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# Reconstruction of Islamic Marriage Law from the Perspective of Maqāṣid al-Sharī'ah and Local Wisdom: A Study of the *Uang Panai* in Bugis-Makassar Culture

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**Abstract:** Islamic marriage law in Indonesia continues to face challenges in reconciling universal religious principles with deeply rooted local customs. One such example is the *uang panai* tradition within Bugis-Makassar society, which often carries significant socio-economic implications beyond the scope of conventional Islamic *mahr*. This qualitative study applies an ethnographic design and a juridical-empirical method integrated with Islamic legal anthropology and a *maqāṣid al-sharīʿah*–based analytical framework. Data were collected through document analysis, semi-structured interviews with religious leaders and cultural stakeholders, and field observations in Makassar and Bone, South Sulawesi. The findings indicate that the bride price, when framed within mutual consent and cultural conformity, aligns with key elements of the *maqāṣid al-sharīʿah*, specifically the preservation of wealth *(ḥifẓ al-māl),* lineage *(ḥifẓ al-nasl),* and honor *(ḥifẓ al-ʿirḍ)*. This study highlights the flexibility of Islamic law through the legal maxim *al-ʿādah muhakkamah*, which allows for cultural integration without compromising the objectives of Sharia. This study offers a conceptual model for reconstructing Islamic marriage law by integrating the *maqāṣid al-sharīʿah* with local traditions, thus operationalizing Islamic legal anthropology and *maqāṣid*-based reasoning in assessing the practice of bride price. This model promotes a dynamic and inclusive interpretation of Islamic family law that recognizes cultural legitimacy while upholding the integrity of Islamic law. This contributes to the policy discourse on Islamic family law reform in pluralistic societies.

**Keywords**: Maqāṣid al-Sharī'ah, dowry, Bugis-Makassar traditional marriage, Islamic family law, legal anthropology

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***Abstrak:*** *Hukum perkawinan Islam di Indonesia terus menghadapi tantangan dalam menyelaraskan prinsip-prinsip agama universal dengan adat istiadat lokal yang mengakar kuat. Salah satu contohnya adalah tradisi Uang Panai dalam masyarakat Bugis-Makassar, yang sering kali membawa implikasi sosial-ekonomi di luar lingkup mahar dalam hukum Islam. Studi kualitatif ini menerapkan desain etnografi dan metode yuridis-empiris yang terintegrasi dengan antropologi hukum Islam dan kerangka analitis berbasis maqāṣid al-sharīʿah. Data dikumpulkan melalui analisis dokumen, wawancara semi-terstruktur dengan tokoh agama dan pemangku kepentingan budaya, serta observasi lapangan di Makassar dan Bone, Sulawesi Selatan. Temuan menunjukkan bahwa Uang Panai, bila dibingkai dalam persetujuan bersama dan kesesuaian budaya, selaras dengan unsur-unsur kunci maqāṣid al-sharīʿah, khususnya pelestarian kekayaan (ḥifẓ al-māl), keturunan (ḥifẓ al-nasl), dan kehormatan (ḥifẓ al-ʿird). Studi ini menyoroti fleksibilitas hukum Islam melalui maksim hukum al-ʿādah muhakkamah, yang memungkinkan integrasi budaya tanpa mengorbankan tujuan Syariah. Penelitian ini menawarkan model konseptual untuk merekonstruksi hukum perkawinan Islam dengan mengintegrasikan maqāṣid al-sharīʿah dengan tradisi lokal, sehingga mengoperasionalkan antropologi hukum Islam dan penalaran berbasis maqāṣid dalam menilai praktik Uang Panai. Model ini mempromosikan interpretasi hukum keluarga Islam yang dinamis dan inklusif yang mengakui legitimasi budaya sambil menjunjung tinggi integritas hukum Islam. Hal ini berkontribusi pada wacana kebijakan tentang reformasi hukum keluarga Islam di masyarakat pluralistik.*
***Kata Kunci:*** *Maqāṣid al-Sharī'ah, uang panai, perkawinan adat Bugis-Makassar, hukum keluarga Islam, antropologi hukum*

## Introduction

Islamic family law, particularly the law of marriage (*fiqh al-zawāj*), has always occupied a central position in Muslim legal traditions, as it regulates the foundational unit of society, the family.[1] However, in diverse Muslim communities, the interpretation and implementation of Islamic marriage laws do not occur in a vacuum.[2] They are consistently influenced by local cultural

[1] Jasser Auda, 'Maqasid Al-Shariah as Philosophy of Islamic Law', *Maqasid Al-Shariah as Philosophy of Islamic Law*, (2019). Mursyid Djawas, et.al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism." *Hasanuddin Law Review* 10, No. 1 (2024), p. 64–82.

[2] Rajnaara Chowdhury Akhtar, "Modern Traditions in Muslim Marriage Practices, Exploring English Narratives." *Oxford Journal of Law and Religion* 7, no. 3 (2018), p. 427-454. Muhammad Al-Ghazalli Abdol Malek and Mohd Al Adib Samuri, "Child Marriage in Malaysia and the Proposed Legal Reform Views of Muslim Stakeholders and Religious Officials," *El-Usrah: Jurnal Hukum Keluarga* 8, No. 1 (2025).

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practices and social structures.[3] In Indonesia, a nation marked by cultural heterogeneity and deep Islamic roots, reconciling Islamic legal principles with indigenous customs remains a compelling and ongoing scholarly endeavor. This study focuses on one such culturally significant practice, the tradition of *uang panai* in Bugis-Makassar society, exploring its legal position within the framework of *maqāṣid al-sharī'ah* and its potential role in reconstructing Islamic marriage law. In this context, marriage is approached not only as a formal legal contract but also as a socio-cultural institution whose regulation directly affects social cohesion, economic justice, and the protection of dignity within Muslim communities.

The urgency of this research arises from a set of contemporary challenges faced by many Muslim societies, including Indonesia: the growing tension between textual interpretations of Islamic law and the lived realities of cultural practices, as well as the risk that certain local traditions may hinder rather than facilitate access to marriage.[4] While Islamic law recognizes *mahr* (dower) as a mandatory element of a valid marriage contract, local traditions such as *uang panai* often operate in parallel as substantial financial requirements with far-reaching socio-economic consequences. In Bugis-Makassar communities, *uang panai* functions as a cultural mechanism to demonstrate the groom's readiness, economic responsibility, and respect for the bride's family; yet, when the requested amount becomes excessive, it can lead to prolonged engagement, debt, postponement, or even cancellation of marriage plans, thereby raising serious questions about justice, welfare, and equality before the law.[5] It functions as a cultural mechanism to demonstrate the groom's readiness, economic responsibility, and respect for the bride's family. The issue becomes more complex when *uang panai* is perceived as burdensome, leading to delays or cancellations of the marriage.[6] These socio-legal tensions reveal a need for a nuanced framework that does not simply tolerate cultural diversity but actively

[3] Mark Cammack, et.al., "Legislating Social Change in An Islamic Society-Indonesia's Marriage Law." *American Journal of Comparative Law* 44 (1996), p. 45.

[4] Thijl Sunier. "Domesticating Islam: Exploring Academic Knowledge Production on Islam and Muslims in European Societies." *Ethnic and Racial Studies* 37, no. 6 (2014), p. 1138-1155.

[5] Ainun Amalia "Reconciling Indigenous Practices and Islamic Principles: A Comparative Analysis of the Fiqh Principles 'Al-Dararu Yuzal'and 'Al-Adah Muhakkamah'in the Panai Cultural Practice of Bugis Weddings." *Islam Nusantara: Journal for the Study of Islamic History and Culture* 6, no. 1 (2025), p. 21-46.

[6] Nur Taufiq Sanusi, et.al., "Cultural Marginalization of Bride Price (Uang Panai) in Bugis-Makassar Society, Indonesia: A Case Study of MUI Fatwa." *Journal of Al-Tamaddun* 20, no. 1 (2025), p. 19-31. 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).

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integrates it within Islamic jurisprudence through the lens of *maqāṣid al-sharī'ah*.[7]

The object of this research, therefore, is not merely the ritual or material aspect of *uang panai*, but its legal meaning, cultural context, and theological relevance within Islamic law.[8] The scope encompasses legal-normative dimensions of marriage, local wisdom in Bugis-Makassar traditions, and the theoretical foundation of *maqāṣid al-sharī'ah*. By situating *uang panai* within these interrelated domains, this study aims to contribute to the ongoing discourse on legal harmonization, in which Islamic law and indigenous culture are not viewed as antagonistic but as mutually reinforcing.

Previous studies have addressed similar concerns, albeit from fragmented perspectives. For example, Sanusi's research explored the symbolic meaning of *uang panai* in Bugis rituals and concluded that it strengthens familial ties and community honour.[9] Meanwhile, Sambu and Syahrul investigated legal perceptions of *uang panai*, arguing that it diverges from Islamic legal conceptions of mahr.[10] On a broader scale, scholars such as Auda have advanced the use of *maqāṣid al-sharī'ah* as a dynamic tool for contextualizing Islamic legal responses in modern pluralistic societies. However, the intersection between local marital customs and maqāṣid-based legal reconstruction remains underexplored, especially in the Indonesian context.[11] The existing literature either treats uang panai as a purely cultural phenomenon or addresses *maqāṣid* in abstract, without grounding it in lived socio-legal practices. This research fills that gap by empirically and normatively examining how *uang panai* can be framed within *maqāṣid*, particularly in preserving wealth *(ḥifẓ al-māl),* lineage *(ḥifẓ al-nasl),* and *honor (ḥifẓ al-'ird).*

Understanding the contemporary dynamics of *uang panai* is also essential in identifying legal and cultural transformations. Current ethnographic findings suggest a shift in the perception of *uang panai* from a sacred tradition to a commodified transaction, sometimes used as a display of wealth rather than an

[7] Syarifa Raehana, et.al., "Negotiating Maslaḥat and Maḍarat: Uang Panai and the Socio-Cultural Dynamics of Bugis–Makassar Customary Marriages." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (2025), p. 831-840. Muhammad Aunul Hakim, et.al., Protection and Prevention of Sexual Violence against Women in the Workplace in Malang City from the Perspective of Maqashid Syariah," *El-Usrah: Jurnal Hukum Keluarga* 8, No. 2 (2025), p. 1021-1039,

[8] Imron Rosidi. "Acceptance of the Existence of Salafi in The Development of Da'wah in Riau Islamic Malay Society." *Cogent Social Sciences* (2022).

[9] Nur Taufiq Sanusi, et.al., "Cultural Marginalization of Bride Price (Uang Panai) in Bugis-Makassar Society, Indonesia.

[10]Muhammad Syahrul Sambu, et.al., "Generation Z's Perception of the Islamic Law on Panaik Money Among the Bugis Makassar Community in Sorong, Indonesia." *Manchester Journal of Transnational Islamic Law & Practice* 21, no. 1 (2025).

[11] Jasser Auda, 'Maqasid Al-Shariah as Philosophy of Islamic Law'.

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ethical commitment.[12] This shift is evident in urban settings where social media influences marriage expectations, creating a clash between religious values and materialistic interpretations of tradition.[13] Furthermore, some families set exorbitant *uang panai* amounts, causing psychological and economic strain, particularly among youth. These realities call for a critical reconstruction of Islamic marriage law to remain socially relevant while upholding its spiritual ethos.

Against this backdrop, the present study seeks to develop a conceptual model for reconstructing Islamic marriage law that integrates *maqāṣid al-sharī'ah* and local wisdom.[14] By focusing on *uang panai*, this research proposes that the adaptability of Islamic law can be operationalized through legal maxims such as *al-'ādah muhakkamah* (custom is legally binding) and contextual ijtihad. This reconstruction is not a call for legal relativism but an attempt to revive the spirit of *Sharī*'ah as a living tradition responsive to time and place.[15] In so doing, the study reaffirms that Islamic legal integrity and cultural legitimacy can coexist harmoniously.[16]

This research presents several novelties. First, it bridges the theoretical gap between *maqāṣid al-sharī'ah* and sociocultural jurisprudence by offering an empirical case study grounded in local wisdom. Second, it formulates a reconstructive legal approach that acknowledges the role of cultural customs in legal interpretation without undermining Islamic doctrinal principles. Third, the study contributes to Islamic legal reform discourses in Indonesia, a country where cultural plurality and Islamic law often intersect and occasionally collide. Most importantly, this research underscores the importance of culturally grounded fiqh, moving beyond formalism and embracing substantive justice.

To address these socio-legal challenges and the identified research gap, this study employs a qualitative ethnographic design that allows an in-depth exploration of the lived meanings of the *uang panai* tradition in Bugis–Makassar marriages. It combines juridical-empirical analysis, Islamic legal anthropology,

[12] Nur Masthurah, et al., 'Evolving Traditions: The Contemporary Dynamics of Uang Panai'in Bugis-Makassar Wedding Ceremonies', *Tamaddun* 23, No. 1 (2024).

[13] Khalil, Hossam. "Role of religion and secularism in shaping social values, norms and identities in various societies and communities in Egypt." *International Journal of Sociology* 8, no. 1 (2024), p. 40-52.

[14] Guspidawati, et. al., "Reconstructing Marriage Agreements in Islamic Family Law: An Integrative Analysis of Fiqh, Maqāṣid al-Syari'ah, and Indonesian Positive Law." *Jurnal Ushuluddin* 33, no. 2 (2025), p. 635-652. Abranur Rasyid, et.al., "Dynamics of Childless Marriage Through the Lens of Maqasid Al-Shari'a." *Jurnal Ilmiah Peuradeun* 12, No. 2, (2024), p. 763-786.

[15] Jasser Auda, 'Maqasid Al-Shariah as Philosophy of Islamic Law'.

[16] Mohammad Fadel. "The True, The Good and The Reasonable: The Theological and Ethical Roots of Public Reason in Islamic law." *Canadian Journal of Law & Jurisprudence* 21, no. 1 (2008), p. 5-69.

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and a *maqāṣid al-sharīʻah*–based analytical framework to examine how Islamic family law norms are interpreted, negotiated, and reconstructed within local cultural practices.[17] Data were generated through participatory observation, in-depth semi-structured interviews with cultural leaders, local ulama, marriage officials (KUA), and community members who have experienced the *uang panai* practice, as well as document analysis. The analysis draws on the *maqāṣid* objectives of protecting wealth (*ḥifẓ al-māl*), lineage (*ḥifẓ al-nasl*), and honour (*ḥifẓ al-ʿird*) to assess when and how *uang panai* supports or undermines justice and welfare in Islamic marriage law.

This research adopts a qualitative approach, using an ethnographic method and integrating juridical-empirical, theological-normative, and anthropological perspectives to examine the practice of *uang panai* in Bugis-Makassar marriage traditions.[18] The ethnographic method is chosen to capture the community's cultural meanings and lived experiences, while the juridical-empirical approach explores how Islamic law is implemented in real contexts.[19] The theological-normative aspect enables interpretation of Islamic legal texts and *maqāṣid al-sharīʻah*, while the anthropological lens explores the local wisdom embedded in practice.[20]

Data were collected through participatory observation, in-depth semi-structured interviews, and document analysis. Informants were selected purposively from cultural leaders, local ulama, marriage officials (KUA), and individuals who have experienced the *uang panai* practice. Fieldwork was conducted in Makassar and Bone, areas central to Bugis-Makassar culture. The data were analysed descriptively and qualitatively using Miles and Huberman's model, which involves data reduction, display, and drawing conclusions. Analysis was framed through *maqāṣid al-sharīʻah*, especially the protection of wealth (*ḥifẓ al-māl*), lineage (*ḥifẓ al-nasl*), and honor (*ḥifẓ al-ʻird*). Data validity was ensured through triangulation of methods and sources. Ethical considerations included informed consent, anonymity, and cultural sensitivity.

[17] Halima Basri, et.al., "Mappanre Adek and Strengthening Social Bonds in Bulukumba Community, South Sulawesi: Living Qur'an and Anthropology Perspective," *El-Usrah* 8, no. 1 (2025), p. 190–212.

[18] Asfi Manzilati, *Metodologi Penelitian Kualitatif: Paradigma, Metode, Dan Aplikasi* (Malang: Universitas Brawijaya Press, 2017).

[19] S. Raehana and A. Herawati, "Negotiating Maslaḥat and Maḍarat: Uang Panai and the Socio-Cultural Dynamics of Bugis–Makassar Customary Marriages," *Jurnal Ilmiah Mizani* 12, no. 2 (2025), p. 831–40.

[20] Y. A. Rasyid, et.al., "Reconstructing the Concept of Uang Panai in South Sulawesi: A Maqāṣid al-Sharīʻah Approach for Revitalizing Women-Friendly Islamic Values," *Al-Ahkam: Jurnal Ilmu Syari'ah dan Hukum* 9, no. 1 (2024), p. 1–13.

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## Marriage in Bugis-Makassar Society: *Maqāṣid al-Sharī'ah* Perspective and Islamic Legal Anthropology

Islamic marriage law is not merely a normative legal construct but is also deeply interwoven with the sociocultural dynamics of Muslim communities across the globe.[21] In classical Islamic thought, the main objective of marriage law is to establish a family institution characterised by tranquillity (*sakinah*), affection (*mawaddah*), and compassion (*rahmah*), as stated in the Qur'an (30: 21).[22] However, in practice, this law must be implemented within societies that possess deeply rooted local wisdom and cultural customs. In Indonesia, marriage law is influenced not only by the Qur'an and Hadith but also by prevailing customary traditions, including the uang panai tradition among the Bugis-Makassar ethnic group.[23]

As emphasised by Rofiah, applying Islamic family law in Indonesia requires a contextual and inclusive approach to remain relevant in a pluralistic society.[24] This approach requires an understanding of local values that may not necessarily conflict with Islamic principles. In this regard, Islamic law must function as an ethical and normative framework that guides and responds to social realities rather than as a rigid entity detached from social change.[25]

In theory *Maqāṣid al-Sharī'ah*, or the higher goals of Islamic law, provides a critical framework for contextualizing Islamic jurisprudence. The concept is rooted in the idea that law aims not only to preserve legal formality but also to achieve public welfare (*maslahah*) and prevent harm (*mafsadah*). The five primary *maqāṣid* agreed upon by scholars include the protection of religion (*ḥifẓ al-dīn*), life (ḥifẓ al-nafs), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*).[26]

In recent years, *maqāṣid* has been widely applied to address contemporary legal challenges, including in family law. Ibrahim argues that the maqāṣid approach allows the reinterpretation of legal texts to align with modern societal

[21]Andrea Büchler and Christina Schlatter. "Marriage Age in Islamic and Contemporary Muslim Family Laws. A Comparative Study." *Electronic Journal Islamic & Middle Elstren Law* 1 (2013), p. 37.

[22] Muhammathu Mubarak Shiyana, And Seyed Mohamed Mohamed Mazahir. "The Concept of Love in Marriage: Integrating Sternberg's Theory with Quranic Teachings." *International Journal of Islamic Thought* 28 (2025).

[23] Nur Taufiq Sanusi, et.al., "Cultural Marginalization of Bride Price (Uang Panai) in Bugis-Makassar Society, Indonesia: A Case Study of MUI Fatwa." *Journal of Al-Tamaddun* 20, no. 1 (2025), p. 19-31.

[24] Nor Ipansyah, and Anwar Hafidzi. "Reform of Islamic Family Law in Indonesia: Integrating Maqāṣid al-Sharī 'ah and the Principles of Justice in the Digital Era." *AL-Syakhshiyyah: Jurnal Hukum Keluarga Islam dan Kemanusiaan* 7, no. 2 (2025), p. 285-302.

[25] Ezieddin Elmahjub, "Transformative Vision of Islamic Jurisprudence and The Pursuit of Common Ground for The Social Good In Pluralist Societies." *Asian Journal of Comparative Law* 14, no. 2 (2019), p. 305-335.

[26] Auda, 'Maqasid Al-Shariah as Philosophy of Islamic Law'.

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realities.[27] For instance, the tradition of *uang panai*, when examined through the lens of *maqāṣid*, may offer positive values in protecting family honour (*ḥifẓ al-'ird*), wealth (*ḥifẓ al-māl*), and lineage (*ḥifẓ al-nasl*), provided that it does not impose excessive burdens on the groom.

In line with this, one of the important legal principles in Islamic jurisprudence is *al-'ādah muhakkamah*, which means "custom is legally recognized." This maxim holds that prevailing social practices in a community can be legally accommodated, provided they do not contradict the core principles of Islamic law.[28] Consequently, the presence of *uang panai* as a customary obligation within Bugis-Makassar marriage traditions can be legally justified in Islamic jurisprudence if it fulfils the criteria of *'urf ṣaḥīḥ* (valid and non-contradictory custom).

In practice, classical jurists such as al-Qarafi and Ibn 'Abidin have underscored the importance of considering social contexts when applying the law. In *al-Furuq*, al-Qarafi asserted that societal customs should influence fatwas and ijtihad.[29] This becomes increasingly relevant when addressing evolving local dynamics, such as the inflation of *uang panai* values due to economic changes and heightened social expectations in urban settings.

Recent empirical studies confirm that *uang panai* remains a vital component of marriage practices among Bugis-Makassar communities. Hirsch and hadas observes that this tradition not only reflects social and economic status but also serves as a symbol of the groom's moral responsibility and commitment.[30] However, Sanusi raises concerns about the commodification of this tradition in the digital era, where social media influences societal expectations regarding the monetary value of *uang panai*.[31]

This development suggests a shift in the perception of *uang panai* from symbolic to materialistic. In some cases, the excessive demands from the bride's family have led prospective grooms to cancel their marriage plans or face severe financial stress. This situation raises a fundamental question: does this practice still align with the values of justice and welfare in Islamic law?

To address this question, the *maqāṣid* approach can be applied to assess whether the *uang panai* tradition upholds the core objectives of Sharī'ah. If it fosters responsibility, honor, and family welfare, it remains valuable. However, if

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[27] Ibrahim, Yasir S. "An examination of the modern discourse on Maqāṣid al-Sharī 'a." *The Journal of the Middle East and Africa* 5, no. 1 (2014), p. 39-60.

[28] Abdi Widjaja, et.al., "The Legal Discourse of Al-Ādah Muhakkamah on Mappanini Bosi Tradition in Bone Regency." *Mazahibuna: Jurnal Perbandingan Mazhab* (2023), p. 183-198.

[29] Norman Calder. "The 'Uqūd Rasm Al-Muftī of Ibn 'Ābidīn." *Bulletin of the School of Oriental and African Studies* 63, no. 2 (2000), p. 215-228.

[30] Hirsch, Hadas. "Personal Grooming and Outward Appearance in Early Muslim Societies." *Al-Masaq* 23, no. 2 (2011), p. 99-116.

[31] Nur Taufiq Sanusi, et.al., "Cultural Marginalization of Bride Price (Uang Panai) in Bugis-Makassar Society, Indonesia.

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it creates social disparity and hardship, a transformative legal reconstruction is required. Academic studies on *uang panai* within the framework of Islamic law and *maqāṣid* remain limited. Most existing literature tends to separate the domains of custom and *Sharī*ʿah. highlight that *uang panai* is often perceived as deviating from the classical Islamic concept of *mahr*.[32] However, such approaches frequently overlook the social dynamics and living values embedded in local communities.

A critical gap is also evident in the lack of reconstructive models that systematically integrate local customs into the structure of Islamic law. This demonstrates the urgent need to develop legal frameworks that are not merely formalistic but also substantial, contextual, and value-driven. As emphasized by the Indonesian Council of Ulama (MUI) in 2022, any reform of Islamic family law must account for local socio-cultural dimensions without compromising *Sharī*ʿah's fundamental principles.[33] Therefore, this study contributes significantly by offering a model for reconstructing Islamic marriage law that is rooted in *maqāṣid al-sharīʿah* and grounded in local wisdom. This approach not only maintains textual authority but also opens space for social reality as a source of legal development and inspiration.

## *Uang Panai*, Islamic Law and Customary Demands

### 1. *Uang Panai*: Between Customary Demands and Religious Obligations

Substantively, *uang panai* is distinct from *mahr*, the obligatory dower in Islamic law.[34] While *mahr* is a right of the bride and directly given to her, uang panai is usually handed over to the bride's family and is typically used to fund the wedding celebration or as a form of social recognition and honor.[35] From an anthropological lens, the value of uang panai often correlates with the woman's social or educational status, highlighting the embeddedness of social stratification and patriarchal values within the local tradition. This social mechanism reinforces the symbolic weight of marriage negotiations in Bugis culture, particularly during the *mappettuada* and *mappanre temme* processes. Similar patterns of status-linked marriage payments have been observed in other Muslim societies, where higher educational or class positions of women are associated with

[32] Syarifa Raehana, "Negotiating Maslaḥat and Maḍarat: Uang Panai and the Socio-Cultural Dynamics of Bugis–Makassar Customary Marriages." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, No. 2 (2025), p. 831-840.

[33] Asman, Asman, et.al., "Legal Relations of Contemporary Islamic Family: A Study of The Existence of Local Culture in Sambas, West Kalimantan." *Jurnal Ilmiah Al-Syir'ah* 22, no. 2 (2024), p. 246-261.

[34] Muhammad Syahrul Sambu, et.al., "Generation Z's Perception of the Islamic Law on Panaik Money Among the Bugis Makassar Community in Sorong, Indonesia," *Manchester Journal of Transnational Islamic Law and Practice* 21, no. 1 (2025), p. 222–33.

[35] Muhammad Syahrul Sambu, et.al., "Generation Z's Perception of the Islamic Law on Panaik Money Among the Bugis Makassar Community in Sorong, Indonesia."

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increased marital transfers, thereby reproducing social hierarchies rather than merely reflecting individual family choices. By situating uang panai within this wider comparative landscape, the present study shows that Bugis-Makassar practices exemplify a global trend in which customary payments simultaneously uphold communal honour and risk entrenching structural inequality.[36]

Fieldwork conducted in Makassar and Bone reveals that the practice of uang panai holds a central position in the Bugis-Makassar marriage system. Based on in-depth interviews with cultural leaders, family members of brides and grooms, and religious authorities, it is evident that *uang panai* is not merely a procedural element of marriage but rather a symbolic expression of honor, preparedness, and social commitment.[37] Although *uang panai* is not part of the essential pillars (*arkān*) or conditions (*shurūṭ*) of a valid marriage contract in Islamic jurisprudence, it operates as a powerful social norm that defines a man's eligibility for marriage, especially in economic and moral terms. This finding resonates with broader discussions on dowry and bridewealth in Muslim contexts, where non-essential financial practices often function as social tests of responsibility and masculinity, even though they remain outside the formal pillars of the marriage contract.[38]

From a juridical-empirical standpoint, local religious figures and marriage officials do not categorically reject *uang panai*, so long as it does not cause harm (*mafsadah*) or exceed reasonable bounds.[39] Theologically, this practice receives partial legal validation under the Islamic legal maxim *al-'ādah muhakkamah* (custom is authoritative), provided it does not contradict *sharī*'ah principles.[40] Within this framework, *uang panai* can be categorized as *'urf ṣaḥīḥ*, or valid custom, since it is mutually agreed upon, socially constructive, and performed with good intentions. This position is consistent with contemporary debates on legal pluralism in Islamic family law, which argue that state law, classical fiqh, and living custom may legitimately interact as long as custom does not undermine core ethical commitments of Sharī'ah, particularly justice and the avoidance of hardship. By recognising *uang panai* as *'urf ṣaḥīḥ* while at the same time subjecting it to *maqāṣid* scrutiny, this study aligns with international scholarship

[36] Wiwi Hasmita Muhammad Alwy Arifin, et.al., "Collaborative Governance in Combating Illegal Cosmetics: A Study of Multi-Stakeholder Dynamics in South Sulawesi, Indonesia," *Journal of Angiotherapy* 9, no. 1 (2025), p. 1–8.

[37] Interviews with Community and Religious Leaders in Makassar, September 2025.

[38] Rasyid, et.al., "Reconstructing the Concept of Uang Panai in South Sulawesi: A Maqāṣid al-Sharī'ah Approach for Revitalizing Women-Friendly Islamic Values."

[39] Rasyid, et.al., "Reconstructing the Concept of Uang Panai in South Sulawesi: A Maqāṣid al-Sharī'ah Approach for Revitalizing Women-Friendly Islamic Values."

[40] R. A. Siregar and Z. Abidin, "Al-'Adah Muhakkamah: Basis Formulasi Hukum Islam Kontekstual," *Al-Mashlahah: Jurnal Hukum Islam dan Pranata Sosial* 9, no. 2 (2021), p. 122–139.

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that views local custom as a dynamic, revisable source of normativity within Muslim legal systems.

However, employing the *maqāṣid al-sharī'ah* perspective as used in this study enables a more substantive assessment of *uang panai*. When aligned with objectives like *ḥifẓ al-'ird* (protection of dignity) and *ḥifẓ al-māl* (protection of wealth), *uang panai* may serve a positive function as a culturally embedded system for ensuring social order and familial honor. Nevertheless, field data also uncovered instances in which excessive expectations regarding *uang panai* values have led to financial strain, delayed marriages, and even the breakdown of marriage negotiations. Such outcomes challenge the Islamic principles of ease (*taysīr*), fairness, and compassion as embedded in the *maqāṣid* framework.[41] In this regard, the findings corroborate international studies on Islamic family law reform that highlight how inflated marriage payments can create barriers to marriage, exacerbate youth precarity, and contradict the Qur'anic ethos of facilitating family formation. By framing these negative effects in terms of *ḥifẓ al-māl* and *ḥifẓ al-'ird*, the article contributes to a growing body of *maqāṣid*-based research that treats economic accessibility and human dignity as central criteria for evaluating customary marital practices.

In this context, the necessity for legal reinterpretation becomes critical. Some progressive scholars and cultural leaders interviewed in this study advocated a *maqāṣid*-based *ijtihad*, reorienting the practice of *uang panai* toward its symbolic and moral essence rather than its financial magnitude.[42] Legal reconstruction, thus, should not aim to abolish culturally significant practices, but rather to realign them with the higher objectives of Sharī'ah, ensuring that the tradition enhances, rather than hinders, the realisation of just, equitable, and spiritually grounded family institutions. This proposed reorientation is in line with recent *maqāṣid*-oriented scholarship that encourages context-sensitive adjustments to family law institutions, such as marriage, guardianship, custody, and maintenance, to better reflect contemporary notions of gender justice and social welfare. By extending this reformist logic to uang panai, the present study offers a concrete example of how *maqāṣid* reasoning and Islamic legal anthropology can jointly inform the gradual transformation of entrenched customary norms.

## 2. Alignment with *Maqāṣid al-Sharī'ah*

The analysis of field data through the lens of *maqāṣid al-sharī'ah* reveals that the tradition of *uang panai*, despite not being a formal requirement in Islamic

[41] Raehana dan Herawati, "Negotiating Maslaḥat and Maḍarat: Uang Panai and the Socio-Cultural Dynamics of Bugis–Makassar Customary Marriages."

[42] Interviews with religious figures in Makassar and Bone, August 2025.

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jurisprudence, can fulfil several higher objectives of Islamic law.[43] Informants from both urban and rural communities consistently emphasised that *uang panai* is not just a financial transaction, but a symbolically loaded practice that nurtures responsibility, preserves honour, and sustains social order within the family structure.[44] By exploring this practice through three major *maqāṣid* domains, *ḥifẓ al-māl, ḥifẓ al-nasl,* and *ḥifẓ al-ʿird*, this study affirms the dynamic interaction between local custom and Islamic legal ethics.[45] This reading is consistent with broader maqāṣid-based scholarship, such as that of Saidon et al. and Firdawaty et al., which shows that family-related customary instruments can serve as mechanisms for protecting wealth and dignity, provided they are designed to minimise economic harm and prevent the exploitation of vulnerable parties.[46]

From the perspective of *ḥifẓ al-māl* (protection of wealth), *uang panai* serves as a preparatory instrument that educates young men about financial responsibility and economic readiness before entering marriage.[47] Several informants stated that the process of accumulating *uang panai* encourages prospective grooms to work, save, and plan their financial future. In cases observed in Bone, *uang panai* was not entirely used for ceremonial expenses but was partially reinvested by the bride's family in post-marital needs, such as household setup or small-business capital.[48] This practice reinforces Firdawaty et al.'s notion of community-based "pre-marital investment" and indicates that *uang panai* can be articulated as an intra-familial redistribution mechanism that aligns with the *maqāṣid* ideal of protecting wealth when it is managed proportionally and transparently.[49]

In relation to *ḥifẓ al-nasl* (protection of lineage), *uang panai* functions as a social filter, encouraging families to carefully assess the readiness and suitability of prospective spouses. Informants reported that discussions surrounding uang panai often extend beyond monetary negotiations; they serve as a forum for evaluating the character, stability, and commitment of both parties.[50] In this way, *uang panai* contributes to the formation of stable and legitimate family

[43] Rafeah Saidon, et.al. "Preventing illegal marriages in the light of maqasid al-shariah," *Pertanika Journal of Social Sciences and Humanities* 25, no. S (2017), p. 331–40.

[44] Raehana dan Herawati, "Negotiating Maslaḥat and Maḍarat: Uang Panai and the Socio-Cultural Dynamics of Bugis–Makassar Customary Marriages."

[45] Rafeah Saidon, et.al, "Preventing illegal marriages in the light of maqasid al-shariah."

[46] Rafeah Saidon, et.al., "Preventing illegal marriages in the light of maqasid al-shariah."

[47] Sudirman dan Sambu, "Generation Z's Perception of the Islamic Law on Panaik Money Among the Bugis Makassar Community in Sorong, Indonesia."

[48]Field Observation in Bone Regency, August 2025.

[49] Linda Firdawaty, et.al., "Semanda Lekok in the Sai Batin Community, Lampung: Wife's Domination of Marital Assets from Maqāṣid al-Sharī'ah Perspective," *Samarah* 8, no. 3 (2024), p. 1734–62.

[50] Rasyid, et.al., "Reconstructing the Concept of Uang Panai in South Sulawesi: A Maqāṣid al-Sharīʿah Approach for Revitalizing Women-Friendly Islamic Values."

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institutions, aligned with the *maqāṣid* goal of preserving *nasl* through the responsible formation of marriage. This also aligns with the Bugis-Makassar concept of *pattudangeng ri alebbireng* (mutual commitment in public), where social agreement is as essential as personal intention. When read alongside studies on the prevention of illegal marriages and marriage dispensations, such as those by Saidon et al. and Nabilah et al., this pattern suggests that strengthening pre-marital screening and deliberation, including through customary instruments like *uang panai*, can be an effective means of reducing harmful marriage practices that disadvantage women and children.

With regard to *ḥifẓ al-ʿird* (protection of dignity and honor), *uang panai* embodies the community's concern for family reputation, female dignity, and male accountability. Rather than being a commodification of the bride, *uang panai,* when practised within ethical and agreed limits, signifies respect, gratitude, and social recognition. The groom's family demonstrates honor and sincerity by fulfilling cultural expectations, while the bride's family acknowledges the groom's effort and dignity. These findings support the arguments of Musarrofah et al. that honour in Islamic family law is not exhausted by the textual form of *mahr* alone, but is also expressed through communal mechanisms that ensure seriousness and responsibility in the marriage process.[51] However, the study also notes the growing tension when honor is measured solely through the magnitude of *uang panai*, which risks reducing the practice to performative prestige rather than genuine respect. This reaffirms the importance of *maṣlaḥah*-based interpretation, ensuring that the symbolic function of *uang panai* is maintained without undermining its ethical integrity.[52]

Taken together, these findings illustrate that *uang panai*, as a living tradition, has the potential to actualise multiple dimensions of *maqāṣid* when contextualised and practised within justifiable boundaries. Rather than being dismissed as an un-Islamic innovation (*bidʿah*), *uang panai*, when moderated by ethical consciousness, can become a medium for realising the spirit of Sharīʿah in marriage, particularly in culturally rooted societies such as South Sulawesi. In this way, this research adds to contemporary *maqāṣid* literature that seeks to bridge tensions between universal *Sharīʿah* norms and local customary diversity, and it underscores that the successful reconstruction of Islamic family law depends on the ability to read living traditions through the lens of *Sharīʿah* objectives oriented toward justice and public welfare.

[51] Ita Musarrofa, et.al., "The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law," *Jurnal Hukum Islam* 22, no. 1 (2024), p. 89–122.

[52] Rasyid dkk., "Reconstructing the Concept of Uang Panai in South Sulawesi: A Maqāṣid al-Sharī'ah Approach for Revitalizing Women-Friendly Islamic Values."

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### 3. Legal Reconstruction through the Principle of *Al-ʻĀdah Muhakkamah*

Within the framework of Islamic legal reform, one of the most productive gateways for reconciling normative texts with social realities is the principle of *al-ʻādah muhakkamah* "custom is legally authoritative."[53] This maxim allows local customs to be considered as sources of law, provided they do not contradict explicit textual (*sharʻī*) evidence or contain elements of harm. In the context of uang panai, fieldwork shows that although it is not among the essential elements (*arkān*) or conditions (*shurūṭ*) of a valid Islamic marriage contract, it has evolved into a beneficial and socially binding institution among the Bugis-Makassar people. As such, it can be classified as *ʻurf ṣaḥīḥ*, a valid custom because it is widely accepted, does not contravene Islamic ethics, and serves a recognised social function.

This concept resonates with the Qur'anic instruction in Surah al-Aʻrāf (7: 199):

خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِينَ

*"Show forgiveness, enjoin what is customary, and turn away from the ignorant."*

The term al-ʻurf in this verse is interpreted by classical exegetes like Fakhr al-Dīn al-Rāzī as referring to socially recognised good customs that align with *Sharīʻ*ah principles. Thus, integrating *uang panai* into the legal reasoning process reflects obedience to a divine mandate to uphold what is beneficial and customary in society.[54]

The validity of this custom is further supported by the legal maxim:

الْعَادَةُ مُحَكَّمَةٌ مَا لَمْ تُخَالِفْ الشَّرْعَ

*"Custom is authoritative as long as it does not contradict Sharīʻah."*

Accordingly, when practised within reasonable limits and by mutual consent, uang panai is compatible with Islamic legal norms. However, when exaggerated or misused as a tool of social pressure, it may conflict with the ethical foundations of the *Sharīʻ*ah. This underscores the need for a paradigm shift from rigid textual formalism to a pluralist, *maqāṣid*-oriented approach to Islamic legal reasoning, particularly in family law.[55] Such an approach retains fidelity to divine texts while accounting for cultural, economic, and social contexts.

[53] A. Agustar dan S. Arafah, "Utilizing Science and Maqāṣid al-Sharī'ah in Resolving Contemporary Issues of Islamic Family Law," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (2024), p. 17–36.

[54] Rafeah Saidon, et.al., "Preventing Illegal Marriages in the Light of Maqasid Al-Shariah."

[55] S. Sugianto et.al., "Reconstruction Interfaith Marriage Law in Indonesia: Relevance of Sociology Knowledge and Maqasid Sharia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, No. 1 (2025), p. 70–86.

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This *maqāṣid*-based reinterpretation aligns with the prophetic mission as stated in the well-known hadith:

إِنَّمَا بُعِثْتُ لِأُتَمِّمَ مَكَارِمَ الْأَخْلَاقِ

*"Indeed, I was sent to perfect noble character."* (Narrated by al-Bukhārī in al-Adab al-Mufrad, no. 273).

This narration emphasises that the objective of *Sharīʿah* is to uphold moral and ethical values. Therefore, as long as the tradition of *uang panai* promotes honour, dignity, financial responsibility, and mutual agreement, its incorporation into Islamic family law through legal reconstruction grounded in '*urf* and *maqāṣid* is not only permissible but desirable.

In this light, legal pluralism rooted in *maqāṣid* and contextual '*urf* becomes a necessary response to the complexities of Muslim societies today.[56] Far from weakening Islamic law, this paradigm strengthens its relevance by offering locally grounded, morally sound, and socially just frameworks for personal and communal life.

## *Uang Panai* and the Reconstruction of Islamic Marriage Law in Bugis Makassar Society

The findings of this study affirm that Islamic law possesses an inherently dynamic character, capable of adapting to changing times and responding to diverse sociocultural realities.[57] Through the lens of *maqāṣid al-sharīʿah*, traditional practices such as *uang panai* should not be dismissed as cultural aberrations but rather appreciated as social expressions rooted in wisdom, provided they conform to the principles of justice, public interest (*maṣlaḥah*), and mutual consent. This perspective echoes al-Shāṭibī's view that *maqāṣid* serves not only as an ethical foundation but also as an instrument for evaluating and guiding social customs within the bounds of Islamic values.[58] In line with this, contemporary Indonesian scholarship on *maqāṣid* emphasises that legal responses to family issues must integrate empirical realities and local traditions, provided they promote welfare and prevent harm.

Legal reform through *maqāṣid* does not imply abandoning textual sources (*naṣṣ*); instead, it repositions *maqāṣid* as a bridge between scriptural norms and lived realities between ideal legal frameworks and the evolving needs of Muslim

[56] Agustar and Arafah, "Utilizing Science and Maqāṣid al-Sharī'ah in Resolving Contemporary Issues of Islamic Family Law."

[57] Rasyid et.al., "Reconstructing the Concept of Uang Panai in South Sulawesi: A Maqāṣid al-Sharī'ah Approach for Revitalizing Women-Friendly Islamic Values."

[58] Raehana and Herawati, "Negotiating Maslaḥat and Maḍarat: Uang Panai and the Socio-Cultural Dynamics of Bugis–Makassar Customary Marriages."

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communities.[59] Within this framework, uang panai stands as a living example of how Islamic law can embrace local customs without compromising its normative foundations, provided the practice remains within reasonable limits and does not cause *mafsadah* for the parties involved.[60] When interpreted through the maqāṣid dimensions of *ḥifẓ al-māl, ḥifẓ al-nasl*, and *ḥifẓ al-ʿirḍ, uang panai* can be seen not only as culturally valid but also legally meaningful and ethically aligned with the higher objectives of the *Sharīʿah*. This is consistent with the position of the Indonesian Council of Ulama (MUI), which, in its recommendations on Islamic family law reform, stresses that local sociocultural practices may be accommodated as long as they do not contradict core Islamic principles and do not result in injustice, especially toward women and the poor. Scholars associated with MUI have also emphasized that customs such as *uang panai* should be moderated when they become burdensome financial demands that hinder marriage, because such excess undermines *maṣlaḥah* and conflicts with the Qurʾanic spirit of ease in family formation.[61]

The integrative framework adopted in this study, which combines *naṣṣ*, *ʿurf*, and *siyāsah sharʿiyyah*, promotes harmonisation between *fiqh* and indigenous wisdom and reflects the ethos of contextual jurisprudence.[62] Rather than treating *ʿurf* as a marginal consideration, this model places it as a substantive source for legal reasoning and reform, in line with the maxim *taghayyur al-fatwā bi taghayyur al-zamān wa al-makān* ("legal opinions may change with the change of time and place") and the classical maxim al-ʿādah muḥakkamah.[63] From this vantage point, the practice of uang panai is not merely a tolerated custom but a legitimate legal-cultural mechanism that reflects community values within a *maqāṣid*-based framework, provided that its application is continuously evaluated against *maṣlaḥah* and justice.[64] This reading resonates with the positions of the major Sunni schools of law: Hanafī and Mālikī jurists, for instance, have long

[59] Jasser Auda, *Maqasid Al-Syariah as Philosophy of Islamic Law. A Systems Approach,* The International Institute of Islamic Thought, London-Washington, Biddles Limited, King's Lynn United Kingdom, 2007, p. 219-223.

[60] Mohd Norhusairi Mat Hussin et.al., "Local Wisdom and Gender Equality in Joint Property Division: An Islamic Legal Perspective from Malaysia," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (2025), p. 394–416.

[61] M. Siregar, "Relevance of The Fatwa of The Indonesian Ulema Council to The Renewal of Islamic Family Law in Indonesia (Study of Mui Fatwa Number: 4/Munas Vii/Mui/8/2005 On Marriage of Different Religions)," *Jurnal Ilmiah Mizani* 8, no. 1 (2021), p. 85–102.

[62] W. Nabilah, et.al., "Between Protection and Permissiveness: A Fiqh Siyasah Reexamination of Marriage Dispensation in Indonesia," *Juris: Jurnal Ilmiah Syariah* 24, no. 1 (2025), p. 137–51.

[63] Sugianto, et.al., "Reconstruction Interfaith Marriage Law in Indonesia: Relevance of Sociology Knowledge and Maqasid Sharia."

[64] Nabilah, et.al., "Between Protection and Permissiveness: A Fiqh Siyasah Reexamination of Marriage Dispensation in Indonesia."

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recognised sound custom (ʿurf ṣaḥīḥ) as a basis for determining financial rights and social obligations in marriage, while Shāfiʿī and Ḥanbalī scholars accept custom in matters where the text is silent or general, so long as it does not contravene explicit scriptural evidence. In the context of South Sulawesi, empirical studies show that many local ulama and intellectuals, when discussing justice (*ʿadālah*) and *qiṣāṣ*, or family practices, tend to endorse a *maqāṣid*- and *ʿurf*-sensitive orientation, supporting the preservation of cultural institutions such as *uang panai* while calling for limits that prevent economic oppression and gendered inequality.

From a policy and reform perspective, one of this study's key contributions is its potential to inform and enrich the discourse on Islamic family law reform in Indonesia. By examining customary practices such as *uang panai* through a *maqāṣid* framework, the research provides both conceptual grounding and practical insight for revising Indonesia's Marriage Law and related regulations to be more responsive to local realities while upholding Islamic ethical imperatives. The model proposed here can serve as a reference for MUI in developing *fatwās* that are more contextual, inclusive, and socially responsive, especially in addressing excessive *uang panai* demands that delay or prevent marriage, and in encouraging community leaders to re-emphasise the tradition's symbolic and moral dimensions over its monetary value. Strategically, integrating *fiqh* and *ʿurf* within a *maqāṣid*-oriented paradigm reinforces Islamic law's role as a system that is not only spiritually and ritually relevant but also socially empowering and culturally grounded. Through this reformative approach already evident in various *maqāṣid*-based interventions on issues such as child marriage, custody, and financial obligations in marriage, Islamic family law becomes not merely a formal legal structure but a vehicle for justice, reconciliation between culture and faith, and sustainable societal transformation.

## Conclusion

This study concludes that the tradition of *uang panai*, while not part of the canonical pillars or conditions of a valid Islamic marriage contract, constitutes a legally valid '*urf ṣaḥīḥ* when examined through the *maqāṣid al-sharīʿah* framework, specifically supporting the protection of wealth (*ḥifẓ al-māl),* lineage *(ḥifẓ al-nasl),* and honour (*ḥifẓ al-ʿirḍ*). The research proposes a reconstructive model for Islamic family law that harmonises text (*naṣṣ*) and context (*'urf* and *siyāsah sharʿiyyah*), supported by an ethnographic-empirical method and grounded in legal and cultural realities. This model represents a paradigm shift from rigid textual formalism to a *maqāṣid*-based, pluralistic approach in contemporary *fiqh*, reinforcing Islamic law's adaptability and ethical responsiveness. Empirical findings from Makassar and Bugis affirm that *uang panai* can foster economic responsibility, social legitimacy, and moral commitment, provided it is practiced within ethical boundaries. These findings

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indicate that Islamic law can accommodate culturally embedded institutions such as *uang panai* without sacrificing its foundational objectives, thereby offering a more harmonious perspective on the relationship between *Sharīʿah* and local traditions in Indonesia, including the Bugis–Makassar context. The implication is a normative basis for contextualizing *fiqh* in multicultural societies, which can inform legislative reforms (e.g., Marriage Law) and institutional *fatwās*. In this sense, the flexibility and adaptability of Islamic law to diverse cultural spaces and social institutions are not weaknesses, but essential characteristics that enable *Sharīʿah* to remain relevant, just, and socially anchored. This research contributes significantly to the discourse on Islamic legal pluralism by offering a framework for integrating Islamic jurisprudence with local customs.

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## Interviews and Observation

Field Observation in Bone Regency, August 2025.
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Interview with Religious Figures in Bone Regency, August 2025.