

JURNAL CITA HUKUM

Indonesian Law Journal



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- **Disparity in The Judge's Ruling About Community Property Disputes After Divorce;
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Mahar and Paenre’; Regardless of Social Strata Bugis Women in Anthropological Studies of Islamic Law*

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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 its relation to life ', 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

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***Mahar dan Paenre':
Penghormatan Terhadap Strata Sosial Perempuan Bugis
Telaah Antropologi Hukum Islam***

Abstrak:

Indonesia adalah negara pluralis yang multikultural, multi-etnis, dan multi-agama dimana Islam salah satu agama yang ada didalamnya. Islam hadir di Indonesia bukan di wilayah kosong, tetapi sudah terdapat tradisi dan agama sebelumnya dan kemudian hidup dan berkembang, berinteraksi satu dengan lain dan hidup secara harmonis. Bagian yang paling kuat tarikan nilai agama dan sekaligus tradisi adalah perkawinan. Penelitian ini bertujuan untuk menganalisis landasan yang digunakan oleh masyarakat Bugis di Kabupaten Bulukumba dalam menetapkan mahar dan paenre', memahami sudut pandang masyarakat Bugis di Bulukumba, hubungannya dengan kehidupan, untuk mendapatkan perspektif mengenai dunianya, yang berkaitan dengan mahar dan paenre', serta menjelaskan dan mensinergikan serta mengetahui korelasi pandangan Islam terhadap mahar dan paenre' dalam pemahaman masyarakat Bugis. Hasil penelitian ini menunjukkan bahwa mahar dan paenre' dalam masyarakat Bugis ditentukan berdasarkan strata sosial pengantin perempuan, namun strata sosial disini tidak hanya disebabkan oleh karena ia keturunan bangsawan, melainkan dapat juga disebabkan karena jabatan, pekerjaan ataupun jenjang pendidikan yang telah ditempuh. Di balik itu terdapat makna filosofis yang terkandung di dalamnya berupa nilai-nilai kearifan lokal yang dapat harmonis dan terintegrasi ataupun bersinergi dengan ajaran Islam.

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

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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.³ Because it has to have a norm that must follow in life together, the norms inherent in strong fact in reality.⁴

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.⁵ 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

³ Yayan Sopyan, *Islam Negara: Transformasi Hukum Perkawinan Islam Dalam Hukum Nasional*, (Jakarta: PT. Wahana Semesta Intermedia, 2012), p. 11.

⁴ Kelsen, Hans, *Dasar-Dasar Hukum Normatif*. (Penerjemah Nurulita Yusron. Cet. II. Bandung: Nusa Media. 2009), p. 214.

⁵ Yayan Sopyan, *Islam Negara: Transformasi Hukum Perkawinan Islam Dalam Hukum Nasional*. (Jakarta: PT. Wahana Semesta Intermedia, 2012), p. 12.

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 of *rella* (real) nominal Rp.2,-. *Mahar* that is given nominal value according

⁶ Abu Malik Kamal bin As-Sayyid Salim, *Shahih Fikih Sunnap*. Penerjemah Khairul Amri Harahap dan Faisal Salep, (Jakarta: Pustaka Azzam, 2007), p. 254.

⁷ Soerjono Soekanto, *Hukum Adat Indonesia*, (Jakarta: Raja Grafindo Persada, 2003), p. 340.

⁸ Hilman Hadikusuma, *Hukum Ketatanegaraan Adat*, (Bandung: Penerbit Alumni, 1981), p. 12.

⁹ Soerjono Soekanto, *Hukum Adat Indonesia*, (Jakarta: Raja Grafindo Persada, 2003), p. 235.

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) *maharo-yamharu-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

¹⁰ Mattulada, "Kebudayaan Bugis Makassar", dalam Koentjaraningrat, ed.. *Manusia dan Kebudayaan di Indonesia*, (Jakarta: Penerbit Djambatan, 1979), p. 269.

¹¹ Cited on 4th May 2014, 15.29 WIB from MksBolKm.com

¹² Ibrahim Madzkur, *Al-Mu'jam al-Wasiitp*, Jilid II, (Beirut: Dar al-Fikr, t.th), p. 889.

¹³ Munawwir, Ahmad Warson. *Al-Munawwir: Kamus Arab-Indonesia*, (Surabaya: Pustaka Progresif, 1997), p. 1363.

¹⁴ Abdurrahman Ghazali, *Fiqh Munakahat*, (Jakarta: Kencana, 2006), p.84.

¹⁵ Pusat Bahasa: 2005, p. 696.

of marriage over the wife in receiving some of the benefits of *budhu* '(sexual activity).¹⁶ The basic meaning of *shadaq* is giving alms (with something), *nihlah* means giving, and *fariidhah* means giving.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.¹⁸ Mahar or *shadaq* in Islamic marriage law is an obligation that must be paid by a bridegroom to the bride.¹⁹ Mahar is one of the rights of wives based on the *Quran*, *Sunnah of the Prophet*, and the *Ijma* 'of the Muslims.²⁰ Dowry or *Maskawin* in Indonesia "*Maskawin*" in Abd. Shomad opinions are: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. ²²The legal basis of duties concerning dowry is contained in the QS. An-Nisa' (4): 4 And 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

¹⁶ Ibnu Humam, *Syarah Fath al-Qadiir*. Juz III, (Beirut: Dar al-Fikr, t.tp), p. 316.

¹⁷ Mahmud Yunus, *Kamus Arab-Indonesia*, (Jakarta: PT. Hidakarya Agung, 1990), p. 121

¹⁸ Peunoh Daly, *Hukum Perkawinan Islam: Suatu Studi Perbandingan Dalam Kalangan Ahlus-Sunnah dan Negara-Negara Islam*, (Jakarta: Bulan Bintang, 2005), p. 219.

¹⁹ Sayuti Thalib, *Hukum Kekeluargaan Indonesia: Berlaku Bagi Umat Islam*, (Jakarta: UI Press. 1986), p. 68.

²⁰ M. Jawad Mughniyyah, *Fiqh Lima Mazhab*, Penerjemah: Masykur AB. Dkk, (Jakarta: Lentera, 1999), p. 364.

²¹ Abd. Shomad, *Hukum Islam Penormaan Prinsip Syariah Dalam Hukum Indonesia*, (Jakarta: Kencana. 2010), p. 299.

²² Sayuti Thalib, *Hukum Kekeluargaan Indonesia: Berlaku Bagi Umat Islam*, (Jakarta: UI Press. 1986), p. 68.

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

²³ Wahbah Al-Zuhaili, *Al-Fiqh Al-Islami wa Adillatuhu*, Juz VII, (Beirut: Dar al-Fikr, 1986), p. 252.

²⁴ Abu Abdullah Muhammad bin Ismail Al-Bukhari, *Shahih al-Bukhari*. Juz II, (Riyadh: Bait al-Afkar ad-Dauliyyah, 1998), p. 251.

²⁵ Sudarsono, *Hukum Kekeluargaan Nasional*, (Jakarta: PT. Rineka Cipta, 1991), p. 78-79.

²⁶ Sabiq, *As-Sayyid, Fiqh As-Sunnah*, (Kairo: Dar al-Fath li I'lam al-'Arabi, 1999), p. 101-102.

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.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.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).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 *auqiyah* of silver, but a woman rebuked him by saying, "You cannot restrict it, for God says: You have given to one of them *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. 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 *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. Maliki 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 *fasakh* (agreement), and then pay half the *mushma mahr*.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,

²⁷ Sayuti Thalib, *Hukum Kekeluargaan Indonesia: Berlaku Bagi Umat Islam*, (Jakarta: UI Press, 1986), p.68.

²⁸Syamsul Rijal Hamid, *Buku Pintar Agama Islam*, (Bogor: Cahaya Islam, 2006), p. 448.

²⁹Abu Dawud Sulaiman bin al-Asy'ats al-Azdi As-Sijistani. *Ensiklopedia Hadits 5; Sunan Abu Dawud*, Penerjemah Muhammad Ghazali dkk. Cet. I. (Jakarta: Almahira, 2013), p. 434.

³⁰Abu Dawud Sulaiman bin al-Asy'ats al-Azdi As-Sijistani, *Ensiklopedia Hadits 5; Sunan Abu Dawud*, Penerjemah Muhammad Ghazali dkk. Cet. I. (Jakarta: Almahira, 2013), p. 434.

³¹M. Jawad Mughniyyap. *Fiqh Lima Mazhab*. Penerjemap. Masykur AB. dkk. (Jakarta: Lentera, 1999), p. 364-365.

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,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).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.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;

³²Abd. Shomad, *Hukum Islam Penormaan Prinsip Syariah Dalam Hukum Indonesia*, (Jakarta: Kencana, 2010), p. 301.

³³ Al-Baihaqi, Ahmad Ibn Al-Hasan Ibn Ali. *Sunan Al-Kubra*, Juz III, (Beirut: Dar al-Fikr, t.tp. Vol III), p. 13

³⁴ Abd. Shomad, *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 Shafi'i 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

³⁵P.E. Hassan Saleh dkk, *Kajian Fiqh Nabawi dan Fiqh Kontemporer*, (Jakarta: Rajawali Pers, 2008), p. 309.

³⁶ Ibnu Rusyd, *Bidayatul Mujtahid wa Nihayatul Muqtashid*, Penerjemah Abdul Rasyid Shiddiq, (Jakarta: Akbar Media Eka Sarana, 2013), p. 84-87.

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.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.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 *muamalat*. The ultimate goal of religion is the greeting in the hereafter and the greetings of *ruhaniyah* in the world, whereas the one directed by culture is the greeting in the world only.⁴⁰ Islam contains two aspects, worship and *muamalat*, or religion and culture. In both aspects that Islam is called by the Qur'an by the term *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

³⁸ Nurcholis Madjid, "Masalah Tradisi dan Inovasi Keislaman dalam Bidang Pemikiran serta Tantangan dan Harapannya di Indonesia". Presented on Istiqlal Festival, 21-24 October 1991, p. 4.

³⁹ www.nu.or.id

⁴⁰ Sidi Gazalba. *Masyarakat Islam: Pengantar Sosiologi dan Sosiografi*, (Jakarta: Penerbit Bulan Bintang, 1976), p. 106.

enter religion or culture.⁴¹ The cultural principles laid down by *ad-din* 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-din* 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.⁴²

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.⁴³

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.⁴⁴ 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

⁴³ Abdul Munir Mulkhan, *Teologi Kebudayaan*, (Yogyakarta: Pustaka Pelajar, 1995), p. 72-73.

⁴⁴ Tolib Setiady. *Intisari Hukum Adat Indonesia: Dalam Kajian Kepustakaan*, (Bandung: Penerbit Alfabeta, 2013), p. 225

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

⁴⁵Tolib Setiady, *Intisari Hukum Adat Indonesia: Dalam Kajian Kepustakaan*, (Bandung: Penerbit Alfabeta, 2013), p. 222

⁴⁶Christian Pelras. *The Bugis*. Penerjemah Rahman Abu dkk. (Jakarta: Nalar, 2006), p. 180

⁴⁷Ali Akbarul Falap. "*Pandangan Masyarakat Islam Terhadap Tradisi Mattunda Wenni Pammulang Dalam Perkawinan Adat Bugis Di Kecamatan Gantarang Kabupaten Bulukumba Sulawesi*

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 Ezzo*, 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

Selatan. Skripsi S1 Fakultas Syariah UIN Malang. 2009, p. 55

⁴⁸ Ali Akbarul Falah, *ibid.* p. 56

⁴⁹ Abdul Kadir Ahmad. *Sistem Perkawinan di Sulawesi Selatan dan Sulawesi Barat*, (Makassar: Penerbit Indobis, 2006), p. 140.

⁵⁰ Andi Nurnaga, *Adat Istiadat Pernikahan Masyarakat Bugis*, (Makassar: CV. Telaga Zamzam, 2001), p. 18.

⁵¹ Andi Nurnaga. *Adat Istiadat Pernikahan Masyarakat Bugis*, p. 51.

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.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.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. ⁵⁴According to local people, the 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.

⁵²Ali 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

⁵³ Mattulada. "*Kebudayaan Bugis Makassar*", dalam Koentjaraningrat, ed.. *Manusia dan P* 267-268

⁵⁴Asmat 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.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.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 m². (Andi Megawati Adil)
- b. A plot of housing area of 15 x 20 m². (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 m². (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

⁵⁵ Asmat Riady Lamallongeng. Ibid. p. 17

⁵⁶ Private interview with Andi Jumliadi Adil (traditional leaders). Bulukumba, July 28, 2015.

from the area. D a *pallao 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 *rellu* 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 *rellu* 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.

⁵⁹ Private interview with Andi Jumliadi Adil (traditional leaders). Bulukumba, July 28, 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.⁶⁰ The amount of spending money is determined based on the prevalence or agreement in advance between family members who enforce marriage.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.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.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.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'*.⁶⁵

⁶⁰Asmat Riady Lamallongeng, *Dinamika Perkawinan Adat Dalam Masyarakat Bugis Bone*, (Makassar: Dinas Kebudayaan dan Pariwisata Kabupaten Bone, 2007), p. 12

⁶¹ Nonci. *Upacara Adat Istiadat Masyarakat Bugis*. Makassar: CV. Aksara. 2002, p. 12

⁶² Private interview with Andi Asmawati Kr. Ade (Peoples), Bulukumba July 28, 2015.

⁶³ Private interview with Andi Sriwati (Peoples), Bulukumba July 28, 2015.

⁶⁴ Private interview with Andi Jumliadi Adil (traditional leaders). Bulukumba, July 28, 2015.

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 *paenr'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 acultured 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.⁶⁷

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 (*teaja 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.⁶⁸ 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.⁶⁹ 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.⁷⁰ Some say that it as an appreciation of the dignity of a woman⁷¹ Also as a form of respect for the extended family of the bride.⁷²

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.

⁶⁸ Private interview with Andi Jumliadi Adil (clergy). Bulukumba, July 28, 2015.

⁶⁹ Private interview with Andi Jumliadi Adil (traditional leader). 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.

⁷² Private interview with Andi Indah Kumalasari (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

⁷³ Private interview with Andi Jumliadi Adil (traditional leader). Bulukumba, July 28, 2015.

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*, *sipakaing'*) 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.

⁷⁷ 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.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.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.⁸¹

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: *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 geestesstructuur*, the law within each society, as one of the embodiments of the community's *geestesstructuur*, has its own style and character.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

⁷⁹ Private interview with P.A. Salman Maggalatung (Bugis Scholars), Ciputat October 19 2015)

⁸⁰ Private interview with M. Arskal Salim (Bugis Scholars). Ciputat, October 9, 2015.

⁸¹ Private interview with M. Arskal Salim (Bugis Scholars). Ciputat, October 9, 2015.

⁸²Bushar Muhammad, *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).*"

⁸³ Koentjaraningrat, *Kebudayaan; Mentalitas dan Pembangunan*, (Jakarta: PT. Gramedia. 2008), p. 1.

⁸⁴Hilman Hadikusuma. *Hukum Ketatanegaraan Adat*, (Bandung: Penerbit Alumni, 1981), p. 160.

⁸⁵Muhammad Hudaeri. ed. *Harmonisasi Agama dan Budaya di Indonesia*. (Jakarta: Balai Penelitian dan Pengembangan Agama Jakarta, 2009), p. 16.

⁸⁶ Al-Baihaqi, Ahmad Ibn Al-Hasan Ibn Ali. *Sunan Al-Kubra*. Juz III, (Beirut: Dar al-Fikr, t.tp. III), p. 13.

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.*⁸⁷ 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

⁸⁷Kamri Ahmad. "*Budaya Siri' Bugis Makassar Sebagai Langkah Prevensi Delik, Suatu Kajian Delik Pembunuhan dan Pencemaran Nama Baik Orang Lain*". Tesis Program Pascasarjana Universitas Diponegoro Semarang. 1997, p. 27

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

- Ahmad, Abdul Kadir. *Sistem Perkawinan di Sulawesi Selatan dan Sulawesi Barat*. Makassar: Penerbit Indobis. 2006.
- Ahmad, Kamri. “Budaya Siri’ Bugis Makassar Sebagai Langkah Prevensi Delik, Suatu Kajian Delik Pembunuhan dan Pencemaran Nama Baik Orang Lain”. Tesis Program Pascasarjana Universitas Diponegoro Semarang. 1997.
- Al-Baihaqi, Ahmad Ibn Al-Hasan Ibn Ali. *Sunan Al-KubRA*. Juz III. Beirut: Dar al-Fikr, t.tp.
- Al-Bukhari, Abu Abdullah Muhammad bin Ismail. *Shahih al-Bukhari*. Juz II. Riyadh: Bait al-Afkar ad-Dauliyyap. 1998.
- Ali, Zainuddin. *Antropologi Hukum*. Palu: Yayasan Indonesia Baru. 2013.
- Al-Zuhaily, Wahbap. *Al-Fiqh Al-Islami wa Adillatuhu*. Juz VII. Beirut, Dar al-Fikr. 1986.
- As-Sijistani, Abu Dawud Sulaiman bin al-Asy’ats al-Azdi. *Ensiklopedia Hadits 5; Sunan Abu Dawud*, Penerjemah Muhammad Ghazali dkk. Cet. I. Jakarta: AlmahIRA. 2013.
- Ath-Thabari, Abu Ja’far Muhammad bin Jarir. *Tafsir Ath-Thabari*. Penerjemah Akhmad Afandi. Jakarta: Pustaka Azzam. 2008.
- Badan Pusat Statistik Bulukumba. *Statistik Kabupaten Bulukumba 2014*. Bulukumba: BPS Bulukumba. 2014.
- Daly, Peunop. *Hukum Perkawinan Islam: Suatu Studi Perbandingan Dalam Kalangan Ahlus-Sunnah dan Negara-Negara Islam*. Jakarta: Bulan Bintang, 2005.
- Falah, Ali Akbarul. “Pandangan Peoples Islam Terhadap Tradisi Mattunda Wenni Pammulang Dalam Perkawinan Adat Bugis Di Kecamatan Gantarang Kabupaten Bulukumba Sulawesi Selatan”. Skripsi S1 Fakultas Syariah UIN Malang. 2009.
- Gazalba, Sidi. *Peoples Islam: Pengantar Sosiologi dan Sosiografi*. Jakarta: Penerbit Bulan Bintang. 1976.
- Ghazali, Abdurrahman. *Fiqh Munakahat*. Jakarta: Kencana. 2006.
- Hadikusuma, Hilman. *Hukum Ketatanegaraan Adat*. Bandung: Penerbit Alumi. 1981.
- Hamid, Syamsul Rijal. *Buku Pintar Agama Islam*. Bogor: Cahaya Islam. 2006.
- Hudaeri, Muhammad. ed.. *Harmonisasi Agama dan Budaya di Indonesia*. Jakarta: Balai Penelitian dan Pengembangan Agama Jakarta. 2009.
- Humam, Ibnu. *Syarah Fath al-Qadiir*. Juz III. Beirut: Dar al-Fikr, t.tp.
- Kelsen, Hans. *Dasar-Dasar Hukum Normatif*. Penerjemah Nurulita Yusron. Cet. II. Bandung: Nusa Media. 2009.
- Koentjaraningrat, *Kebudayaan; Mentalitas dan Pembangunan*. Jakarta: PT.

- Gramedia. 2008.
- Lamallongeng, Asmat Riady. *Dinamika Perkawinan Adat Dalam Peoples Bugis Bone*. Makassar: Dinas Kebudayaan dan Pariwisata Kabupaten Bone. 2007.
- Madzkur, Ibrahim. *Al-Mu'jam al-Wasiitp*. Jilid II. Beirut: Dar al-Fikr, t.tp.
- Madjid, Nurcholish "Masalah Tradisi dan Inovasi Keislaman dalam Bidang Pemikiran serta Tantangan dan Harapannya di Indonesia". Makalah dipresentasikan di Festival Istiqlal, tanggal 21-24 October 1991
- Mattulada. "Kebudayaan Bugis Makassar". dalam Koentjaraningrat, ed.. *Manusia dan Kebudayaan di Indonesia*. Jakarta: Penerbit Djambatan. 1979.
- Mughniyyah, M. Jawad. *Fiqh Lima Mazhab*. Penerjemap. Masykur AB. dkk. Jakarta: LenteRA. 1999.
- Muhammad, Bushar. *Asas-Asas Hukum Adat*. Cet. 14. Jakarta: PT Balai Pustaka. 2013.
- Mulkhan, Abdul Munir. *Teologi Kebudayaan*. Yogyakarta: Pustaka Pelajar. 1995.
- Munawwir, Ahmad Warson. *Al-Munawwir: Kamus Arab-Indonesia*. Surabaya: Pustaka Progresif. 1997.
- Nonci. *Upacara Adat Istiadat Peoples Bugis*. Makassar: CV. AksaRA. 2002.
- Nurnaga, Andi. *Adat Istiadat Pernikahan Peoples Bugis*. Makassar: CV. Telaga Zamzam. 2001.
- Pelras, Christian. *The Bugis*. Penerjemah Rahman Abu dkk. Jakarta: Nalar. 2006.
- Rusyd, Ibnu. *Bidayatul Mujtahid wa Nihayatul Muqtaashid*. Penerjemah Abdul Rasyid Shiddiq. Jakarta: Akbar Media Eka Sarana. 2013.
- Sabiq, As-Sayyid. *Fiqh As-Sunnap*. Kairo: Dar al-Fath li 'l'am al-'Arabi. 1999.
- Saleh, P.E. Hassan dkk. *Kajian Fiqh Nabawi dan Fiqh Kontemporer*. Jakarta: Rajawali Pers. 2008.
- Salim, Abu Malik Kamal bin As-Sayyid. *Shahih Fikih Sunnap*. Penerjemah Khairul Amri Harahap dan Faisal Salep. Jakarta: Pustaka Azzam. 2007.
- Setiady, Tolib. *Intisari Hukum Adat Indonesia: Dalam Kajian Kepustakaan*. Bandung: Penerbit Alfabeta. 2013.
- Shihab, M. Quraisy. *Tafsir Al-Misbah: Pesan, Kesan dan Keserasian Al-Qur'an*, Vol. II. Ciputat: Lentera Hati. 2000.
- Shomad, Abd. *Hukum Islam Penormaan Prinsip Syariah Dalam Hukum Indonesia*. Jakarta: Kencana. 2010.
- Soekanto, Soerjono. *Hukum Adat Indonesia*. Jakarta: Raja Grafindo Persada. 2003.
- Sopyan, Yayan. *Islam Negara: Transformasi Hukum Perkawinan Islam Dalam Hukum Nasional*. Jakarta: PT. Wahana Semesta Intermedia. 2012.
- Sudarsono. *Hukum Kekeluargaan Nasional*. Jakarta: PT. Rineka Cipta. 1991.
- Thalib, Sayuti. *Hukum Kekeluargaan Indonesia: Berlaku Bagi Umat Islam*. Jakarta:

UI Press. 1986.

Tim Penyusun Kamus Pusat Bahasa, *Kamus Besar Bahasa Indonesia*. Jakarta: Balai Pustaka. 2005.

Wahid, Abdurrahman. *Islam Kosmopolitan: Nilai-nilai Indonesia dan Transformasi Kebudayaan*. Jakarta: The Wahid Institute. 2007.

Yunus, Mahmud. *Kamus Arab-Indonesia*. Jakarta: PT. Hidakarya Agung. 1990.

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.

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 - 3) Journal, example: Rohim, Nur, "Kontroversi Pembentukan Perppu No. 1 Tahun 2013 tentang mahkamah konstitusi dalam ranah kegentingan yang memaksa", *Jurnal Cita Hukum*, Volume 1 Number 1 (2014).
 - 4) Article as a part of book (antology). example: Juwana, Hikmahanto, "Penegakan Hukum dalam *Kajian Law and Development: Problem dan Fundamen bagi Solusi Indonesia*", in Muhammad Tahir Azhary, *Beberapa Aspek Hukum Tata Negara, Hukum Pidana, dan Hukum Islam*, Jakarta: Kencana Prenada Media Group, 2012.
 - 5) Article from internet, example: Kharlie, Ahmad Tholabie, "Problem Yuridis RUU Syariah" in <http://ahmadtholabi.com/2008/03/03problem-yuridis-ruu-syariah>, downloaded on March 20, 2012.
 - 6) Article from magazine, example: Susilaningtias, "Potret Hukum Adat pada Masa Kolonial", in *Forum Keadilan*, No. 17, August 20, 2016.
 - 7) Article in Seminar, example: Asshidiqqie, Jimly, "Kedudukan Mahkamah Konstitusi dalam Struktur Ketatanegaraan Indonesia", paper presented on public lecture at faculty of law Universty Sebelas Maret, Surakarta on March 2, 2014.
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 - 2) Buku terjemahan, contoh: Roscoe Pound, *Pengantar Filsafat Hukum: Buku III*, diterjemahkan oleh Moh. Radjab, (Jakarta: Bharata, 1963), h. 15;
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 - 3) Artikel dari internet, contoh: Ahmad Tholabi Kharlie, "Problem Yuridis RUU Syariah" dalam <http://ahmadtholabi.com/2008/03/03/problem-yuridis-ruu-syariah>, diunduh pada 20 Maret 2012.
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 - 5) Makalah dalam seminar, contoh: Jimly Asshiddiqie, "Kedudukan Mahkamah Konstitusi dalam Struktur Ketatanegaraan Indonesia", Makalah disampaikan dalam Kuliah Umum Fakultas Hukum Universitas Sebelas Maret, Surakarta, pada 2 Maret 2004.
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 - 3) Jurnal, contoh: Rohim, Nur, "Kontroversi Pembentukan Perppu No. 1 Tahun 2013 tentang mahkamah konstitusi dalam ranah kegentingan yang memaksa", dalam *Jurnal Cita Hukum*, Vol. I, No. 1, Juni 2014.
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 - 7) Makalah dalam seminar, contoh: Asshiddiqie, Jimly, "Kedudukan Mahkamah Konstitusi dalam Struktur Ketatanegaraan Indonesia", Makalah disampaikan dalam Kuliah Umum Fakultas Hukum Universitas Sebelas Maret, Surakarta, pada 2 Maret 2004.
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