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Controversy Over *Sunrang*: Analyzing Post-Divorce Ownership in the Context of Makassar Custom and Islamic Law

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Abstract

This study aimed to analyze the use of *sunrang* after divorce in Maradekaya Village, Bajeng District, Gowa Regency, from the perspective of Islamic law. The study explored *sunrang*, often considered similar to mahar (dowry), and the perspective within the context of Bugis-Makassar local culture, where customary law interacts with Islamic legal principles. A descriptive-qualitative design was adopted with a socio-legal method, then primary data was collected through interviews and direct observation. Meanwhile, secondary data was collected from literature and document studies. Data analysis was carried out descriptively and juridically to identify key patterns and themes related to the use of *sunrang*. The result showed that although *sunrang* is often treated similarly to mahar in Makassar customs in Maradekaya Village, Bajeng District, Gowa Regency, ownership and return of *sunrang* after divorce were more influenced by customary law. This result showed that the Makassar community tended to uphold local traditions, suggesting that *sunrang* remains the property of the wife, despite discrepancies with the stricter principles of Islamic law. This study contributes new insights by combining Islamic and customary law perspectives in analyzing the use of *sunrang* post-divorce. There was also an understanding of how these two legal systems can influence each other within a strong local cultural context. The implications are significant for the development of clearer legal guidelines regarding ownership of *sunrang* in both Islamic and customary law. Furthermore, this study showed the need for a more holistic method of resolving *sunrang* disputes, accommodating both customary norms and Islamic legal principles to maintain social cohesion in the indigenous community of Makassar.

Keywords: *Sunrang*; Islamic Law; Bugis-Makassar Customary Law; Divorce; Post-Divorce Ownership.

Abstrak

Penelitian ini bertujuan untuk menganalisis penggunaan *sunrang* setelah perceraian di Desa Maradekaya, Kecamatan Bajeng, Kabupaten Gowa, dari perspektif hukum Islam. Penelitian ini mengeksplorasi *sunrang*, yang sering dianggap serupa dengan mahar, dan perspektifnya dalam konteks budaya lokal Bugis-Makassar, di mana hukum adat berinteraksi dengan prinsip-prinsip hukum Islam. Penelitian ini menggunakan desain deskriptif-kualitatif dengan metode sosio-legal, kemudian data primer dikumpulkan melalui wawancara dan observasi langsung. Sementara itu, data sekunder dikumpulkan melalui studi literatur dan studi dokumen. Analisis data dilakukan secara deskriptif dan yuridis untuk mengidentifikasi pola dan tema utama yang berkaitan dengan penggunaan *sunrang*. Hasil penelitian menunjukkan bahwa meskipun *sunrang* sering diperlakukan serupa dengan mahar dalam adat Makassar di Desa Maradekaya, Kecamatan Bajeng, Kabupaten Gowa, kepemilikan dan pengembalian *sunrang* setelah perceraian lebih dipengaruhi oleh hukum adat. Hasil penelitian ini menunjukkan bahwa masyarakat Makassar cenderung menjunjung tinggi tradisi lokal, yang menunjukkan bahwa *sunrang* tetap menjadi milik istri, meskipun tidak sesuai dengan prinsip-prinsip hukum Islam yang lebih ketat. Penelitian ini memberikan kontribusi wawasan baru dengan menggabungkan perspektif hukum Islam dan hukum adat dalam menganalisis penggunaan *sunrang* pasca perceraian. Selain itu, juga terdapat pemahaman tentang bagaimana kedua sistem hukum ini dapat saling mempengaruhi satu sama lain dalam konteks budaya lokal yang kuat. Implikasinya sangat penting bagi pengembangan pedoman hukum yang lebih jelas mengenai kepemilikan *sunrang* dalam hukum Islam dan hukum adat. Lebih lanjut, penelitian ini menunjukkan perlunya metode yang lebih holistik dalam menyelesaikan sengketa *sunrang*, yang mengakomodasi norma-norma adat dan prinsip-prinsip hukum Islam untuk menjaga kohesi sosial dalam masyarakat adat Makassar.

Kata Kunci: *Sunrang*; Hukum Islam; Hukum Adat Bugis-Makassar; Perceraian; Kepemilikan Pasca Perceraian.

Introduction

The giving of *sunrang* or dowry in the form of land among the Bugis-Makassar community is not an absolute determinant of ownership for a wife (Laksana et al., 2020). The provision of land as dowry often leads to disputes between the wife and the husband's family. Furthermore, the absence of legal certainty regarding the transfer of land dowry during the marriage contract causes disputes over land dowry. Custom of using land as dowry in the Bugis-Makassar community is not accompanied by legal certainty in terms of ownership transfer (Maloko et al., 2024). The land given as dowry remains under the control of the husband's family (Latupono, 2024). Although the land may legally belong to the wife (de jure), in practice (de facto), it is still under the control of others (Chankrajang & Vechbanyongratana, 2021). Legally, marital status is formally established and documented solely through the marriage record (Daniela et al., 2024; Zubaidah, 2019), which is supported by the issuance of a certificate. This certificate serves as the definitive and authentic proof of ownership rights to dowry land.

The use of *sunrang* after divorce remains a prevalent social phenomenon in Maradekaya Village, Bajeng District, Gowa Regency. *Sunrang*, often viewed in Makassar

culture as a symbol of honour and commitment in marriage (Sudirman et al., 2019), continues to play a significant role in divorce dynamics. This is influenced by the strength of local culture (Jotam Kalalo et al., 2019), which shows the importance of returning *sunrang* as a moral obligation for the husband after divorce (Anitha et al., 2018; Avita et al., 2022; Utsany et al., 2022). Despite the lack of strict legal provision requiring the return of *sunrang*, the strong social pressure from the community compels many individuals to adhere to this custom and avoid being perceived negatively by peers (Therriault et al., 2021). In practice, many individuals, particularly husbands, feel a social burden to comply with the custom of returning *sunrang*. These individuals often feel pressured, as failure to comply could result in social sanctions, such as being ostracized by the community or deemed irresponsible (Lowe & Rowlands, 2022). This situation causes a dilemma, as individuals are caught between wanting to follow law and feeling bound by deeply ingrained cultural norms. Furthermore, this phenomenon shows the tension between cultural norms governing social relationships and legal regulations that should serve as a reference for resolving divorce-related issues (Butkutè et al., 2023). The tension affects everyone in divorce and also has broader social implications, where cultural norms often dominate formal law in regulating societal behavior.

Several studies have examined the practice of *sunrang* within the context of Islamic law and Bugis-Makassar culture. *Sunrang* is often understood as a form of dowry that should be returned in the event of divorce. Thahir (Maloko et al., 2024) showed that there are differing interpretations regarding the obligation to return *sunrang* in Islamic law, specifically related to the concept of dowry and the obligation of financial support. Evidence from various studies, including marriage dispensation in underage marriage (Syufa'at, 2022) and examining the causes of divorce in Purwokerto (Nafisah et al., 2024), suggested that society prioritized tradition over Sharia law. Bugis-Makassar customary traditions strongly influence post-divorce practices, including the use of *sunrang* (Latupono, 2024).

These studies showed a misalignment between customary practices and Islamic law. Therefore, this study aimed to analyze the use of *sunrang* after divorce in Maradekaya Village from the perspectives of Islamic and customary law. This objective was based on the importance of understanding how Islamic law is applied and acculturated within a strong local cultural context. The argument grows stronger that the practice of returning *sunrang* after divorce in Maradekaya Village is more influenced by custom than by Islamic law. The main reason for this argument is the gap between the cultural norms upheld by the community and the principles of Islamic law, which do not strictly mandate the return

of *sunrang*. Therefore, this study hypothesizes that the practice of returning *sunrang* after divorce in Gowa does not fully conform to Islamic law but is a product of local custom.

Methods

A descriptive-qualitative design was used to understand the phenomenon of *sunrang* usage after divorce in Maradekaya Village. This design was chosen due to the suitability for exploring complex social events and phenomena. Using a socio-legal method, a field study was combined with the analysis of legal documents to ensure accurate data validity (Blackham et al., 2022; Fatima, 2023). Data was collected from both primary and secondary sources to obtain comprehensive information regarding *sunrang* usage. Primary data was collected through direct observations and interviews with key informants, including local government officials, religious figures, and community leaders in Maradekaya Village. This direct method allowed for the collection of in-depth empirical data on post-divorce *sunrang* practices. Meanwhile, secondary data was collected through a literature review, including books, journals, and other publications, which provided the theoretical and legal context for the field results.

The collected data was analyzed using non-statistical methods, including the processes of editing, classification, and systematic organization of the data. This analysis aimed to identify key patterns and themes from the field data and legal documents (Moser & Korstjens, 2018). Data was presented descriptively to provide a clear overview of the studied phenomenon, followed by drawing conclusions based on normative legal analysis. This method ensures that the analysis remains consistent with the objectives and comprehensively addresses the questions.

Results and Discussion

The Meaning and Role of *Sunrang* in the Makassar Community of Gowa Regency

The result of this study shows the different definitions and meanings of *sunrang* and *mahar* within the context of marriage across various regions in South Sulawesi. In the Makassar ethnic areas, *sunrang* was considered a valuable item given to the wife in addition to the *mahar*, often in the form of land. Meanwhile, in the Bugis-Makassar areas, *sunrang* was interpreted as being synonymous with *mahar*. These differences lead to various legal interpretations concerning ownership of *sunrang*, particularly after divorce.

Table of Differences in Perception of Sunrang

Category	Makassar	Bugis-Makassar (Southern Hemisphere)
Definition of Sunrang	Valuable items were given to the wife apart from the dowry, often in the form of land.	Similar to the dowry, it is part of the legal conditions of marriage.
Sunrang Ownership	Remains the property of the wife despite divorce.	Becomes the property of the children if not explicitly mentioned in the marriage contract.
Character Views	Sunrang and dowry are the same; property rights remain with the wife.	Sunrang is a dowry that cannot be taken by the husband without the wife's consent.

Source: Data processing results.

The result shows that *sunrang* and *mahar* are often perceived as the same entity within Makassar culture despite the significant differences in ownership following divorce. Some religious and community leaders reported that *sunrang* remains the wife's property, and the husband has no rights unless consent is given. However, in the Bugis-Makassar areas, when *sunrang* was equated with *mahar* in the marriage contract, ownership of the land or valuable items became more complicated, specifically regarding the rights of children after divorce.

In the customary society of Makassar, *sunrang* was frequently understood as *mahar*, yet there are differences in the implementation following divorce (Maani et al., 2024; Sopyan & Asyraf, 2018). According to the perspectives of informants, such as Mawar and Jafaruddin, *sunrang* or *mahar* was considered the wife's right, which should not be taken by the husband and family without consent (Mawar, 2023; Jafaruddin, 2023). These cases also show that although the husband builds on the land after divorce, the land is still regarded as belonging to the children, because of the origin from the wife's *mahar*. Customary law plays an important role in the resolution of *sunrang* disputes (Alimi, 2014), although the application and recognition may differ from Islamic law.

Ownership of *sunrang* or *mahar* within the context of Makassar customary law remains upheld as the wife's right, even after divorce (Pandang et al., 2018; Wani & Khan, 2024). This shows the importance of understanding customary law for the community, particularly concerning ownership disputes following divorce. In the context of customary law, the consent of the wife becomes a key factor in determining whether *sunrang* can be transferred or used (Hairuddin K. et al., 2024). Therefore, the customary community needs to enhance awareness of the importance of formal documentation and witnesses in the process of giving *sunrang* to strengthen the legal standing, specifically in the event of disputes.

In disputes over *sunrang* ownership post-divorce, Makassar customary law plays a crucial role in determining the final result (Mansur et al., 2024). Although *sunrang* was

recognized under customary law, the resolution process can be lengthy and requires strong evidence as well as credible witnesses. The granting of *sunrang* that is witnessed and documented in writing has greater legal weight (Nasution & Iwan, 2024). However, in practice, the recognition and implementation of customary law are often prioritized over Indonesia's positive law.

Documentation and witnesses are important in the process of granting *sunrang* to increase the legal position of the parties, specifically in communities with ongoing *sunrang* ownership disputes. Additionally, the recognition of customary law as a legal source in Indonesia, stipulated in Article 18B paragraph (2) of the 1945 Constitution and Law Number 5 of 2020 (Aprido & Fatimah, 2023; Risyat et al., 2022), showed that indigenous communities need to understand and wisely use customary law in dispute resolution.

This study had significant limitations, particularly regarding the varying coverage of customary law across Sulawesi Selatan. The complexities of customary law and the differences from positive law cause limitations in providing universal solutions for all *sunrang* dispute cases. Furthermore, this study has not fully explored the role of mediation in resolving *sunrang* disputes, which may be more commonly used in practice compared to court proceedings.

Efforts to further examine the role of mediation and negotiation in resolving *sunrang* disputes in Sulawesi Selatan are needed. Moreover, a comparative study on the implementation of customary and positive law in *sunrang* dispute cases across various areas in Indonesia could provide broader insights into the effectiveness and acceptance of both legal systems. Further study is also needed to understand the social and cultural impacts of *sunrang* dispute resolution on local indigenous communities.

Social and Legal Implications of the Use of Sunrang in Makassar Indigenous Society

In Makassar indigenous society, *Sunrang* is not merely a gift or symbolic gesture in marriage (Maloko et al., 2024). This term plays a significant role in determining the social status of women (Said et al., 2024). Ownership of *Sunrang* often serves as a symbol of honor and independence for women, particularly post-divorce (Asmuni, 2024). In several cases, women who possess *Sunrang* tend to be respected within the communities, because the term is acknowledged as an exclusive right of women (Jenkins, 2016), thereby reinforcing their position in society.

Although national law, such as the Civil Code play a role in resolving disputes over *Sunrang* ownership (Ritonga et al., 2024), customary law remains the primary reference within the Makassar community, particularly in the Maradekaya sub-district. Disputes related to *Sunrang* are often resolved through customary mechanisms with the

participation of community leaders or traditional authorities (Busyro et al., 2023; Ismael, 2024), who are more familiar and trusted by residents. This mechanism was considered faster and more consistent with local cultural values compared to formal legal processes.

There is a potential tension between Makassar customary and Islamic law in specific cases (Jamaa, 2018; Karimullah, 2022), particularly concerning *Sunrang* ownership post-divorce. In some instances, customary law, which prioritizes deliberation and mediation, contrasts with Islamic legal principles that may be stricter regarding property division (Kusmayanti et al., 2021; Rohman, 2022). However, Makassar indigenous people tend to seek a middle ground that accommodates both legal systems while respecting Islamic principles and maintaining social harmony.

Disputes over *Sunrang* ownership post-divorce affect social relationships within the community and among extended families. Unresolved *Sunrang* disputes can lead to prolonged tension and conflict, not only between former spouses but also between the families (Mansur et al., 2024). Therefore, peacefully resolving *Sunrang* disputes through customary methods or mediation was important for maintaining social cohesion within the community. In general, while *Sunrang* is distinguished from *mahar* in Makassar indigenous society, the term refers to *mahar*, which is the gift given by the husband to the wife at the time of marriage (Sopyan & Asyraf, 2018). Legally under Islamic law, *Sunrang* belongs to the wife, and neither the husband nor the family has the right to take the gift without permission (Miqat & Bakhtiar, 2017). This concept strengthens the position of women within marriage, as ownership of *Sunrang* remains with the wife, even in the case of divorce (Hartono & Lestari, 2022). However, in the cases discussed, there were different opinions regarding *Sunrang* in the form of land, which was believed to no longer belong to the ex-wife but inherited by the children.

Jafaruddin (48 years), a religious leader in Maradekaya, Bajeng sub-district, Gowa regency, stated that *Sunrang* and *mahar* were essentially the same (Jafaruddin, 2023). Analysis of these differing opinions shows a tension between local customs and Islamic law. Some community leaders, including Jafaruddin, stated that *Sunrang* remains the property of the wife, even in cases of divorce (Jafaruddin, 2023). This practice is consistent with the conditions of *mahar* in Islam agreed upon during the marriage contract (Yenti et al., 2020). Within the context of customary law, there is a view that *Sunrang* in the form of land reverts to the children after divorce (Santoso et al., 2022). This perspective shows a local interpretation attempting to accommodate family interests in asset inheritance (Dawood, 2024). The conflict reflects the challenges of harmonizing religious values with customary practices in safeguarding the rights of women.

These results showed that within Makassar society, there was a strong perception that *Sunrang* occupies a distinct position within marriage customs. Interviews with Mawar (48 years) show the belief that *Sunrang* is fundamentally *mahar*, intended solely for the wife, and must remain the property even after divorce (Mawar, 2023). This view was reinforced by religious perspectives, as expressed by Jafaruddin (48 years), who showed that *Sunrang* cannot be taken by the husband or the family unless voluntarily given by the wife (Jafaruddin, 2023). The continuity of ownership after divorce was also supported by the case of Sitti Asma Dg Coa (80 years), where the land used to build a house remains connected to the wife's ownership of *Sunrang*. These results have significant implications for social and legal practices in Makassar society. The perception that *Sunrang* is equivalent to *mahar* shows the importance of recognizing the property rights of women in marriage and divorce. This cultural understanding also influences the application of Islamic law regarding the matter, necessitating clear legal guidelines to ensure that *Sunrang* is protected as the exclusive property of the wife. The implications extend to inheritance practices, as the continued ownership of *Sunrang* by the wife, even after divorce, challenges traditional views on property distribution within families.

Sitti Asma Dg Coa (80 years), a former mother-in-law who is now divorced was interviewed. According to this subject, the issue of *mahar* ownership, which has become a polemic, was discussed by the husband before the land was used post-divorce. Based on interviews with informants, results showed practices including the use of *Sunrang* (*mahar*) in the form of land by the ex-husband. In this case, initial A (the ex-husband) plans to build a house on the land that is *Sunrang* owned by the ex-wife, initial M, and will live in that house with the new family. The ex-husband also stated that the house would eventually belong to the children. Despite the acknowledgement that the house is not the belonging of Afdal, the decision to build on this *Sunrang* land was still made with the approval and advice of the informant, particularly concerning room allocation for the children.

Despite these insights, the study was limited by the reliance on qualitative data from a small number of interviews, which may not capture the diversity of perspectives within Makassar society. The focus on individual experiences, while rich in detail, may not reflect broader societal norms or legal practices. Additionally, this study does not explore the interaction of *Sunrang* with modern legal systems, specifically in cases where disputes are resolved through formal legal channels rather than traditional or religious authorities.

Ownership of *Sunrang* Post-Divorce: Perspectives from Islamic Law and Custom

The results of interviews and observations conducted in the Maradekaya sub-district showed that *Sunrang* was regarded as a form of *mahar* (dowry) in marriage, which

is given by the husband to the wife at the time of the marriage contract. In the view of the local community, the terms *Sunrang* and *mahar* have the same meaning and are considered the exclusive right of the wife. *Sunrang* was perceived as the wife's property that cannot be claimed by the husband or family, either during the marriage or after divorce. This shows a strong understanding within the community regarding the rights of wives over *Sunrang* as a form of gift that is final and cannot be revoked without the consent of the wife.

Jafaruddin stated that although *Sunrang* was not explicitly mentioned in Islamic law, the term was equated with *mahar* as a form of cultural inheritance. "In essence, even though *Sunrang* is a term outside the teachings of Islam, the Makassar community has upheld this culture for a long time. The community equates *sunrang* with *mahar*, ensuring law of ownership is clear and cannot be contested by anyone, including the husband unless there is consent from the wife. In this case, sitting together is important and when the husband decides to build on that land as an investment for the children in the future, that is a good thing." (Jafaruddin, 2023)

The perspective of Islamic law held by the people in Maradekaya asserts that *Sunrang*, or *mahar*, is the property of the wife that must be respected and safeguarded (Duderija, 2016; Nawaz et al., 2021; Purnomo et al., 2023). Informants, such as Jafaruddin show that in Islam, *mahar* is a valid condition of marriage and an exclusive right of the wife. Therefore, even in the event of divorce, the husband has no right to reclaim *Sunrang* (Jafaruddin, 2023). The use of *Sunrang*, as seen in the case of Mawar, where designated land was used by the ex-husband to build a house, has a complex issue (Mawar, 2023). This is due to the contradiction that exists with the fundamental principles in Islamic law governing the rights of women in marriage (Al-Sharmani, 2018; Nasir, 2016). In addition to the perspective of Islamic law, customary law plays a significant role in determining the status of *Sunrang* ownership after divorce (Al-Sharmani, 2018; Diala, 2017; Ezer, 2016; Lon & Widyawati, 2021). In some cases, as recounted by Sitti Asma Dg Coa, customary law provides leeway in the determination of *Sunrang* ownership, particularly when there is an agreement between the ex-husband and wife (Sitti Asma Dg Coa, 2023). Although the land designated as *Sunrang* remains recognized as the wife's property, customary law may allow the ex-husband to use the land as there is agreement and mutual understanding between both parties. Customary law also acknowledges the importance of safeguarding the rights of children from the marriage (Grijns & Horii, 2018; Schaffnit et al., 2019), whereby *Sunrang* may be inherited by the children, ensuring welfare post-divorce. These results showed a dynamic interaction between Islamic law and customary practices in regulating *Sunrang* ownership after divorce in the community of Maradekaya. Islamic

principles state that customary law provides space for negotiation and adjustment of the wife's full ownership of *Sunrang* based on the specific circumstances faced by the divorcing couple.

In the context of divorce in Makassarese society, *Sunrang* is more deeply rooted in local culture than in Islamic law. Although Islam has a similar concept of *mahar* in terms of ownership value (Abd Wakil & Ahmad, 2017; Azahari et al., 2019; Khan et al., 2016; Yenti et al., 2020), *Sunrang* does not have a direct analogue in Islamic inheritance rules. These results showed that *Sunrang* was a cultural element that has long been preserved, with ownership guaranteed by customary law, making the practice a symbol of unique matrilineal strength in South Sulawesi.

The recognition of legal pluralism within society has significant importance (Benda-Beckmann & Turner, 2018). Islamic law regulates post-divorce rights such as *mahar* and *iddah* support (Mustopa, 2024; Shesa et al., 2024), while *Sunrang* is viewed as property that cannot be contested by the husband after divorce. This reflects an opportunity for interaction between Islamic law and local customs, which provides more comprehensive protection for women in divorce situations (Jaraba, 2020; Syaflin Halim et al., 2024).

Sunrang is a cultural phenomenon specific to the Makassarese community, particularly in the Gowa Regency. This study did not fully explore the influence of variations in the interpretation of Islamic law across different schools on *Sunrang*. Another limitation is the lack of empirical data regarding the application of *Sunrang* and *mahar* practices in the daily lives of individuals outside formal cases. The concept of *Sunrang* was applied in other communities with similar traditions. Comparative studies on various Islamic schools concerning inheritance and divorce law could provide broader insights into the treatment of *Sunrang* and *mahar* within the context of Islamic law. Future studies could also further examine the socio-economic impacts of *Sunrang* ownership on women post-divorce.

Conclusion

In conclusion, this study found that *Sunrang* was treated similarly to *mahar* (dowry) in the community of Maradekaya, Bajeng Subdistrict, Gowa Regency. Although divorce occurred due to infidelity, ownership of *Sunrang* remained with the wife. The local customary agreement stipulated that the land would be inherited by the children of the former wife. The strength of this study was the ability to show the similarities with *mahar* in Islam, even with some adjustments. In addition, this study showed that customary law provided robust protection for the rights of women post-divorce, particularly regarding property ownership. Validation of these customary practices through interviews and

direct observation contributed significantly to understanding the social and legal dynamics in the area.

Several limitations need to be acknowledged, such as the contextual nature of this study would not be fully generalizable to other communities outside Maradekaya. The study did not thoroughly explore the role of property separation agreements that influenced Sunrang ownership rights. Finally, the study was limited in terms of the scope of empirical data including variations in customary practices in other communities that may have different methods to Sunrang and mahar.

References

- Abd Wakil, M. N., & Ahmad, C. M. (2017). The Historical Impact on the Valuation of Dowry (Mahar) Rate: Pre and Post-Colonial Eras in Johor. *Ulum Islamiyyah*, 22(SE-Articles), 11–20. <https://doi.org/10.33102/uij.vol22n00.4>
- Al-Sharmani, M. (2018). Marriage in Islamic Interpretive Tradition: Revisiting the Legal and the Ethical. *Journal of Islamic Ethics*, 2(1–2), 76–96. <https://doi.org/10.1163/24685542-12340017>
- Alimi, M. Y. (2014). Islam as Drama: Wedding Rites and the Theatricality of Islam in South Sulawesi. *The Asia Pacific Journal of Anthropology*, 15(3), 265–285. <https://doi.org/10.1080/14442213.2014.915875>
- Anitha, S., Yalamarty, H., & Roy, A. (2018). Changing Nature and Emerging Patterns of Domestic Violence in Global Contexts: Dowry Abuse and the Transnational Abandonment of Wives in India. *Women's Studies International Forum*, 69, 67–75. <https://doi.org/10.1016/j.wsif.2018.05.005>
- Aprido, R., & Fatimah, F. (2023). The Resolution of Customary Community Land Rights Issues Based on Government Regulation No. 18 of 2021 and its Relevance to the Constitution in Indonesia. *Jurnal EDUCATIO: Jurnal Pendidikan Indonesia*, 9(2), 893–902. <https://doi.org/10.29210/1202323279>
- Asmuni, A. (2024). Compensation to Ex-Wives for Domestic Violence in Indonesia. *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan*, 11(2), 271–291. <https://doi.org/10.32505/QADHA.V11I2.9537>
- Avita, N., Idris, A. R., & Oktalita, F. (2022). Integration of Tradition and Sharia: Dowry and Dui Menre in the Marriage of the Bugis Community in Bone Regency. *El-Mashlahah*, 12(2), 124–138. <https://doi.org/10.23971/elma.v12i2.4712>
- Azahari, R., Zakaria, Z., Rahman, A. A., & Muh Ali, H. (2019). Does the Dower Equate to Economic Security for Muslim Women in Malaysia? In *Economic Empowerment of Women in the Islamic World: Vol. Volume 1* (pp. 445–468). WORLD SCIENTIFIC. https://doi.org/10.1142/9789811212154_0021
- Benda-Beckmann, K. von, & Turner, B. (2018). Legal Pluralism, Social Theory, and the State.

- The Journal of Legal Pluralism and Unofficial Law*, 50(3), 255–274. <https://doi.org/10.1080/07329113.2018.1532674>
- Blackham, A., Alysia Blackham, C., & Law School, M. (2022). When Law and Data Collide: the Methodological Challenge of Conducting Mixed Methods Research in Law. *Journal of Law and Society*, 49(S1), S87–S104. <https://doi.org/10.1111/JOLS.12373>
- Busyro, B., Burhanuddin, N., Muassomah, M., Saka, P. A., & Wafa, M. A. (2023). The Reinforcement of the ‘Dowry for Groom’ Tradition in Customary Marriages of West Sumatra’s Pariaman Society. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 7(1), 555–578. <https://doi.org/10.22373/SJHK.V7I1.15872>
- Butkutè, L., Mortelmans, D., & Sondaitè, J. (2023). Entangled in the Web of Conflicts Prolonged Divorce from the Divorcees’ Perspective. *European Journal of Psychology Open*, 82(4), 143–156. <https://doi.org/10.1024/2673-8627/A000042>
- Chankrajang, T., & Vechbanyongratana, J. (2021). Land, Ladies, and the Law: a Case Study on Women’s Land Rights and Welfare in Southeast Asia in the Nineteenth Century. *The Economic History Review*, 74(1), 138–163. <https://doi.org/10.1111/ehr.12999>
- Daniela, N. P., Hanapi, A., Husnul, M., & Fahri, M. (2024). The Granting of Family Card for Siri Marriage in Banda City: Perspective of Islamic Family Law. *El-Ushrah: Jurnal Hukum Keluarga*, 7(1), 150–164. <https://doi.org/10.22373/ujhk.v7i1.23317>
- Dawood, S. (2024). Married Women Property Rights under Muslim Marriage and Divorce Act of Sri Lanka: A Critical Analysis - ATSK Publishers. *ATSK Journal of Law*, 1(1), 33–41. <https://atsk.website/atskjlvi1a4/>
- Diala, A. C. (2017). The Cncept of Living Customary Law: a Critique. *The Journal of Legal Pluralism and Unofficial Law*, 49(2), 143–165. <https://doi.org/10.1080/07329113.2017.1331301>
- Duderija, A. (2016). The Custom (‘Urf) Based Assumptions Regarding Gender Roles and Norms in the Islamic Tradition: A Critical Examination. *Studies in Religion/Sciences Religieuses*, 45(4), 581–599. <https://doi.org/10.1177/0008429815596549>
- Ezer, T. (2016). Forging a Path for Women’s Rights in Customary Law. *UC Law SF Journal on Gender and Justice*, 27(1), 68–85. <https://repository.uclawsf.edu/hwlj/vol27/iss1/3>
- Fatima, S. (2023). Employability of a Research Method and Methodology in a Socio-Legal Study. *Global Social Sciences Review*, VIII(1), 341–351. [https://doi.org/10.31703/GSSR.2023\(VIII-I\).31](https://doi.org/10.31703/GSSR.2023(VIII-I).31)
- Grijns, M., & Horii, H. (2018). Child Marriage in a Village in West Java (Indonesia): Compromises between Legal Obligations and Religious Concerns. *Asian Journal of Law and Society*, 5(2), 453–466. <https://doi.org/10.1017/als.2018.9>
- Hairuddin K., Iskandar, A. M., & Harifuddin, H. (2024). The Honor of Women and Belis in Manggarai Traditional Marriage Customs. *Society*, 12(2), 214–224. <https://doi.org/10.33019/society.v12i2.339>
- Hartono, R., & Lestari, A. (2022). The Influence of Modernization on the Implementation

- of Passampo Siri' in Bugis Marriages in East Kolaka: Sociological Perspective of Islamic Law. *Indonesian Journal of Islamic Law*, 5(1), 20–38. <https://doi.org/10.35719/ijil.v5i1.2012>
- Ismael, A. G. (2024). Examining Inequities in the Administration of Dowry for Yakan Marriages: A Case Study Approach. *Pakistan Journal of Life and Social Sciences*, 22(2), 2228–2237. <https://doi.org/10.57239/PJLSS-2024-22.2.00160>
- Jamaa, L. (2018). Fatwas of the Indonesian Council of Ulama and its Contributions to the Development of Contemporary Islamic Law in Indonesia. *Indonesian Journal of Islam and Muslim Societies*, 8(1), 29–56. <https://doi.org/10.18326/IJIMS.V8I1.29-56>
- Jaraba, M. (2020). Khul' in Action: How Do Local Muslim Communities in Germany Dissolve an Islamic Religious-Only Marriage? *Journal of Muslim Minority Affairs*, 40(1), 26–47. <https://doi.org/10.1080/13602004.2020.1737414>
- Jenkins, K. (2016). Amelioration and Inclusion: Gender Identity and the Concept of Woman. *Ethics: An International Journal of Social, Political, and Legal Philosophy*, 126(2), 394–421. <https://doi.org/10.1086/683535>
- Jotam Kalalo, J. J., Betaubun, P., & Novita Kalalo, C. (2019). Implementation of Marriage by Indigenous Law to Yei Tribe Communities. *International Journal of Management*, 10(6), 45–53. https://iaeme.com/Home/article_id/IJM_10_06_005
- Karimullah, S. S. (2022). Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law. *Mazahib*, 21(2), 213–244. <https://doi.org/10.21093/mj.v21i2.4800>
- Khan, I., Abdullah, M. F., Rahman, N. N. A., Nor, M. R. B. M., & Yusoff, M. Y. Z. B. M. (2016). The Right of Women in Property Sharing in Bangladesh: Can the Islamic Inheritance System Eliminate Discrimination? *SpringerPlus*, 5(1), 1695. <https://doi.org/10.1186/s40064-016-3347-2>
- Kusmayanti, H., Rachmainy, L., & Mulyanto, D. (2021). Settlement Of Customary Inheritance Dispute Cases According To Sharia (Islamic Law) In Indigenous Communities In Indonesia. *NVEO - NATURAL VOLATILES & ESSENTIAL OILS Journal | NVEO*, 8(6), 807–818. <https://www.nveo.org/index.php/journal/article/view/3687>
- Laksana, D. P., Rato, D., & Zulaikha, E. (2020). The Cost of Panai'as the Marriage Requirement for the Migrant Bugis Tribe under Adat Law. *Indonesian Journal of Law and Society*, 1(1), 57–74. <https://jurnal.unej.ac.id/index.php/IJLS/article/view/16769>
- Latupono, B. (2024). Transformation of Marriage Dowry into Shares in a Limited Liability Company: A Review of Civil Law and its Implications. *Journal of Ecohumanism*, 3(3), 877–884. <https://doi.org/https://www.ceeol.com/search/article-detail?id=1277791>
- Lon, Y. S., & Widyawati, F. (2021). Customary Law Before Religion and State Laws Regarding Marriage In Manggarai, Eastern Indonesia. *Jurnal Cita Hukum*, 9(1), 93–110. <https://doi.org/10.15408/JCH.V9I1.16510>
- Lowe, P., & Rowlands, S. (2022). Long-Acting Reversible Contraception: Targeting those

- Judged to be Unfit for Parenthood in the United States and the United Kingdom. *Global Public Health*, 17(12), 3773–3784. <https://doi.org/10.1080/17441692.2022.2048408>
- Maani, B., Syukri, & Aliyas. (2024). Consequences of Panai Money in Siri and value of Maqasid Al-Syariah in Tribe Marriage Bugis in Indragiri Hilir Riau. In *Religion, Education, Science and Technology towards a More Inclusive and Sustainable Future* (pp. 218–222). Routledge. <https://www.taylorfrancis.com/chapters/oa-edit/10.1201/9781003322054-37/>
- Maloko, M. T., Indiyanto, A., Fernando, H., & Larasati, Y. G. (2024). Sompas Tanah in Makassar Bugis Customary Marriages: Legal, Religious, and Cultural Perspectives. *Jurnal Ilmiah Peuradeun*, 12(3), 1213–1236. <https://doi.org/10.26811/peuradeun.v12i3.1309>
- Mansur, Ikhsan, M., Diab, A. L., Nurfaidah, S., & Darlis, S. (2024). The Return of Doi Menre' Ba'da Duhul in Bugis Marriage Law, South Konawe: Islamic Education and Sociology of Islamic Law Perspective. *El-Usrah: Jurnal Hukum Keluarga*, 7(2), 480–500. <https://doi.org/10.22373/UJHK.V7I2.25574>
- Miqat, N., & Bakhtiar, H. S. (2017). Harmonization of Uang Panaik as Customary Term in Bugis-Makassar Ethnic Group and Dowry in Indonesian Marriage System. *Journal of Law, Policy and Globalization*, 67, 41–46. <https://www.iiste.org/Journals/index.php/JLPG/article/view/39946>
- Moser, A., & Korstjens, I. (2018). Series: Practical Guidance to Qualitative Research. Part 3: Sampling, Data Collection and Analysis. *European Journal of General Practice*, 24(1), 9–18. <https://doi.org/10.1080/13814788.2017.1375091>
- Mustopa, M. (2024). Qira'at Diversity in Islamic Family Law Verses: Implications for Indonesian Marriage Law. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(2), 1257–1279. <https://doi.org/10.22373/SJHK.V8I2.23513>
- Nafisah, D., Nasrudin, N., Meidina, A. R., & Zain, M. F. (2024). Comparative Analysis of Islamic Family Law and Normative Law: Examining the Causes of Divorce in Purwokerto, Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(2), 847–871. <https://doi.org/10.22373/SJHK.V8I2.16825>
- Nasir, M. A. (2016). Islamic Law and Paradox of Domination and Resistance: Women's Judicial Divorce in Lombok, Indonesia. *Asian Journal of Social Science*, 44(1–2), 78–103. <https://doi.org/10.1163/15685314-04401006>
- Nasution, M. I. H., & Iwan, I. (2024). Judge's Rejection of Compensation for the Management of Dowry Disputes (Analysis of Decision Number 262/Pdt.G/2022/Pa.Batg). *Jurnal Daulat Hukum*, 7(2), 212–228. <https://doi.org/10.30659/JDH.V7I2.38773>
- Nawaz, S., Shabbir, M. S., Shaheen, K., & Koser, M. (2021). The Role of Human Rights and Obligations toward Cross Gender Empowerment under the domain of Islamic Laws. *IRASD Journal of Management*, 3(3), 208–217.

<https://doi.org/10.52131/jom.2021.0303.0039>

- Pandang, I., Rahman, A., Halimang, S., & Mahrudin. (2018). Delayed Mahar: The Perspective of Islamic and Customary Law. *IOP Conference Series: Earth and Environmental Science*, 175(1), 121–140. <https://doi.org/10.1088/1755-1315/175/1/012140>
- Purnomo, A., Salam, N., Zamzami, M., & Bakar, A. (2023). Dimensions of Maqāsid Al-Shari‘ah and Human Rights in the Constitutional Court’s Decision on Marriage Age Difference in Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 7(3), 1397–1421. <https://doi.org/10.22373/SJHK.V7I3.13283>
- Risyat, A., Muliani, R., & Redhani, M. E. (2022). Constitutional Jurisdiction Review of the Existence of Indigenous Law Communities in Indonesia. *Constitutional Law Society*, 1(1 SE-Articles), 25–40. <https://doi.org/10.36448/cls.v1i1.6>
- Ritonga, B., Mukhlas, O. S., Nurrohman, Burhanuddin, & Ridwan, A. H. (2024). Islamic Family Law Reform in Indonesia: A Review of the Supreme Court’s Decision on the Postponement of the Distribution of Joint Property. *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan*, 11(2), 292–311. <https://doi.org/10.32505/QADHA.V11I2.9667>
- Rohman, A. N. (2022). Shifting The Role of Mediation in Islamic Inheritance Disputes: an Overview of Islamic Legal Philosophy. *Diponegoro Law Review*, 7(2), 230–244. <https://doi.org/10.14710/DILREV.7.2.2022.230-244>
- Said, W., Hukmiah, H., Nur, S., Wahyuni, S., & Akbar, R. (2024). Marriage Traditions and Family Resilience in Bugis Bone Society: A Study of Islamic Law and Islamic Education. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(3), 1372–1390. <https://doi.org/10.22373/SJHK.V8I3.23227>
- Santoso, D., Jafar, W. A., Nasrudin, M., Asmara, M., & Fauzan. (2022). Harmony of Religion and Culture: Fiqh Munākahat Perspective on the Gayo Marriage Custom. *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 22(2), 199–218. <https://doi.org/10.18326/IJTIHAD.V22I2.199-218>
- Schaffnit, S. B., Urassa, M., & Lawson, D. W. (2019). “Child Marriage” in Context: Exploring Local Attitudes Towards Early Marriage in Rural Tanzania. *Sexual and Reproductive Health Matters*, 27(1), 93–105. <https://doi.org/10.1080/09688080.2019.1571304>
- Shesa, L., Dzar, M. A., Elkhairati, & Utami, H. S. (2024). Reformulating Progressive Fiqh of Talak (Divorce): A Contemporary Study of the Principle of Making Divorce More Difficult in SEMA No. 1 of 2022 for Women’s Protection. *MILRev: Metro Islamic Law Review*, 3(2), 236–262. <https://doi.org/10.32332/milrev.v3i2.9950>
- Sopyan, Y., & Asyraf, A. (2018). Mahar and Paenre’; Regardless of Social Strata Bugis Women in Anthropological Studies of Islamic Law. *Jurnal Cita Hukum*, 6(1), 109–138. <https://doi.org/10.15408/JCH.V6I1.8270>
- Sudirman, S., Samin, S., Aidid, H., & Talli, A. H. T. (2019). Maslahah Review of The Dowry (Marriage Cost) Bugis-Makassar Community. *Jurnal Ilmiah Al-Syir’ah*, 17(2), 164–179. <https://doi.org/10.30984/jis.v17i2.874>

- Syaflin Halim, Syamsurizal, Firdaus, Desminar, Jaffar, M. N., & Elma Rida Yanti. (2024). The Communication Patterns of Husband and Wife Couples in Resolving Household Conflicts: Islamic Family Law Perspectives. *KARSA Journal of Social and Islamic Culture*, 32(1), 33–71. <https://doi.org/10.19105/karsa.v32i1.13280>
- Syufa'at, S. (2022). Marriage Dispensation in Underage Marriage: A Case Study at the Purwokerto Religious Court. *Al-Manahij: Jurnal Kajian Hukum Islam*, 16(1), 91–102. <https://doi.org/10.24090/mnh.v16i1.4229>
- Therhault, J. E., Young, L., & Barrett, L. F. (2021). The Sense of Should: A Biologically-Based Framework for Modeling Social Pressure. *Physics of Life Reviews*, 36, 100–136. <https://doi.org/10.1016/j.plrev.2020.01.004>
- Utsany, R., Tw, A., & Khamim, K. (2022). Women's Rights and Gender Equality: An Analysis of Jasser Auda's Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia. *Journal of Islamic Law*, 3(1), 54–73. <https://doi.org/10.24260/jil.v3i1.530>
- Wani, D. S. A., & Khan, J. B. (2024). Exploring The Legal and Cultural Significance of Dower Rights: A Study. *Panjab University Law Review*, 63(1), 58–72. <https://pulr.puchd.ac.in/index.php/pulr/article/view/254>
- Yenti, E., Busyro, B., Ismail, I., Rosman, E., & Wadi, F. (2020). A Set of Prayer Outfits as a Mahar? Discrimination against Women in the 'Urf Reality of the Archipelago's Fiqh. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 20(1), 17–30. <https://doi.org/10.30631/alrisalah.v20i1.567>
- Zubaidah, D. A. (2019). Pencatatan Perkawinan Sebagai Perlindungan Hukum Dalam Perspektif Maqāṣid Asy-Syarī'Ah. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 12(1), 15–28. <https://doi.org/10.14421/ahwal.2019.12102>
- Interview
- Bakry, M (2023) Interview with the General Secretary of the Indonesian Ulema Council of South Sulawesi Province.
- Mawar (48 years old), Interview with ex-wife whose dowry was used, Maradekaya Village, 13 May 2023.
- Jafaruddin (48 years old), Interview with a Religious Leader in Maradekaya Village, Gowa, 13 May 2023.
- Ramli, A.R. (2023) Interview with Islamic Law Academician.
- Sitti Asma Dg Coa (80 years old), Interview with the Birth Mother of Mawar, Gowa, 15 May 2023.