

## AN EXPLORATION OF MAQASHID SHARIA PRINCIPLES IN THE IMPLEMENTATION OF BUGIS COMMUNITY MARRIAGE PRACTICES IN MALANGKE: A QUALITATIVE STUDY

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**Abstract :**

*The study analyzed that the implementation of Bugis community marriage in Malangke was in accordance with maqashid sharia. This study used qualitative research with primary data from traditional leaders, religious leaders, community leaders. The implementation of Bugis community marriage through cultural Islamization so that it does not conflict with sharia. Because in culture there is benefit, both for wife and husband. This kind of marriage culture is called al-adah aṣ-ṣaḥīḥah or al-urf aṣ-ṣaḥīḥ, namely good customs and can be used as legal considerations. In community marriage there is a Mappasikarawa or mappasiluka (first contact) section, according to the hadith of the Prophet Muhammad SAW guiding husbands, when they marry a woman, they should hold her crown, read basmalah, pray for blessings and read. In addition, Mappassau Botting and Cemme Passili (caring for and bathing the bride), this is in accordance with the principle of maqāṣid asy-syarīah of descent (Nasl). Bugis traditional marriages contain many things that are expressed using symbolic messages, and all of them are always based on the values contained in the beliefs of the Bugis people and the integration of Maqashid Syariah values. maqashid dhariah and marriage of the Bugis people to realize goodness while avoiding evil or attracting benefits (maṣlahah).*

**Keywords :** Wedding, Mappasikarawa, Maslahah.

### INTRODUCTION

*Mappabotting* in which a series of marriage processions are found, is a local culture of the Malangke community that has differences with other regions. This culture is their customs which are regulated in the panggaderreng system. This can be seen starting from the stages of *mammanu'manu*, *madduta*, *mappetuada*, *mappaccing*, *tudangbotting* and *marola*, which are interesting to examine in depth (Ikbal et al., 2016; Rahmatiar et al., 2021; Rusli, 2012; Zurina Abdullah & Muhammad Abdul Jalal Abdullah, 2019).

The research is intended to find out various aspects of the local culture of Bugis, which is assimilated with religious institutions called *sarak* as one of the elements of panggaderreng. Another reason for the importance of the research in question is because until now there has never been a similar study, so that with this research there will be new findings regarding marriage. Thus, the main problem that is the object of research here is, how is the existence of Islam in relation to the local culture of Bugis marriage customs.

For people Bugis, custom does not just mean habit. In Matthes' understanding, he understands custom in the Bugis tradition as *gewonten 'custom'*. While Lontara explains that custom is a requirement for human life. In the expression: *iyya nanigesara' ada' 'biyasana buttayya tammattikkamo balloka, tanaikatongangamo jukuka, anyalatongi aseya* 'if the customs of the country are damaged then the palm wine will stop dripping, the fish will disappear, and the rice will not be' (Abdul Rokhmat Sairah Z, 2016; Lampe, 2015).

Based on the social fact that the custom of Marriage/ abbotingeng in Bugis society, especially in Tokke Village, is still difficult to eliminate because the Bugis community's marriage customs contain many Maqashid Al-Syariah values, especially mappaci, barzanji. The Bugis community's marriage in Tokke Village also upholds a sense of solidarity/assitulung-tulungen and very high kinship values. The cultural foundation of the Bugis tribe's behavioral patterns has cumulatively been formed since ancient times (Azis et al., 2020; Ram & Hankuk, 2013). In Bugis culture, an uncelebrated marriage needs to be questioned and has a negative impression, even tending to be suspected of being pregnant before marriage. A marriage that is easy to implement will also end easily (divorce).

Nowadays, along with the development of the era, there are many things that have eroded the existence of Islamic law in the face of customary law, where customary law is more prioritized than Islamic law which has clear guidance from the Prophet Muhammad SAW, one of which is the custom that has developed in our society in South Sulawesi, especially in the Malangke Regency community. Customary law that has developed until now has confused many people, especially in Malangke District. This custom has become one of the obligations when getting married. Although this custom is not mentioned in Islamic law, it has become an obligation that must be carried out in marriage. Historically, the existence of customary law is very strong on the island of Java, this is because Javanese people tend to be more obedient to customary rules and are afraid of customary sanctions.

In some places in Malangke District when they are about to hold a wedding, some hold a wedding ceremony with all the traditional ceremonies, some hold it but only as a formality meaning they only hold the important ones, and some do not hold it at all. In this situation, the people of Malangke Regency are confused by several realities, this will have an impact on the existence of customary law. At this time, several confusing questions arise whether this custom will still be held or not, it is even possible that this custom will disappear by itself along with time and current conditions. In responding to various negative views towards Bugis wedding customs, it should be responded to wisely and judiciously. So it is important knowing the perspective of maqashid sharia on marriage customs.

## **RESEARCH METHOD**

This study uses a qualitative method using interview guidelines that have been prepared. Data sources in the study were obtained from Traditional Leaders, Religious Leaders, Bugis Community of Tokke Village, Malangke District, North Luwu Regency. So that the results of the interview can be used as a source and reference.

## **FINDINGS AND DISCUSSION**

In the pangadereng, Bugis community wedding roses in Tokke Village, Malangke District, North Luwu Regency. Marriage is not only the legalization of the relationship between men and women and is considered important by most

of society. Groups of people who feel that marriage is important then regulate marriage in such a way that it can provide more contribution to the group.certain communities.

The organization of marriages in Bugis society is greatly influenced by customary rules, so that the organizers require a lot of...assistance in order to comply with its customary rules. Bugis society differs from Indonesian society in general in terms of the status placement system. The applicable provisions that the implementation of marriage between individuals with equal social status (endogamy) and social groups that practice marriage customs with outsiders (exogamy) can be used to obtain candidates with a more appropriate status for their descendants.(Nurjanah et al., 2013; Rusli, 2012; Tamam et al., 2010; Wekke, 2012)

According to Muslimin, he said that in applying the values of the Islamic religion, namely by guiding and informing the Bugis people in Malangke, especially those who don't know what the meaning of marriage in the Bugis community is, why they have to use walasuji, barzanji, jackfruit leaves, coconut leaves. By guiding and informing about the meaning of all things related to marriage in the Bugis community so that the cultural meaning is not lost and is still preserved even though it is modern.

The Bugis community in Malangke is very strong in their sense of togetherness and solidarity. If a village holds a wedding, then all the people will take part so that the event runs smoothly without any obstacles. In the proposal process, only the elders, not the parents, are represented, and the language is somewhat sarcastic, for example, women are likened to flowers blooming in the garden and men are like beetles approaching the flowers.(Yunus, Muh. Idris, 2020; Yunus, 2018).

The diverse relationship between sharia and Muslim culture, law and jurisprudence must consider social, cultural, political and economic sources and contexts. The implementation of law is flexible and can change, according to the context of time and geographical location. Of course, this opinion is not something new, when connected with the opinions of orientalist who specifically study Islamic law with a sociological and historical approach. It is not surprising that many Muslims are not happy with this idea, for various reasons. One of them is because this approach was developed by orientalist, who are suspected of trying to separate Muslims from their original sources, the Qur'an and the Sunnah.

Maqashid al-syariah has a good purpose for human life. This is very much in line with the purpose of Bugis custom itself where in the series of Bugis processions there are allusions in which there are hopes that are desired for the bride and groom, for example the giving of henna leaves is started with seven pairs of husband and wife who are considered good by their families, this means that it is hoped that the bride and groom will also be as good as that or even better than the family. For more details, the author sorts out the purpose of life or Maqashid al-syariah which is associated with the Bugis marriage custom itself, as explained below.

a. Maintaining Religion

Maintaining religion is very important for human life, with religion we get the purpose of life, with religion we can know our God, with it we can also enter the heaven of Allah SWT. Maintaining religion has become our obligation as humans, especially those of us who are Muslim. Marriage is something that is called by the prophet with the benefit of having offspring and with that offspring we can continue to maintain the religion that we adhere to. However, with the Bugis marriage customs, we can understand much better what religion really wants from this life. In the series of Bugis marriage customs, there is one series that is related to maintaining religion, namely the silk sarong which symbolizes honor. The silk sarong that is prepared and used in the Bugis procession has a very sacred value, besides intending to maintain honor, it also means that with that honor we can maintain the honor of our religion. It is intended to maintain personal honor as well as to be able to maintain the honor of religion.

b. Nurturing the Soul

Maintaining the soul is a mission that we must carry from the time we live until we die. Maintaining the soul is very important in our lives. Doing something without a soul is indeed impossible, the soul that we currently use is a mandate from Allah SWT. A mandate that we must guard as well as possible. Maintaining the soul is in line with the mission of Bugis customs. Panaik Money in Bugis Weddings considered as the bride's family giving alms by giving food or a banquet to others. Alms are the rights of Allah in the form of wealth given by a rich person to those who are entitled to receive it, the poor and needy. The wealth is called alms because it contains the blessing of purifying the soul/hifdz an-Nafs (maintaining the soul), developing it with goodness, and the hope of getting it. In addition to obligatory alms, there are also alms that are recommended and recommended to be given at any time. This is because the recommendation from the Qur'an and as-Sunnah to give alms is not binding.

c. Maintaining Reason

In Bugis society marriage it is important to choose a partner by looking at the duck, its weight, so that after marriage you do not choose the wrong one, do not choose a man who likes to drink alcohol/get drunk. If this provision is not observed, it will result in the existence of reason being threatened. In addition it is important to see his education candidate. If that is done, it will not damage reason, but will make it difficult for someone, in relation to the development of science.

d. Nurturing Offspring

Bugis customs are familiar with the term panai, namely honest money in the original Bugis wedding customs. Panai defines a rule to provide property from the man's side to the woman's family to carry out the marriage. The size of this property depends on the position and education of the woman being proposed to. So, the higher the education or descent (nobility) of the woman, the higher the dowry given. Pa'baji or dowry money that does not meet the requirements

determined by the guardian of the bride will have implications with no *pa'baji* then there will be no marriage contract. Other legal impacts, the relationship between men and women will become, *salariang* (remarrying), adultery, children born from adultery will have problems with their lineage. So one of the goals of the sharia in marriage will not be achieved, namely maintaining lineage (*hifzdu al-nasl*).

e. **Maintaining Property**

One of the goals of life that is stated in the explanation of *maqashid sharia*. In Bugis marriage custom giving *panai* money, looking at al-Ghazali's theory above, giving *panai* money is classified as *tahsiniyyat*. Which means not looking at *daruriyyat* and *hajiyyat*, but rather taking into consideration *tahsin* and *tazyin* (heeding) as additions and maintenance in matters of relationships and good habits in life (Halim Rane, 2012).

The concept of *maqashid al-syariah* and its implementation in legal development with method-the applied methods starting from *qiyās*, *istihsān*, *mashlahah mursalah*, *istishhāb*, and *syādz dzari'ah*, and others function as references in determining Islamic Law decisions. Benefit is a barometer in seeing all kinds of cases that come to the surface. Without seeing the *maqāshid al-syarīah* aspect, Islamic Law will only be dry of the spirit of divinity. (Sanuri, 2015).

The aim of *maqashid al-syariah* is to seek wisdom and benefit in an action, so from giving *panai* money, according to the author, several lessons and benefits can be drawn, including: a. Showing the nobility of women and raising the status of women, because women should be the ones men propose to and marry, not the other way around. So, no matter what, it is men who have to try to sacrifice their wealth to get women b. Elevating women's status and giving them ownership rights. So they are given the right to receive gifts from their husband when they get married, whether in the form of a dowry or *panai* money, and this shows that it is an obligation for the husband to respect women by giving these gifts. c. Showing a husband's love and affection for his wife, because *panai* money or dowry is in the nature of a gift, gift or bequest which the Koran terms *nihlah* (a willing gift), not as a payment for a woman's price. d. Show your sincerity, because getting married and having a family is not a joke and something that can be played with. e. Showing the husband's responsibility in household life by providing a living, therefore a man is the leader of a woman in his household life. And to get that right, it is natural for a husband to spend his wealth so that he must be more responsible and not arbitrary towards his wife. . f. The creation of a harmonious and loving relationship and a lasting relationship until the end of life. Jasser Auda divides *maqashid al-syari'ah* into three levels, namely *maqashid amah*, *khassah*, and *juziyyah*. (M. Luthfi Afif Al Azhari, 2020).

Viewed from the perspective of the levels of *maqashid*, the author takes the example of dowry money which is included in all levels.

1. In *maqashid ammah*, *panai* money is seen as providing universal benefits to society, such as with *panai* money, justice is created where

both parties feel satisfaction in carrying out the wedding ceremony, on the other hand, both families feel ease during wedding events. implemented, including aspects of dharuriyat al-khamsah, namely:

- a. Religious law is enforced in order to follow the sunnah of the Prophet Muhammad
  - b. Preserving the human soul so that it does not commit sin
  - c. The human mind is awake because it is in a positive direction
  - d. The creation of a household whose honor is always upheld
  - e. The birth of responsibility in maintaining wealth and spending it in the right way.
2. In terms of the maqashid khassah, the dowry is seen as providing special benefits to the bride and groom, for example, with the dowry they can avoid domestic violence and so on. think many times over if you want to take steps to divorce, in this maqashid, the dowry can also be seen as a means to create a harmonious, peaceful, harmonious and romantic household.
  3. In the maqashid juz'iyah, the dowry is seen as providing benefits in very partial matters that are within the bride and groom themselves, for example the creation of honesty and openness between husband and wife, the absence of infidelity that results in the destruction of the household, all carried out in an honest and open manner, both in matters of feelings and in matters of wealth, so that with all that will result in a family that is sakinah, mawaddah, and rahmah.

The tradition of dowry money will create cooperation and mutual assistance between communities, creating mutual respect from various tribes and groups, and this is what makes Islam appear to be united and brotherly, also because in it there are gatherings and meetings of traditional figures, religious figures, community figures, and young men and women who all witness local traditional rituals.

So the dowry can be said to be a unifier of society to carry out various events in terms of goodness and religion, and indirectly can also direct them in a positive direction, as if with the existence of these wedding rituals can motivate young people to immediately find a life partner. So with the existence of mutual cooperation in making this good event a success is a recommendation in Islam.

Islam has regulated all aspects of life, from small things to big things like marriage, and maqashid shari'ah emerged to emphasize that Islamic law is prescribed to realize and maintain the welfare of humanity. And the purpose of Islamic law is to foster each individual to become a source of goodness for others, uphold justice in society, both for Muslims and non-Muslims, and realize the welfare as the highest goal inherent in Islamic law as a whole. So there are no conditions based on the Qur'an and hadith except that there is welfare and it applies generally. So where there is welfare there is Allah's law, which regulates the way of life of humanity on earth.

## CONCLUSION

The implementation of weddings in the Bugis community is very in accordance with maqāṣid asy-syarīah, this can be seen in the process of Mappassau Botting and Cemme Passili (caring for and bathing the bride and groom), of course this is connected to the principles of maqāṣid asy-syarīah, namely faith (Din), soul (Nafs), reason (Aql), descendants (Nasl), and wealth (Mal), this can also be the story of the Prophet himself teaching his nephew who are still small so they can only ask and plead with Allah, "If you ask, ask Allah. If you ask for help, ask Allah for help. In addition, Mappasikarawa or mappasiluka (first contact), according to the hadith of the Messenger of Allah sallallaahu 'alaihi wasallam, directs husbands, when they marry a woman, they should touch her crown, recite the basmalah, pray for blessings and recite,

اللهم إني أسألكم خيرها And He is the Most Merciful, And I seek refuge in You from the evils of him and the evils of what You have decreed for him.

Indirectly, maqosid shari'ah and Bugis marriage aims for the welfare of human life, both spiritually and physically, individual and social welfare not only for worldly life but also for eternal life in the afterlife.

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