

MASLAHAH PERSPECTIVE TOWARDS UANG PANAİK (BRIDE PRICE) IN BUGIS MAKASSAR COMMUNITY

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ABSTRACT

The study examines the review of masalahah of uang panaik (bride price) in Bugis Makassar community. This study method used a descriptive qualitative approach that describes the phenomenon in Bugis Makassar's society. The results of the study indicated that uang panaik is a custom or 'urf in Bugis Makassar community that is implemented at every wedding reception. Previous Islamic jurists have built and developed the Masalahah theory which concludes that all rules in Islam were benefit-oriented. There were three levels of masalahah theory, namely masalahah daruriyyah, masalahah hajjiyyah, and masalahah tahsiniyyah. Uang panaik was more inclined to masalahah hajjiyyah because it was a necessity in every marriage in Bugis Makassar community.

Keywords: Masalahah; Uang Panaik; Customary Marriage

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INTRODUCTION

Uang Panaik is a huge problem for unmarried men in Bugis Makassar community (Rahayu & Yudi, 2015). How not, if you see from the amount to be paid is very expensive. This is because of a big amount of money for paying it. Money is a very important discussion for every marriage in Bugis Makassar community. Therefore, *uang panaik* becomes a stumbling block for marriage (Ikbal, 2016).

The marriage law and Islamic law compilation do not address *uang panaik*. Just dowry and printing financing contained in Islamic regulations and teachings. However, in fact, Bugis Makassar community is more concerned with discussing *uang panaik* than dowry and marriage registration (Azizah, 2017).

Basically, *uang panaik* is not an obligation. In the sense of mandatory *kamul khamsah* perspective, some of the research results, such as thesis, dissertation journals and other articles mention *uang panaik* are mandatory, the meaning of "mandatory" needs to be reviewed. If the obligation in the *ahkam al khamsah* is meant, the consequence is sin for those who do not carry it out (Rahman, 2016). Moreover, the opinions make *uang panaik* a pillar of Bugis Makassar marriage. The consequence of a pillar is whether a marriage is valid or not, whereas a marriage is not accompanied by legal that *uang panaik* remains valid (Ikbal, 2016).

The wrong paradigm for the substance of *uang panaik* will have a big influence on its amount (Kamal, 2016). *Uang panaik* is a custom product by the Bugis Makassar community, which examined in historical literature, no one could be sure when *uang panai* was existed (Syahru Ramadan, Akifa Syahrir, Fitriani, 2013). In this case, *uang panaik* is a phenomenon and has been attached to the Bugis Makassar community. Thus, it must be clear about its position in a study of the Islamic legal order.

The phenomenon of *uang panaik* in the public is more likely to be understood that it is a must or "mandatory" (Ikbal, 2016) so that if it is associated with the principle of need or interest, it leads to *uang panaik* being *daruriyyat*. This has become the foundation of the public's thinking hence the main thing that is often discussed and takes too long is the discussion of *uang panaik* amount.

Making *uang panaik* as a basic need (*dharuriyyah*) or as a major factor in receiving a marriage proposal will result in a legal conflict, between Islamic law and customary law. In *receptive theory a contrario* Sayuti Thalib explains that customary law can be accepted if it has been filtered by Islamic law (Tamam, 2017). Likewise, with the discussion on '*urf*', it can be accepted if it does not conflict with texts (Aripin, 2016).

Therefore, to know the position of *uang panaik* is mandatory or not, first, the extent of the benefit position of *uang panaik* especially when studying the *uang panaik* in terms of the level of benefit.

Marriage is one of the most important things in human life. All religions and countries take part in regulating the importance of marriage, including Indonesia which has the majority of Muslim communities. Although in Indonesia, the majority of the people are Muslim, the Republic of Indonesia was not a country that runs an Islamic legal system but a legal system inherited from the colonization period. The majority of the Indonesian people was behind the emergence of several regulations regarding to marriage law include the constitution number 1 of 1974 (*UU No. 1 Tahun 1974*) about marital regulations which followed by Government regulation number 9 of 1975 (*PP No. 9 Tahun 1975*) on the implementation of the marriage constitution and inception of the Compilation of Islamic Law.

In South Sulawesi, characteristic of the wedding that will take place is the existence of wedding cost that Bugis Makassar called *uang panaik* or *dui menre'*, that means spending money for the reception, or by the Bugis Makassar tribe calling the cost of the wedding. *Uang panaik* was an amount of money given by prospective grooms to prospective brides which form of appreciation and reality of respect for social norms and status. Furthermore, *uang panaik* was not an accumulated value of all costs given by the men to the women but it was separate from the dowry fees and administration money (Nurmiati & Diah, 2018).

Bugis Makassar people recognize three types of marriage costs; 1) dowry, 2) administrative costs in Religious Affairs Office, and 3) money. The three types of marriage costs are things that must be fulfilled when they want to get married.

If you examine further the three types of costs above, you will find differences in the source or basis for the emergence of each cost. For example, The dowry costs incurred from the provisions of *syar'i* or from the demands of the *Qur'an* and *Sunnah* which require men to pay a dowry for the woman he marries. The administrative costs originating from national law in government regulation No. 48 of 2014 Amendments to the government regulation concerning Tariffs for Types of Non-Tax State Revenues that apply in the Ministry of Religion. The last cost is money originating from customs that have been handed down to the Bugis Makassar people.

Muslim is required to give dowry to the future wife. In the Bugis Makassar community, dowry is known as *Sompa* and *Sunrang* in the Buginese language. *Sompa* or *Sunrang* among the Bugis Makassar people is usually in the form of money, a plot of land, rice fields, jewelry or a set of prayer tools that have value. The cost of wedding receptions has to be agreed upon by the man although the dowry fees are expensive. If the man does not support it, he can end up or cancel the marriage although ideally, a noblewoman is a woman with a low dowry. Furthermore, the administrative costs stated in government regulation PP No. 48 explain that if the marriage is conducted outside the Religious Affairs Office operating hours, it will be charged six hundred thousand rupiahs and zero rupiahs if implemented in the office hours. However, there are still a number of regions that actually set their own tariffs. Like village priests who set rates outside of these provisions by placing a tariff of one million and even more on the grounds that they have

become the rules or agreements of the village priests. These cases are very detrimental to society and continue to occur if not controlled by the ranks of the religious ministry.

The cost of marriage to marry in Bugis Makassar woman is so expensive. This is influenced by the level of women's social status and the level of education used as a standard in determining the amount of money to receive applications. If the prospective bride is a noble descent (the Tallo, Gowa or Bone royal family), the money is tens of millions. Likewise, if the education level of the prospective bride is SI, S2, or medicine, the same thing will apply. Moreover, if the prospective bride has been carrying out the pilgrimage, the demand for wedding expenses is certainly more soaring.

Cultural shifts have an impact on determining the amount of money. If it used to be only nobles who used to put up a large tariff rate on *uang panaik*, at the moment it did not distinguish between nobles and modest. This shift is influenced by the modernization of the development of science so that the amount of *uang panaik* is social status and descent which is the main benchmark but it can be seen from the level of education of a woman.

RESEARCH METHODS

This research is a descriptive qualitative, to understand the phenomenon of what is experienced by research subjects in a specific natural context. In determining the location of research, researchers considered three important elements: place, actor, and activity. The location of this study is the Bugis Makassar Community in South Sulawesi. The approach of this research is a case study. The researcher looked deeply at the program, events, processes, activities and one or more people. In addition, to analyze the phenomenon in the field, researchers also applied the scientific approach in the same family, namely the *syar'i* approach, which is used to describe the arguments originating from the *Qur'an* and *hadith*. Thus, the sequel of this approach leads to the study of *maslahah*.

RESULTS AND DISCUSSION

Bugis Makassar marriages are not detached from the discussion of *uang panaik*. From historical accounts, there was no certainty about the beginning of the emergence of dowry. Dg. Ewa emphasized that *uang panaik* was just a matter of term. This is based on his analysis, it is more inclined to money used for reception/partying or spending money.

If *uang panaik* amount was considerable high, the party was definitely luxurious and crowded as many invitations and preparations in order to entertain numerous invited guests. On the contrary, if there is a low amount of, the party is not too crowded because the amount of the dowry used for the party is relatively few unless the woman's family is regarded as a rich family who does raise much money. It can be concluded that *uang panaik* is the amount of money for a reception at the bride's place.

Abdul Karim Sultan Dg. Ewa predicted that the term of *uang panaik* was from a concept of dowry, which in Makassar language is called *sunrang*, in ancient times, it was a mandatory gift from the man to the woman he proposed, this principle was in accordance with the teachings of Islam regarding the obligation of giving dowry. *Sunrang* could show the social status of each bride and groom's family. *Sunrang* was known when the engagement day could not be separated by 10 to 40. If the *sunrang* was between 10 and 14 or under ten, the marriage can be determined that the social status was definitely a low caste. Likewise, weddings with *sunrang* 15 to 25, the social status was better than previous. But if the *sunrang* is above the range of 30 to 40, this had the highest social status.

Sompa or *sunrang* is a dowry or bride price. This *sompa* or *sunrang* has the level in Bugis Makassar community based on the prospective bride social level. The habit of the Bugis Makassar people calls this *sompa* or *sunrang* in the calculation of the value of *rella* (rial). In the Dutch colonialism era, it was calculated with a nominal value of two guildens. Lately, 1 rial has been calculated with Rp. 3.000,- to Rp. 4.000,- or it is manifested in the form of objects such as land, rice fields or other heirlooms.

LEVELS OF SOMPA OR SUNRENG IN BUGIS MAKASSAR SOCIETY

In ancient times, *Sompa* or *Sunreng* was measured from the descendants of the social status of the girl who wanted to be married, this was calculated very carefully because it was very concerned about family social status. The calculation of *sompa* or *sunreng* (dowry) is still being practiced these days even though they are not as tight as they used to be. The levels of *sompa* or *sunrang* are varying in each region. Such as in the Bugis area which applied in the *telluppocoe* area (Bone, Wajo, Bugis Makassar) which was also followed by most of the Bugis descendants of the area are: (1) *Sompa Bocco* is given to queens of Bone descent, Wajo Bugis Makassar who held royal authority or descendants of King, the amount of *Sompa* or *Sunreng* was 14 *kati* (old money) in which the nominal value of 1 *kati* = 88 rials plus 8 people added 8 *doi*. It was also handed over an *Ata* and a buffalo; (2) *Sompa ana' Bocco*, was given to the daughters of the king who came from the three kings of *tellumpocoe* or other high nobles in which the dowry was 7 *kati*; (3) *Sompa kati* was given to the daughters of subordinate kings with 1 *kati*, or 88 rials plus 8 money plus 8 *doi* and an *Ata*, except in Wajo, there was no *Ata*; (4) *Sompa ana' Mattola*, was given to the sons and daughters *mattola* with 3 *kati*; (5) *Sompa ana' rajeng*, was for *ana' rajeng* that prevails in Wajo with 2 *kati*; (6) *Sompa cera' sawi*, three daughters of *ana' sawi* in Wajo who were approximate as daughters of *ana' arungsipue* in Bone with 1 *kati*; (7) *Sompatau deceng* was for the daughters of *maradeka*, a group of *madedeng*, with half of *kati*; (8) *Sompa tau sama'*, for the daughters of *to maradeka tausama'* group with a half of a *kati* (Ikbal, 2016).

Those were called *sompa* or *sunrang* in Bugis community that still practice today. In fact, if the nominal of dowry was concerned, it is not as high as in right now. Comparing to *doi balanca* or spending money on a marriage party, the wedding party is very expensive because spending money on a party or *uang panaik* tends to follow a person's social status even though

on the other hand it causes disadvantages because they have to borrow money that is difficult to repay.

As time goes by, the implementation of the way of giving the dowry gradually changes in the community, nevertheless, there are also those who still fit tightly to the principle. The domination of the discussion of the event was no longer the problem of the dowry but *uang panaik*, thus it impressed the *sunrang* that used to be a benchmark in the social status class for families who wanted to get married is replaced by *uang panaik*. This is reflected in the community if a woman has been visited by the groom, the question that will arise is how much money on *uang panaik*? Not how much was dowry?

However, according to Abu Bakar Paka, the concept of *uang panaik* is inseparable from the concept of *ta'awun* "mutual help". Giving *uang panaik* to a woman's family is to show the ability of a man to get married and intended to make a party at a woman's house. This party aims to gather relatives and families to take part in enjoying the happiness of the bride and groom while entertaining the female parents who will release the daughter to her husband.

In the marriage of Bugis Makassar, especially the Buginese people, they tend to do marriage in their own family relatives or the closest to their descendants from both father and mother side that in concept to look for a life partner in relatives or in Buginese language is *siajing* and Makassar language is called *bija*.

Therefore, in the concept of Bugis Makassar especially in the Bugis community there are three forms of matchmaking which are considered ideal, as follows: (1) *Assialang marola* (suitable matchmaking) means a match between close families such as marriage between first cousins and cross-cousin, in this case, such as from the family of grandmother and parents' *ego*; (2) *Assialang memeng* (the proper matchmaking) or in this case is the second cousin's marriage from both parents such as the parents of grandmother or *ego*, in this case, the marriage is between second cousins; (3) *Ripaddeppe mabelae* (bring the far one closer) is a third cousin from both parents' sides of great-grandmother, grandmother's parents, or grandmother, *ego*'s parents, in this case, they are relatives but they are third cousin (Mattulada, 2015).

As stated by Mutawalli, he did not want to marry unless his family arranged a marriage for him. Hence, he was introduced several times to the woman he loved by his parents. But his parents stick to the principle of hereditary family habits. This habit makes him not married yet even though Mutawalli is already 33 years old now, and has a job and home.

These three characteristics of marriage have been carried out by Bugis Makassar community, so it is customary to want to marry their family members by selecting the relatives whether cousin, second cousin or third cousin. In the present time, it has been known in the style of marriage in Bugis Makassar community, namely:

***Tau laeng tau saliweng* (other people or people outside the family members)**

People who marriage selecting potential partners outside of the concept of family or kinship, but heed the concept of proximity. It could happen because the bride and groom had known the other prospective bride as well as having known her family, it is likely because of an intensive meeting by work, profession, and other things that make they are more closely.

This can be supported by highly sophisticated communication tools to make someone easier to interact and communicate through social media and at the end of a deep introduction. Therefore, both parties have intimacy despite they are from different family backgrounds or ethnic descent. For instance, there are those who are married between Bugis Makassar with Javanese, Sundanese, Minang, and others.

As explained by Muhammad Darwis that marry someone outside of the ethnic group is because when he was studying in college. That's where the first meeting with his wife who was married at this time. By that introduction, the family liked and finally agreed to get married even though she has a different family background.

An example of these four matchmaking systems in the marriage of Bugis Makassar community has become the marriage custom when they want to hold an arranged marriage or marriage to their family and outside their family.

Furthermore, Abu Bakar Paka's explained that *uang panaik* was intended for a wedding party often referred to as *doi kanre pepe* (money consumed by fire). *Uang panaik* gives an illustration of the festivity of the party, if there is a lot of money, it will be crowded and majestic and if the *uang panaik* is little so the party was not too grand. The term of *kanre pepe* brings the impression that *uang panaik* is indeed only used for a wedding party. By that, it is wrong for the community if the *uang panaik* was high, but the party is simply because it will cause ridicule for other people and there will be various questions about why the money was high and it only prepares the simple dishes especially if the preparation is not enough for every guest.

Uang panaik has been attached to the people and became a culture of Bugis Makassar community. Thus, marriage in Bugis Makassar not only justifies the relationship of two people together but on the other hand reflects the laying of the social status for both families of man and woman. The social status that is identical from *uang panaik* sometimes prioritizes ego in the occasion of engagement. In general, the matter of *uang panaik* is a considerable challenge to perform a marriage.

Dg. Ewa (2017) explained that the Bugis Makassar people will be respected if they can have one of the three factors raising and maintaining their social status in society. First; *Panrita* (the educated and depth-knowledge person), second; bravery, and third; property (position, wealth,

power), if one of these three things is inherent in a person, it will be respected in society. A marriage in Bugis Makassar community will have an impact on *uang panaik* if one of them is attached to both brides.

The culture of *uang panaik* from the past to the present and continues in the future generations will certainly lead to the sharing of impacts on both the positive and negative impacts. If *uang panaik* is mistakenly positioned or utilized by someone to meet his family's prestige, it will tend to negative things. However, if *uang panaik* is positioned in its place without prioritizing family selfishness, it will have a positive impact.

The difference between *Sompa* or *Sunreng* (dowry) and *Uang Panaik*

In some layers of community, the discussion of *uang panaik* is more important than the dowry. The dowry often agreed is only a set of prayers equipment or several grams of gold, there are also a wetland and dry land or other objects.

Discussing the dowry in the rules of Islamic law is clear in several verses and hadiths explaining dowry as a mandatory to be given to the wife, like in QS An-Nisa: 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”

From the verse above, *al-shaduqa* means dowry. However, the popularity in Arabic terms known as *shodaqoh* is to show the expression of the husband's love power to his wife so if researching dowry in the Arabic literature, there are 8 names of them, namely *shadaq*, *mahr*, *nihlah*, *faridha*, *hiba*, *ajr*, *uqr* and *'alaiq*. Some of these names are manifestations of giving a husband to a wife in which Indonesian language is called dowry, hence, the meaning of *mahar* in a dictionary of the Indonesian language is a mandatory gift of money or goods from the groom to the bride when the marriage statement is declared.

Furthermore, Sayyid Sabiq in the book of *fiqh al-sunnah* towards the meaning of dowry is the right that must be fulfilled by a husband. While in Wahbah Zuhaili's book entitled *al-fiqhul Islami wa adillatuhu*, he interpreted that dowry is a substitute for the pleasure that is owned, those definitions represent other meanings but both can give an idea of dowry. Thus, based on this understanding it is understood that *mahar* position is a gift that may be a husband with full willingness to sign respect for his wife because of a marriage bond so that the dowry is a manifestation of the willingness of a husband to foster a household with his wife (Damis, 2016).

Because of the importance of this dowry, Allah gives special attention to it. One of the proofs as in Al-Qur'an surah an-Nisa verse 4, 24, and 25 and in some hadiths that describe the importance of dowry as discussed in the previous.

In the traditional marriage of Bugis Makassar, dowry is one of the discussions on the amount that will be given, like *uang panaik* and dowry are

still a must to discuss in the engagement day. This indicates that although *uang panaik* is the main topic of discussion which is classified as expensive, however, the dowry remains its existence as the main obligation of a husband to his wife and important to discuss. Bugis Makassar people generally apply and take or adopt Islamic law in living including the dowry. As stated in an interview with the Bugis Makassar community.

Musriadi explained that *uang panaik* is different from the dowry. *Uang Panaik* is only a habit of the community, so even if the amount of dowry was little. It will affect whether the wedding party is great or not, this depends on ability and agreement. However, it usually raises slander to the family members because of other negative assumptions about the description of the wedding party. The family takes great care of the family's disgrace. The dowry is the teachings of Islam so *uang panaik* can be accustomed while the dowry is a must as one pillar of marriage.

The explanation above can emphasize that *uang panaik* is the tradition while the dowry is originally from Islamic law. However, the principle fulfilling both commitments should be based on Islamic law, it is the ease. The ease referred to in this case is in accordance with the hadith that the best marriage practice is a cheap dowry. So the dowry and *uang panaik* should not be the barrier to the continuity of the marriage because there are several phenomena in Bugis Makassar people as the difficulty of fulfilling *uang panaik* so that the men are prevented from continuing their intention to take marriage due to the high cost of *uang panaik* or dowry.

Basically, *uang panaik* is distinguished firstly from the dowry because the dowry position is derived from Islamic teachings while *uang panaik* was born from tradition (Miqat & Bakhtiar, 2017). So when discussing *uang panaik*, the term is purely born from the tradition of Bugis Makassar people.

The dowry can be seen in some literature and including an essential principle in marriage so in every marriage of the traditional marriage of Bugis Makassar people that dowry must be required.

The factors affecting the amount of *uang panaik*

It has been explained that historically about the practice of *uang panaik* in Bugis Makassar community, a collection of habits or 'urf of marriage practiced by Bugis Makassar community so that in this discussion, the explanation is about the amount of *uang panaik*. After conducting research in a number of Bugis Makassar community groups, it is discovered that there is no specific benchmark regarding the amount of *uang panaik* because basically as far as history concerned, *uang panaik* of the noble people had a special standard using several terms known as *kati* from Buginese, this practice was only in the frame of dowry. The amount of *uang panaik* concerns a number of things:

Descendants Factor

The descendants of nobility affect the amount of *uang panaik*. Generally, it will be relatively expensive. This is because a person who has noble descent is perceived as having a high social status compared to society in general. *Uang panaik* in this position is certainly one of the benchmarks of appreciation or in other words as a symbol to maintain the social status. No wonder if it is found in the community the practice of giving *uang panaik* from the groom to the bride, especially when proposing noble descent with a significant amount of money as regards the descendants of nobility.

As seen in a marriage that just held by Ikhsan Yasin Limpo's family. His son, Sadli Nurjaffia Ichsan who proposed Andi Emma Ainun Nidzma with *uang panaik* was 1 billion, a house was worth one billion, and a set of gold was worth hundreds of millions and countless other items. Andi Emma Ainun Nidzma was known as a noble descendant, she is also taken as her doctor's education so that it is considered reasonable for such marriage.

Andi Emma was born to a couple of A.Muh Rizal Padjonga and A. Nani Maryani Marzuki. In this case, A. Muh Rizal Padjonga is from the background of Karaeng Polongbangkeng XIV, grandson of Karaeng Polongbangkeng XII Padjonga Daeng Ngalle, whose name was now enshrined as the name of the regional public hospital in Takalar. In this position, a number of things can be used as support such as the family of a woman was a simple family or even rich, or has a high education background, or has had hajj and has a job. These things will provide more potential for a high amount of *uang panaik*.

The influence of descendants was also one of the triggers of the high or large amount of *uang panaik* that will be paid when they want to get married. Some of the cases that are directly observed and witnessed the proposal processions show a clear obstacle is the amount of *uang panaik* that when people from lower social status are proposing. It is commonly practiced in some marriages carried out by people who have noble descent, such as Datu, *puang*, *karaeng* or who is equivalent to those three, surely have a very lively, luxurious, grand and large wedding that certainly requires a large amount of money.

Even though the descendant is one of the triggers for a high amount of *uang panaik* since its tradition has a shift. It was practiced to maintain the nobility in which marriage must be in accordance with the level of the family's social status. It found that a number of marriages are practiced not based on this matter, such as the descendants of *Karaeng*, *Puang* or the same status; currently, there are those who marry their daughters or sons from a family of the lower social status. Or the noble family opened the chance of marriage to the non-ethnic group of Bugis Makassar such as the tribe from Java, Minang, Sunda, and others.

On the other hand, the negative side is that sometimes a princess or noblewoman is not married by their parents for they do not find any equal social status until the girl grows old. The concept of this descendant is

whether, in Islamic marriage, there is a discussion about kafa'ah or equality, one of the equality is the equality of the descendant. So, the principle of the marriage of Bugis Makassar people is still a view of the aspect of descendants as a benchmark for determining the amount of *uang panaik*.

Education Factor

Another factor of the high amount of *uang panaik* is the educational background. Someone who has higher education making the reason for the high amount of *uang panaik* when she is being proposed. Therefore, Bugis Makassar community sometimes makes a benchmark for their educational background to raise their *uang panaik*.

Bugis Makassar girls sent to higher education is not only to get a good job but to raise the amount of *uang panaik* as well. This means respecting a lot of sacrifice of the parents and other families in taking care of the girls. However, not all of this case occur in general among Bugis Makassar community and are not the main goal of their daughter's education.

Yet, it is often found that if a person is highly educated, such as a bachelor or even a postgraduate, then surely the amount of money will be different from those who have a lower educational background. This is not only known to the women but also to the men. So, when planning the proposal, there is a clear overview of the amount of *uang panaik* that must be provided.

As explained by Ahmad Rafi, he wanted to propose to a woman. The family had prepared *uang panaik* and dowry at the moment. The estimation considered a family with an undergraduate education so that they prepared the money was not far from the previous estimation.

By the motivation of the high of *uang panaik* towards educated women, it should motivate women in Bugis Makassar community to pay more attention to their education and the social status is improving among the community. Moreover, it can increase the high amount of *uang panaik*.

Wealth Factor

The wealth of a woman will also raise *uang panaik* because the party predicted will be festive and luxurious. This is a rationale for a woman who noticeably rich and sometimes stimulating negative stories. On the other hand, the man will try to propose a rich family with an intention to gain benefit from a woman's wealth so that he will try to have *uang panaik* that is targeted. However, other things such as family closeness, arranged marriage or dating relation are some of the reasons. The point is that a rich family background will definitely lead to a high of *uang panaik*. One example is the marriage of Ihsan Yasin Limpo's son already explained above.

Beauty Factor

Beauty factor is another argument so that women's families get higher *uang panaik*. The beauty of a woman will attract her prospective husband to work hard for collecting money for the sake of *uang panaik*. On the other hand, because there are many men who want to propose a beautiful girl, the economic theory applies that the prices will be higher because of many interested people. Though in principle is not like the common goods however that how it often occurs. Overall, the factors above have given social influence to the other community that *uang panaik* can be high or cheap due to the situation. In practice, the amount of *uang panaik* is influenced by social factors or *uang panaik* also can affect the surrounding conditions.

A REVIEW MASLAHAT OF UANG PANAİK ON THE TRADITION OF THE BUGIS MAKASSAR SOCIETY

Basically, *uang panaik* is a tradition carried out in the marriage of Bugis Makassar people. The existence is very important, however, if it is examined from the theory of *masalah* in Islamic law literature, it seems that the real *uang panaik* is categorized as *masalah daruriyyah* (primary) because it is a very core benefit for preserving 5 main things, namely: protecting religion, souls, intellect, offspring and property (Asmawi, 2014).

The principle of *masalah daruriyyah* is when something not done or carried out an impact on the emergence of a record of five things, they are *al-din* (religion), *al-nafs* (soul), *al-aql* (reason), *al-nazl* (descendants) and *al-mal* (property) (Daniel, Richard, & Mckee, 2012). Even though there is an impact mentioned above, the existence of *uang panaik* is not directly categorized as five basic principles but it cannot be denied that the negative impact will affect these five basic principles of *masalah daruriyyah*.

It is clear that *uang panaik* is not included in *masalah daruriyyah* because it does not affect the threat of the existence of the five basic *daruriyyah* above. The main principle of this aspect of pilgrimage is to eliminate difficulties, ease the burden of *taklif* and ease their affairs (Adinugraha, Hendri Hermawan, 2018).

Maslahah daruriyyah is a matter of basic human needs. If *masalah daruriyyah* is not fulfilled, it causes chaos and damage and removes happiness from the world and the hereafter (Ipandang, 2015). Whereas the position of *uang panaik* must exist at every marriage in Bugis Makassar community, but when its dose or presence is not fulfilled, it does not invalidate the essence of marriage. Precisely if money is not in line with the five principles, it is considered not to have *mashlahat*.

In the study of *masalah*, there is a level of *masalah* in terms of its priorities, namely *masalah hajjiyat* (Arfan, 2013). This *masalah hajjiyat* tends to support the accomplishment of the five basic points in *masalah daruriyyah* thus if this problem is not fulfilled, it does not directly damage the *masalah daruriyyah*.

Uang panaik can be seen in terms of existence in Bugis Makassar community which not all people make it brings benefits to meet the needs of *daruriyyah*. But it makes a necessity that has an impact on the social status or in other words, *uang panaik* is only used as a media to show off dignity among social levels.

Furthermore, in this study of *masalah hajjiyyat*, *uang panaik* in Bugis Makassar community conveys a law to provide relief so that the principle of *daruriyyah* can be easily fulfilled. If it actually provides difficulties for Bugis Makassar community to fulfill their primary needs, such as getting married to get offspring and upholding religion by practicing *sunnah* when they are married, *uang panaik* is certainly excluded as *masalah* (Rusfi, 2014).

Uang panaik can be categorized as *mashah hajjiyyat* if it gives a positive improvement to the fulfillment of *masalah daruriyyah*. In case *uang panaik* makes married easier and provide encouragement as a motive for success before getting married.

The third level in the study of *masalah* is *masalah tahsiniyyah*. It can be called *masalah takmiliyah*, which is a complimentary benefit and the breadth of the benefit of *daruriyyah* and *hajjiyyah*. *Maslahah* is intended for good and noble character. If this *masalah* cannot be realized in life yet, it does not cause shock and damage to the order of human life. Even so, this *masalah* remains important and needed by humans (Ipandang, 2015).

Uang panaik is more possible to be in *masalah tahsiniyyah*. It can be seen that if it cannot be fulfilled, it still has an option bringing convenience. For example, if someone proposes with a target of 50 million rupiahs, *uang panaik* will be considered *masalah* when the money collected is 50 million or even less. On the contrary, if it has been nailed too much which requires more loans from the bank or even the cancellation of the marriage, this does not bring *masalah*.

Uang panaik is basically for a wedding party or *walimah* expenses. Its existence helps the woman financially to hold a wedding party. The more *uang panaik*, the greater the wedding party for a marriage. From this, it can be simplified that *uang panaik* as a way to supply marriage perfection.

Some arguments that support *uang panaik* is included in the position of *masalah tahsiniyyah*. In one hadith, the Prophet said: "When 'Ali proposed to Fatimah Radhiyallahu anhuma, he said, 'Rasulullah Shallallaahu 'alaihiwasallam said, 'Verily, it is a must for the bride to hold walima.'"

The narration shows that when the Prophet wanted to arrange the marriage of his daughter, Fatimah, the dowry given was only an armor as bride price from Ali's precious object at that time. *Walimatul 'ursy* is not just a matter of party or to show off richness and wealth. However, *walimah* is part of the *Sunnah* (guidance) of the Prophet. He taught his people to hold a

walimah as in his word, **أَوْلِمُوا لَوْ بِشَاةٍ** “Perform a *walima* (wedding), even if only with a goat.”

He himself also held a wedding. When marrying Ali bin Abi Talib with his daughter. The Prophet said: “O Ali, *walimatul 'urs* (wedding) must be held (HR. Ahmad no. 5/539).”

Scholars of Law of *Walimah Jumhur* argued that *walima* is *sunnah muakkad*. Others said it is mandatory. Apart from these differences of opinion, it is clear that the example has been exemplified and ordered by the Prophet. *Walimatul ursy* is a part of *Sunnah* of the Prophet; the implementation must refer to his guidance. Meat is commonly found in wedding banquets, but not a necessity, for those who have the right to serve any halal food according to the level of their ability without any element of self-imposed because it doesn't have to be fancy. Simplicity in the past had been exemplified by the Prophet. When marrying Shafiyah bin Huyai, the Prophet held a banquet by inviting Muslims to the event. Narrated by Anas, at the wedding, there was no banquet of bread or meat, only dates, cheese, and some oil and even then with a leather mat placed on the ground.

If there is a chance, it is recommended to slaughter a goat even if only one. This is in accordance with the orders of the Prophet to Abdurrahman bin Auf: “Hold a *walima*, even if only with a goat.” (HR. al-Bukhari no. 2048 dan Muslim no. 1427). Anas bin Malik said: “I have never seen the Messenger of Allah offer a banquet at his wedding as much as a meal while marrying Zainab Binti Jahsy. At that time he slaughtered a goat.”

It is recommended for *walimah* even though it is only a small goat or similar. This hadith can be used as a reference that giving just a wedding party only worth the price of a goat. Prompts to slaughter the goat for celebrating the wedding day by inviting and serving a meal to the guest can dissolve in an atmosphere of happiness.

Therefore, it is very unfortunate if *uang panaik* is high but the goal is less achieved, for instance, *uang panaik* is worth 30 million but it does not serve a well-arranged banquet at the wedding party. Such reception sometimes even creates ridicule and insults.

CONCLUSION

Uang Panaik is a tradition in Bugis Makassar community that has been practiced for generations. Although it was difficult to trace the origins of *uang panaik*, it was definitely inherent in every marriage ceremony of Bugis Makassar community. If *uang panaik* is assessed from the theory of *maslahah*, it tends to be on the *maslahah hajjiyyat*. This is based on the fact that *uang panaik* is only a necessity that comes from traditions. Whereas traditions in the level of Islamic law can only be implemented if it is in accordance with Islamic law. However, the consequences if *uang panaik* is not implemented, it will cause ridicule from other communities. The amount of *uang panaik* is based on several factors, they are heredity, wealth, success, and beauty. Thus, there is no definite measure of the amount of *uang panaik*

that must be issued if it has several criteria. Basically, *uang panaik* does not guarantee the happiness of every marriage. On the other hand, *uang panaik* is also commonly referred to as '*dui cappu*' (used up money) so that more or less of *uang panaik* is only used to finance a wedding.

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