowry and paenre’ in Bugis society with an inappropriate amount or very minimal because it will injure siri’ parties men and women.

Sipakatau here if interpreted to humanize each other humans, then the point is a person must be aware of his position, must know himself, because if someone does not know himself, he will be arrogant, when he is arrogant then he is considered not humanize the other. In harmony with QS. Al-Isra’ (17): 37; “And walk not on the face of the earth with pride, for surely you cannot penetrate the earth, and you will not be as high as a mountain.”

The relevance lies in, if a man does not give a dowry and paenre’ in accordance with the degree of glory that has been guarded in such a way by a woman to be his wife then he is considered arrogant because it does not give a proper appreciation of the woman, while in Islam is not allowed to behave like that.

The next value is sipakainge’, meaning to remind each other, its meaning leads to the principle of solidarity, lest someone will be trapped or trapped in a negative thing, solidarity for mutual advice advise, of course, it is contained in

---

the QS. Al-‘Ashr (103): 3; “Except those who believe and do righteous deeds and exhort advice to obey the truth and counsel admonish in order to endure patience “.

The connection is that the meaning of solidarity in the giving of dowry and paenre’ to Bugis society is in the form of sum (mahar and paenre’) to remind each other and advise each other not to fall into negativity (for example, if not adhered to customary provisions), therefore to avoid these negative things, the nominal given must fit in place.

The last value is sipakale’bi, has a correlation also with the principle of siri’, but in this case can be interpreted: give appreciation, praise each other and not demeaning people, or in other words respect each other (respect), in QS. Al-Isra’ (17): 70; “And verily We have honored the children of Adam, We transport them on land and in the seas, We give them good fortune and We exhort them with perfect advantages over most of the creatures we have created.”

The logic is formed to understand the relevance of sipakale’bi with this verse is that God has glorified human existence on earth, without exception, glory here could mean dignity or honor of being maintained as possible, and therefore it was appropriate for the bride male shows glorifying attitude, as a manifestation of the appreciation of the bride by giving dowry and paenre’ based on the provisions that have been arranged by the existing customs.

Three Bugis philosophies, which have been described previously (malilu sipakainge’, mali saparappe’, and rebba sipatokkong), because they have the same purpose and purpose that is help attitude, of course has a correlation with QS. Al-Maidah (5): 2); “And please-help you in doing good and piety, and do not help in sinning and transgression, and fear Allah to Allah, He is very severe in punishment.”

This (the provisions of dowry and paenre’) is also supported by one of the rules of fiqh Al-adah muhakkamah (customs can be a source of law) as long as these customs are not incompatible with the main principles of sharia. In addition, the authors also view the rule as symbolizing an attitude of sacrifice.

Who carried by the bride of men to women who would become his wife. The rule also implies that for Bugis youth who want to get married must be well established, not only physically and psychologically, but also with economic or financial establishment.

If not already achieved, then you should not take the liberty. In order to prevent negative things that are likely to happen (such as if tarnishing the honor or siri’ family), this is supported by a rule of fiqh because the same spirit
is *dar-ul mafasid muqoddamun ‘ala jalbil mashalih* (preventing further damage to take advantage). Without intending to complicate the occurrence of marriage, but there is a value of local wisdom in Bugis society that will remain firmly held by them and must be considered by a man, and at least to provide some guarantee (though not certain) to the family of the bride, he has been able and worthy to live with his wife someday.

**Conclusion**

Based on the exposure contained in some previous chapters then the authors can conclude the following, including:

a. Bugis people in Bulukumba, South Sulawesi understand that in terms of the number or amount of dowry or *paenre’* should be based on social strata owned by the family of the bride. The social strata here mean not only from the descendants of the nobility (blue blood), but it could also be because a person has a high position, decent work, or because of the educational level that has been passed. There has been some shift in society about the form of dowry and *paenre’,* but only in the material order only (because of the demands of the times) not on the level of value (value) it contains.

b. The philosophical meaning embodied in the Bugis custom regarding the determination of the number of dowries and *paenre’* ie; the rules relate to the *siri* culture of Bugis society, the principle of *sipakatau, sipakainge* or *siparingerrangi,* and *Sipakale’bi.* Coupled in the phrase *malilu sipakainge’, mali siparappe, rebba sipatokkong.***

c. The philosophical meaning embodied in the customary rules is also known in Islam, the *siri* culture ‘in the QS. Al-Mujadalah (58): 11, sipakatau value is contained in QS. Al-Isra’ (17): 37, *sipakainge’* is contained in QS. Al-'Arrd (103): 3, and the principle of *sipakale’bi is contained in Qs. Al-Isra ‘(17): 70. Three Bugis philosophies (principle of mutual help) in QS. Al-Maidah (5); 2. Although there are still some who are still confronted with culture and religion, this proves that local culture can be integrated with the values or spirit contained in Islam.
References
Koentjaraningrat, *Kebudayaan; Mentalitas dan Pembangunan*. Jakarta: PT.
Mahar and Paenre’; Regardless of Social Strata Bugis Women in Anthropological Studies of Islamic Law

FSH UIN Syarif Hidayatullah Jakarta In Associate with Poskolegnas UIN Jakarta - 137


Thalib, Sayuti. *Hukum Kekeluargaan Indonesia: Berlaku Bagi Umat Islam*. Jakarta:
UI Press. 1986.
Interview with Andi Indah Kumalasari (Peoples). Bulukumba, July 29, 2015.
Interview with Andi Asmawati Kr. Ade (Peoples), Bulukumba, July 29, 2015.
Interview with Andi Jumliadi Adil (Traditional leaders). Bulukumba, 28 July 2015.
Interview with Andi Megawati Adil (Peoples), Bulukumba, July 28, 2015.
Interview with Andi Sriwati (Peoples), Bulukumba, July 28, 2015.
Interview with P. Abdul Hafid (Clergy), Bulukumba, July 29, 2015.
Interview with P.A. Salman Maggalatung (Scholars Bugis), Ciputat, October 19 2015.
Interview with M. Arskal Salim (Scholars Bugis). Ciputat, October 9, 2015.

**Artikel Online**
Accessed on 04th May 2014 at 22.00 WIB Retrieved from http://www.bulukumbakab.go.id/
Accessed on 04th May 2014 at 22.00 WIB Retrieved from http://www.bulukumbakab.go.id/
Accessed on 04th May 2014 at 15.29 WIB Retrieved from MksBolKm.com
1. Article must be original, not plagiarism, unpublished, and not under review for possible publication in other journals.
2. Article should be concept, research-based, and thoughts;
3. Article should be written in Bahasa Indonesia or English
4. Article must contain Law Science
5. Writing Guidance as follows:
   a. Title is written by Capital maximum 12 words in the center
   b. Name of authors are written completely, no degree, institutional affiliation, address, and email.
   c. Abstract is written in Bahasa Indonesia or English maximum 120 words.
   d. Systematics of article:
      1) Title
      2) Name of authors (no title), name of affiliation, email
      3) Abstract
      4) Keywords, between 2-5 words
      5) Introduction
      6) Sub title (if need it)
      7) Closing
      8) Bibliography (The bibliography list contains all references in text originating from sources that are relevant and at least up to date (last 10 years).
   e. Paper Sizes are 17.5 X24 cm, up 2.5 cm, down, 2.5 cm, right 2.5 cm, and left 2.5 cm
   f. Length of article is between 18 – 20 pages with 1.0 line spacing , Palatyno Fond Style with 10 size.
   g. Rule of citation. Direct citation if word is more than 4 lines separated from the text with 1.0 spacing with 9 font. However if citation less than 4 lines, it should be integrated in the text with double apostrof both in the first and in the end. Every citation is given number. Citation system is footnote not body note or endnote and use turabia system. Every article, book, and other source should be citated on the reference.
   h. Citation for Quran and Hadist. For verse citation contains name of surah, number of surah and number of verse example: (Qs. Al Mumin [40]: 43). For Hadis citation, mention name of Perawi/Author, example (H. R al-Bukhari and Muslim) and printed hadist version. Hadist must be from standar hadist books (Kutub at-Tisah).
   i. Footnote is written by Palatino Linotype style, size 8, for any sources as follows:


j. Bibliography. Bibliography is written alphabetically, last author's name is in the first of name, example:


k. Closing, article is closed by conclusion;

l. Short biography: author’s biography contains full name, title, institution, education and other academic experts.

6. Every article that does not fulfill all requirements to this guidance will be given to the author for revision.

7. Article must be submitted to editors at least 3 months before publishing (June and December) with uploading via OJS to http://journal.uinjkt.ac.id/index.php/citahukum or e-mail to jurnal.citahukum@uinjkt.ac.id.
1. Artikel adalah benar-benar karya asli penulis, tidak mengandung unsur plagiasi, dan belum pernah dipublikasikan dan/atau sedang dalam proses publikasi pada media lain yang dinyatakan dengan surat pernyataan yang ditandatangani di atas meterai Rp 6000;
2. Naskah dapat berupa konseptual, resume hasil penelitian, atau pemikiran tokoh;
3. Naskah dapat berbahasa Indonesia atau Inggris;
4. Naskah harus memuat informasi keilmuan dalam ranah ilmu hukum Positif;
5. Aturan penulisan adalah sebagai berikut:
   a. Judul. Ditulis dengan huruf kapital, maksimum 12 kata diposisikan di tengah (centered);
   b. Nama penulis. Ditulis utuh, tanpa gelar, disertai afiliasi kelembagaan dengan alamat lengkap, dan alamat e-mail;
   c. Abstrak. Ditulis dalam bahasa Indonesia dan bahasa Inggris masing-masing hanya 120 kata saja;
   d. Sistematika penulisan naskah adalah sebagai berikut:
      1) Judul;
      2) Nama penulis (tanpa gelar akademik), nama dan alamat afiliasi penulis, dan e-mail;
      3) Abstrak;
      4) Kata-kata kunci, antara 2-5 konsep yang mencerminkan substansi artikel;
      5) Pendahuluan;
      6) Sub judul (sesuai dengan keperluan pembahasan);
      7) Penutup; dan
      8) Pustaka Acuan (hanya memuat sumber-sumber yang dirujuk dan sedapat mungkin terbitan 10 tahun terakhir).
   e. Ukuran kertas yang digunakan ukuran 17,5 X 24 cm, margin: atas 2,5 cm, bawah 2,5 cm, kiri 2,5 cm, dan kanan 2,5 cm;
   f. Panjang Naskah antara 18 s.d. 20 halaman, spasi 1, huruf Palatino Linotype, ukuran 10;
   h. Pengutipan Ayat Alquran dan Hadis. Ayat yang dikutip menyertakan keterangan ayat dalam kurung, dengan menyebut nama surah, nomor surah, dan nomor ayat, seperti (Q.s. al-Mu’min [40]: 43). Pengutipan Hadis menyebutkan nama perawi (H.r. al-Bukhārī dan Muslim) ditambah referensi versi cetak kitab Hadis yang dikutip. Hadis harus dikutip dari kitab-kitab Hadis standar (Kutub al-Tis’ah);
   i. Cara pembuatan footnote. Footnote ditulis dengan font Palatino Linotype, Size 8, untuk pelbagai sumber, antara lain:


j. Pustaka Acuan: daftar pustaka acuan ditulis sesuai urutan abjad, nama akhir penulis diletakkan di depan. Contoh:

k. Penutup: artikel ditutup dengan kesimpulan;

l. Biografi singkat: biografi penulis mengandung unsur nama (lengkap dengan gelar akademik), tempat tugas, riwayat pendidikan formal (S1, S2, S3), dan bidang keahlian akademik;

6. Setiap naskah yang tidak mengindahkan pedoman penulisan ini akan dikembalikan kepada penulisnya untuk diperbaiki.

7. Naskah sudah diserahkan kepada penyunting, selambat-lambatnya tiga bulan sebelum waktu penerbitan (Juni dan Desember) dengan mengupload langsung via OJS ke alamat: http://journal.uinjkt.ac.id/index.php/citahukum atau via e-mail ke: jurnal.citahukum@uinjkt.ac.id.