

MAHAR AND DUI' MENRE' IN BUGIS MARRIAGE, SIDENRENG RAPPANG DISTRICT

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Abstract

One of the efforts of Islamic law to elevate the dignity of women is to oblige a man who will become her husband to give her a dowry. Apart from being an obligatory right for him, dowry is a respect for the rights of a woman, dowry is not intended as a self-respect for a woman. Mahar and dui' menre' of the Bugis community in Sidenreng Rappang Regency according to the reality that from the preparation of the proposal until the prospective groom prepares the dowry and dui' menre' from 2018 to 2020 it is a habit that has been ingrained in society that dui' menre' is one of the things that must be fulfilled in carrying out every marriage so dui' menre' is very difficult to make changes.

The research method used is a qualitative method, by approaching existing theories, such as Theory of Maqasid Shari'ah, Theory of Al 'Urf, Social Law Change Theory and Youth Perception.

the conclusion obtained from this study is that Giving dui' menre' based on Islamic law is mubah or permissible because in general dui' menre' is only a tradition, but mahar and dui' menre' in a Bugis traditional marriage are an inseparable unit. Youth in Sidenreng Rappang Regency do not fully understand dowry and dui' menre'. Especially in determining the dowry and dui' menre' because almost all young people who get married only use a gold ring as a dowry while the dui' menre' is even higher in value than the dowry.

Keyword: *Mahar, Dui' Menre', Bugis Marriage*

1. INTRODUCTION

Marriage is a guidance from His Majesty the Prophet Muhammad SAW to all Muslims and establish rules in marriage as a process to continue offspring and preserve life which is made in pairs in His creatures, whether in the form of plants, animals especially for humans.¹

Events and ideas about marriage are always interesting, not only as a biological process but as a social life process in a sociological sense, namely the existence of new

¹Nur Aswar Badulu, *Marriage Philosophy (Study of same-sex marriages)* (Cet. I, Makassar, Pahmi Pustaka, 2010), h. 1

responsibilities for the two people who bind the marriage rope to society, where the most important transition from the environment in humans throughout the world is from the level of adolescent life to the level of family life.

Marriage is one of the most important elements in human life. Because with marriage the survival of humans will develop better on this earth, marriage causes offspring, and offspring will create families which will later develop into relatives and society, therefore the existence of a marriage bond needs to be preserved in order to achieve the goals intended in the marriage itself.

Marriage is a problem that remains warm at all levels of society, because it is through a process that creates many meanings in human life, including carrying out generations to maintain human sustainability, besides being a place to carry out generations to preserve humanity, besides that it is also a place to carry out responsibility in forming an independent generation of individuals who have noble character in the sight of Allah SWT. Marriage in Indonesia has been regulated in the law on the implementation of marriage, namely Law no. 1 of 1974 concerning marriage along with its implementing regulation Number 9 of 1975 legally formally applies a national law governing marriage matters in Indonesia.²

One of the efforts of Islamic law to elevate the dignity of women is to oblige a man who will become her husband to give her a dowry, which was never accepted before Islam came. Apart from being an obligatory right for him, dowry is a respect for the rights of a woman, dowry is not intended as a self-respect for a woman who makes

²Nur Aswar Badulu, Marriage Philosophy (Study of same-sex marriages), h. 1

her obedient to her husband, because the issue of obedience in serving her husband includes the rights and obligations that must be owned by each of the bride and groom.³

Mahar and spending in the process of carrying out the marriage of a man and a woman in Islam is an inseparable series, what needs to be prioritized is between the dowry or dui' menre', as a necessity in the form of marriage between the man and the woman he is married to, therefore Dowry is an absolute right for the wife as a gift from a husband who marries her, while spending money (dui' menre') is money prepared by the groom to be handed over to the woman as spending in the implementation of the walimah or wedding ceremony for the bride. . As for the size or amount of spending money (dui' menre'),

H. Umar Yahya, said that:

"dowry is a pillar of marriage and is even an obligation for a man to marry a woman according to Islamic law, while spending money (dui' menre') is a kindness, even in a review of Islamic law it is commonly referred to as Urf, namely the habits carried out by the people of Sidenreng Rappang Regency in terms of carrying out walimatul urusy at the wedding of a daughter."⁴

The order to pay the dowry is only imposed on men because men are given the burden of earning a living, as in Islam the obligation to provide maintenance is in the hands of the husband. The amount is not determined by Islamic law, it is important that the woman sincerely accepts it, this is a dowry for her.

The purpose of implementing marriage for Muslims is to form a new family in achieving the goal of marriage in building a happy, mawaddah warahma household. In essence, in Islamic family law and marriage there is no obligation to provide spending

³Ministry of Religion of the Republic of Indonesia, Directorate General of Islamic Community Guidance and Implementation of Hajj, 2014 Sakinah Family Life Improvement Project, Demand for Sakinah Families for Marriage Age, h. 126-127.

⁴H. Umar Yahya, One of the Community Organization Leaders (Observation), on March 4 2020.

money, the obligation that exists in Islamic marriages is only to provide dowry to the prospective wife, therefore the author is interested in writing the title of this thesis, namely youth perceptions of local wisdom of dowry and dui' menre' in the Bugis community in Sidenreng Rappang Regency (analysis of Islamic law).

Dowry is something that is very important in every marriage.⁵ Dowry is a gift from the prospective husband to the prospective wife as a wish and a reflection of the affection and seriousness of the prospective husband towards his future wife, the size of which has been determined with the approval of the family at the time of application. responsible as a husband in building a household.⁶

The dowry given by the prospective husband shows the nobility of the importance of the marriage contract and the determination of the dowry is not a reciprocity, the obligation to hand over the dowry does not mean that the prospective wife by giving the dowry is fully owned by her husband, who treats his wife as he pleases.⁷ However, husband and wife only have the right to gather under one roof as husband and wife and with the marriage contract they are bound by various rights and obligations as stipulated by the Islamic religion. Because each of the two parties has its rights and obligations.

Mahar and dui' menre' of the Bugis community in Sidenreng Rappang Regency according to the reality that from the preparation of the proposal until the prospective groom prepares the dowry and dui' menre' from 2018 to 2020 it is a habit that has been ingrained in society that dui' menre' is one of the things that must be fulfilled in carrying out every marriage so dui' menre is very difficult to make changes.

⁵Muhammad Zaenal Arifin, *Fiqh of Women*, (Jakarta: Age, 2012), h. 237

⁶Kaharuddin, *Philosophical Values of Marriage*, (Jakarta: Mitra Wacana Media, 2015) h. 2013

⁷Kaharuddin, *Philosophical Values of Marriage*, h. 2013

During the Covid 19 pandemic, according to the author's observations, in every implementation of the dui' menre marriage, it was still considered a hot topic to be discussed in society. As a result of the Covid-19 pandemic, many aspects of life have been affected, including economic problems, so that in determining dui' menre' there are differences in society because some have experienced a decline. But as a whole, the Covid 19 pandemic did not really affect both parties in determining the dowry and dui'menre'.

From the perspective of the average youth, some dui' menre' are a stumbling block and a barrier for men in marrying a girl they adore, so that dui' menre' becomes expensive. So there are some youths and the community who reject or disagree with the culture that makes dui' menre' so highly valued.

From the description of the background above it is interesting to be followed up as an object of research with the title "*Youth Perceptions of Mahar and Dui' Menre' Local Wisdom in Bugis Society in Sidenreng Rappang District (Islamic Law Analysis)*".

Perception is a direct response (acceptance) of something, the process of someone knowing several things through their five senses.⁸ Society is an association of human life or a group of people who live together in a place with many ties.⁹

Mahar is a dowry, a gift from the groom to the woman, a mandatory gift in the form of money or goods from the groom to the bride when the marriage contract is held.¹⁰ whereas in terminology dowry is a mandatory gift from the prospective husband

⁸Ministry of Education and Culture; Big Indonesian Dictionary; third edition. Balai Pustaka, h. 863

⁹Ministry of Education and Culture; Big Indonesian Dictionary, h. 864

¹⁰Desy Anwar, Complete Indonesian Dictionary, (Surabaya: Amalia Surabaya, 2003), p. 276

to the prospective wife as the sincerity of the prospective husband to create a feeling of love for a wife for her future husband, or a mandatory gift for a prospective husband to his prospective wife in the form of goods or services (freeing, teaching and so on).¹¹

Dui'menre' or commonly referred to as spending money are costs incurred by the man to the woman in the context of carrying out the wedding ceremony.¹² Giving *dui' menre'* is one of the first steps that must be done by men when they are about to get married which is determined after the application process.¹³ *Dui' Menre'* is a binding requirement for the marriage to take place or not, where *Dui' Menre'* is the obligation of the prospective bride and her parents to finance all matters related to the wedding ceremony.¹⁴

According to Imam Syafi'i, dowry is something that must be given by a man to a woman in order to be able to control all her limbs.¹⁵ If the wife has accepted the dowry without coercion and deception, then she gives part of the dowry then it is permissible to accept it and not blamed, but if the wife gives the dowry only out of shame or fear, then it is not lawful to accept it.

2. METHOD

The research method used is a qualitative method, by approaching existing theories, such as Theory of Maqasid Shari'ah, Theory of Al 'Urf, Social Law Change Theory and Youth Perception.

¹¹Tihami and Sohar sahrani, Complete Marriage Fiqh Study, (Jakarta: Raja Grafindo Persada, 2010), h. 36-37

¹²Asmat Riady Lamallongeng, The Dynamics of Customary Marriage in the Bugis Bone Community (Department of Culture and Tourism of Bone Regency, 2007), h. 16

¹³Nashirul Haq Marling, "Uang Panai' in Sharia Review", Law and Sharia Studies, volume 6, Number 2, December 2017, h. 48

¹⁴Syarifuddin Latif, Tellupocce Bugis Marriage Jurisprudence, (Echoes of Persada Press, Jakarta, 2016), p. 112

¹⁵Abd Rahman Ghazali, Fiqh Munakahat, (Bogor Dating, 2003) p.85

3. RESULT AND DISCUSSION

a. Theory of Maqasid Shari'ah

Maqashid or goals is an idea in Islamic law that sharia was sent down by Allah SWT to achieve certain goals. According to the proponents of this idea, objectives can be found in the Al-Qur'an and As-Sunnah and must always be upheld when deciding legal cases. Together with the classic idea of mashlahah (public benefit).

Scholars also broaden the scope of maqashid or the aims of sharia beyond the five classic maqashids, such as the example set forth by Muhammad Al-Gazali, one of the figures of the moderate Islamic revival in the 20th century who was born in Nakla al-Inab Village, Buhairah Egypt in 1917, namely about justice and freedom, as well as the opinion of Rasyid Ridha, a reformer thinker and scholar in Islam in Egypt in the early 20th century regarding reform and women's rights as well as the ideas of Yusuf Al-Qaradhawi, a scholar. A Muslim scholar originally from Egypt, he is known as a mujtahid in this modern era regarding human rights and human dignity.

Mahar is one of the free gifts and gifts that the wife receives for the first time from the husband's side after the marriage contract. Because actually after that there will be subsequent gifts which are mandatory in nature as the head of the household is obliged to support his wife and family. The existence of a dowry as the beginning of the following obligations which are mandatory in nature because he is the breadwinner for his wife and children who are trying to provide for their family.¹⁶

The meaning of a dowry is not merely respecting women but proof of love and affection as a husband, so that it is manifested by sacrifice in the form of the dowry. Because after that the next obligation will appear in living a household life with his

¹⁶Amir Syarifuddin, Islamic Law in Indonesia between Munakahat fiqh and Marriage Law. (Jakarta: Kencana Prenada Media Group, 2009), h. 91.

wife and children. The husband is the breadwinner and is responsible for the household.¹⁷

Mahar is prescribed by Allah SWT in order to elevate women's status and explain that the marriage contract has a very high position in Islamic law. Because of that, the obligation is only towards the husband, not the wife, because he is better able to find and work for the needs of his household.¹⁸

This dowry is the same as the entire material burden. Wives are generally supported by husbands as a form of equipment before the contents of the house are complete, and are not assisted by parents and close relatives. This is very compatible with the dowry that is burdened to the husband.¹⁹

The dowry is also an obstacle for the husband not to easily scold his wife because of the dowry that has already been issued and the amount of the dowry later if he remarries another woman. Apart from that, the dowry is also a life guarantee for the wife after being divorced and divorced by her husband during the iddah or other periods.²⁰

Maqashid sharia dowry is part of the need for hajiat for a wife who has given her faraj to her husband, also part of hufdzu al-Nasl, so that offspring and marriage last and last until the spirit separates the husband and wife, then the dowry should be given as a form of glorifying the wife and as a wife's right (hadjiyat needs) of the wife.

Mahar is also part of the need for tahsiniyat, in order to improve the offspring resulting from a legal marriage, as well as a form of effort to improve the purpose of

¹⁷Muhammad Yunus, Marriage Law in Islam, (Jakarta: PT. Hidakrya Agung, 1983), p. 82

¹⁸Saleh Al-Fauzan, Daily Fiqh, (Jakarta: Echoes of Insani Press, 2005), h. 674

¹⁹Ahmad al-Hajji al-Kurdi, Women's Laws in Islamic Fiqh, (Semarang: Dina Utama Semarang, 2005), h. 35

²⁰Abdul Aziz Muhammad Azzam, Fiqh Munakahat, h. 1770178

marriage, namely to become a sakinah mawaddah warahmah family, one of the efforts is to give a dowry to the wife as a husband's tahsiniyat to the wife, which is indeed a form of the husband's kindness to give it as a form of honoring his wife.

So giving a dowry to a wife is a good deed and the need for tahsiniyat of the wife, so that the offspring conceived by the wife become pious and pious children, it is necessary to have an act of pleasing the wife (good deed), namely tahsiniyat in Islamic law (maqashid sharia).

b. Theory of Al 'Urf

Al 'Urf according to language is something that is known, while custom is habit, custom. While the meaning of 'urf is "the common deeds of a people both in the form of verbal and deed".²¹ *Urf* the term comes from the word 'arafa, yu'rifu. Often interpreted by al-ma'ruf with the meaning of something known or means good.

Ulama ushul fiqh distinguish between custom and 'urf in discussing its position as one of the arguments for establishing syara law'. Adat is defined as something that is done repeatedly without any national connection.²² According to Al-Ghazali, the notion of al'urf is a state that is fixed in the human soul, justified by reason and also accepted by a prosperous character.²³

Meanwhile for the majority of jurists, 'urf and adat have the same meaning. One of this group is al-Jurjani (d. 816 H), the similarity of meaning is seen clearly when al-Jurjani defines the term 'urf. 'Urf according to him: 'urf is something that has remained (constant) in the soul, recognized and accepted by the mind, and he is evidence and

²¹PaInvitation of Usul Fiqh Scholars (Historical Studies)", Journal of Conscience, Vol. 14, No. 2, (December Fauziah, "The concept of 'urfdalam 2014'), h. 16.

²²Totok Jumantoro, Usul Fikih Dictionary of Science (Jakarta: Amzah, 2009), p. 333

²³Totok Jumantoro, *Ushul Fiqh Dictionary of Science*,h.344.

easy to understand. Likewise, the notion of custom is something (habit) that is continuously carried out by humans based on the law of reason and humans continue to repeat it.²⁴

According to ushul fiqh scholars, 'urf can only be taken into consideration in determining syara' law if it fulfills 4 conditions. First, adat or 'urf is of benefit and can be accepted by common sense. Second, adat or 'urf applies in general and evenly among the people within the customary environment, or among the majority of its members. Third, the 'urf which is used as a basis in determining the law existed (applied) at that time, not 'urf which appeared later. Fourth, adat does not contradict and ignore existing syara' propositions or conflict with definite principles.²⁵

There are Arabic linguists who equate (matarodif) the words adat and 'urf if these words are strung together in one sentence as if the law were based on adat and 'urf. It does not mean that the words adat and 'urf have different meanings even though the conjunction "and" is used, the two words have one meaning. So in this example the word 'urf is a reinforcement of the word adat.²⁶

The meaning of the word 'urf does not see in terms of the number of times an action has been committed. But in terms of that the act is already known and recognized by many people. In this case, there is actually no significant difference because the two words have the same meaning, namely an act that has repeatedly become known and recognized by many people. On the contrary, because the action is already known and recognized by many people, the act is automatically done by people

²⁴Fauziah, "The concept of 'urf in the View of Usul Fiqh Scholars (Historical Study)" h. 17.

²⁵Amir Syarifuddin, Ushul Fiqh Volume 2 (Jakarta: Kencana, 2009), h. 401.

²⁶Faiz Zainudin, "Islamic Concepts of Customs: Examination of Customs and 'urf as a Source of Islamic Law", Oral Journal Al-Hal, Vol. 7, No. 2, (December 2015), p. 381.

repeatedly. With the knowledge described above, the meaning of adat and 'urf are synonymous. In a sense, it has the same meaning, namely a condition, speech, deed, or provision that is known to humans and has become a tradition to implement or leave it.²⁷

Ulama` fiqh interprets 'urf as a habit that is practiced by many people (groups) and arises from creativity or imagination in building cultural values. In addition, good and bad habits are not an urgent issue as long as they are carried out collectively, then habits like this are included in the 'urf category. In contrast to adat, which the fuqohah defines as a tradition in general, regardless of whether it is carried out by one person or a group. The conclusion is that 'urf is the imagination and creativity of a group while custom is a tradition carried out by the people of Sidenreng Rappang Regency.²⁸

In terms of objects, 'urf is divided into two. First, al-'urf al-lafdzi, namely 'urf (habits concerning expressions), is the habit of the people in using certain pronunciations/expressions in expressing something, so that the meaning of that expression is understood and comes to mind in the community. For example: the word meat means beef, even though the word meat includes all existing meat. Second, al-'urf al-'amali, which is a community habit related to ordinary actions or civil muamalah. What is meant by ordinary deeds are the actions of people in matters of their lives that are not related to the interests of other people, such as the habit of the people in wearing certain clothes on special occasions.²⁹

In terms of scope, 'urf is divided into two. First, 'urf al-,,am, namely certain habits that apply widely throughout society and all regions. For example, in buying and

²⁷Faiz Zainudin, "Islamic Concept of Customs, h. 383

²⁸Faiz Zainudin, "Islamic Concept of Customs: h. 383

²⁹Muhamad Ma'shum Zainy al-Hasyimiy, *Usul Fiqh* (Jombang: Darul Hukmah, 2008), p. 338.

selling a car, all the tools needed to repair the car are included in the selling price, without a contract or additional costs. For example, customs regarding the determination of the warranty period for certain goods.³⁰

In terms of its validity, 'urf is divided into two. First, al-'urf as-shahih, namely the prevailing habits in society that do not conflict with the texts, do not eliminate their benefit and do not bring harm to them. For example, during the engagement period, the man gives a gift to the woman, and this gift is not considered as a dowry. Second, 'urf fasid, namely habits that apply in society that are contrary to the arguments of syara'. For example, the customs that apply among traders in justifying usury, such as borrowing money from fellow traders.³¹

All scholars agree on the position of al-'urf as-shahih as one of the propositions of syara'. However, among them there are differences of opinion in terms of the intensity of its use as a proposition. In this case, the Hanafiyah and Malikiyah scholars are the ones who mostly use 'urf as an argument compared to the Syafi'iyyah and Hambaliyah scholars. The Malikiyah scholars are famous for their statement that it is the charity of the Medina scholars that they make evidence of.

Likewise, the Hanafiyah scholars made the opinion of the Kufa scholars as hujjah. Imam Shafi'i is famous for qaul qadim and qaul Jadid. There was an incident but he stipulated a different law when he was still in Mecca (qaul qadim) with after he was in Egypt (qaul Jadid). This shows that the three schools of thought argue with 'urf.

³⁰Muhamad Ma'shum Zainy al-Hasyimiyy, Usul Fiqh Science, h. 337.

³¹Muhamad Ma'shum Zainy al-Hasyimiyy, Science of Usul Fiqh, h. 337.

As for the hujjahān (reason) 'urf. As the argument for syara' is based on the word of God in QS. al-A'raf: 199:³²

Translation:

"Be thou forgiving and order people to do what is ma'ruf, and turn away from stupid people."

Through QS Al-A'raf verse 199, Allah commands the Muslims to do what is good. Whereas what is meant by ma'ruf itself is that which is valued by Muslims as good, done repeatedly and does not conflict with true human nature, and which is guided by the general principles of Islamic teachings. Another blasphemy is based on the companions of the Prophet; Abdullah bin Mas'ud who said: "something that is considered good by the Muslims is good in the sight of Allah, and something that they value is bad then it is also bad in the sight of Allah".

So the expression above shows that good habits that apply in Muslim society and are in line with the general guidance of Islamic law are something good in the sight of Allah. Based on the two arguments above, there is no doubt that community tradition ('urf) can be the basis for syara', bearing in mind that only al-'urf as-shahih can be used as a method of istinbat (deduction) in Islamic law. The position of 'urf as a syara' proposition can be applied in limiting the meaning of what is called al-hirz (safety goods), relating to stolen goods, so that the law of cutting hands can be imposed on thieves.

Therefore, to determine the limits of understanding left to the provisions of 'urf. Likewise, regarding the maximum grace period for land abandoned by the first land

³²Ministry of Religion of the Republic of Indonesia, Al-Qur'an and its translation, 7 (Al-A'raf): 199.

owner, the permission for other people to work on the land is determined by the 'urf that applies in society.³³

As a custom or tradition, 'urf can change due to changes in time and place. Thus, the previous laws can change following the change in 'urf (al-'urf as-shahih) which has become the syara law'. Like the salaf scholars who argue that a person may not receive wages as a teacher who teaches the Qur'an, prayers, fasting and pilgrimage.

Likewise, it is not permissible to receive honorarium as the imam of the mosque and the muezzin. Because their welfare (formerly) has been borne by bait al-mal. However, due to the changing times, bait al-mal is no longer able to carry out this function. So, al-'urf as-shahih here is able to replace the opinions of previous scholars with the conclusion that 'urf can be used as a method of istinbat Islamic law and change the previous law in accordance with the times as long as it does not conflict with the texts.³⁴ Likewise, in matters of marriage in Sidenreng Rappang Regency, changing times can change the provisions that exist in marriage.

c. Social Law Change Theory

Humans are social beings who live in constant interaction with one another. The existence of social interaction between cultures between nations in this era of globalization has accelerated the pace of social change. The impact of this social change not only creates a gap between old values and new values, but also creates a gap between established laws and social reality which continues to experience social

³³Abdul Rahman Dahlan. *Ushul Fiqh* (Jakarta: Sinar Graphic, 2011), h. 212-214.

³⁴Abdul Rahman Dahlan. *Usul Fiqh*, h. 217-218.

change. One of the impacts of this social change is that it can affect the concepts and institutions of Islamic law.³⁵

Islamic law, which originates from the Qur'an and Sunnah, is a regulation and order that comes from Allah which aims to regulate various aspects of human life, but both have limited scope. Meanwhile, social change and social problems will always grow and develop and demand legal certainty.

Legal issues in various aspects in the past never could have been imagined to arise, but in the contemporary era they arise and develop rapidly. Even though the revelation of the Qur'an has ended. While the sunnah no longer appears because the Messenger of Allah. has died. Meanwhile, not all problems in human life as individuals or as a social community that need to be stipulated by law are recorded in the Qur'an and sunnah of the Prophet Muhammad.

Problems of Islamic law in contemporary times arise in various aspects. Dynamics as a characteristic of Islamic law indicates the ability of law to accommodate, respond and respond to any new problems that do not contain laws in the Qur'an and Sunnah as a logical consequence of social change that is inevitable.

To understand the purpose of social change, of course the main issue that needs attention is the limitation of the definition of social change itself.³⁶ Gillin in Abdul Syani stated that "Social change is a variation of an accepted way of life. These changes occur both because of changes in geographical conditions, material culture, population composition, ideology and because of diffusion or new discoveries in

³⁵ Muhammad Khalid Mas'ud, *Philosophy of Law: Studies About and Thoughts of Abu Ishaq al-Shatibi* (Bandung: Pustaka, 1999), p. 1.

³⁶ Wilbert E Moore, Order and Change, Essay in Comparative Sociology (New York: John Wiley & Sons, 1967), p. 3.

society.³⁷ This change occurred due to a new habit that occurred in the midst of the people of Sidenreng Rappang Regency.

Social changes in the people of Sidenreng Rappang Regency can be identified by comparing the conditions of society at a certain time with conditions in the past. Conducting social change studies, it must be seen that there are differences or changes in the conditions of the objects that are the focus of the study, and then seen from different time contexts.

Balance in society is what every citizen aspires to. By balance in society is meant as a matter in which the main social institutions function in society and integrate with each other. Such a situation makes citizens feel safe and secure, because there is no conflict with the rules that apply.

Whenever there is a disturbance to the existence of this balance, the community can reject it, or change existing social institutions with the aim of accepting something new, but sometimes the community is unable to reject it, because the new thing is forced in by a force. If the new thing enters without causing a shock, then its influence will still exist, but it is shallow in nature and only limited to its outer form, the rules and values in society will not be affected by it.³⁸

Sometimes the new culture and the old conflict simultaneously in influencing rules, norms and values, which then also affect people's lives. This is a continuous disturbance of the balance in society. This means that tensions and discontent among community members have no channel leading to a solution. If the imbalance can be

³⁷Abdul Syani, Schematic, Theory, and Applied Sociology (Jakarta: PT. BumiAksara, 2007), h. 163.

³⁸Muhammad Syukri Albani Nasution, Philosophy of Islamic Law (Jakarta: PT RajaGrafindo Persada, 2014), h. 36

restored through a change, then the condition is called an adjustment, but if the opposite occurs, then something is wrong.³⁹

In viewing law as a means of human social control, law is a means of social control. Other tools still exist because the existence of other social institutions is still recognized (eg faith, decency). Social control is a normative aspect of social life. It can even be declared deviant and the consequences it causes, such as various prohibitions, demands, and compensation.⁴⁰

Law as a means of social control means that it is something that can determine human behavior. This behavior can be defined as something that deviates from the rule of law. As a result, the law can provide sanctions or action against the offender. Therefore, the law also stipulates the sanctions that must be accepted by the perpetrators. This means that the law directs people to act correctly according to the rules so that peace is realized.⁴¹

Legal sanctions for deviant behavior, it turns out that there are differences among a society. It seems that this is very related to many things, such as religious beliefs, adhered to philosophical schools. In other words, these sanctions are related to social control.

In this case, the function of law is further expanded so that it is not only in the form of coercion. This function can be carried out by two forms: 1) the state authorities. This function is carried out by a centralized power in the form of state power exercised by a certain ruling class. The law is usually in the form of written law and legislation.

³⁹Muhammad Syukri Albani Nasution, *Philosophy of Islamic Law*, h. 36

⁴⁰Satjipto Rahardjo, *Law and Social Change* (Bandung: Alumni, 1983), h. 35.

⁴¹Satjipto Rahardjo, *Law and Social Change* (Bandung: Alumni, 1983), h. 35.

2) society; this function is carried out by the people themselves from below. The law is usually in the form of unwritten or customary law.

The function of law as a means of social control can work well if there are things that support it. The implementation of this function is closely related to good and clear legal material. In addition, the executor is very decisive. The role of the person who will carry out this law is no less important. A rule or law that has met the expectations of a society and has received support may not necessarily work well if it is not supported by implementing officials who are committed to implementing the law.

This last thing is often complained by the people of Indonesia. The apparatus seems to be influenced by other elements which should not be the determining factor, such as power, material gain and collusion. The image of law enforcers is still vulnerable.⁴²

B. Mahar and dui'menre'

Mahar in language means dowry, in terms, dowry is an obligatory gift from the prospective husband to the prospective wife as the sincerity of the prospective husband to the prospective wife in order to create a feeling of love for the prospective husband or a mandatory gift for the prospective husband to his prospective wife, both in the form of goods and services.⁴³ Mahar in Indonesian is also called dowry. Dowry or dowry is a gift given by a husband to his wife before, after, or during a marriage

⁴²Ali Aspandi, Suing the Indonesian Judicial Legal System which is full of uncertainty,(Surabaya: LeKSHI, tt).

⁴³H. Abd. Rahman Ghazaly, Fiqh Munakahat (Jakarta: Prenada Media, 2003, First Edition), h. 84.

contract as a mandatory gift.⁴⁴ Mahar in Arabic is also called sadaq because the husband expresses the sincerity of the love he presents in marriage.⁴⁵

Scholars have differed on the issue of dowry. Some of them argue that the dowry is given according to the agreement between the bride and groom. This opinion was expressed by Sufyan Ats-Tsauri, Syafi'i, Ahmad and Ishak. While Imam Malik was of the opinion "The dowry should not be less than a quarter of a dinar." Meanwhile, from Aisyah Radhiyallahu Anha, he said "That the dowry given by the Prophet to his wives was twelve and a half "uqiyah" (HR. Muslim).⁴⁶

Dowry is property that must be paid by the husband to his wife because of the contract or mixing properly. The dowry has many names, namely sadaq, dowry, nihlah, faridhah, hiba, ajr, and aqd alaiq.⁴⁷

Mahar is socially, economically and ideologically functioned for various purposes, Abu Zahrah explained that apart from being an ethical-moral sign of the seriousness and sincerity of the marriage bond, dowry functions as material assistance for the husband to his wife in preparation for a household.⁴⁸ In the KHI (Compilation of Islamic Law) in the Mahar chapter, it has been explained what dowry is. Article 30 says that "The prospective groom is obliged to pay a dowry to the prospective bride whose amount, form and type are agreed upon by both parties".

⁴⁴Mardani, Islamic Family Law in Indonesia (Jakarta: Kencana, 2017, Second Print), h.47

⁴⁵Mustafa Dib al-Bugha, et al, Fikih Manhaji Volume 1 (Yogyakarta: Darul Uswah, 2008), p.664

⁴⁶Abi Hasan Muslim Ibn Al-Hajjaj Al-Qusyairy an-Naisabury, Sahih Muslim. Print of Ibn Jauzi Qahirah, no hadith 1426, h. 327

⁴⁷Abdul Majid Mahmud Mathlub, Sakinah Family Law Guide (Solo: Intermedia Era, 2005), p. 212.

⁴⁸Noryamin Aini, "Mahar Traditions in the Locality of Muslims: Mahar and Social Structure in Indonesian Muslim Communities," AHKAM: Journal of Sharia Science 17, No.1 (29 July 2014), h. 16.

In article 31 "Determination of dowry is based on simplicity and convenience recommended by Islamic teachings". Article 34 contains two paragraphs: (1) The obligation to give dowry is not a pillar of marriage; (2) Failure to mention the type and amount of dowry at the time of the marriage contract does not cause the marriage to be cancelled. Likewise, if the dowry is still owed, it does not reduce the validity of the marriage.

Article 37 also states that "If there is a difference of opinion regarding the type and value of the dowry set, the settlement shall be submitted to the Religious Court.⁴⁹

Dui'menre' comes from two words. *Doi'* in the Bugis language means money and *menre'* means up. The names of these two words have their own meaning. *Dui'* in the Bugis language is usually identified with valuable assets, so money in these words is an object that can be cashed, so sometimes it's a piece of land and sometimes it's a patch of rice fields, a garden or even a pet like a cow or horse, while *menre'* means ride, *Naik* in Bugis can also mean *tuppu* or *menre'*.

But the word *menre'* is used, because the word *menre'* can be categorized as a figure of speech, while *tuppu* in the Bugis language means *sarih*. *Menre'* in the sense here means that the man, bringing all his possessions, intends to propose to the woman he loves. This rising money is usually called *dui' belanca*.

The many and few *dui' menre'* handed over by the bride and groom have an influence on the social stratification of people who are getting married for the people in Sidenreng Rappang Regency. The number of *Dui' menre'* greatly affects the dignity of the person being proposed to and this is closely related to the problem of *siri* (social

⁴⁹Directory of Development of the Islamic Religious Courts, Ministry of Religion of the Republic of Indonesia, Compilation of Laws in Indonesia, Jakarta: 2001, h. 5.

identification of the Bugis community) and basically dui' menre' is assistance in the implementation of Walimatul Urus from the man to the woman.

In Sidenreng Rappang Regency, dui' menre' aims to finance the wedding ceremony of the bride and groom. An indicator of the size of the dui' menre' can be seen from the luxury of the wedding ceremony, the higher the dui' menre'/spent money, the merrier the wedding ceremony will be.⁵⁰

Walimah Al-Urusy(Wedding party) is essentially intended as an event in order to give thanks to God for the implementation of the marriage contract by serving food to invited guests according to the ability/circumstances of those who hold the wedding.⁵¹

C. Youth Perception

Dowry in a marriage is an obligation that must be fulfilled by the prospective groom, which must be given to his future wife when they are about to marry and become the property of the wife. because dowry is a command from Allah in the Qur'an surah An-Nisa Verse 4.

Translation:

“Give a dowry (dowry) to the woman (whom you marry) as a gift willingly. Then if they give you part of the dowry with pleasure, then eat (take) the gift (as food) which is delicious and the result is good ”.⁵²

Mahar must be paid even though it does not have a high price. As the story of a friend who was about to get married but had no wealth, the Prophet Muhammad SAW still ordered the friend to look for a dowry that had value and price, even if it was only an iron ring.

⁵⁰Hj. Rusdaya Basri, Jurisprudence Munakahat 4 Schools and Government Policy, volume 1, (publisher of CV Kaaffah Learnig Center South Sulawesi, May 2019), h. 139

⁵¹Hj. Rusdaya Basri, Jurisprudence Munakahat 4 Schools and Government Policy, h. 139

⁵²Ministry of Religion of the Republic of Indonesia, Al-Qur'an and Translation, h. 115

The amount of the dowry is not determined by the Shari'a. Dowry may be of low value and may be of high value as long as they are mutually pleased. However, the dowry is an easy dowry that will make the marriage a blessing. The blessing is the happiness of the world and the hereafter, both rich and poor.

In the implementation of marriages that took place in Sidenreng Rappang Regency, the mahar or dowry was an amount of money or goods given by a husband to his wife at the time of pronouncing the marriage contract. Therefore, the dowry is the absolute right of the wife herself, no one other than her own husband or both parents or other family members have the right to use it for any purpose, except with her permission and with full consent.⁵³

According to Muh. Ridha, a young man who is active in sports, said that:

"The dowry in Sidenreng Rappang Regency in the implementation of marriage is indeed the right of the bride, but the value is very low compared to dui' menre' so that after the implementation of the party what is the right of the wife is meaningless to her."⁵⁴

Seeing what the young man said above, the author wants the dowry value given to the prospective bride to be of higher value so that it can be meaningful for a wife after marriage.

While dui' menre' is a gift from the groom to the bride in accordance with the agreement of both parties. Giving dui' menre' is a custom that occurs in the life of the Bugis community in Sidenreng Rappang Regency.

⁵³Hj. Rusdaya Basri, Jurisprudence Munakahat 4 Schools and Government Policy, h. 166

⁵⁴Muh. Ridha (Youth) interview was conducted in Pangkajene on March 6, 2021

*Dui' menre*determined at the time of application and will be announced when the mappetu is available so that relatives and friends can find out the amount of the dui' menre'.

One creative youth named Abd. Samad assessed the dui' menre' phenomenon that occurred in Sidenreng Rappang Regency by saying that:

"Some of the giving of dui' menre' that occurred in the implementation of weddings in Sidenreng Rapang Regency was beyond reason because of the high amount of dui' menre' issued by the groom to the bride so that the implementation of the wedding ceremony was quite magnificent but left a burden on the male family (debt)".⁵⁵

The competition that occurs in elevating social status in society is how to enliven walimah by giving dui' menre'/spending money which is used as an absolute requirement for the implementation of a marriage so that it seems to forget the nature and purpose and wisdom of marriage itself.

D. Mahar and Dui' Menre' Update

The implementation of the marriage ceremony is one of the transitional ceremonies that is always carried out or carried out as a process that marks the transfer of a process that marks the transfer of a person's status from adolescence to adulthood. The ceremony is carried out as one of the absolute requirements for a person to further navigate life and household life as a husband and wife.

The stages in the marriage ceremony in the Bugis community in Sidenreng Rappang Regency are divided into three phases: the initial phase is the phase before the marriage begins, this phase begins with the selection of a mate.

⁵⁵Abd. Samad, Pangkajene youth interview was held in Pangkajene on March 5, 2021

In the past, the people of Sidenreng Rappang Regency recognized several forms of choosing a mate or ideal marriage:

- *Assialang massaposiseng*, marriage between first cousins this marriage relationship was the most ideal among the nobility to maintain the degree of purity of blood.
- *Assialang massapokkedua*, marriage between cousins twice is usually called assiparewekenna memeng means matchmaking that is very harmonious.
- *Damn masappokatellu*, marriage between cousins three times. Usually called ripadeppei mabelae.

The ideal relationship apart from being in a kinship environment is also based on the position of assikapukung, which means having an equal relationship because of an equal social position, the purpose of which is to strengthen the position by strengthening the kinship relationship.

Marriage, which in religious terms is called "Nikah", is carrying out an aqad or agreement to bind oneself between a man and a woman to justify sexual relations between the two parties.

Allah swt has established rules regarding marriage and giving dowry to humans with rules that cannot be violated, humans cannot do as they please. God does not allow humans to do as they please, such as marrying siblings or like animals, marrying the opposite sex at will. Allah has set limits with his regulations, namely with the shariat contained in the Qur'an and the Hadith of the Prophet, for example regarding dowry and dowry, which are gifts a husband gives to his wife during a marriage contract. Likewise the laws related to marriage which are highly recommended by Islamic teachings. Like the Qur'an surah Ar-rum verse 21; which reads:

وَدَةٌ وَرَحْمَةٌ إِنْ فِي ذَلِكَ لَأْيَتْ لِقَوْمٍ يَتَفَكَّرُونَ God bless you

Translation:

"And among the signs of His power is that He created for you wives of your own kind, so that you are inclined and feel at ease with him, and He made them between you with affection. Verily, in that there is a sign for people who think."
(QS Ar-Rum: 21)⁵⁶

The basis for the obligation to hand over the dowry is stipulated in the Al-Qur'an Surah An-nisa' verses 4-5 which reads:

وَقُولُوا لَهُمْ قُولًا مَعْرُوفًا God bless you
وَلَا تَوْلُوا السَّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيمًا وَارْزَقُوهُمْ فِيهَا وَاَكْسُوْهُ هُوَ ئَا

Translation:

"Give a dowry (dowry) to the woman (whom you marry) as a gift willingly. Then if they give you part of the dowry with pleasure, then eat (take) that gift (as food) that is delicious and good as a result." ⁵⁷

Based on the verse above how important is dowry in a marriage according to Islam and dowry can be categorized into 2 parts, namely:

1. Maher Musamma.
2. Dowry mitsil⁵⁸

CONCLUSION

From the previous description of youth perceptions of local wisdom of mahar and dui' menre' in the Bugis community in Sidenreng Rappang Regency (analysis of Islamic law), the following conclusions can be drawn:

⁵⁶Ministry of Religion of the Republic of Indonesia, Al-Qur'an and Its Translation, (Foundation for Translators. Jakaarta March 1, 1971), h. 644

⁵⁷Ministry of Religion of the Republic of Indonesia, Al-Qur'an and Translation, h. 115

⁵⁸Tihami and Sohari Sabrani, Complete Marriage Jurisprudence Study. p.45-47

1. *Dui' Menre'* is an amount of money that must be given by the prospective husband to the family of the prospective wife, while its function is to be used as expenses for the wedding reception. The purpose of giving *dui' menre'* is to appreciate or respect. The position of *dui' menre'* in traditional marriage is one of the pillars, because there is no *dui' menre'*, there is no marriage. The value of *dui' menre'* is largely determined by social position or status in society, if the groom has no family relationship with the bride in accordance with the theory of *al-'urf* then the *dui' menre'* will be higher than the *dui' menre'* of the bridegroom who has a kinship/family relationship, namely if the prospective groom Men are not included in the kinship lineage of Reppe Mareppe and Siteppang Mareppe, so the dowry and *dui' menre'* given by men are greater.
2. Giving *dui' menre'* based on Islamic law is mubah or permissible because in general *dui' menre'* is only a tradition of the people that has been passed down from generation to generation. *Mahar* and *dui' menre'* in a Bugis traditional marriage are an inseparable unit. Because in practice these two things have the same position in terms of obligations and must be fulfilled. However, *dui' menre'* receives more attention and is considered to be something that really determines the smooth running of the marriage process. *Dui' menre'* actually depends on both parties, the level of *dui' menre'* is an agreement between the two families who will get married, but sometimes a woman's family feels proud when her daughter's *dui' menre'* is low. In Islamic law there is no obligation to pay *dui' menre'*, there is only the obligation to pay the dowry. As long as it does not conflict with Islamic law and has become a habit that applies continuously and repeatedly, then this is permissible.

3. Youth in Sidenreng Rappang Regency do not fully understand dowry and dui' menre'. Especially in determining the dowry and dui' menre' because almost all young people who get married only use a gold ring as a dowry while the dui' menre' is even higher in value than the dowry. Meanwhile, some young men from outside Sidenreng Rappang Regency who are married to girls from Sidenreng Rappang have a higher dowry in value than dui' menre' because the dowry given is in the form of land (a garden/residential land).

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