

El-Usrah: Jurnal Hukum Keluarga https://jurnal.ar-raniry.ac.id/index.php/usrah/index ISSN: 2549 – 3132 || E-ISSN: 2620-8083 Vol. 7. No. 2. December 2024 DOI: 10.22373/ujhk.v7i2.25574

The Return of *Doi Menre' Ba'da Duhul* in Bugis Marriage Law, South Konawe: Islamic Education and Sociology of Islamic Law Perspective

Mansur¹, Muh. Ikhsan¹, Ashadi L. Diab¹, Sitti Nurfaidah¹, Syamsul Darlis¹ ¹Institut Agama Islam Negeri Kendari, Indonesia Email: mansur@iainkendari.ac.id

Abstract

Doi Menre' (gift money) can be returned after the divorce takes place even though husband and wife relations have previously occurred (ba'da duhul). This research examines the practice of returning *doi menre'* (gifted money) *ba'da duhul*, the social dynamics that influence it, as well as sociology of Islamic Law and Islamic Education perspectives regarding the practice of returning *doi menre* (gifted money) ba'da duhul for the Bugis community in South Konawe Regency, Southeast Sulawesi. This qualitative research employs a socio-empirical approach, including interviews with those who have returned doi menre' (gifted money) ba'da duhul's, traditional leaders, community leaders, and religious leaders. The results of the research revealed that the return of *doi menre' ba'da duhul's* was practiced in two stages, namely the pre-wedding verbal agreement stage and the stage of returning the doi menre' (gifted money). Three social dynamics influence the return of doi menre' ba'da duhul's, namely; there was an oral agreement before the marriage took place, no solution was found to the marriage problems, and following the habits of some Bugis people in resolving divorce cases. Islamic education in the tradition of returning doi menre' ba'da duhul in Bugis marriage law plays a foundation in forming principled, moral, fair in building a household, and contribute positively to social life. Sociological studies of Islamic law view that the practice of returning doi *menre*' (gifted money) is a managed system in the actions of the Bugis community which combines customary law and Islamic law in resolving divorce cases. In the end, research can participate in developing an assessment of the struggle between customary law and Islamic law in resolving marriage cases in Islamic communities. Keywords: Doi Menre', Marriage, Bugis, Islamic Education, Sociology of Islamic Law

Abstrak

Doi Menre' (uang hadiah) dapat dikembalikan setelah terjadi perceraian meskipun sebelumnya telah terjadi hubungan suami istri (ba'da duhul). Penelitian ini mengkaji tentang praktik pengembalian doi menre' (uang hadiah) ba'da duhul, dinamika sosial yang mempengaruhinya, serta perspektif sosiologi Hukum Islam dan Pendidikan Islam mengenai praktik pengembalian doi menre' (uang hadiah) ba'da duhul bagi masyarakat Bugis di Kabupaten Konawe Selatan, Sulawesi Tenggara. Penelitian kualitatif ini menggunakan pendekatan sosio-empiris yang meliputi wawancara terhadap para penerima doi menre' (uang hadiah) ba'da duhul, tokoh adat, tokoh masvarakat, dan tokoh agama. Hasil penelitian mengungkapkan bahwa pengembalian doi menre' ba'da duhul dilakukan dalam dua tahap, yaitu tahap perjanjian lisan pranikah dan tahap pengembalian doi menre' (uang pemberian). Tiga dinamika sosial yang mempengaruhi kembalinya doi menre' ba 'da duhul, yaitu; adanya kesepakatan lisan sebelum perkawinan dilangsungkan, tidak ditemukannya penyelesaian permasalahan perkawinan, dan mengikuti kebiasaan sebagian masyarakat Bugis dalam menyelesaikan perkara perceraian. Pendidikan Islam tradisi pengembalian doi menre' ba'da duhul dalam hukum perkawinan Bugis berperan sebagai landasan dalam membentuk prinsip, moral, adil dalam membangun rumah tangga, dan berkontribusi positif dalam kehidupan bermasyarakat. Kajian sosiologi hukum Islam memandang bahwa praktik pengembalian doi menre' merupakan suatu sistem yang diatur dalam tindakan masyarakat Bugis yang memadukan antara hukum adat dan hukum Islam dalam menyelesaikan perkara perceraian. Pada akhirnya penelitian dapat ikut mengembangkan kajian mengenai pergulatan antara hukum adat dan hukum Islam dalam penyelesaian kasus perkawinan di masyarakat Islam.

Kata Kunci: Doi Menre', pernikahan, Bugis, pendidikan Islam, sosiologi hukum Islam

Introduction

In the marriage tradition of the Bugis community, there is a dialectic between Islamic law and custom, from the application process, marriage and even after the marriage. Among these marriage customs is the practice of returning *doi menre'* (gift money) which becomes very challenging when faced with sociological studies and Islamic law. ¹ Returning *doi menre'* (gift money) can be done in Bugis marriages, South Konawe Regency, even though the husband and wife have previously had a husband-and-wife relationship (*ba'da duhul*).

¹ Wardana Said, et.al., "Marriage Traditions and Family Resilience in Bugis Bone Society: A Study of Islamic Law and Islamic Education," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, No. 3 (2024). Mursyid Djawas, et.al., "The Integration Between Syara' and Ade' in Marriage Tradition Bugis Bone, South Sulawesi," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 18, No. 2 (2023).

https://jurnal.ar-raniry.ac.id/index.php/usrah/index

The study of this practice contains interactions between Islamic law, customary law, and state law which of course influence each other's implementation in society. Returning assets resulting from divorce in several regions of Indonesia can only be done if during the marriage the husband and wife have not had husband and wife relations (*Qabla duhul*), in these regions such as Makassar,² Medan,³ and North Aceh,⁴ in the sense that the assets that can be returned are only. The dowry is not spending money or handover money. This is different from the tradition of returning *doi menre' ba'da duhul* for marriages of the South Konawe Bugis community, which returns shopping money or wedding handover money after a divorce, even though a husband and wife relationship had previously occurred. Uniquely, this tradition returns the money offered, not the wedding dowry.

Doi menre' (gifted money) and *panai* money refer to the amount of money given by the prospective groom to the prospective bride. This is based on an agreement made by the messengers with the woman's family during the marriage proposal procession, known as *madduta*.⁵ The money is intended to fund an event or party to entertain guests at the woman's residence. It's important to note that *doi menre* is distinct from *sompa* (dowry).⁶ While *doi menre* is meant for entertaining guests, *sompa* is property given by the man to the woman, to be owned entirely by the woman. It's not joint property and is not used for entertaining guests. Additionally, *doi menre*' is a customary requirement for marriage in the Bugis community, while *sompa* is a pillar of marriage in Islam.⁷

There are three social dynamics that influence the return of *doi menre' ba'da duhul* at Bugis community marriages in South Konawe Regency, namely; There was an oral agreement before the marriage took place, no solution was found to the marriage problems, and following the habits of some Bugis people who had divorced. This phenomenon indicates the existence of a system of interconnectedness and mutual influence among society in solving certain problems to create equilibrium or balance.⁸ Apart from that, behind the survival of this tradition until

² Nur Ilmi Wahab, et.al., "Penuntutan Pengembalian Mahar Akibat Perceraian; Studi Putusan No.517/Pdt/G/2015/Pa.Mrs," *Journal of Lex Generalis (JLS)* 2, no. 2 (2021), p. 608–621.

³ Rahmi Ramadhani and Elsy Renie, "Tinjauan Hukum Islam Terhadap Pengembalian Mahar Berganda Akibat Pembatalan Peminangan Dalam (Studi Di Kelurahan Belawan II Kota Medan)," *JISRAH: Jurnal Integrasi Ilmu Syariah* 2, no. 3 (2021), p. 83–92.

⁴ M. Husen M.R., et.al., "Tradisi Dan Status Sosial Dalam Penetapan Mahar Perkawinan Di Gampong Mamplam Aceh Utara," *Jurnal Ilmu Sosial Dan Ilmu Politik Malikussaleh (JSPM)* 3, no. 1 (2022), p. 32–41.

⁵ Asriani Alimuddin, "Makna Simbolik Uang Panai' Pada Perkawinan Adat Suku Bugis Makassar Di Kota Makassar," *Al-Qisthi* 10, no. 2 (2020), p. 117–32.

⁶ Fitriyani Fitriyani, "Multicomplex Uang Panai' Terhadap Perempuan Dalam Perkawinan Keluarga Muslim Suku Bugis," *Tasyri': Journal of Islamic Law* 1, no. 2 (2022), p. 195–214.

⁷ Shofiatul Jannah, et.al., "Panaik Money of Bugis' Customary Marriage in the Perspective of Islamic Law and Positive Law in Indonesia," *Journal of Transcendental Law* 3, no. 2 (2022), p. 98–111.

⁸ Adhi Putra Satria, "Sibernetika Talcott Parsons: Suatu Analisis Terhadap Pelaksanaan Omnibus Law Dalam Pembentukan Undang-Undang Cipta Lapangan Kerja Di Indonesia," *Indonesian State Law Review (ISLRev)* 2, no. 2 (2020), p. 111–118.

modern times, it indicates that there is spiritual education that can be achieved in implementing this tradition. Based on this, the return of *doi menre' ba'da duhul* in Bugis marriages is a social phenomenon that is interrelated and influences the social life of the Bugis community in South Konawe Regency in resolving the problem of returning money given in divorce cases. Thus, returning the money handed over is one way that can be achieved to create social balance among society.

Marriage law also includes the study of Islamic education, one of the scopes of which is exploring the study of Islamic education regarding the tradition of returning *doi menre' ba'da duhul* in Bugis marriages. This traditional practice can give rise to at least three things, namely; the realization of justice and balance, upholding principles in a togetherness, as well as maintaining morality and individual rights. These three things are integrated with the concept of Islamic education in developing people to be just and contribute positively to social life.

Scholars have researched *doi menre'*, which has been classified into three discussion themes. The first theme discusses the meaning of *doi menre'* in Bugis Marriage, as explored in the works of Rinaldi,⁹ Alimuddin,¹⁰ Mustafa and Syahriani,¹¹ Damis,¹² and Hapsari and Tanjung,¹³ The second theme explains the position and implications of gift money in Bugis marriages, as explored in the works of Jannah and Suwandi,¹⁴ Fitriani,¹⁵ and Anita et.al.¹⁶ The third theme reveals the concept of dowry in various studies, as explored in the works of Kafi,¹⁷ Zulaihi,¹⁸ and Zhuri.¹⁹ Based on these discussion themes, it was found that the study of marital

⁹ Rinaldi Rinaldi et al., "Uang Panai Sebagai Harga Diri Perempuan Suku Bugis Bone (Antara Tradisi Dan Gengsi)," *Equilibrium: Jurnal Pendidikan* 10, no. 3 (2022), p. 361–373.

¹⁰ Alimuddin, "Makna Simbolik Uang Panai' Pada Perkawinan Adat Suku Bugis Makassar Di Kota Makassar."

¹¹ Mutakhirani Mustafa and Irma Syahriani, "Pergeseran Makna Pada Nilai Sosial Uang Panai" Dalam Prespektif Budaya Siri'," *Jurnal Yaqzhan: Analisis Filsafat, Agama Dan Kemanusiaan* 6, no. 2 (2020), p. 217–231.

¹² Mahyudin Damis, "Makna Tradisi Dui Menre Atau Uang Panai Di Kota Manado (Studi Kasus Perkawinan Eksogami Perantau Pria Bugis-Makassar Di Manado)," *Holistik* 13, no. 4 (2020), p. 1–16.

¹³ Britania Widya Sista Hapsari Hapsari and Sumekar Tanjung, "Analisis Resepsi Suku Non Bugis Terhadap Tradisi 'Uang Panai' Dalam Film 'Uang Panai' (Mahar)," *Jurnal Mahasiswa Komunikasi Cantrik* 2, no. 2 (2022), p. 139–152.

¹⁴ Jannah, CH, and Suwandi, "Panaik Money of Bugis' Customary Marriage in the Perspective of Islamic Law and Positive Law in Indonesia."

¹⁵ Fitriyani, "Multicomplex Uang Panai' Terhadap Perempuan dalam Perkawinan Keluarga Muslim Suku Bugis."

¹⁶ Anita, Rasna, and Budiman, "Kedudukan Uang Panai Menurut Masyarakat Bugis Di Pare-Pare: Menolak Persepsi Perempuan Sebagai Barang Komoditi," *Marital* 8577, no. Furnivall 1967 (2023), p. 1–11

¹⁷ Kafi, Abdul, "Mahar Pernikahan Dalam Pandangan Hukum Dan Pendidikan Islam," *Jurnal Paramurobi* 3, no. 1 (2020), p. 55–62.

¹⁸ Zulaifi, "Konsep Mahar Menurut Pemikiran Ulama Empat Mazhab Dan Relevansinya Di Era Kontemporer," *Qawwam: Journal for Gender Mainstreaming* 16, no. No. 2 (2022), p. 105–20.

¹⁹ Muhammad Arif Zuhri, "Konsep Mahar Dalam Al- Quran: Suatu Tinjauan Semantik," *Ulumuddin* 11, no. 1 (2018), p. 30–51.

spending money has not received maximum attention from scholars. Previous research has generally focused on the conception of meaning and position of *doi menre'* in various perspectives. Therefore, this research aims to complement previous research by revealing the return of *doi menre'* after a husband-wife relationship (*ba'da duhul*) from a sociology of Islamic law and Islamic Education perspective. The South Konawe Regency was chosen as the research object because the restoration of *doi menre'* is practiced in this area, which is different from other areas in Indonesia. This has the potential to invite reactions from global Muslim scholars in understanding marriage and divorce law.

Departing from the conception above, this research formulates three main problems in its study, namely; reveals the practice of returning the *doi menre' ba'da duhul* in Bugis marriages, explains the social dynamics that influence the return of the *doi menre' ba'da duhul*, and describes the sociological perspective of Islamic law and Islamic education regarding the practice of returning the *doi menre' ba'da duhul* in Bugis marriages in South Konawe Regency. Therefore, in the future, it is hoped that this research can become a reference in developing studies on the pluralism of marriage law in Indonesia.

This research focuses on three main problems related to the practice of returning the *doi menre' ba'da duhul* in Bugis marriages in the Regency South Konawe. Firstly, it aims to reveal the practice of returning the *doi menre' ba'da duhul*. Secondly, it explains the social dynamics that influence the return of the *doi menre' ba'da duhul*. Lastly, it describes sociological and Islamic legal perspectives regarding this practice. This research aims to provide a reference for developing studies on the pluralism of marriage law in Indonesia.

This study employs a qualitative research method with a socio-empirical approach, located in South Konawe Regency. The primary data source for this research is based on interviews and literature reviews about marriage. The interviews were conducted with various stakeholders such as the local community, traditional figures, religious leaders, and those who have undergone the process of returning *doi menre' ba'da duhul*. Below the researcher describes the informant data:

No.	Informant	Position	Gender	Address
1	Nasrullah	Public Figure	Man	Baito District
2	Nahru	Religious Leader	Man	Basala District
3	Sucianti	Public Figure	Woman	Benua District
4	Mutia	Public Figure	Woman	Buke District
5	Taufik	Religious Leader	Man	Kolono District
6	Jufri	Public Figure	Man	Laeya District
7	H. Jemma	Religious Leader	Man	Lalembuu District
8	Ismail	Traditional Figure	Man	Mowila District
9	Saria	Traditional Figure	Man	Tinanggea District

Table 1: Informant Data

10	AY	Perpetrator	Woman	Lalembuu District
11	JF	Perpetrator	Man	Buke District
12	YS	Perpetrator	Man	Tinanggea District
13	DK	Perpetrator	Man	Basala District

*AY, JF, YS, DK are perpetrators or parties who divorce and practice returning *doi menre' Ba'da Dukhul*. Names have been deliberately disguised to maintain the confidentiality of informant data.

The Practice of Returning *Doi Menre' Ba'da Duhul* in Bugis Marriages, South Konawe Regency

The wedding customs of the Bugis community in South Konawe Regency have several similarities to those observed in other parts of Indonesia. However, unique differences can be seen in the process of divorce. In the South Konawe Regency, some Bugis individuals who get divorced have the option of returning the *doi menre'* provided by the man to cover the costs of entertaining guests at the woman's house before the wedding. To elaborate on the practice of returning the *doi menre'*, researchers have described it in two stages;

A pre-nuptial agreement is a series of marriage processions carried out based on the agreement of both parties wishing to carry out the marriage. This regulation is stated in Article 29 paragraph 1 of Law Number 1 of 1974 concerning Marriage which states that a pre-nuptial agreement is an agreement that can be made before the marriage takes place. The agreement must be ratified by the Marriage Registrar.²⁰ The pre-nuptial agreement is contained in a letter of agreement which is signed by the bride and groom, the witnesses, and ratified by the Marriage Registrar.²¹ One of the things that can be agreed upon is regarding the assets of both parties who will enter into a marriage.²² The agreement regarding assets is directly related to the separation of the assets of the prospective husband and wife. An example of an excerpt from the agreement, namely; If there are problems in the marriage and it ends in divorce, the inherited assets cannot be owned by the partner (husband or wife).

The stages of pre-nuptial agreements for the Bugis people of South Konawe Regency are different from pre-nuptial agreements implemented in other regions of Indonesia. These differences are reflected in the form of implementation. According to Ismail, in his interview with researchers, he explained that; "Some Bugis people in South Konawe Regency have their traditions which are carried out before the wedding takes place. One of the processes is application. During the application process, the family of the man and woman can make a verbal agreement regarding the terms of *doi menre'* (gift money). These provisions include returning the *doi*

²⁰ Andrean Syah and Ilham Tholatif, "Urgensi Perjanjian Pranikah Sebagai Kesepakatan Awal Perkawinan," *Legal Standing Jurnal Ilmu Hukum* 6, no. 2 (2022), p. 115–128.

²¹ Nuyun Nurillah, "Tinjauan Yuridis Perjanjian Pra Nikah dalam Perspektif Hukum Islam dan Hukum Positif Indonesia," *Jurnal Hukum Islam Nusantara* 9, no. 2 (2022), p. 427–436.

²² Sugih Ayu Pratitis and Rehulina, "Keabsahan Perjanjian Pra Nikah dan Akibat Hukumnya Ditinjau dari Perspektif Hukum," *Jurnal Hukum* ... 2, no. 2 (2023), p. 56–73.

menre' (gift money) if in the marriage there are problems that cannot be resolved and end in divorce".²³

In agreement with Ismail's opinion, AY affirmed that "the return of *doi menre'* (gift money) in the pre-nuptial agreement was verbally carried out during the application process".²⁴ Meanwhile, according to JF, "the pre-nuptial agreement was implemented without any testimony and validation from the Marriage Registrar's Officer".²⁵

The next interview concerns the practice of pre-marital verbal agreements in the South Konawe Regency. Nasrullah stated that; "The Bugis community of South Konawe Regency as a whole does not implement verbal pre-nuptial agreements. Some marriages take place without a pre-nuptial agreement. As for implementing pre-nuptial agreements, this is usually done in two ways, namely; verbal agreement at the time of application and pre-nuptial agreement in writing and ratified by the Marriage Registrar".²⁶ Divorce stages, discussing divorce where before the marriage takes place there is a verbal pre-nuptial agreement by both parties as well as divorce for couples who have had a husband and wife relationship (*ba'da duhul*).

Research researchers found 15 cases of husband and wife couples who returned *doi menre' ba 'da duhul* due to divorce in South Konawe Regency. Below the author describes the divorce data;

No.	Married Cople	Cause of Divorce	Year of Divorce	Address
1	ES and OK	Affair	2022	Palangga District – Lalembuu District
2	AS and NI	Husband is Impotent	2022	Andoolo District – Buke District
3	AF and AR	Economy	2021	Basala District - Benua District
4	NA and AT	Affair	2023	Buke District
5	JM and NG	Economy	2021	Tinanggea District – Kolono District
6	AY and JF	Husband is Impotent	2023	Lalembuu District – Buke District
7	RM and NZ	Economy	2023	Lalembuu District
8	ZI and KA	Affair	2021	Mowila District – Benua District
9	NT and DA	Economy	2022	Tinanggea District

Table 2: Ba'da Duhul Divorce Data and Returning Doi Menre'

²³ Interview with Ismail, Traditional Figure, 12 March 2023.

²⁴ Interview with AY, Perpetrator, July 9, 2023.

²⁵ Interview with JF, Perpetrator, July 10, 2023.

²⁶ Interview with Nasrullah, Public Figure, September 12, 2023.

10	SF and KJ	Husband is Impotent	2023	Mowila District – Baito District
11	NN and YS	Affair	2022	Benua District – Tinanggea District
12	IL and UY	Economy	2023	Motaha District
13	BD and IK	Affair	2022	Basala District
14	HR and DK	Economy	2021	Laeya District – Basala District
15	ER and WU	Affair	2022	Angata District – Buke District

***Data Source:** The researcher conducted interview data from March to September 2023.

Based on research by researchers regarding the practice of returning *doi menre' ba'da duhul* due to divorce, the researchers discovered the fact that three factors cause divorce, namely; the husband's impotence, infidelity, and the economy. For the sample, the researcher described the *ba'da duhul* divorce process for couples AY and JF, NN and YS, and couples HR and DK.

First, AY and JF's divorce. The couple divorced because AY, as the wife, did not accept her husband who had impotence. AY's testimony in the interview stated; "AY has been living with her husband JF in the same house for five months, during which they have had a physical relationship. However, AY has not been satisfied with the intimacy provided by JF, which has led her to file for divorce at the South Konawe Regency Religious Court in 2023".²⁷

During the research, the interviewer had a conversation with JF to understand the reasons behind AY's decision to file for a divorce. JF's statement that; "JF's family members, including his wife, in-laws, and parents, have asked him to seek treatment for his impotence. However, JF has always refused, feeling too embarrassed to discuss this personal matter with anyone. He worries that if he were to undergo treatment, it would become a topic of discussion among the local community, which he would rather avoid".²⁸

The next interview was with a Community Figure in Buke District, South Konawe Regency who stated that; "Before the divorce proceedings at the Religious Court of South Konawe Regency, the families of AY and JF had a consultation and reached an agreement. It was decided that the *doi menre'* given by JF before the marriage had to be returned since the divorce was solely initiated by the wife and not mutually agreed upon by both husband and wife. Additionally, JF's family mentioned that AY was ungrateful for JF's condition and wanted a divorce instead. As per the previous agreement, JF's family demanded the return of the *doi menre'* if the divorce was not based on mutual agreement between the husband and wife".²⁹

²⁷ Interview with AY, Perpetrator, July 9, 2023.

²⁸ Interview with JF, Actor, 10 July 2023.

²⁹ Interview with Mutia, Public Figure, 21 August 2023.

Second, NN and YS got married because their parents agreed to match them. However, their marriage only lasted for a year and they divorced in 2022. According to YS, they decided to end the marriage; "NN and YS are facing marital issues due to NN's affair with KP, who had previously been involved with NN. The affair came to light when NN was caught staying with KP for three consecutive nights at an inn in Kendari City. As a result, YS reported the incident to both sets of parents. Subsequently, YS expressed his desire to end the marriage in front of his parents".³⁰

Before the divorce was brought to trial at the Andoolo Religious Court in South Konawe Regency, Saria, the Tinanggea District Traditional Leader, met with each of NN and YS' parents. The results of the meeting were later revealed by Saria; "NN's affair with KP led to YS wanting a divorce. A meeting was held between NN and YS' parents, where it was agreed that before the divorce was legalized, NN's family would have to return the *doi menre'* IDR. 50,000,000,- that was given by YS's family before the marriage. YS' family made it clear that if *doi menre'* was not returned, they would report the case of NN's affair with KP to the authorities. Finally, NN's family agreed to return the money. The reason for returning the *doi menre'* was a verbal prenuptial agreement stating that "if NN cheats or returns to her ex-boyfriend after the marriage, the *doi menre'* must be returned to YS".³¹

The researchers investigated why YS's family had a pre-nuptial agreement regarding the mentioned affair. Sucianti expressed this reason in her interview with researchers that; "NN and YS were married through an arranged marriage, and YS's family requested a guarantee from NN's family that NN would remain loyal to YS after their marriage. The reason behind this request was that NN had previously been in a romantic relationship with KP. NN's family agreed to provide the guarantee, and NN also approved of this request".32

Third, HR and DK's divorce. HR filed for DK's divorce due to economic reasons. The chronology of the divorce was explained by DK; "DK and HR got married in January 2020 and moved together to Andoolo District to live in a rented house. DK works as a motorbike taxi driver, while HR helps him meet the needs of their family by working at a laundry company. In 2021, they were blessed with a daughter, which led to HR quitting her job to take care of the child. However, DK's income was not enough to support their family, which forced HR to move back to her parents' home in Laeya District in July 2021. By December 2021, HR had grown tired of DK's infrequent visits and sending only Rp. 500,000, leading her to file for divorce at the Andoolo Religious Court in South Konawe Regency".33

Data regarding the stage of returning *doi menre' ba'da duhul* in the HR and DK divorce case was revealed by Jufri; "Before the return of doi menre' ba'da duhu>l in the divorce case between HR and DK, mediation efforts were carried out by bringing HR and DK and their respective families together in the presence of a

³⁰ Interview with YS, Perpetrator, April 16, 2023.

³¹ Interview with Saria, Traditional Figure, May 19, 2023

³² Interview with Sucianti, Public Figure, June 3, 2023.

³³ Interview with DK, Perpetrator, September 28, 2023.

traditional figure named Nahru who is located in Basala District. However, this mediation did not find a solution to maintain HR and DK's marital ties. "Finally, DK's family asked for the return of the *doi menre'* which was given to HR before the marriage took place because HR was not grateful for DK's job situation and still had a firm decision to divorce".34

In the final interview regarding HR and DK's divorce case, the researcher gathered information regarding the reasons why HR's family agreed to return DK's *doi menre'* (gift money) even though they had previously been in a relationship with husband and wife (*ba'da duhul*). This information was conveyed by Nahru; "Before HR and DK's marriage in 2020, there was a verbal agreement during the application which was conveyed directly by Nahru. One of the contents of the agreement states that if one day HR and DK are married, both of them must accept each other, especially for HR who is asked to accept the situation of her husband who works as a motorbike taxi driver (low income). This verbal agreement caused HR's family to agree to return DK's *doi menre'* (gift money) of Rp. 25,000,000,"³⁵

Based on the three divorce cases discussed above, it can be concluded that *doi menre'* (gift money) can be returned even if the couple had previously been married (*ba'da duhul*). The reasons for divorce in these cases were the husband's impotence, infidelity, and economic factors.

Based on the interview results obtained, the researcher understands that the practice of pre-nuptial agreements carried out by some Bugis people is inconsistent with Article 29 paragraph 1 of Law Number 1 of 1974 concerning Marriage. This is because the agreement is implemented verbally, while the mandate of the Marriage Law is for agreements to be implemented in written form and ratified by the Marriage Registrar. It is worth noting that pre-nuptial agreements in South Konawe Regency are different from those implemented in other regions of Indonesia such as Makassar, Medan, and North Aceh. In these regions, the object of pre-nuptial agreements is the inherited assets of the husband or wife. However, in South Konawe Regency, some Bugis people have made the return of *doi menre' ba'da duhul* the object of a pre-nuptial agreement.

Based on the above, the researcher agrees with Anggraeni's opinion which states that Indonesia is a plural country that has differences in religion, customs, culture, and ethnicity. This often gives rise to conflicts between the customary legal system and the national legal system.³⁶ Therefore, people often look for other solutions to solve the social problems they face.

Social Dynamics that Influence the Return of *Doi Menre' Ba'da Duhul* in Bugis Marriages in South Konawe Regency

³⁴ Interview with Jufri, Public Figure, September 20, 2023.

³⁵ Interview with Nahru, Religious Figure, 21 September 2023.

³⁶ Rr Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023), p. 25–48.

Paying attention to the phenomenon of returning *doi menre' ba'da duhul* due to divorce in Bugis marriages, South Konawe Regency, it can be formulated that the social dynamics that influence the return of *doi menre' ba'da duhul* are three things, namely;

First, there is an Oral Agreement Before the Marriage Takes Place. The Bugis community places great importance on traditional principles, especially when it comes to solving social issues. Marriage is one such issue that can threaten the social fabric of the Bugis community, particularly when it comes to matters of *siri'* or disgrace.³⁷ Going back on an agreement is considered *siri'* or disgraceful behavior in the Bugis community. As a result, individuals who break agreements are often the subject of gossip and insults from their community, as they are unable to cover up their *siri'* or disgrace.³⁸ This is why *doi menre' ba'da duhu>l* came into the picture in a divorce case in the Bugis community. An oral agreement made before the marriage application becomes a commitment for the husband and wife, as well as their respective families, to uphold.

According to Nasrullah; "*The Bugis people in South Konawe Regency practice pre-nuptial* agreements to prevent disputes in the case of divorce".³⁹ The Bugis community faces a social dynamic in resolving ongoing problems related to the return of *doi menre' ba'da duhul* in Bugis marriages.

Second, No Solution to Marital Problems Has Been Found. Marriage rules serve as the foundation for determining how society should address the marriage problems it faces.⁴⁰ However, the lack of legal guidelines in national legislation regarding the rules for giving money in traditional marriages has led people to seek alternative ways to resolve such issues. This research aims to address the problem of returning *doi menre' ba'da duhul* in Bugis marriages in the South Konawe Regency.

In Bugis marriages, the practice of returning *doi menre' ba'da duhul* is influenced by the dynamic of unresolved marital ties. When couples who are going to divorce are unable to find a solution to their problems, returning *doi menre'* becomes the last resort before divorce is finalized by the Religious Court. Essentially, this involves returning the money offered even though the husband and wife had previously consummated their marriage (*ba'da duhul*).

Third, Follow the Habits of Some Bugis People in Resolving Divorce Cases. Filing for divorce is one of the rights that husband and wife have in carrying out their marriage.⁴¹ The request for divorce can be made by the husband or wife based on a

³⁷ Ipandang and Syamsul Darlis, "Passampo Siri' in the Bugis Marriage Practies in East Kolaka, Indonesia: A Sociological Perspective of Islamic Law," *Samarah* 6, no. 2 (2022), p. 873–89.

³⁸ Muh. Sari Sam et al., "Ammotere Abbaji Pada Suku Makassar (Studi Kasus Di Desa Barembeng Kecamatan Bontonompo Kabupaten Gowa)," *Jurnal Penelitian Dan Penalaran* Vol.6 (2019), p. 126–36.

³⁹ Interview with Nasrullah, Public Figure, September 12, 2023

⁴⁰ Fatum Abubakar, et.al., "The Transformation of the Dilemma of Role Exchange in the Household: Analyzed Gender in Family Resilience Discourse in National Law and Islamic Law," *Jurnal Ilmiah Al-Syir 'ah* 21, no. 1 (2023), p. 1–18.

⁴¹ Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022), p. 383–411

mutual divorce agreement.⁴² Therefore, divorce in Bugis marriages in South Konawe Regency can take place. However, before a divorce can take place several stages must be passed, including; family mediation to build agreements, as well as realizing pre-nuptial verbal agreements in concrete form, including the return of *doi menre' ba'da duhul*.

The tradition of returning *doi menre' ba'da duhul* is still being practiced by some Bugis people in the present day. This practice is influenced by the social dynamics of the community, particularly in resolving conflicts arising from divorce, following their previous customs. In line with Sucianti's opinion which stated that; "The Bugis community has various ways of resolving divorce cases. "One of the Bugis people's customs in resolving divorce cases is to return the *doi menre' ba'da duhul*".⁴³

Tradition of Returning *Doi Menre' Ba'da Duhul* for Bugis Weddings in South Konawe Islamic Education Perspective

Islamic education is education that is related to cleansing the soul and heart. Thus, education is not related to the physical but rather refers to a person's inner side. In this research, it was discovered that there were three Islamic educations in the case of returning *doi menre' ba 'da duhul* at Bugis marriages in South Konawe, namely;

First, the fulfillment of justice and balance. In the Bugis marriage tradition, *doi menre'* is the right of the prospective wife which must be paid by the prospective husband as a form of respect, and sincerity, and aims to finance the entertainment of guests when the wedding ceremony takes place at the woman's residence. An oral agreement before the marriage takes place is a means that can be a reason for the return of *doi menre' ba'da duhul*. In the case of NN (YS's wife) having an affair with KP which caused YS to divorce NN. YS considers that NN's affair violates a previous verbal agreement that NN must be loyal to YS. The agreement was entered into to ensure that NN would not return to her boyfriend (KP) after marrying YS, but NN violated the agreement.

Based on the discussion above, the spiritual education that can be obtained from the case of returning *doi menre' ba'da duhul* after divorce in Bugis marriages is an embodiment of justice and balance. YS has paid for the marriage by handing over the *doi menre'* to NN. Apart from that, YS's doubts about NN's loyalty (because before marriage she had a boyfriend named KP) were confirmed by making a verbal agreement before the marriage, but NN still had an affair with KP (going back to her ex-boyfriend). This, of course, makes YS and his family feel disadvantaged. With the presence of the tradition of returning *doi menre' ba'da duhul*, justice can be achieved and serves as a prevention of prolonged disputes between the NN and YS families, in the sense that this tradition also creates balance.

⁴² Abd Rahman Dahlan, et.al., "Women's Post-Divorce Rights in Malaysian and Indonesian' s Court Decisions," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2016), p. 191–212.

⁴³ Interview with Sucianti, Public Figure, Juny 3, 2023

Second, upholding principles. The occurrence of divorce motivated by economic reasons is commonplace. In the divorce case, DK (husband) and HR (wife) divorced because HR considered DK's economy unable to meet household needs. Fulfilling the family's economy is a shared responsibility, therefore husband and wife should work together to find solutions to their economic problems to prevent them from divorce. The establishment of the principle of togetherness in all matters in marriage is a strong foundation for creating a harmonious household.

Third, maintaining morality and individual rights. Islam also regulates husband-wife relations in building a household. In this way, morality and rights as a husband and wife must also be maintained. In the tradition of returning *doi menre' ba'da duhul* at Bugis marriages, it is a form of maintaining morality and fulfilling individual rights. Due to the existence of an oral and binding agreement, disputes that cannot be resolved in marriage and end in divorce must be fulfilled.

Based on the discussion above, the study of Islamic education regarding the return of *doi menre' ba'da duhul* in Bugis South Konawe marriage law is seen as an Islamic education method with a religious-rational approach, namely education that unites the physical and spiritual as a process of formation and guidance. which is carried out based on the Qur'an and as-Sunnah to develop the potential that exists in students or humans in general by combining dhikr, thinking, pious deeds to form human beings, namely humans who are intellectually intelligent, emotional, moral, and religious.⁴⁴

The study of Islamic education views the fulfillment of justice and balance in life as ensuring that all individuals have equal access in social, economic, and gender matters.⁴⁵ The diversity of human needs in carrying out marriage ceremonies often gives rise to special agreements before the marriage takes place, such as a pre-nuptial verbal agreement to return the *doi menre'* (gift money) even though the married couple has already had husband and wife relations. The agreement is to strengthen the commitment of husband and wife so that violation of the agreement is an attitude that distances people from justice. Thus, Islamic education views that the return of *doi menre' ba'da duhul* in Bugis marriage law as a marriage tradition based on education that pays attention to justice and balance of life, in the sense that this phenomenon provides deeper insight into how Islamic education seeks to create a society that more fair and balanced.

Islamic education emphasizes the importance of upholding principles such as justice, truth and noble morals.⁴⁶ Thus, divorce which has the consequence of returning the *doi menre'* (gift money) in a Bugis marriage is an attitude of upholding the principle that husband and wife should work together to find solutions to the problems faced in their household and not immediately file for divorce if problems

⁴⁴ Mupti Al Umam, "Interpretasi Jawwad Ridla Tentang Aliran-Aliran Filsafat" 2, no. 1 (2024), p. 19–29

⁴⁵ Wei Wang, "The Evolution of Chinese Muslim's Classical Learning and Schools in the Ming and Qing Dynasties," *Religions* 13, no. 6 (2022), p. 1–18.

⁴⁶ Badrah Uyuni and Mohammad Adnan, "The Challenge of Islamic Education in 21st Century," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 7, no. 11 (2020), p. 1101–1120.

arise. Therefore, this traditional practice functions as a moral and ethical basis in everyday life, guiding individuals to act fairly and responsibly. Education also encourages people to understand social values, so that they can uphold the principles of togetherness and contribute positively to society at large.

Islamic education places great emphasis on maintaining morality and individual rights, with the aim of forming good character.⁴⁷ This includes teaching about morals, ethics, and social responsibility. Due to the existence of verbal and binding agreements in Bugis marriages, disputes that cannot be resolved in the marriage and end in divorce must be fulfilled or the *doi menre'* (money given) after the divorce is returned. This means that this tradition implements an educational concept that respects the maintenance of morality and individual rights, including protection from discrimination. By understanding these rights and obligations, individuals can live harmoniously in society.

Overall, Islamic education in the tradition of returning *doi menre' ba'da duhul* in South Konawe Bugis marriage law acts as a foundation in forming individuals who are principled, moral and fair in building a household. By applying these values in everyday life, the general public will become better and more harmonious.

Return of Doi Menre' *Ba'da Duhul* in a Bugis Marriage, South Konawe Regency Sociology of Islamic Law Perspective

Legal pluralism plays a vital role in the Bugis community's life, particularly in conducting mu'amalah and worship procedures, including marriage. In this regard, the author analyzes the sociological review of the practice of returning *doi menre' ba'da duhul* by applying Talcott Parsons' *Structural-Functional* theory.

This theory studies the customary legal norms that the Bugis community follows when dealing with divorce cases. The structural-functional theory recognizes four action functions with the "AGIL" scheme (*Adaptation, Goal Attainment, Integration, and Latency*).⁴⁸ This theory also emphasizes order and ignores the conflict of change in society.⁴⁹ Thus, society is a social system consisting of elements that are interconnected to create balance. Therefore, the intended change must be evolutionary and not revolutionary.⁵⁰

According to Parsons, the absolute condition for social resilience is imperative through the AGIL scheme.⁵¹ The researcher explains the integration of the AGIL scheme into the practice of returning *doi menre' ba'da duhul* in Bugis marriages;

⁴⁷ Musradinur A et al., "The Contribution of Islamic Educational Institutions to the Change of Social Life of Gayo Plateau People During Covid-19," *International Journal of Academic Research in Business and Social Sciences* 11, no. 4 (2021), p. 892–900.

⁴⁸ Tacott Parsons, *Structural-Functional Theory In Sociology* (New York: The Pass Press, 1975).

⁴⁹ Giuseppe Sciortino, "A Blueprint for Inclusion: Talcott Parsons, the Societal Community and the Future of Universalistic Solidarities," *American Sociologist* 52, no. 1 (2021), p. 159–177.

⁵⁰ Andina Prasetya, et.al., "Sosietas Jurnal Pendidikan Sosiologi Perubahan Sosial Masyarakat dalam Perspektif Sosiologi Talcott Parsons Di Era New Normal," *Sosietas* 11, no. 1 (2021), p. 1–12.

⁵¹ Endah Ratnawaty Chotim, "Talcott Parsons' Sociological Perspective In Viewing Social Change In Society In The New Normal Era," *Ijd-Demos* 4, no. 1 (2022), p. 607–617.

Adaptation is a system that helps to overcome dangerous external situations. It involves both the system adapting to the environment and the environment adapting to the system's needs. This adaptation scheme is important for the survival of social life, as the ability to adapt to the environment is crucial.⁵² In Bugis culture, the return of *doi menre*' is a traditional way of handling divorce. This practice has been adapted to the habits of the Bugis people in South Konawe Regency as a way to resolve divorce cases quickly and safely. This helps to prevent dangerous problems that could arise from unresolved divorces.

Goal Attainment is a system that helps to achieve the primary objective of a problem being solved. By identifying the main goal, the problem-solving procedure becomes easier to execute.⁵³ In the Bugis community of South Konawe Regency, returning *doi menre' ba'da duhul* is significant as it aims to reconcile two parties who are going through a divorce. This peacekeeping effort helps to prevent prolonged family conflicts, making it crucial for society.

Integration is a system that manages the relationships between different communities. It regulates the level of interaction and involvement between them.⁵⁴ In the Bugis community of South Konawe Regency, community leaders, traditional leaders, and religious leaders play an important role in resolving divorce cases. Although they are not directly involved in the *doi menre*' return process, they are often asked by the parties involved to act as mediators. Apart from that, the involvement of figures is a manifestation of the needs of certain elements of society and elements of society in resolving divorce and other family law cases.⁵⁵

Latency is a system that functions to maintain, complement, and improve social values that apply and develop in social life.⁵⁶ Returning *doi menre'* due to divorce is a habit of some Bugis people in resolving divorce cases. This effort is a form of maintenance or improvement of the existing social system.

The linkage of the AGIL scheme in social life is a system that is managed in the actions of the Bugis community of South Konawe Regency in handling divorce cases. The return of *doi menre' ba'da duhul* in the divorce of Bugis society is seen by Parsons as a cumulative behavioral organism to overcome the cultural system that prevails in Bugis society. Therefore, the Bugis community is required to maintain a maintenance system carry out social roles by their functions, and have good relationships with other communities.

⁵² Tengku Hafinda and Zuhilmi, "Perubahan Sosial Dalam Perspektif Sosiologi Talcott Parsons: Sekolahnya Manusia Era New Normal," *Dicis*, 2021, p. 387–402.

⁵³ Chotim, "Talcott Parsons' Sociological Perspective In Viewing Social Change In Society In The New Normal Era."

⁵⁴ Prasetya, Nurdin, and Gunawan, "Sosietas Jurnal Pendidikan Sosiologi Perubahan Sosial Masyarakat Dalam Perspektif Sosiologi Talcott Parsons Di Era New Normal."

⁵⁵ Mursyid Djawas and Sri Astuti. A. Samad, "Conflict, Traditional, and Family Resistance: The Pattern of Dispute Resolution in Acehnese Community According to Islamic Law," Samarah 4, no. 1 (2020), p. 2549–3167.

⁵⁶ Hafinda and Zuhilmi, "Perubahan Sosial Dalam Perspektif Sosiologi Talcott Parsons: Sekolahnya Manusia Era New Normal."

Furthermore, Islamic law regulates the ability to divorce, even though the aim of marriage is to create a peaceful, loving and affectionate family, but every husband and wife do not have the ability to maintain their marriage due to various problems. Because forced marriage is a violation, Islamic law presents the path of divorce as a solution to stabilize human life from compulsion to a life of freedom. This is the reason why Islamic law does not absolute the marriage bond but also does not make divorce easier. Divorce or dissolution of marriage is regulated in Article 38 of Law Number 16 of 2019 in conjunction with Article 113 of the Compilation of Islamic Law (*Kompilasi Hukum Islam*/KHI) that "Divorce or dissolution of marriage can be carried out by the husband (divorce talak) and can also be carried out by the wife (divorce lawsuit).

The Bugis community of South Konawe Regency is undergoing a divorce process through the Religious Courts. The application for divorce can be submitted by the husband (divorce) and can also be submitted by the wife (divorce lawsuit). Thus, the divorce practice of the Bugis community is by the rules of Islamic law as stated in national legislation. However, the study of women's rights in marriage will show legal implications that are different from the provisions of Islamic law. One of women's rights in marriage is to be given a dowry as a form of appreciation from the man for the woman's position.⁵⁷ God's Word in QS. an-Nisaa [4]: 4:

وَءَاتُواْ ٱلنِّسَآءَ صَدُقَتِهِنَّ نِحْلَةً فَإِن طِبْنَ لَكُمْ عَن شَيْءٍ مِّنْهُ نَفْسَا فَكُلُوهُ هَنِيٓ ا مَّرِيٓ م

Meaning: 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.

According to Imam Syafi'i in Wahab, A man should not be obliged to give a dowry to the woman he wants to marry. The purpose of dowry is to demonstrate the man's commitment to supporting his future wife.⁵⁸ In Bugis marriage law, men are required to give a dowry and a fee called *doi menre'* to the woman for conducting the marriage ceremony. Islamic law does not regulate the existence of gift money, shopping money, or *doi menre'* in marriage regulations. However, Bugis customary law considers these rules as a form of implementation of customary law traditions. This study reveals that while Islamic law recognizes only dowry as a women's right in marriage, Bugis marriage law recognizes both dowry and *doi menre'* as women's rights.

The return of assets resulting from divorce in Islamic law only applies to dowry.⁵⁹ Meanwhile, Bugis marriage law in South Konawe Regency applies to the return of the dowry and *doi menre'*. Apart from that, Islamic law stipulates that the condition for returning the dowry due to divorce is *qabla duhul*, or a husband and

⁵⁷ Wahab, Nawi, and Busthami, "Penuntutan Pengembalian Mahar Akibat Perceraian; Studi Putusan No.517/Pdt/G/2015/Pa.Mrs."

⁵⁸ Wahab, Nawi, and Busthami.

⁵⁹ Ramadhani and Renie, "Tinjauan Hukum Islam Terhadap Pengembalian Mahar Berganda Akibat Pembatalan Peminangan Dalam (Studi Di Kelurahan Belawan II Kota Medan)."

wife who have not had a husband and wife relationship. Meanwhile, according to Bugis marriage law, South Konawe Regency, *doi menre'* can be returned even if a husband-wife relationship had previously occurred (*ba 'da duhul*).

The religious leaders of South Konawe Regency believe that the custom of returning *doi menre' ba'da duhul* should be eliminated due to its neglect of women's rights. Taufik informed that; "In marriage, a husband has the right to expect biological services from his wife. Therefore, the law regarding the obligation to return *doi menre' ba'da duhul* should be similar to the law on returning the dowry after a divorce. The dowry can be returned if during the marriage, the couple were not in a husband-wife relationship or *qabla duhul*".⁶⁰

Taufik's views are in line with H, Jemma's views that women who divorce their husbands should not be burdened with economic problems. In more detail, H. Jemma explained that; "Returning the doi menre' is a burden for the woman after a divorce. "In this way, women not only bear the sadness resulting from divorce but also bear the economic burden resulting from divorce".⁶¹

Based on the discussion above, researchers assume that the practice of returning *doi menre' ba'da duhul* conflicts with Islamic law if *doi menre'* is analogous to the dowry law in Islam. Apart from that, this practice is proof of the vacuum in national law that society faces in resolving divorce cases. This legal vacuum makes people look for solutions to solve the problems they face.

Conclusion

The practice of returning doi menre' ba'da duhul in Bugis marriages goes through two stages, namely; the pre-nuptial agreement stage and the stage of returning doi menre' ba'da duhul. The factors that cause divorce are the husband's impotence, infidelity, and economic deficiencies. The existence of an oral agreement before the marriage took place, the failure to find a solution to the marriage problems, and following the habits of some Bugis people in resolving divorce cases became social dynamics that influenced the return of the doi menre' ba'da duhul. Islamic education views this tradition as an embodiment of justice, upholding principles and maintaining morality and individual rights in marriage. Sociological studies of Islamic law view that the return of doi menre' ba'da duhul is a cumulative organismic action to overcome the cultural system that prevails among the Bugis community of South Konawe Regency. However, this tradition is contrary to Islamic law if the law on returning *doi menre'* is analogous to the law on returning the dowry. This research is only limited to examining the return of money given as a result of divorce. Therefore, research does not provide comprehensive information regarding the study of women's rights in divorce. Based on these limitations, it is recommended that further research be carried out as an effort to accommodate broad comparative aspects and find more varied data so that a comprehensive understanding of divorce provisions can be obtained. The researcher would like to thank the informants and

⁶⁰ Interview with Taufik, Religious Leaders, August 12, 2023

⁶¹ Interview with H. Jemma, Religious Leaders, September 2, 2023.

parties carrying out divorce in South Konawe Regency for the information provided to the researcher so that this research could be completed well. Thank you also to the entire research family who always provided support and free time in completing this research. Lastly, we would also like to thank our fellow lecturers at the Sharia Faculty of the State Islamic Institute (IAIN) Kendari for being our discussion partners during this research.

References

Journals and Books

- A, Musradinur, et.al., "The Contribution of Islamic Educational Institutions to the Change of Social Life of Gayo Plateau People During Covid-19." *International Journal of Academic Research in Business and Social Sciences* 11, no. 4 (2021). https://doi.org/10.6007/ijarbss/v11-i4/9742.
- Abdul, Kafi. "Mahar Pernikahan Dalam Pandangan Hukum Dan Pendidikan Islam." Jurnal Paramurobi 3, no. 1 (2020). https://doi.org/https://doi.org/10.32699/paramurobi.v3i1.1436.
- Abubakar, Fatum, et.al., "The Transformation of the Dilemma of Role Exchange in the Household: Analyzed Gender in Family Resilience Discourse in National Law and Islamic Law." *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023). https://doi.org/http://dx.doi.org/10.30984/jis.v21i1.1864.
- Alimuddin, Asriani. "Makna Simbolik Uang Panai' Pada Perkawinan Adat Suku Bugis Makassar Di Kota Makassar." *Al-Qisthi* 10, no. 2 (2020). https://doi.org/https://doi.org/10.47030/aq.v10i2.85.
- Anggraeni, Rr Dewi. "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints." *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023). https://doi.org/10.15408/ajis.v23i1.32549.
- Anita, Rasna, and Budiman. "Kedudukan Uang Panai Menurut Masyarakat Bugis Di Pare-Pare: Menolak Persepsi Perempuan Sebagai Barang Komoditi." *Marital* 8577, no. Furnivall 1967 (2023). https://doi.org/https://doi.org/10.35905/marital hki.vi00.5651.
- Barkah, Qodariah, et.al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022). https://doi.org/10.19105/al-Ihkam.v17i2.6725.
- Chotim, Endah Ratnawaty. "Talcott Parsons' Sociological Perspective In Viewing Social Change In Society In The New Normal Era." *Ijd-Demos* 4, no. 1 (2022). https://doi.org/10.37950/ijd.v4i1.238.
- Dahlan, Abd Rahman, et.al., "Women's Post-Divorce Rights in Malaysian and Indonesian's Court Decisions." *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2016). https://doi.org/10.15408/ajis.v23i1.27967.
- Damis, Mahyudin, "Makna Tradisi Dui Menre Atau Uang Panai Di Kota Manado (Studi Kasus Perkawinan Eksogami Perantau Pria Bugis-Makassar Di Manado)." *Holistik* 13, no. 4 (2020).
- Djawas, Mursyid, and Sri Astuti. A. Samad. "Conflict, Traditional, and Family

Resistance: The Pattern of Dispute Resolution in Acehnese Community According to Islamic Law." *Samarah* 4, no. 1 (2020). https://doi.org/http://dx.doi.org/10.22373/sjhk.v4i1.5271.

- Djawas, Mursyid, et.al., "The Integration Between Syara' and Ade' in Marriage Tradition Bugis Bone, South Sulawesi," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 18, No. 2 (2023). https://doi.org/10.19105/allhkam.v18i2.10373.
- Fitriyani, Fitriyani. "Multicomplex Uang Panai' Terhadap Perempuan Dalam Perkawinan Keluarga Muslim Suku Bugis." *Tasyri': Journal of Islamic Law* 1, no. 2 (2022). https://doi.org/10.53038/tsyr.v1i2.37.
- Hafinda, Tengku, and Zuhilmi, "Perubahan Sosial Dalam Perspektif Sosiologi Talcott Parsons: Sekolahnya Manusia Era New Normal." *Dicis*, (2021). https://doi.org/https://doi.org/10.47498/dicis.v1i1.1039.
- Hapsari, Britania Widya Sista Hapsari, and Sumekar Tanjung. "Analisis Resepsi Suku Non Bugis Terhadap Tradisi 'Uang Panai' Dalam Film 'Uang Panai' (Mahar)." Jurnal Mahasiswa Komunikasi Cantrik 2, no. 2 (2022). https://doi.org/10.20885/cantrik.vol2.iss2.art6.
- Ipandang, and Syamsul Darlis. "Passampo Siri' in the Bugis Marriage Practies in East Kolaka, Indonesia: A Sociological Perspective of Islamic Law." *Samarah* 6, no. 2 (2022). https://doi.org/10.22373/sjhk.v6i2.12874.
- Jannah, Shofiatul, et.al., "Panaik Money of Bugis' Customary Marriage in the Perspective of Islamic Law and Positive Law in Indonesia." *Journal of Transcendental Law* 3, no. 2 (2022). https://doi.org/10.23917/jtl.v3i2.17375.
- RM. Husen, et.al., "Tradisi Dan Status Sosial Dalam Penetapan Mahar Perkawinan Di Gampong Mamplam Aceh Utara." Jurnal Ilmu Sosial Dan Ilmu Politik Malikussaleh (JSPM) 3, no. 1 (2022). https://doi.org/10.29103/jspm.v3i1.6224.
- Mustafa, Mutakhirani, and Irma Syahriani. "Pergeseran Makna Pada Nilai Sosial Uang Panai' Dalam Prespektif Budaya Siri'." *Jurnal Yaqzhan: Analisis Filsafat, Agama Dan Kemanusiaan* 6, no. 2 (2020). https://doi.org/10.24235/jy.v6i2.7250.
- Nurillah, Nuyun. "Tinjauan Yuridis Perjanjian Pra Nikah Dalam Perspektif Hukum Islam Dan Hukum Positif Indonesia." *Jurnal Hukum Islam Nusantara* 9, no. 2 (2022). https://doi.org/https://doi.org/10.5281/zenodo.7578873.
- Parsons, Tacott, *Structural-Functional Theory In Sociology*, New York: The Pass Press, 1975.
- Prasetya, Andina, et.al., "Sosietas Jurnal Pendidikan Sosiologi Perubahan Sosial Masyarakat Dalam Perspektif Sosiologi Talcott Parsons Di Era New Normal." *Sosietas* 11, no. 1 (2021). https://doi.org/https://doi.org/10.17509/sosietas.v11i1.36088.
- Pratitis, Sugih Ayu, and Rehulina. "Keabsahan Perjanjian Pra Nikah Dan Akibat Hukumnya Ditinjau Dari Perspektif Hukum." *Jurnal Hukum* ... 2, no. 2 (2023). https://doi.org/https://doi.org/10.55606/jhpis.v2i2.1593.
- Ramadhani, Rahmi, and Elsy Renie. "Tinjauan Hukum Islam Terhadap

Pengembalian Mahar Berganda Akibat Pembatalan Peminangan Dalam (Studi Di Kelurahan Belawan II Kota Medan)." *JISRAH: Jurnal Integrasi Ilmu Syariah* 2, no. 3 (2021). https://doi.org/10.31958/jisrah.v2i3.4962.

- Rinaldi, Rinaldi, et.al., "Uang Panai Sebagai Harga Diri Perempuan Suku Bugis Bone (Antara Tradisi Dan Gengsi)." *Equilibrium: Jurnal Pendidikan* 10, no. 3 (2022). https://doi.org/10.26618/equilibrium.v10i3.8411.
- Said, Wardana, et.al., "Marriage Traditions and Family Resilience in Bugis Bone Society: A Study of Islamic Law and Islamic Education," Samarah: Jurnal Hukum Keluarga dan Hukum Islam 8, No. 3 (2024). DOI: http://dx.doi.org/10.22373/sjhk.v8i3.23227.
- Sam, Muh. Sari, et.al., "Ammotere Abbaji Pada Suku Makassar (Studi Kasus Di Desa Barembeng Kecamatan Bontonompo Kabupaten Gowa)." Jurnal Penelitian Dan Penalaran 6 (2019). https://doi.org/DOI: https://doi.org/10.26618/jp.v5i2.2347.
- Satria, Adhi Putra. "Sibernetika Talcott Parsons: Suatu Analisis Terhadap Pelaksanaan Omnibus Law Dalam Pembentukan Undang-Undang Cipta Lapangan Kerja Di Indonesia." *Indonesian State Law Review (ISLRev)* 2, no. 2 (2020). https://doi.org/10.15294/islrev.v2i2.37317.
- Sciortino, Giuseppe. "A Blueprint for Inclusion: Talcott Parsons, the Societal Community and the Future of Universalistic Solidarities." *American Sociologist* 52, no. 1 (2021). https://doi.org/10.1007/s12108-020-09470-0.
- Syah, Andrean, and Ilham Tholatif. "Urgensi Perjanjian Pranikah Sebagai Kesepakatan Awal Perkawinan." *Legal Standing Jurnal Ilmu Hukum* 6, no. 2 (2022). https://doi.org/10.24269/ls.v6i1.5017.
- Umam, Mupti Al. "Interpretasi Jawwad Ridla Tentang Aliran-Aliran Filsafat" 2, no. 1 (2024). https://doi.org/10.58355/dirosat.v2i1.55.
- Uyuni, Badrah, and Mohammad Adnan. "The Challenge of Islamic Education in 21st Century." *SALAM: Jurnal Sosial Dan Budaya Syar-I* 7, no. 11 (2020). https://doi.org/10.15408/sjsbs.v7i12.18291.
- Wahab, Nur Ilmi, et.al., "Penuntutan Pengembalian Mahar Akibat Perceraian; Studi Putusan No.517/Pdt/G/2015/Pa.Mrs." *Journal of Lex Generalis (JLS)* 2, no. 2 (2021). https://doi.org/https://doi.org/10.52103/jlg.v2i2.355.
- Wang, Wei. "The Evolution of Chinese Muslim's Classical Learning and Schools in the Ming and Qing Dynasties." *Religions* 13, no. 6 (2022). https://doi.org/10.3390/rel13060553.
- Zuhri, Muhammad Arif. "Konsep Mahar Dalam Al- Quran: Suatu Tinjauan Semantik." *Ulumuddin* 11, no. 1 (2018). https://doi.org/10.22219/ulum.v11i1.10095.
- Zulaifi. "Konsep Mahar Menurut Pemikiran Ulama Empat Mazhab Dan Relevansinya Di Era Kontemporer." *Qawwam: Journal for Gender Mainstreaming* Vol. 16, no. No. 2 (2022). https://doi.org/10.20414/qawwam.v16i2.5348.

Interviews

Interview with Ismail, Traditional Figure, March 12, 2023. Interview with YS, Perpetrator, April 16, 2023. Interview with Saria, Traditional Figure, May 19, 2023 Interview with Sucianti, Public Figure, June 3, 2023. Interview with AY, Perpetrator, July 9, 2023. Interview with JF, Perpetrator, July 10, 2023. Interview with Taufik, Religious Leaders, August 12, 2023 Interview with Mutia, Public Figure, 21 August 2023. Interview with H. Jemma, Religious Leaders, September 2, 2023. Interview with Nasrullah, Public Figure, September 12, 2023. Interview with Jufri, Public Figure, September 20, 2023. Interview with Nahru, Religious Figure, September 21, 2023. Interview with DK, Perpetrator, September 28, 2023.