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# The Position of *Panai'* Money in the Marriage of the Bugis-Makassar Societ: Fatwa Analysis of the Indonesian Ulema Council of South Sulawesi Province

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#### Abstract

The tradition of panai' money in South Sulawesi is a form of respect from the party who proposes (men) to women as a form or process of family ties. The main point of this study is how the Position of panai' Money in the Marriage of the Bugis-Makassar Tribe Community; Fatwa Study of the Indonesian Ulema Council of South Sulawesi Province. This study aims to analyze the fatwa issued by the Indonesian Ulema Council of South Sulawesi Province regarding panai' money in the marriage tradition of the Bugis-Makassar community. The type of research used in this study is qualitative descriptive research that provides an overview of phenomena and events that occur in a research location based on environmental conditions. The data used in this study are primary data and secondary data that are processed and presented to conclude. The results showed that the position of this panai' money is a condition in a marriage because if there is no panai' money then the marriage cannot be done. Islam does not regulate the provision of panai' money but the law is good, Islam does not prohibit panai money in marriages of the Makassar bugis tribe because no evidence regulates it. Therefore, the MUI in its fatwa states that the law of this panai' money is mubah, and if it does not burden both parties. The MUI in its fatwa does not state how much must be spent, because it adjusts to everyone's economic conditions.

Keywords: Panai' Money; Fatwa of MUI South Sulawesi; Customary Law; Bugis-Makassar society.

#### Abstrak

Tradisi uang panai' di Sulawesi Selatan merupakan bentuk penghormatan dari pihak yang mengusulkan (laki-laki) kepada perempuan sebagai bentuk atau proses ikatan keluarga. Poin utama dari penelitian ini adalah bagaimana Posisi Uang panai' dalam Perkawinan Masyarakat Suku Bugis-Makassar; Kajian Fatwa Majelis Ulama Indonesia Provinsi Sulawesi Selatan. Penelitian ini bertujuan untuk menganalisis fatwa yang dikeluarkan oleh Majelis Ulama Indonesia Provinsi Sulawesi Selatan mengenai uang panai' dalam tradisi perkawinan masyarakat Bugis-Makassar. Jenis penelitian yang digunakan dalam penelitian ini adalah penelitian deskriptif kualitatif yang memberikan gambaran tentang fenomena dan peristiwa yang terjadi di suatu lokasi penelitian berdasarkan kondisi lingkungan. Data yang digunakan dalam penelitian ini adalah data primer dan data sekunder yang diolah dan disajikan untuk menyimpulkan. Hasil penelitian menunjukkan bahwa posisi uang panai' ini merupakan syarat dalam pernikahan karena jika tidak ada uang panai' maka pernikahan tidak bisa dilakukan. Islam tidak mengatur

penyediaan uang panai' tetapi hukumnya baik, Islam tidak melarang uang panai dalam pernikahan suku Makassar bugis karena tidak ada bukti yang mengaturnya. Oleh karena itu, MUI dalam fatwanya menyatakan bahwa hukum uang panai' ini adalah mubah, dan jika tidak membebani kedua belah pihak. MUI dalam fatwanya tidak menyebutkan berapa banyak yang harus dibelanjakan, karena menyesuaikan dengan kondisi ekonomi setiap orang.

Kata kunci: Uang Panai; Fatwa MUI Sulawesi Selatan; Hukum Adat; Masyarakat Bugis-Makassar.

#### 1. Introduction

Marriage holds profound meaning and occupies a significant position in the structure of human life, as it formally unites two individuals of the opposite sex into a legally recognized bond as husband and wife, thereby forming a family (Baihaqi & Munshihah, 2022). The Qur'an explains that everything is created in pairs—male and female—and that men are naturally inclined not only to desire offspring and wealth, but also to feel affection towards the opposite sex, and vice versa (Majidah & Firmansyah, 2021). In its essence, *nikah* (marriage) refers to sexual intercourse; however, terminologically it is defined as a contract that legally permits sexual relations, expressed through the marriage offer (*ijab*) and acceptance (*qabul*) (Faisal et al., 2021). Allah (SWT) has ordained marriage with the objective of establishing a harmonious relationship and setting boundaries between the spouses.

Islamic law (Sharia) contains pluralistic values. The Qur'an recounts various events from the past as lessons and guidance for every generation. Islamic law is dynamic and able to accommodate the evolving needs of different societies and times, adapting to diverse environmental contexts (Wibowo & Hidayat, 2022). Essentially, Islamic teachings encompass multiple dimensions—ranging from theology, spirituality, morality, history, culture, politics, and law, to science (Saiful, 2023). Islam does not merely regulate ritual worship or vertical relationships with God but also governs human social interactions, aiming to offer solutions to the challenges faced by the Muslim community and to achieve public welfare (*maslahah*) or *istislah*.

Traditional marriage in the Bugis-Makassar community refers to the communal union of a man and a woman, usually preceded by a series of customary ceremonies. Its primary aim is to produce offspring to ensure the survival of the clan or lineage (Harriguna & Wahyuningsih, 2021). One unique element often associated with Bugis-Makassar weddings is the practice of *uang panai'*, which refers to a sum of money given by the groom-to-be to the bride-to-be. This money is intended to cover the expenses of the wedding celebration and other related costs (Sholeh, 2023). It is important to note that *uang panai'* is distinct from the Islamic *mahr* (dower); it is considered a customary obligation rather than a religious one, yet it is typically viewed as mandatory and agreed upon by both families.

The amount of *uang panai'* is widely known to be substantial in Bugis-Makassar society. The bride's social status and educational background often determine the amount (Alimuddin, 2020). For instance, if the bride comes from a noble lineage—such as the royal families of Gorontalo, Gowa, or Bone—the required *uang panai'* may reach tens of millions

of rupiah. Likewise, if the bride holds a university degree (bachelor's, master's, or a professional degree such as in medicine), the amount will also be significantly high.

Among the younger generation, *uang panai'* has become a considerable concern. It is often perceived as a transactional arrangement between the groom's and bride's families, with its value symbolizing the "price" of marriage. This perception has sparked debate, as the monetary demand often exceeds that of the *mahr*, creating social and economic pressure.

In response, the Indonesian Council of Ulama (Majelis Ulama Indonesia, MUI) of South Sulawesi issued Fatwa No. 02 of 2022 concerning the tradition of *uang panai*. The fatwa states that *uang panai* is *mubah* (permissible), provided it does not burden the groom or his family. According to Professor Najamuddin, Chair of MUI South Sulawesi (statement issued on Saturday, July 2, 2022), "*Uang panai*' is essentially permissible. The key point is mutual agreement between both parties. If they agree, then there is no problem."

This fatwa affirms that *uang panai'* is allowed in Islamic law as long as it does not cause hardship and both parties consent to it freely and willingly. Hence, a study on the position of *uang panai'* within the Bugis-Makassar tradition, in light of the MUI South Sulawesi fatwa, is essential to clarify its status and prevent potential misunderstandings that may lead to harm or injustice within the community.

#### 2. Research Methods

The type of research employed in this study is qualitative descriptive research, which aims to provide an overview of phenomena and events occurring at a specific research location based on environmental conditions. This study seeks to uncover facts and offer explanations related to the realities observed. A phenomenological approach is used to understand and examine the content of the MUI Fatwa No. 02 of 2022 concerning *uang panai*'. The data utilized in this study consists of both primary and secondary sources. The primary data includes MUI Fatwa No. 02 of 2022 on *uang panai*' and information gathered from traditional leaders, religious figures, and community leaders in the Makassar region. The secondary data comprises materials such as articles, books, journals, the Qur'an, online sources, and other relevant and comprehensive references related to the research topic. Data collection methods include observation, interviews, and documentation. The collected data is then processed and presented in a structured manner to draw conclusions.

#### 3. Discussion

#### 3.1. Public Perception of *Uang Panai'*

Uang panai', in the context of marriage customs in South Sulawesi, refers to a sum of money agreed upon by the groom's family and given to the bride's family as part of the wedding process (Rahman, 2022). It is considered a traditional gift from the groom's side to the bride's family. The amount of uang panai' is usually determined by the bride's family and is highly dependent on the family's social status within the local community (Putri et al.,

2021). Although the exact amount is based on mutual agreement between the two parties, disputes over *uang panai'* are not uncommon and can even delay or cancel marriage arrangements.

In some cases, the tradition of *uang panai'* is perceived as burdensome, particularly for individuals from lower economic backgrounds (Hasan, 2022). This concern was expressed by Mr. Idham, a prospective groom, who described *uang panai'* as a heavy burden, especially in the Makassar region, where it is often used as a means of determining social class, particularly for women. This practice has become a hereditary custom. If one female family member previously received a large *uang panai'*, other female relatives may refuse marriage proposals if the offered *uang panai'* is considered lower than that precedent. According to him, this greatly disadvantages men and complicates efforts to solemnize marriage.

Mr. Idham also expressed hope that the Indonesian Ulema Council (MUI) would issue a regulation to prevent such excessive financial expectations. He argued that high *uang panai'* demands are one of the factors contributing to premarital relationships, such as elopement (*silariang*) or secret marriages (*mapakasiri-siri*), which can bring shame to both families and lower their standing in society.

A similar perspective was shared by Nurul Rezkiyah Wahyuningsih. According to her, the term *uang panai'* is deeply familiar to people in South Sulawesi, particularly in Makassar, where the custom is deeply rooted. It is a long-standing tradition among the Bugis-Makassar ethnic group, whereby *uang panai'* is offered by the groom to help cover the bride's wedding expenses. The amount is often determined based on the woman's social status and level of education.

As a woman, she does not expect a large amount of *uang panai'*. In her view, it should not be used as a tool to maintain social prestige but rather to meet essential needs. However, she also believes that *uang panai'* carries symbolic value as a form of appreciation for women and as a sign of the groom's seriousness and commitment to marriage.

Risma, another prospective bride, holds a more critical view. She believes that the tradition contributes to the increasing number of unmarried women in the Bugis-Makassar community. In her opinion, the tradition stems purely from social prestige. Nonetheless, she feels obliged to accept *uang panai'* from her fiancé, as her parents insist on it, even though she personally disagrees with the custom.

Chezia Susilo Pramesty also shared her thoughts on the practice. She acknowledged that *uang panai'* is regarded as a crucial element in marriage ceremonies in her area and serves as one of the conditions for the wedding to proceed. Traditionally, *uang panai'* has been viewed as a form of financial support from the groom to the bride for wedding preparations. While she recognizes its positive aspect as a gesture of respect and support for the bride, she is concerned about the negative implications of the practice, particularly when it becomes a form of competition, where women are treated as commodities, with their worth determined by the amount of *uang panai'* they receive. She pointed out that while the

custom can be a form of appreciation, it can also be a heavy burden for men when combined with the costs of *mahar* (dowry) and other wedding expenses. In such cases, it risks objectifying women.

According to Ibu Irma, the mother of a prospective groom, *uang panai'* often complicates marriage plans for men. In her view, many families in Makassar set high standards for *uang panai'* based on precedent within their extended families. If a previous wedding in the family involved a *uang panai'* of IDR 100 million, then subsequent weddings are expected to exceed that amount. This trend makes it increasingly difficult for prospective grooms to fulfill these demands, as the bride's family insists on maintaining or exceeding the prior standard.

#### 3.2. The Position of Panai Money in Bugis-Makassar Marriage Traditions

The position of *panai money* in the marriage traditions of the Bugis-Makassar community holds significant importance and can even be regarded as a principal prerequisite for the marriage ceremony (Nugraha & Putri, 2022). Within the context of customary law, the presence of *panai money* is considered an essential requirement that must be fulfilled by the groom's family as a sign of seriousness and respect towards the bride's family. In other words, if *panai money* is not given or agreed upon, the marriage is deemed not valid or properly conducted according to the local customary norms (Hikmawati & Wijaya, 2020). This condition indicates that *panai money* is not merely a symbolic or ordinary tradition but has been entrenched as a decisive element that determines the legitimacy of a marriage within the Bugis-Makassar society.

In the Bugis-Makassar customary system, *panai money* is part of the negotiation process between the families of the prospective bride and groom. Typically, the amount of *panai money* is determined by the bride's family, influenced by several factors such as social status, economic condition, and the family's position within society (Daeng et al., 2019). In practice, *panai money* often serves as a benchmark of social prestige, which can lead to disputes or conflicts if there are discrepancies in expectations between the groom's and bride's families regarding the amount. When the *panai money* demanded is considered excessively high and unaffordable, it may cause delays or even cancellation of the marriage, which subsequently affects the social relations of both families and the prospective spouses.

From an Islamic standpoint, there is no specific regulation regarding *panai money* in marriage. Islam primarily emphasizes the concept of *mahr* (dowry), which is obligatory and must be given by the groom to the bride as a symbol of commitment and responsibility. Mahar is a critical component of Islamic marriage and is considered mandatory under Islamic law (Iqbal & L, 2020). However, with respect to *panai money*, Islam does not provide binding rules or explicit guidance. The legal status of *panai money* in Islam is categorized as *mubah* (permissible), meaning it is allowed as long as it does not contain prohibited elements or cause harm (*mafsadah*) to any party involved.

Islam does not forbid the practice of *panai money* in Bugis-Makassar marriages as long as its implementation does not result in hardship or contradict Islamic principles. The absence of explicit prohibitions in the primary Islamic sources demonstrates that *panai money* is considered a local cultural practice permitted so long as it does not lead to injustice or exploitation of either the bride or groom (Nadiyah, 2021). Therefore, from the perspective of Islamic jurisprudence, the status of *panai money* is permissible, and its application is primarily based on customary norms and mutual agreement between the families.

Nevertheless, the existence of *panai money* gives rise to complex social issues within the Bugis-Makassar community. One major concern is that *panai money* can become a substantial financial burden for prospective grooms, especially those from lower or middle economic classes (Laksana et al., 2020). In some cases, the high amount demanded for *panai money* can hinder individuals from marrying, potentially causing delays in marriage or encouraging practices such as marriages without parental consent, elopement, or unregistered (*siri*) marriages. These consequences can create negative social and moral impacts within the community.

Furthermore, the culture surrounding *panai money* may foster unhealthy social competition among families of brides, where the amount of *panai money* serves as a social prestige indicator (Diah, 2020). If a woman from a certain family marries with a large *panai* amount, others in the same family may be expected to receive similar or higher amounts. This situation generates social pressure and reinforces social stratification based on material wealth. Therefore, despite its status as a hereditary tradition, there is an urgent need to reconsider the role of *panai money* to prevent it from becoming a source of discrimination or social inequality.

From the Islamic legal perspective, the values of justice and facilitation are paramount in the execution of social contracts, including marriage (Alabdulqader, 2018). It is important for the community to recognize that Islam does not require *panai money* as an obligatory condition for the legitimacy of marriage. Instead, Islam encourages simplicity and ease, avoiding burdening the groom or the couple unnecessarily (Islam et al., 2018). This principle is supported by the Quranic verse in Surah Al-Baqarah (2:187), which emphasizes ease and not hardship in marital relations. Consequently, in the modern context, the tradition of *panai money* should be adapted according to the economic capacity of the involved parties to prevent it from becoming a barrier to fulfilling the sunnah of marriage.

In this regard, the role of religious scholars and customary leaders is crucial in educating and raising public awareness that *panai money* should not be imposed excessively. A more prudent and conciliatory approach is needed so that this tradition can harmonize with Islamic principles and social justice. Regulating and limiting the amount of *panai money* according to the groom's financial capacity can help reduce tensions and facilitate the marriage process while preserving the cultural values as an important identity marker.

Overall, the position of *panai money* in the marriage customs of the Bugis-Makassar is strategic and symbolic as a form of respect towards the bride and her family. However, from the Islamic perspective, *panai money* is not a compulsory condition for a valid marriage. Islam prioritizes justice, ease, and mutual consent without imposing undue burdens. Therefore, it is essential for the community and customary authorities to align the practice of *panai money* with Islamic values that emphasize facilitation and justice, ensuring that this tradition does not obstruct the sacred and blessed purpose of marriage. Such cultural adjustment will not only benefit the prospective spouses and their families but also contribute to social harmony. With proper management, *panai money* can continue to symbolize respect for women and serve as a bridge between customary values and Islamic teachings within the framework of a blessed marriage.

## 3.3. The MUI Fatwa on the Legal Status of Panai Money: A Contextual and Ethical Perspective

The Indonesian Ulema Council, known locally as Majelis Ulama Indonesia (MUI), plays a pivotal role in issuing religious guidance through its fatwas, which serve as authoritative Islamic legal opinions for the Indonesian Muslim community (Zuhri, 2022). One significant cultural and social issue addressed by the MUI concerns the customary practice of *panai* money in marriage traditions, particularly among the Bugis-Makassar ethnic groups of South Sulawesi. In its fatwa, the MUI states that the law regarding *panai* money is *mubah*—permissible in Islamic jurisprudence—provided that it does not impose a burden on either party involved in the marriage process.

This position reflects a careful balance between respect for local customary traditions and the Islamic principle of justice and ease in social transactions, including marriage (Minnee, 2022). The MUI's approach recognizes the cultural reality and significance of *panai* money, yet simultaneously emphasizes the importance of ensuring that this tradition does not become a source of hardship or social injustice.

In Islamic law, *mubah* refers to actions or things that are permissible but not obligatory. These actions are neither encouraged nor discouraged, and there are no legal penalties for engaging or refraining from them (Ahmed & Abozaid, 2022). Classifying *panai* money as *mubah* means that Islam does not mandate the giving or receiving of *panai* money as a compulsory condition for a valid marriage, nor does it prohibit the practice outright. The MUI's categorization thus offers flexibility for Muslims to engage with their cultural traditions without contravening Islamic law. This classification encourages adherents to evaluate *panai* money within the framework of fairness, mutual consent, and economic capacity, rather than rigidly enforcing a fixed amount or obligatory status.

One of the key principles underscored in the MUI fatwa is that *panai* money must not become a financial burden on either party. This is consistent with the broader Islamic legal maxim that emphasizes preventing hardship (*raf' al-haraj*) and ensuring ease (*taysir*) in all dealings. Marriage, as a sacred social contract, should facilitate the establishment of a family

based on mutual love, compassion, and social stability, rather than becoming a source of stress, conflict, or economic hardship.

In many traditional communities, including the Bugis-Makassar, there is a social expectation or customary pressure to set a *panai* amount that may be disproportionate to the groom's financial means (Jafar, 2017). The MUI's fatwa seeks to mitigate such pressures by affirming that the amount should be reasonable and in accordance with the economic conditions of both families. This flexibility promotes the spirit of Islamic justice and mercy, allowing marriages to proceed without unnecessary financial obstacles.

Importantly, the MUI fatwa does not specify a fixed amount that must be paid as *panai* money. This absence of a definitive figure reflects a recognition of the diverse economic realities faced by Muslims across Indonesia. Indonesia's Muslim population is socioeconomically heterogeneous, with families ranging from those with modest incomes to those with substantial wealth (Vachruddin, 2021).

By refraining from stipulating a set amount, the fatwa provides the community with the autonomy to negotiate *panai* money in a manner that respects individual circumstances, social context, and customary values. This approach encourages dialogue and consensus between families, thereby preventing disputes and potential social discord arising from unrealistic or arbitrary financial demands.

The MUI's stance implicitly acknowledges that *panai* money is deeply embedded in the customary fabric of certain Indonesian communities, especially among the Bugis-Makassar. It affirms that customs, as long as they do not contradict Islamic law (*shariah*), can be accommodated within the Islamic legal framework. This aligns with the principle of *urf* (custom), which is recognized in Islamic jurisprudence as a valid source of law, provided it does not conflict with Islamic texts.

Hence, the MUI fatwa respects the cultural significance of *panai* money as a traditional practice that symbolizes respect, seriousness, and social bonding in marriage negotiations. However, the fatwa simultaneously calls for the prudent application of this custom, preventing it from transforming into a tool for social stratification, economic exploitation, or gender discrimination.

The fatwa's emphasis on reasonableness and economic adaptability carries important social implications. First, it encourages families to prioritize the welfare and dignity of the bride and groom over financial displays of prestige or status. This can reduce the social stigma attached to lower *panai* amounts and encourage marriages based on mutual affection and compatibility rather than material considerations.

Second, the fatwa promotes social equity by discouraging exorbitant *panai* demands that may exclude economically disadvantaged individuals from fulfilling societal expectations of marriage. This, in turn, supports social cohesion and reduces the risk of adverse social phenomena such as delayed marriages, unregistered unions, or extramarital relationships arising from prohibitive financial barriers.

Third, by providing religious legitimacy to the idea that *panai* should be reasonable, the fatwa empowers religious leaders, community elders, and customary institutions to mediate and regulate the negotiation of *panai* money more effectively. This can foster a healthier marriage culture that aligns with both Islamic ethics and local customs.

Despite the positive intentions of the MUI fatwa, practical challenges remain in its implementation. Cultural inertia and entrenched social norms may continue to exert pressure on families to demand high *panai* amounts, especially in communities where social prestige is strongly linked to such practices. Changing these perceptions requires ongoing religious education, community dialogue, and active involvement of local leaders.

Moreover, the fatwa's flexibility, while beneficial, can also lead to ambiguity or inconsistent practices if not accompanied by clear community guidelines or mediation mechanisms. Families may still struggle to agree on appropriate *panai* amounts without a standardized framework, potentially resulting in disputes or familial tension. Therefore, it is crucial for the MUI, local government authorities, and customary institutions to collaborate in formulating practical guidelines or recommended limits that accommodate local economic realities while upholding Islamic values. Additionally, public awareness campaigns and counseling for prospective couples can further help in aligning expectations and preventing conflicts.

In conclusion, the MUI fatwa on *panai* money represents a thoughtful and balanced response to a complex cultural phenomenon within Indonesian Muslim society. By declaring *panai* money as *mubah* and emphasizing the avoidance of undue burden, the fatwa respects cultural traditions while safeguarding Islamic principles of justice, ease, and mutual respect.

The absence of a fixed amount underscores the importance of contextualizing this practice within the economic capabilities of the families involved, thereby fostering social harmony and supporting the foundational objectives of marriage in Islam. However, to fully realize these aims, ongoing efforts are needed to educate the community, provide clear guidelines, and encourage a culture of moderation and mutual understanding in marriage transactions. Ultimately, the MUI's approach exemplifies how Islamic jurisprudence can engage constructively with local customs, enabling Muslims to maintain their religious identity while honoring their cultural heritage in a just and compassionate manner.

#### 4. Conclusion

The MUI fatwa regarding *panai* money provides a nuanced and context-sensitive perspective that balances Islamic legal principles with local cultural practices. By classifying *panai* money as *mubah* (permissible) and emphasizing that it should not impose financial burdens on either party, the fatwa promotes justice, fairness, and social harmony in marriage transactions. The absence of a fixed amount allows flexibility to accommodate diverse economic conditions across Indonesian Muslim communities. However, effective implementation requires ongoing community education, clear guidelines, and collaborative

efforts among religious and customary leaders to prevent social pressures and disputes. Ultimately, the MUI's approach exemplifies how Islamic jurisprudence can harmonize religious ethics with cultural traditions, ensuring that marriage practices remain both spiritually meaningful and socially equitable.

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