



# 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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## Abstract

*Uang panai is a significant issue that often hinders individuals from getting married due to the high financial demands imposed by the bride's family. These demands can sometimes thwart marriage aspirations. This study explores the reconstruction and revitalization of uang panai using Muhammad Syahrur's limit theory to make it more affordable and achievable for men. The research adopts a descriptive-analytical approach, a method that intricately describes specific phenomena or events and subsequently analyzes data to understand the emerging relationships and patterns. The findings indicate that by applying the minimum (al-hadd al-adna) and maximum (al-hadd al-a'la) limits, uang panai can be regulated based on the individual's income while maintaining the honor and dignity of the woman.*

**Keywords:** reconstruction of uang panai, maqāṣid al-sharī'ah, Islamic Values, Islamic family law

## Introduction

*Uang panai, or mahar, is a deeply entrenched tradition in South Sulawesi and has become an integral part of the local culture and customs. Practically, uang panai requires the groom to provide a certain amount of money or valuable items to the bride as a prerequisite for a valid marriage (Maani et al., 2024). This tradition serves not merely as a formality but also carries*

profound symbolic meaning. *Uang panai* is seen as a symbol of high respect for women. By providing *uang panai*, the groom demonstrates respect and appreciation for his future wife and her family. Additionally, *uang panai* acts as a manifestation of the man's responsibility towards his wife and future family. It reflects the groom's readiness and commitment to fulfilling financial and social obligations within the marriage (Mahmuddin & BM, 2019). Through this tradition, it is hoped that a harmonious and mutually respectful relationship will be established between both parties in the marriage.

Although originating from noble values, the practice of *uang panai* in South Sulawesi is not without debate and issues. One recurring controversy is that the amount of *uang panai* requested is often considered excessively high, placing a significant burden on the groom (Darussalam, 2020). This phenomenon can even lead to delays or cancellations of marriage plans. Additionally, the practice of *uang panai* is sometimes accused of commodification and marginalization of women. Thus, there is an assumption that while *uang panai* is intended to honor and elevate the status of women, it paradoxically places a burden on the men who wish to marry (Almaida, 2023).

The increasing awareness of gender equality issues has also raised questions about the fairness and bias towards women in the practice of *uang panai* (Junaedy, 2021). Some voices are calling for the reformulation and reconstruction of the concept of *uang panai* to better align with the Islamic spirit that upholds the dignity of women and the principle of substantive justice (Sholeh, 2023). This reconstruction effort not only re-evaluates the practice of *uang panai* from a normative perspective but also takes into account the contemporary social, economic, and cultural realities in South Sulawesi. The proposed reconstruction addresses not only the quantitative aspects of the dowry but also revitalizes women-friendly Islamic values to frame the practice within a spirit of justice and equality. Specifically, it involves revisiting the concept of *uang panai* based on the Islamic principles that honor women and eliminate all forms of marginalization and exploitation.

Examining the practice of *uang panai* from an Islamic legal perspective is relevant, given that this tradition is rooted in sacred religious teachings. In Islam, the obligation to pay a dowry (*mahar*) is based on the command of Allah SWT in Surah An-Nisa, verse 4.

وَأْتُوا النِّسَاءَ بِذَوَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا

"Give the women [you marry] their due dowries willingly. But if they, of their own good pleasure, remit any part of it to you, then you may enjoy it with pleasure and with wholesome agreement."

This verse instructs a man or husband to provide the dowry to his wife as a mandatory and willingly given gift. Scholars agree that paying the dowry is a marital obligation and is considered

a form of respect towards women. They concur that the dowry is an essential component of marriage and a reflection of honor towards women.

However, over time, the concept of dowry or *uang panai* has experienced various interpretations in practice. What was initially symbolic has become excessively high and burdensome. Additionally, the understanding has shifted from being merely a cultural practice to a symbol of prestige and honor (*siri'*) (Mustafa & Syahrani, 2020). Similarly, the perception of *uang panai*, which should be a voluntary gift, has evolved into a binding customary obligation. This situation clearly contradicts the Islamic spirit, which emphasizes ease and does not burden its followers beyond their means (Ruslan, 2023).

On the other hand, the practice of *uang panai* is often criticized as a root of gender discrimination and perpetuates negative stereotypes, as if women can be "bought" with a certain value (Ariani, 2016). Such a perspective diminishes the noble meaning of honoring women as taught in Islam. The Quran explicitly forbids any practices that demean or degrade women (QS. An-Nahl: 58-59). However, Islam advocates for principles of equality and compassion between spouses, as reflected in the verse on dowry.

Given these issues, a reconstruction of the concept of *uang panai* in South Sulawesi is crucial to align it with Islamic values that honor women. This reconstruction aims to reinvigorate the spirit of Sharia in the practice of *uang panai*, emphasizing principles of dignity, justice, and comprehensive welfare. One promising approach for this reconstruction is the limit theory (*nazhariyah al-hudud*) proposed by contemporary tafsir expert Muhammad Syahrur. This theory introduces the concepts of maximum and minimum limits for Sharia matters, including dowries, to ensure they are fair and respectful (Putra, 2022). Applying this theory is intended to keep the value of *uang panai* at a level that is neither excessively burdensome for the groom nor too minimal to undermine the respect for the woman.

Previous research has explored various dimensions of *uang panai*. For instance, Suhaily Sudarman's study, "Economic and Social Dimensions of Uang Panai in the Bugis Tribe" (Akbar et al., 2024; Sudarman et al., 2023), examines how *uang panai*, initially a practice limited to women of noble descent, has broadened to symbolize prestige across the community. This research highlights how the amount of *uang panai* is determined by the woman's criteria and her local status, with amounts negotiated between the parties involved. While this study provides insight into the social and economic dimensions of *uang panai*, the current research focuses on reconstructing and revitalizing the practice itself.

Another relevant study is "Contextualization of *Uang Panai* in Islamic Law (Between Facts and Prestige)" by Alimuddin (Alimuddin et al., 2023). This research investigates how *uang panai*, originally a sign of a man's commitment when proposing, has evolved into a symbol of prestige and status. The study discusses this shift and its implications. In contrast, the current research

concentrates on the application of the limit theory to reconstruct *uang panai*, aiming to balance traditional values with contemporary needs while upholding fairness and respect for women.

Third, the study titled "Al'aadah Muhakkamah Wa Tathbiiquha Fi Ta'yiin Al Ilzaamaat Al Maaliyyah 'Uang Panai' 'Inda Mujtama' Sulawesi Al Januubiyyah" conducted by Sartini Lambajo (Lambajo, 2019) focuses on the phenomenon of *uang panai* in relation to customary Islamic law. The research findings indicate that *uang panai* aligns with the conditions established by scholars according to the principle of Al'Adah Muhakkamah. However, the current practice of *uang panai* has shifted in meaning, becoming a display of wealth and social prestige. This shift has caused it to result in harm and could render it impermissible, despite its alignment with Islamic values. While this research addresses the legitimacy of *uang panai* within Islamic law, the current study aims to reconstruct and revitalize *uang panai* practices in South Sulawesi.

Based on the above discussion, the author is interested in further exploring the issues surrounding *uang panai* in South Sulawesi through the reconstruction and revitalization of this practice using the limit theory introduced by Muhammad Syahrur. The research aims to address at least two questions: how to reconstruct the concept of *uang panai* in South Sulawesi to align with the principles of Islamic law concerning dowries, with the goal of honoring women, and how to apply the limit theory (*nazhariyah al-hudud*) proposed by Muhammad Syahrur to establish ideal limits for *uang panai* in South Sulawesi. To answer these questions, the study is juridical-normative, meaning that the facts presented are drawn from a literature review. The research is evaluative in nature, involving an assessment of practices that have already been implemented.

## Methods

This study employs a descriptive-analytical approach. The descriptive-analytical approach is a research method that intricately describes specific phenomena or events and subsequently analyzes data to understand emerging relationships and patterns (Ali, 2021). The data used comprises secondary data from three legal sources. Primary sources include books, journals, and articles. Secondary legal materials are supportive data that serve as references related to the author's research, such as normative legislation. Additionally, the Quran and Hadith are included as tertiary legal sources, obtained from language or legal dictionaries. Processing is carried out through interpretative methods.

The approach used in this research is the analytical approach, which involves analyzing legal terms and examining them within legal practice and court decisions. In line with this, the study analyzes the phenomena related to *uang panai* in South Sulawesi. Additionally, for addressing issues in Islamic law, one relevant approach used is *Istidlal*. *Istidlal*, meaning "searching for evidence," refers to finding legal evidence for determining the ruling on issues not explicitly covered by the Quran or Sunnah. In practice, there are two approaches: 1) the semantic

approach (*thuruq ma'nawiyah*), which involves seeking meanings derived from sources other than the text, such as *qiyas* (analogy), *istihsan* (juridical preference), *maslahah mursalah* (public interest), and *sadd al-dzarai* (blocking the means), and 2) the textual approach (*thuruq lafdziyah*) (Arrasyid, 2021).

## Results and Discussion

### ***Uang Panai: Definition, History, and Perspectives in Islamic Law***

*Uang panai*, also known as *uang belanja* in Makassarese tradition, is referred to as *doi nai'* or *doi' belanja* (Darwis, 2022). In Bugis language, it is called *doi' menre*, which means a gift from the groom to the bride based on mutual agreement. *Uang panai* represents the funds given by a man to the bride for use in wedding expenses. It signifies the man's seriousness in proposing marriage, leaving no room for him to refuse or fail to pay the stipulated amount.

The tradition of *uang panai*, or *doi' panai'* in local language, is deeply entrenched in South Sulawesi society, particularly among the Bugis, Makassar, and Mandar tribes. The origins of this practice can be traced back to the kinship system and social structure of the patrilineal society (Anisa, 2023). In Bugis-Makassar views, women are considered valuable assets to their families. Consequently, when a man wishes to marry a woman from a particular family, his family must provide compensation or redemption, known as *sompā*, as a form of appreciation and restitution for the asset.

Originally, *panai'* was not monetary but consisted of valuable items such as land, livestock, gold, silk, and other high-value goods. The amount was determined based on the woman's rank and social status within the feudal structure of the time (Nurjannah, 2019). This provision of *sompā* reflects the high regard for women within the cosmology of Bugis-Makassar society. With the arrival and spread of Islam in South Sulawesi around the 17th century, the concept of *Panai* was eventually associated with the Islamic dowry or *mahar*. Despite the shift in meaning, the tradition has been preserved and integrated into the cultural identity of South Sulawesi society. However, *sompā* or *Panai* fundamentally differs from the *mahar* as defined in Islamic law.

After Islam arrived and spread in South Sulawesi around the 17th century, the concept of *Panai* was subsequently identified with *mahar* or dowry in Islamic teachings. Despite this adjustment in meaning, the tradition has been maintained and has become an integral part of the cultural identity of South Sulawesi society. However, *sompā* or *Panai* fundamentally differs from the *mahar* as defined in Islamic law. In South Sulawesi, the marriage process generally involves three stages: 1) *Akkusisseng*, 2) *Assuro*, and 3) *Ammatuli*. Among these stages, the second stage is where negotiation regarding *panai* or "*doi' Panai*" or dowry takes place. *Uang Panai* is the amount of money the groom must pay to the bride's family before the marriage ceremony begins (Aini, 2017). During the wedding, there are two types of payments made by the groom to the bride's family: *sompā*, which symbolically represents the amount described by

*rella* (real), reflecting the woman's position, and *dui'menre* (wedding expenses) as party costs or wedding expenses, accompanied by *lise'/cawing* (wedding content) for the marriage and a *mahar*, which is often given in the form of a Mushaf Al-Quran in contemporary times (Anriani, 2017).

Mahar or dowry is a concept established in Islamic law related to marriage. Its religious basis is derived from the Quran and the Hadith of Prophet Muhammad (peace be upon him). Allah SWT says in Surah An-Nisa, verse 4:

وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبَّنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا

*"Give the dowry to the women you marry as a free gift. And if they willingly give you some of it, then enjoy it with pleasure."*

This verse explains the obligation of a husband to provide a dowry (*mahr*) to his wife as a symbol of responsibility and commitment in marriage. However, the dowry should always take into account the husband's ability to pay. Additionally, providing the dowry is a form of respect and good treatment toward the wife, which can strengthen the foundation of the household (Shihab, 2002).

In Islamic concept, the dowry is a mandatory gift from the prospective husband to the prospective wife as a symbol of respect, honor, and the man's responsibility towards the woman he marries. The dowry is not a transaction of sale or payment for the value of the woman, but rather a gift given with sincerity and willingness. The amount of the dowry is not rigidly specified in Islam. The Prophet Muhammad (peace be upon him) explained through his sayings that the most valuable dowry is the one that is the most modest or easiest. What matters most is the good intention, sincerity, and the prospective husband's ability. In most narrations, he himself set the dowry as a ring made of iron or just a few dirhams (Ghazaly, 2019).

The wisdom behind the stipulation of dowry is to honor women, demonstrate the husband's love and responsibility, and provide financial support to the wife in case of future disputes or divorce (Abubakar, 2020). Additionally, the dowry is one of the essential components of marriage that must be fulfilled according to Islamic law. Scholars emphasize the importance of ensuring the principles of willingness and sincerity in determining the dowry, rather than coercion or imposing a burden on the husband. Islam highly values the dignity of women and places them in a high status, so the ideal practice of dowry is one that brings benefit and harmony to the household. Scholars from the four major Islamic schools of thought—Hanafi, Maliki, Shafi'i, and Hanbali—have opinions regarding the dowry. Imam Hanafi states that the minimum dowry should be 10 dirhams, approximately Rp. 417,000. Imam Maliki sets the minimum dowry at 3 dirhams, around Rp. 125,000, while both Imam Shafi'i and Hanbali believe

there is no minimum limit, meaning each man can provide a dowry according to his ability without diminishing the woman's status (Zulaifi, 2022). Unlike young couples today, where some in society still misunderstand and give dowries in inappropriate forms, such as flip-flops or cooking oil. This is considered contrary to the actual concept of dowry. Thus, generally, scholars from the four schools of thought agree that dowry is a mandatory aspect of marriage but does not have a specific amount limit, except for the varying minimums according to each school. The key is to maintain the values of respect and love in the provision of the dowry.

Although Islamic law provides flexibility for the bride in terms of dowry, this practice has not been fully understood by some communities in South Sulawesi. This is due to the deep-rooted practice of *uang panai* in South Sulawesi, resulting in a disparity between its implementation and the concept of *mahr* (dowry) taught in Islamic law. Firstly, in Islam, the concept of *mahr* is a voluntary and sincere gift from the groom. However, in reality, *uang panai* is often unilaterally determined by the bride's family with an amount that is excessively high, surpassing the financial capacity of the groom. This contradicts the principles of willingness and ease in Islam (Syahru Ramadan, Akifa Syahrir, Fitriani, 2017). Secondly, the materialistic nature of *uang panai* can potentially undermine the dignity of women. Women are perceived as commodities that can be valued and exchanged for material wealth (Asia T., 2017). In Islam, however, the status of women is highly respected and honored, far from any form of exploitation. This controversy ignites debates surrounding gender equality and the respect for women.

Thirdly, the phenomenon of high and materially laden *uang panai* requests has created a dichotomy between local traditions and Islamic teachings. These two aspects seem paradoxical and mutually exclusive, though they should ideally coexist within a framework of wisdom. While Islam acknowledges that customs can be incorporated into law, these laws must align with Sharia and not contradict it. Despite *uang panai* not explicitly violating Sharia and being in line with it, it is not absolute as the concept has shifted to become a display of wealth or prestige, occasionally leading to the cancellation of marriages and subsequent harm (Lambajo, 2019).

Another negative impact is seen in the high incidence of divorces resulting from economic disputes within families due to excessive *uang panai* demands (Zachary & Leopold, 2021). This contradicts the *maqashid sharia* (objectives of Islamic law) aimed at creating a family that is *sakinah*, *mawaddah*, and *rahmah*. Such contradictions and controversies highlight the need for a reconstruction of the *uang panai* concept in South Sulawesi to align with Islamic values. For instance, by establishing an ideal limit for *uang panai* that is not burdensome yet still honors women.

A core value that must be upheld is the principle of honor and gender equality as emphasized in the Quran and Hadith. Islam places women in a respectful status, free from any form of exploitation or harassment, including in the context of dowry determination. The



reconstructed concept of uang panai should reflect this dignity by not viewing women merely as commodities. This reconstruction must consider principles of willingness, sincerity, and the financial capacity of the groom. Islam teaches that the dowry should not be burdensome and should not impose a uniform standard on all men regardless of their economic conditions. A new formulation of uang panai should take into account the socio-cultural realities and financial capabilities of the people in South Sulawesi.

### **Limit Theory (Nazhariyah Al-Hudud) by Muhammad Syahrur**

The Limit Theory, or Nazhariyah Al-Hudud, is a significant theory developed by Muhammad Syahrur, a contemporary Muslim scholar from Syria. This theory is part of Syahrur's methodology known as al-qira'ah al-mu'ashirah (contemporary reading) of religious texts, particularly the Quran (Purkon, 2022). Muhammad Syahrur, a contemporary Muslim scholar from Syria with a background in civil engineering and linguistics, formulated the Limit Theory in response to his intellectual concern over the plight and stagnation of the Muslim community in addressing contemporary issues.

In his theory, Syahrur posits that Allah SWT has established certain boundaries (hudud) in Sharia laws as outlined in the Quran. These boundaries are limitative, meaning that humans are not permitted to exceed them. However, within these limits, individuals have the freedom to exercise ijtihad and make decisions that best align with contemporary developments and social realities. Syahrur categorizes these limits into two types (Mustafid, 2018):

1. Minimum Limit (al-hadd al-adna): This is the lowest boundary that must not be crossed. For example, in the context of dowries, Syahrur argues that the minimum limit should be something of value, even if simple.
2. Maximum Limit (al-hadd al-a'la): This is the highest boundary that must not be exceeded. In the case of dowries, the maximum limit is the financial capability of the prospective husband.

The Limit Theory provides a range between the minimum and maximum limits that allows for flexibility in ijtihad and decision-making, tailored to the context of the times. Syahrur applies this theory to various Islamic legal issues such as inheritance, polygamy, divorce, and dowries (Ilham & Tahir, 2021). By understanding these boundaries set by Allah SWT, Syahrur believes that Sharia laws can be applied more flexibly and contextually without deviating from the established framework.

The Limit Theory or Nazhariyah al-Hudud, developed by Syahrur, arises from his concern about the stagnation in the Muslim community's understanding and application of Islamic teachings in a contextual manner. He observed that Muslims often become entrenched in rigid



and textual interpretations of Islamic legal sources. Syahrur recognized the need for a new approach to understanding religious texts, particularly the Quran, to address increasingly complex contemporary issues. His theory aims to provide a more dynamic and contextual framework for applying Islamic laws.

### **Socio-Economic Study of the People of South Sulawesi**

To reconstruct the concept of *uang panai* in South Sulawesi using Muhammad Syahrur's Theory of Limits, it is essential to thoroughly consider the socio-economic conditions of the local community (Maliyu et al., 2020). South Sulawesi, as a province with a developing economy, faces challenges related to economic disparities between urban and rural areas. These disparities include access to resources, economic opportunities, and income variations between more advanced and less developed regions. On one hand, urban areas in South Sulawesi generally have higher economic levels, with better access to education, employment, and infrastructure. On the other hand, rural areas often experience limitations in economic opportunities and income, affecting their ability to meet the demands of *uang panai* (Syatar et al., 2023). Additionally, social strata differences also influence individuals' financial capacities, with higher social strata potentially having a better ability to meet the requirements of *uang panai* compared to lower social strata.

By acknowledging these differences, applying Muhammad Syahrur's Theory of Limits can assist in setting fair boundaries for *uang panai* that align with the economic conditions of each party (Asmara et al., 2020; Lital & Utama, 2023). This approach can create a more inclusive and realistic system, reducing the financial burden that may be felt by less affluent parties. Consequently, the process of determining *uang panai* can better reflect economic capabilities and social justice, thus supporting balance within the community and maintaining the tradition in a context that aligns with current economic realities.

For instance, in the Bantimurung area, many people experience low incomes that fall short of meeting basic needs. The economic conditions in this region are notably below average. For example, the total income of households around the Bantimurung-Bulusaraung National Park is Rp. 3,836,367 per year. This data reveals that 65% of the population lives below the poverty line (Kadir. et al., 2012). When linked to the *uang panai* tradition, which must be paid before marriage, this economic burden can be substantial and may even deter individuals from pursuing marriage.

### **Setting the Ideal Limits for Uang Panai with the Theory of Limits**

In contemporary Islamic thought, one intriguing theory to apply to the issue of *mahar* or *uang panai* is the Theory of Limits developed by the Syrian Muslim scholar Muhammad Syahrur. This theory offers a new approach to understanding and applying Sharia laws in a more dynamic

and contextual manner, without exceeding the boundaries established in the Quran (Lital & Utama, 2023). Syahrur posits that in the Quran, Allah SWT has set specific boundaries (*hudud*) for various Sharia issues, including *mahar*. However, within these boundaries, individuals are allowed the flexibility to engage in *ijtihad* and adopt positions that best fit the context of their times. This is what Syahrur refers to as the Theory of Limits.

Given the socio-economic conditions of South Sulawesi, which are often far from affluent, it is crucial to establish reasonable limits for the *uang panai* requested by the bride (Asmara et al., 2020). Setting these limits is essential to ensure that the reconstructed concept of *uang panai* aligns with the principles of justice, affordability, and respect as taught in Islam.

### **Criteria for Maximum and Minimum Limits of Uang Panai According to Syahrur's Theory**

Based on Syahrur's Theory of Limits, determining the boundaries for *uang panai* involves identifying both the maximum limit (*al-hadd al-a'la*) and the minimum limit (*al-hadd al-adna*) (Siti, 2013). The maximum limit represents the highest amount that should not be exceeded, while the minimum limit is the lowest acceptable amount.

In the context of South Sulawesi, the maximum limit can be set by considering the average financial capacity of the community in the region to ensure that the amount of *uang panai* does not place an excessive burden on the groom. Conversely, the minimum limit should be set in line with the principle of respecting women as taught in Islamic teachings. An excessively low amount could undermine the respect and dignity afforded to women.

### **Considerations of Justice, Affordability, and Respect**

When setting the ideal limits for *uang panai*, three main aspects must be considered: justice, affordability, and respect.

- Justice pertains to gender equality and social justice principles taught in Islam.
- Affordability relates to the socio-economic reality of South Sulawesi, particularly the average financial capability of grooms to provide the *uang panai*.
- Respect involves honoring women as instructed by Islamic teachings.

It is essential to formulate or adjust the amount of *uang panai* based on the Theory of Limits while taking into account these three aspects. For example, if the maximum limit is set at Rp50,000,000 (fifty million rupiahs) and the minimum limit at Rp5,000,000 (five million rupiahs), an ideal range for *uang panai* might be between Rp10,000,000 (ten million rupiahs) and Rp30,000,000 (thirty million rupiahs).

### **Conclusion**

Based on the research, when determining the *mahar* (dowry) for marriage, it is crucial to consider the ability and willingness of both parties. The Prophet Muhammad (SAW) stated that

the best *mahar* is the one that is easiest, indicating that simplicity and fairness in setting the dowry are encouraged. However, in practice, issues such as *uang panai* often pose challenges for prospective couples. To address this issue, applying the Theory of Limits or hudud can provide an effective solution. The Theory of hudud offers guidelines, including both minimum and maximum limits, for determining the *uang panai*. This is important to ensure that the dowry set does not unduly burden either party and is in line with the existing economic conditions.

Recommendations for implementing the Theory of hudud in setting the *uang panai* involve considering the economic standards and financial capabilities of the groom, as well as maintaining a fair balance between both parties. To prevent disputes, it is necessary to conduct effective socialization regarding these limits and involve relevant parties in open discussions. With this approach, it is hoped that the process of setting the dowry will be more transparent, equitable, and will not impose a heavy financial burden on either party. Implementing these principles will support the creation of a harmonious and financially balanced marriage.

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