

Relevance of ‘urf to Mahar: The Marriage Traditions of the Buton Tribe

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Abstract:

The tradition of determining the dowry in traditional Butonese marriage reflects the strong relationship between local cultural values and the application of Islamic Law. Custom (‘urf) in determining the amount of dowry are often influenced by social class. The relationship between the traditional practice of determining the amount of the dowry and social class is studied from the perspective of Ushul Fiqh, especially rules of ‘urf shahih and maqāṣid al-syarī‘ah. Data was obtained from literature study and analysis of customary norms. The results of the study show that the application of dowry adjustments according to social status can be justified as long as it does not conflict with the principles of justice and does not cause harm. ‘Urf functions as a source of contextual law and can strengthen sharia values if it is regulated by taking into account benefits. The results of the study are discussed in the context of preserving cultural traditions in Buton which is in accordance with the main objectives of Islamic Law.

Keywords: *Buton customs, Dowry, Marriage, Ushul fiqh, ‘Urf*

INTRODUCTION

Islamic Law as a comprehensive system allows local values to contribute to the formulation of laws, as long as they do not conflict with the principles of sharia. *Ushul Fiqh* accommodates ‘urf as local values (customs or traditions that exist in society). ‘Urf functions as an additional source of law and is often used to determine the law on matters that are not explicitly explained in the text.¹ Determination of dowry is often influenced by local culture. Dowry is one of the pillars of marriage that has been regulated by sharia as a form of appreciation for the prospective wife. The traditions of society that are very diverse in various regions affect the appearance, size, and method of giving the dowry. This illustrates the relationship between universal values in Islam and social behavior of society.²

Mahar or dowry in Indonesian law is an important element in marriage that is recognized by law and religion. Law Number 1 of 1974 concerning Marriage, and the Compilation of Islamic Law, explain in more detail the law of marriage for Muslims. The provisions of Article 31 Paragraph (2) of the Compilation of Islamic Law regulate that *mahar* must be given by the prospective husband to the prospective wife which can be in the form of money, goods, or services with a value determined based on the agreement of both parties. The reality shows that the giving of *mahar* in various regions in Indonesia is not only regulated by religious or state norms, but also by custom law that develops in society. This tradition is known as *mahar adat*, *belis*, *panai’ money*, *Boka*, and other terms that vary depending on the region. The value and type of *mahar* can be greatly influenced by local social norms that have been passed down from generation to generation.³

Law Number 1 of 1974 Article 2 Paragraph (1) and the Compilation of Islamic Law Article 5 are the legal basis for the recognition of customary dowries as an element of unwritten law (custom law) which

¹ Muhammad Syaifuddin, S. H., Sri Turatmiyah, S. H., & Annalisa Yahanan, S. H. (2022). *Hukum perceraian*. Sinar Grafika.

² Wafi, M. L., Choeri, I., & Hudi, H. (2024). The Law Of Mahar Gifts From The Perspective Of The Syafi’i And Maliki. *Jurnal Hukum Sehasen*, 10(2), 427-438.

³ Muzainah, G. (2019). Baantar jujuran dalam perkawinan adat masyarakat Banjar. *Al-Insiyroh: Jurnal Studi Keislaman*, 5(2), 10-32.

remains valid as long as it does not conflict with statutory regulations, religion and moral norms, as stated in. Customary dowries are therefore considered valid according to Indonesian law as long as they are agreed to by both parties and do not conflict with the principles of justice and do not impose an excessive burden.⁴

Several Supreme Court decisions have also recognized the existence of customary dowries as an element of a valid marriage, although it is not always treated as an official requirement for state registration of marriages. The Office of Religious Affairs documents the agreed dowries, both symbolically and according to tradition, as long as they do not conflict with sharia provisions.⁵

Ma'ruf Amin⁶ states that customary dowry is part of 'urf, and can be accepted in Islamic Law, as long as it does not contradict the text. The tradition of dowry that has existed in Indonesian society needs to be respected and formalized as long as it does not burden any party, especially the prospective husband. *Fiqh* in Indonesia must understand the local context, especially regarding marriage and dowry, so that Islamic Law truly meets the needs of the community. Quraish Shihab⁷ emphasizes that Islam highly values the local cultural context. As long as customs do not conflict with sharia, they can be used as a reference in law. This view is in line with the concept of authentic 'urf, which is recognized in the framework of maqashid al-syari'ah.

The Buton Kingdom was an influential Islamic kingdom in the eastern part of the Indonesian archipelago, especially in Southeast Sulawesi. Before the arrival of Islam, Buton was a local kingdom led by Mokole and embraced traditional beliefs. The transformation occurred in the 16th century when King Lakilaponto converted to Islam and took the title Sultan Murhum Kaimuddin Khalifatul Khamis, which marked the birth of the Buton Sultanate. The Buton Sultanate was known for being able to combine Islamic Law with local traditions through the written law *Sarakiah* and the customary document *Murtabat Tujuh*. In addition to being an important trade route, Buton also functioned as a centre for Islamic science and culture. The development of Islamic science and culture in Buton had an impact on social life, including in marriage customs.⁸

Buton Regency, Southeast Sulawesi Province has a unique custom of *Boka* or *Belanja Kawin* in the implementation of dowry. The *Boka* tradition not only has economic value, but also contains deep social and cultural meaning. The Buton community sees dowry not only as a financial obligation, but also as a form of responsibility of men towards women and their families.⁹

The *Boka* tradition in the framework of *Ushul Fiqh* can be analyzed using the 'urf approach, which is divided into two main types: 'urf *sahih* and 'urf *fasid*. Correct urf is a custom that does not conflict with the text of the sharia and can be used as a legal basis. On the other hand, 'urf *fasid* is a custom that conflicts with the principles of sharia, such as those that have elements of injustice, usury, or violations of human rights, so that it cannot be used as a legal basis.¹⁰ The *Boka* tradition in Buton Tribe marriage needs to be studied from the perspective of the category of 'urf *sahih* or 'urf *fasid*, and; the validity of the tradition according to the perspective of Islamic Law.

Not all types of 'urf that exist in society can be directly accepted in Islamic Law. A careful classification and analysis of the substance of the tradition is very important. The *Boka* tradition in the Buton Tribe has significant social and cultural values. There are some views that doubt the *Boka* tradition as a practice of determining a dowry that burdens the man economically or is contrary to the principle of justice in marriage. The *Boka* tradition needs to be studied to evaluate its conformity with the 'urf *sahih* or whether it has crossed the line and turned into 'urf *fasid*.

⁴ Pide, A. S. M., & Sh, M. (2017). *Hukum Adat Dahulu, kini, dan akan datang*. Prenada Media.

⁵ Asnawi, M. N., & SHI, M. (2022). *Hukum harta bersama: Kajian perbandingan hukum, telaah norma, yurisprudensi, dan pembaruan hukum*. Prenada Media.

⁶ Winario, M. (2020). *Standardisasi mahar perspektif Maqâshid Syari'ah* (Doctoral dissertation, Universitas Islam Negeri Sultan Syarif Kasim Riau).

⁷ Erviena, E. (2021). *Kepemimpinan Perempuan dalam Al-Qur'an: Reinterpretasi Pemikiran M. Quraish Shihab Tentang Konsep Al-Qawwamah dengan Perspektif Qirâ'ahmubâdalah* (Doctoral dissertation, Institut PTIQ Jakarta).

⁸ Rijaaal, M. K. (2021). Jejak Islam di Tanah Kesultanan Buton. *Jurnal Dakwah*, 21(2), 205-234.

⁹ Wiliana, R., Pagalung, G., & Damayanti, R. A. (2024). Praktik Akuntansi dalam Penetapan Nilai Mahar (Boka) Pada Pernikahan Adat Buton di Kota Baubau. *JEMeS-Jurnal Ekonomi Manajemen dan Sosial*, 7(1), 37-51.

¹⁰ Putri, D. N. (2020). Konsep Urf Sebagai Sumber Hukum Dalam Islam. *El-Mashlahah*, 10(2), 14-25.

The differences in the characteristics of customary dowry and sharia dowry often trigger debate. Dowry in Islamic Law is considered a voluntary gift whose amount is not determined with certainty, as long as it does not conflict with the principles of justice and ability.¹¹ Traditional dowry such as in the Buton Tribe's customs is often determined by a certain number and has a symbolic nature, as well as being socially obligatory. This shows that 'urf in the local context can influence the way people understand sharia. Understanding sharia ultimately requires a wise and contextual approach in its interpretation.

The study of 'urf in the Buton dowry tradition in accordance with sharia is important for maintaining local wisdom as a component of the cultural identity of Islam in the Indonesian archipelago.¹² Islam does not aim to eradicate culture, but to perfect and direct it in accordance with divine values. If an 'urf produces good values, prevents evil, and strengthens the family institution, then the tradition deserves to be maintained and even integrated into the Islamic legal system at the local level.

If the practice of 'urf leads to coercion, discrimination, or social exclusivity, such as only people from certain economic strata can marry because of the high demand for dowry, then it could be a sign that 'urf has deviated and needs to be corrected. Scholars, traditional figures, and academics play a major role in conducting social ijihad, as well as connecting customary values and religious teachings. Islam encourages culture to continue to exist as long as it does not conflict with the maqashid of sharia.

The workings of Islamic Law in complex and diverse social realities need to be applied in the study of the *Boka* tradition to determine the amount of dowry in Buton Tribe marriages. Sharia has flexibility towards 'urf. Islam is a flexible, relevant religion, and prioritizes the values of justice, welfare, and respect for cultural diversity.¹³ This is the basis of the contextual study of *Ushul Fiqh*. *Fiqh* that does not only discuss texts, but also about society and its life.

METHOD

The study uses a qualitative-descriptive approach to understand and analyze the practice of determining the dowry in the Butonese marriage tradition from an *Ushul Fiqh* perspective because it is relevant to exploring the meaning, values and socio-religious dynamics inherent in the community's local traditions. The study is based on literature studies from classical *Ushul Fiqh* sources which explain the concepts of 'urf, *maṣlaḥah*, and *maqāṣid al-syarī'ah*, as well as from studies of custom law and cultural anthropology which examine the marriage traditions of the Buton tribe.¹⁴ In-depth interviews were conducted with traditional leaders, religious leaders, and local communities who have direct knowledge of the practice of determining dowry in Butonese Customary marriages. Normative interpretation was conducted on the practice of 'urf related to the rules of 'urf ṣaḥīḥ (customs recognized according to sharia), as well as its relevance to the fundamental principles of Islamic sharia, especially in the context of *maqāṣid al-syarī'ah*. The interpretation aims to evaluate the suitability of the practice of determining dowry according to social status with the relevant Islamic legal framework and focuses on the public interest.

RESULTS AND DISCUSSION

Definition and concept of 'urf in Ushul Fiqh

The term 'urf in the study of *Ushul Fiqh* refers to various customs that have been widely known, accepted and acknowledged by society, whether in the form of speech, actions or social norms that are always practiced.¹⁵ 'urf is one of the additional sources of law used by *Fiqh* scholars when there is no

¹¹ Wahyuddin, W., Itang, I., Jasri, J., Abidin, Z., Qurtubi, A. N., Zulfa, M., ... & Mustika, M. (2023). *Kaidah Fiqih Ekonomi Syariah*. PT. Sonpedia Publishing Indonesia.

¹² Solikah, A. U., Izzah, A., & Valeria, A. H. (2024). *Corak budaya Indonesia dalam bingkai kearifan lokal*. Uwais Inspirasi Indonesia.

¹³ Siroj, S. A. (2006). *Tasawuf sebagai kritik sosial: mengedepankan Islam sebagai inspirasi, bukan aspirasi*. Mizan Pustaka.

¹⁴ Gumilang, G. S. (2016). Metode penelitian kualitatif dalam bidang bimbingan dan konseling. *Jurnal fokus konseling*, 2(2), 144-159.

¹⁵ Janah, S. (2023). Eksistensi 'Urf Sebagai Metode Dan Sumber Hukum Islam. *Al Manar*, 1(1).

detailed explanation in the texts of the Qur'an and Hadith. 'Urf is closely related to the local context which often reflects the legal culture of a community.

'Urf linguistically comes from the verb in Arabic "arafa" (عرف) which means to understand or recognize. 'Urf thus refers to things that are known or frequently done. 'Urf in the term *Ushul Fiqh* refers to all positive habits that have been integrated in society and do not conflict with common sense or the Sharia. al-Khathib al-Syarbini and Ibn Abidin, explained that 'urf includes habits that do not conflict with Sharia law' and can be used as a basis for determining the law on matters that are not explicitly explained.

'Urf in *Fiqh* is divided into several categories, including 'urf qawli (customs in speech) and 'urf fi'li (customs in action).¹⁶ The use of the term "spending money" which indicates maintenance for the wife is an example of 'urf qawli. The practice of paying a dowry in a certain form which is common in certain areas is an example of 'urf fi'li. 'Urf is also categorized as 'urf sahih (which is in line with the sharia) and 'urf fasid (which is contrary to the sharia).

If an 'urf can be used as a legal basis, then it must meet certain criteria. Some of these include: it does not contradict the evidence of the Sharia; it has become a habit of the community; it continues continuously (*istikrār*), and; it is not opposed by the affected parties. If a custom contradicts the text of the Qur'an or the Hadith, then it cannot be accepted as a valid 'urf in Islam.

'Urf in various schools of *Fiqh*, is recognized as the second source of law. The Hanafi and Maliki schools, give significant attention to 'urf in determining the law for technical and practical issues. 'Urf in some situations, can outperform qiyas if it is very profound and does not conflict with the basic principles of sharia.

One of the main functions of 'urf in Islamic Law is to overcome the gaps in the application of law. For example, in the aspects of *muamalah* (transactions), marriage, and inheritance. 'Urf in the context of marriage, often influences the form, type, and value of the dowry given, in accordance with local traditions. For example, in certain communities, the dowry can be in the form of heirlooms, land, or other customary symbols that are agreed upon as a form of respect for the bride.

Understanding 'urf in *Ushul Fiqh* is very important to explain the relationship between Islamic Law and local traditions. The role of 'urf in the Buton Tribe's marriage tradition is clearly seen in the determination of dowry in accordance with social structure and cultural symbols. As long as the practice of determining dowry is in accordance with sharia principles, then 'urf can be accepted and become part of the development of Islamic Law that is responsive to social conditions.

The relevance of 'urf to dowry in Indonesia

'Urf or community customs in the study of *Ushul Fiqh*, is recognized as one of the complementary sources of law when no explicit provisions are found in the Qur'an or al-Hadith. The definition of 'urf in terms of terms is everything that has become a habit in society, both in the form of speech and actions, and does not conflict with Islamic Law. According to az-Zuhaili,¹⁷ valid 'urf (*al-'Urf al-shahih*) can be used as a legal basis in various aspects of life, including in determining the marriage dowry. 'Urf plays a role in filling the legal gap regarding the form and value of the dowry that is not specified in detail in the text.

Local customs in the diversity of Indonesian culture and traditions influence the practice of determining the dowry. For example, in Bugis culture, there is a tradition of "uang panaiik" which is determined based on the social status of the bride. The dowry in Minangkabau is called "uang japuik" which actually comes from the woman to the man. The dowry in Java and Sunda is usually in the form of a set of prayer tools, gold, or other symbolic items that are adjusted to the family agreement. These practices have been going on for a long time and have become a real form of 'urf fi'li (customs in actions) that are socially recognized and do not conflict with the principles of Islamic Law.

¹⁶ Sarjana, S. A., & Suratman, I. K. (2017). Konsep 'Urf dalam Penetapan Hukum Islam. *Tsaqafah*, 13(2), 279-296.

¹⁷ Wahbah Az-Zuhaili. (2011). *Fiqh Islam wa adillatuhu Jilid 1: Pengantar ilmu fiqh, tokoh-tokoh madzhab fiqh niat, thaharah, shalat*. Penerjemah: Abdul Hayyie al-Kattani, dkk. Jakarta: Gema Insani.

Classical and contemporary *Fiqh* literature shows that as long as the ‘*urf*’ in giving a dowry does not contain elements that are forbidden, such as coercion, deception, or injustice, then it remains valid and relevant to use. According to Mubarak,¹⁸ the law of dowry does not require a certain amount and can be in any form that is valuable according to the customs of the community. This is in line with the hadith of the Prophet Muhammad SAW which states that dowry can be in the form of an iron ring, even the teaching of the Qur’an.

‘*Urf*’ in determining the dowry reflects local values related to respect for women, social status, and symbols of the husband’s responsibility. For example, in the Buton Tribe tradition, the form and value of the dowry given by the prospective groom are influenced by the customary structure and cultural symbols that live in the community. ‘*Urf*’ can be a medium for integration between cultural values and Islamic Law that is adaptive and contextual.

‘*Urf*’ has high relevance to the practice of dowry in Indonesia. The customs of the community not only enrich the form of implementation of sharia, but also strengthen the position of dowry as a symbol of seriousness and respect in marriage. As long as ‘*urf*’ does not conflict with the principles of justice, willingness, and sharia values, it is worthy of being recognized and maintained as part of Islamic Law that lives in Indonesian society.

Determination of marriage dowry in Indonesian law

Mahar (dowry) in the legal system in Indonesia is an important element in the marriage contract and has been recognized in Islamic Law and positive law. The determination of the *mahar* is not only a formality, but also has a legal standing as a full right of the wife that cannot be challenged.¹⁹ The dowry regulations are contained in the Compilation of Islamic Law, which is the main reference for religious courts in Indonesia in resolving family cases.

Article 31 of the Compilation of Islamic Law states that the dowry is given directly by the prospective husband to the prospective wife and is the wife’s full right, whether or not it is clearly stated in the marriage contract. Indonesian law emphasizes the obligation to provide a dowry as part of the requirements for a valid marriage in Islam. The state does not regulate in detail the form or amount of the dowry, because it is left to the agreement of both parties based on their ability and local customs.

The determination of the dowry is administratively stated in the marriage registration process. The Office of Religious Affairs will record the amount and form of the dowry mentioned in the marriage contract in the marriage book, as a form of legality. If the dowry is not stated in the contract, the marriage is still valid, and the wife is still entitled to a dowry according to applicable standards, such as a mitsil dowry (an equivalent dowry based on customs or family).

According to ash-Shiddieqy,²⁰ the dowry is not a form of reward or price for the woman, but rather as proof of a man’s seriousness and appreciation for the woman he marries. The dowry must be based on good intentions, not just a legal obligation. The determination of the dowry that is adjusted to local social and customary conditions shows the flexibility of Islamic Law.

According to Azizy,²¹ the determination of dowry in Indonesian law is a form of accommodation of Islamic Law in the national legal system. The state does not set a minimum or maximum amount of dowry because it respects the principle of deliberation and local culture (‘*urf*’). This principle is in line with the spirit of Islamic Law which provides space for society to implement the law according to its socio-cultural context.

According to Ali,²² dowry is part of the elements of *ijab qabul* which are valid according to sharia and state law. Although not mentioned in detail in positive law, the state still guarantees women’s

¹⁸ Jaih Mubarak. (2015). *Pembaharuan Hukum Perkawinan di Indonesia*, Cetakan Kesatu, Simbiosis Rekatama Media, Bandung.

¹⁹ Kompilasi Hukum Islam (KHI), Pasal 31 Ayat (1): “*Mas kawin diberikan langsung oleh calon suami kepada calon istri dan menjadi hak istri sepenuhnya.*”

²⁰ Hasbi Ash-Shiddieqy, *Pengantar Fiqh Muamalat*, (Semarang: Pustaka Rizki Putra, 2003), hlm. 156.

²¹ A. Qodri Azizy, *Hukum Nasional: Eklektisisme Hukum Islam dan Hukum Umum*, (Yogyakarta: Gama Media, 2004), hlm. 45–46.

²² Zainuddin Ali, *Hukum Perkawinan Islam di Indonesia*, (Jakarta: Sinar Grafika, 2010), hlm. 107–108.

rights to dowry and provides legal protection for them. If there is a dispute regarding dowry, the settlement can be submitted through the Religious Court, and the judge will consider the agreement, customs, and economic conditions of the parties.

Buton Tribe marriage traditions

The marriage system in the Buton community tradition tends to be endogamous, namely marrying within the same tribe or kinship group. This reflects cultural values that value social relationships, extended family unity, and the continuity of community identity. Just like many tribes in Indonesia, marriage within the family environment is considered to strengthen social relationships and preserve cultural heritage.

The Buton community sets certain limits in the practice of endogamy, especially avoiding marriage between close relatives such as first cousins. Marriages that are considered ideal actually take place between more distant relatives, such as four-time cousins or what is known in the local language as *poabaaka*. This shows a social and perhaps biological awareness in avoiding the risk of marriage between close relatives, while maintaining the harmony of wider family relationships.

The preference for endogamous practices reflects a balance between preserving traditional values with religious principles and social health. The Buton community not only pays attention to cultural aspects in choosing a partner, but also thinks about unwritten social ethics, as well as religious norms that encourage caution in family relationships. The marriage system that tends to be endogamous is an important element in the social structure of the Buton community and influences the determination of dowries, as well as the procedures for carrying out marriages.

The marriage system in the Buton community is regulated not only by religious and customary norms, but also by a social structure called *Kamia*, which is a traditional social stratification system. Buton society is divided into three main groups: *Kaomu* (nobles), *Walaka* (traditional leaders), and *Papara* (commoners). Each level of society has its own rules regarding social interaction and marriage. The rules aim to maintain the purity of bloodlines and social stability. The principle of equality refers to the equal social status between prospective brides and grooms. A marriage is considered perfect if it occurs between individuals who come from similar social strata. For example, the *Kaomu* group marries other *Kaomu* members, *Walaka* marries *Walaka*, and *Papara* marries *Papara*. The principle of *kufu'* (equality) is believed to be able to preserve family honor, social self-esteem, and customary order in society.

The principle of *kufu'* is not rigid (inflexible). Men from the *Kaomu* class are allowed to marry women from the *Walaka* or *Papara* class without special provisions. This shows that there is social leniency based on patriarchy, lineage is still considered noble if it comes from an honorable man. On the other hand, *Walaka* or *Papara* men are prohibited from marrying *Kaomu* women, except through a process of customary negotiation, such as giving a higher dowry as a symbol of "*Kamia's* ransom."

The payment of a higher dowry in a situation of different social status not only has a material aspect, but also a symbolic one. The dowry acts as social compensation and as a form of recognition of the dignity of women. The dowry tradition emphasizes that the dowry in the Buton community is not just a religious ritual, but also part of the social order and a symbol of family honor.

Although marriage regulations are very strict in customary norms, history records various deviations from the principle of *kufu'*, especially during the reign of the Buton Sultanate. Marriages between social classes that do not comply with traditional norms occur in several situations. This shows that, although tradition is highly valued, the social practices of the community are able to change and adapt to the dynamics of life. The principle of *kufu'* in Butonese marriage shows the interaction between religion, customs, and social structures in determining the validity of a marriage. The value of equality in culture is not only related to family honor, but also becomes the basis for determining dowries and social support. The flexibility in the practice of the principle of *kufu'* shows that the Butonese people are able to balance customary values with changing social conditions.

Marriage dowry in the Buton Tribe tradition

The dowry or *mahar* in the Buton community marriage tradition is called *Popolo* or *Tauraka*. This term refers to a certain type of payment made by the man to the woman as a basic requirement in carrying out a traditional marriage. *Popolo* is not only a physical symbol, but also symbolizes commitment and dignity in building a family life. *Popolo* is an important element in traditional marriage rituals, comparable to other ceremonies that accompany the process of merging two families.

Popolo regulations are based on strict traditional provisions, as well as religious principles. The size of *Popolo* is adjusted to the social strata of the community. The structure of Buton society is known as *Kamia* such as *Kaomu*, *Walaka*, and *Papara*. There are no fixed provisions regarding the amount of dowry in Islamic Law. Islam requires a dowry as a form of responsibility and respect for a prospective husband to his prospective wife, as explained in the verse of the Qur'an which reads "give a dowry to your wives".

Buton society applies specific provisions regarding men from outside the royal environment or foreign communities known as *Daga*. If a *Daga* man wants to marry a Butonese woman, especially one from the *Kaomu* (noble) class, then the *Popolo* that needs to be paid is charged two to three times higher than what usually applies to natives. This provision is intended as an effort for social selection, as well as to protect the dignity of Butonese women, so that they are not carelessly married by foreigners who do not understand the customary and cultural values in the area.

The *Popolo* system functions mathematically. For example, if the *Popolo* is determined at 300 reals, then that amount is divided by two to become 150 *Boka*, then divided by ten to become 15 *Boka*, and then multiplied by three to become 45 *Boka*. This number is then multiplied by the exchange rate at that time. However, for a *Daga*, this calculation is not applied. A *Daga* is still required to pay the full amount as a sign of respect and sincerity towards the family that will be made his life partner.

The determination of a high dowry for prospective brides is not intended to make things difficult, but rather as an effort to prevent outsiders from carelessly entering the Butonese noble family community. This is a form of traditional protection to maintain the honor and purity of the noble lineage, so that they are not considered low or equated with material values that are not comparable to the dignity of the family. *Popolo* thus also plays a role as a social tool and status symbol in the community.

Popolo customary norms are still applied in Buton society, especially by traditional leaders. However, the *Popolo* calculation system has now been adjusted to the situation and the rupiah value in society. This shows that although tradition is conservative, it can still adapt to the progress of the times without eliminating the core of its cultural values.

Etymologically, the word *Popolo* comes from "*polo*" which means sap, with the prefix "*po*" indicating more than one, so that *Popolo* philosophically means the result of the meeting of two types of individuals of different genders, namely the symbol of the unity of husband and wife. *Popolo* is also known as *Tauraka*. *Tauraka* is an open declaration in front of relatives that two people have officially become husband and wife, both according to tradition and religion. *Popolo* thus becomes a symbol of physical and spiritual unity, between tradition and law, between individuals and their communities.

The amount of dowry is clearly determined based on the social status or class of the woman to be married. Each level of society, from the Sultan's daughter, aristocrats, traditional officials, to ordinary people, has a different dowry size. This provision reflects the values of respect, family honor, and social structure that are highly respected in Buton society. Islam does not provide a specific limit or amount for dowry, but rather general instructions to provide dowry to the wife as a form of respect and responsibility of the husband. Buton society can combine traditional values with Islamic principles. Customs are still preserved as long as they do not conflict with religious teachings.

Popolo is distinguished based on social level. One thousand *Boka* real is intended for the daughter of the incumbent Sultan. One thousand *Boka* real is the highest level of dowry, reflecting the position of women as direct members of the highest royal family.

Six hundred *Boka* real is applied to the daughter or granddaughter of Sultan Lang Kariri (Sultan Sakiyuddin Durul Alam, the 19th Sultan of Buton), if the man who marries comes from the Tapi-Tapi

or Tanailandu nobility. This indicates a marriage between high nobles, but not from the direct sultan's family.

Four hundred *Boka* real is applied to marriages between grandchildren of Sultan Lang Kariri (Sultan Sakiyuddin Durul Alam). This confirms that even within the sultan's descendants there are levels that regulate the size of the dowry.

Three hundred *Boka* real is intended for other nobles who do not come from the lineage of Sultan Lang Kariri. This shows the existence of a classification of nobility outside the main sultan's lineage.

One hundred *Boka* real is applied to ordinary nobles (*Kaomu*) who are male. *Kaomu* is still considered high socially, but not from the main royal circle.

Less than one hundred *Boka* real, given to the grandchildren of Bontogena Iwantiro and Bontogena i-gama ana, if they are serving as Bontogena (certain traditional officials). "Less than one hundred *Boka* real" means the amount is slightly below one hundred *Boka* real.

Eighty *Boka* real applies to the grandchildren of Bonto Siolimbona, one of the traditional groups or positions in Buton society. The social status of Bonto Siolimbona is lower than Bontogena, but is still respected.

Forty *Boka* real is intended for the *Walaka* Limbo group (middle traditional leader group) and slaves of the Sultan who is in office. *Walaka* is the middle strata in the Buton social system.

Twenty *Boka* real applies to the *Papara* group, namely ordinary people. This is the lowest *Popolo* level, reflecting the social position of the general public who are not nobles or traditional officials.

The *Popolo* system emphasizes that the dowry is not just an award for women, but also a symbol of social status and family honor. The use of the unit "*Boka* real" refers to the value of the currency or traditional unit used during the era of the Buton Sultanate.

The dowry system (*Popolo*) in the Buton traditional community is regulated by two main sources, namely custom (local tradition) and Islam. Buton custom strictly stipulates the amount of dowry according to the level or social status of the woman. The dowry is not just a symbol of ability or appreciation, but also describes the social status and honor of the family. Each strata of society, from the Sultan's daughter, aristocrats, traditional officials, to the general public, has a varying amount of dowry, which has been agreed upon from generation to generation. Islam does not regulate the nominal amount of the dowry. The Qur'an only states in general that the dowry must be given to the wife as a form of obligation and respect ("pay your dowry to your wives"), but does not stipulate the amount strictly.

The relevance of 'urf to determining the dowry in the Buton Tribe's marriage traditions

'Urf in the study of *Ushul Fiqh*, is considered a secondary source of Islamic Law. 'Urf refers to traditions or customs that exist in society. As long as it does not conflict with the sharia text, 'urf can be used as a basis for determining the law. 'Urf *sahih* is a custom that is in harmony and does not conflict with sharia. 'Urf *fasid* conflicts with sharia law. 'Urf *sahih* in Islam plays a vital role in harmonizing the law with the socio-cultural needs of society.

Tradition has a major impact on social and religious practices, including in organizing marriage. Dowry in Islam is a man's obligation to the woman he marries. The Qur'an instructs that a dowry be given as a symbol of respect and responsibility, but does not specify the amount or type clearly. Custom or 'urf is often used as a reference in determining its form and size, as long as it does not conflict with Islamic principles such as not being burdensome and based on willingness.

Positive law in Indonesia also provides the opportunity for the implementation of marriage customs. Law Number 1 of 1974 concerning Marriage stipulates that a marriage is considered valid if it is carried out in accordance with the provisions of each religion. The implementation of marriage almost always involves aspects of tradition, including in the decision of the dowry. This reflects the adjustment of national law to local wisdom, as long as it does not conflict with the fundamental principles of state law and Islamic Law.

One community that continues to preserve the richness of tradition in marriage is the Buton Tribe in Southeast Sulawesi. Since the era of the Buton Sultanate, which incorporated Islam into its custom law, marriage practices have not only followed religious law, but also a strict social structure of customs. *Popolo* in Buton traditional marriages not only symbolizes the ability of the groom, but also reflects respect for the woman and her family.

The determination of the size of *Popolo* is strictly regulated based on social class or *Kamia* in the Buton community structure. For example, for the daughter of the reigning Sultan, the dowry is set at one thousand *Boka* real. Meanwhile, for other noble classes, the value decreases gradually. For example, for lower-class people such as the *Papara*, the dowry is only twenty *Boka* real. This provision indicates that the social structure greatly influences the amount of dowry in Butonese customs, as a form of recognition of the social status of the bride.

The *Popolo* tradition even takes into account the status of *Daga* who wants to marry a Butonese woman. The dowry is determined two or three times higher than that of the local population. The aim is to limit inter-class marriages and maintain the purity of aristocratic bloodlines. A specific example: if the dowry for local residents is 300 reals, then for *Daga* it can change after going through certain traditional calculations. This policy shows that local *'urf* functions in line with the socio-structural role of the community.

Butonese people also follow the *kufu'* system in marriage, which is the principle of equality of social status between partners. It is better for *Kaomu* to unite with *Kaomu*, *Walaka* with *Walaka*, and *Papara* with *Papara*. If there is an inter-class marriage, especially if the man comes from a lower class, then a larger dowry is required as a form of compensation for the position of the bride. The dowry is not only viewed from a religious aspect, but also as a way to maintain social balance in the customary structure.

Popolo from the perspective of *Ushul Fiqh* is included in *'urf sahih*, because it is contrary to Islamic Law. Islam does not determine the minimum or maximum limit of the dowry, but emphasizes the principles of justice and agreement. If tradition sets a certain figure based on social status, it is acceptable as long as it does not cause difficulties, coercion, or discrimination that violates human rights according to sharia.

The practice of dowry in Butonese society is also significant when compared to the practice of dowry in other regions in Indonesia. Many indigenous communities in Indonesia determine the type of dowry by referring to regional symbols such as gold, land, animals, or traditional cloth. All of these are part of the *'urf* that continues to be maintained and is considered valid according to religion. The existence of well-organized *Popolo* in Buton shows that custom can function as a solid legal system and integrated with Islamic Law, as long as it upholds the values of *maslahat* and justice.

Popolo as a type of dowry custom of the Buton Tribe not only functions as a legal obligation in law, but also as a symbol of status, social respect, and a means of social supervision in the social order. *Ushul Fiqh* shows the role of *'urf* as a flexible, adaptable, and contextual legal tool. Buton Customary marriage traditions show that Islamic Law and local culture can synergize harmoniously, without ignoring the essence of each.

CONCLUSION

The tradition of determining the dowry in Buton marriages, called *Popolo* or *Tauraka*, is a manifestation of the implementation of *'urf* or community customs that have existed for a long time. *'Urf* in the view of *Ushul Fiqh*, can be one of the sources of law as long as it does not conflict with the fundamental principles of Islamic Law. Determining the dowry according to social status, as applied in the Buton tradition, is a form of *'urf sahih* (valid custom) because it does not conflict with the *syar'i* text and still prioritizes the principle of justice and the willingness of both parties.

'Urf is also related to the legal context in Indonesia. Although Islamic Law does not determine the minimum or maximum amount of dowry, the existence of local customs is recognized in the national legal system, as long as it does not conflict with the values of human rights and justice. Determining the dowry in the Buton tradition which has symbolic and economic value can be accepted as a form of

respect for local culture that is in line with religious teachings. ‘*Urf* reflects the balance between customary norms, religious norms, and state norms in the implementation of Muslim community marriages in Indonesia.

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