
The Positivization of the Indonesian Ulema Council's Fatwa on *Dui Menre* in Bugis Society: The Perspective of the Qur'an

¹Suarning, ²Fikri, ³Muliati, ⁴Saidah, ⁵Rukiah
^{1,2,3,4,5}Institut Agama Islam Negeri Parepare

Abstract

-This study aims to examine the legal positivization of the Indonesian Council of Ulama's (MUI) Fatwa No. 2 of 2022 and to explore its potential as a foundation for formal regulation. Employing a descriptive qualitative method with a case study approach, data were collected through document analysis, Islamic legal literature, and interviews with MUI figures and local communities. The findings demonstrate that the fatwa reflects Qur'anic principles of justice, public interest (maṣlaḥah), and equality, while simultaneously affirming the legal status of fatwas as normative products with potential for positivization or legalization into valid written regulations, at least in the form of local bylaws (Perda). The fatwa thus functions as a normative bridge connecting Islamic law, customary norms, and state law. The study recommends synergy between MUI, local government, and traditional leaders to advance the transformation of fatwas into contextual and equitable regulations

Keywords: The Qur'an, positivization, fatwa, *dui menre*, Bugis society, regional regulations

Positivisasi Fatwa Majelis Ulama Indonesia tentang *Dui Menre* dalam Masyarakat Bugis: Perspektif Al-Qur'an

Abstrak

Kajian ini bertujuan menelaah positivisasi hukum dalam Fatwa Majelis Ulama Indonesia (MUI) Nomor 2 Tahun 2022 dan mengeksplorasi potensinya sebagai dasar regulasi formal. Dengan metode kualitatif deskriptif dan pendekatan studi kasus, data diperoleh melalui telaah dokumen, literatur keislaman, wawancara dengan tokoh MUI dan masyarakat. Temuan menunjukkan bahwa fatwa tersebut merefleksikan prinsip keadilan, kemaslahatan, dan kesetaraan dalam al-Qur'an, sekaligus menegaskan kedudukan fatwa sebagai produk hukum memiliki potensi untuk dipositivisasi atau dilegalisasi sebagai peraturan tertulis yang sah, minimal regulasi formal seperti Peraturan Daerah (Perda). Fatwa ini berperan sebagai jembatan normatif antara hukum Islam, adat, dan hukum negara. Kajian merekomendasikan sinergi MUI, pemerintah daerah, dan tokoh adat untuk mendorong transformasi fatwa menjadi regulasi kontekstual dan berkeadilan.

Kata kunci: Al-Qur'an, positivisasi, fatwa, *dui menre*, masyarakat Bugis, peraturan daerah

Author correspondence

Email: hsuarning@iainpare.ac.id

Available online at <http://journal.iaingorontalo.ac.id/index.php/au/index>

A. Introduction

The existence of *dui menre* is often used to refute the views of certain people who consider it a form of commercialization in Bugis society. The tradition of *dui menre* as a form of giving spending money remains deeply rooted and an integral element of Bugis wedding customs.¹ Meanwhile, the Indonesian Ulema Council (MUI) tends to accept and consider local cultural values as long as they do not conflict with Islamic law, through a welfare approach and the principle of *urf sahiih*, namely traditions that are in accordance with Islamic law. When the practice of *dui menre* is examined from a social perspective in Bugis society and linked to the neutral stance of the Indonesian Ulema Council's fatwa, which tends to align with the spirit of the Qur'an in facilitating marriage and upholding justice. The context of the national legal system, this condition raises an urgent need to review the meaning of *dui menre*, accompanied by an active role of fatwa institutions in educating the public about the limits of traditions that are acceptable within the framework of Islamic law.

However, as the country with the largest Muslim population in the world, Indonesia has diverse needs related to the existence of fatwas. Fatwas play a significant role in the daily lives of Muslims. They serve not only as religious guidance but also as guidance in implementing moral principles and worship. Many Muslims in Indonesia refer to fatwas for clarity regarding the implementation of religious activities, the values of Islamic law, and various issues that arise in Muslim society. Therefore, fatwas are often used as a basis for interpreting Islamic law into social realities, including the implementation of the *dui menre* tradition in Bugis society.

A number of previous studies on *dui menre*, for example, the practice of *dui menre* represents a deep meaning of benefit to honor the position of women, encourage work enthusiasm for young people, on the other hand, it can have negative consequences with the increasing practice of unregistered marriages.² The

¹ Juhansar Juhansar, Mustaqim Pabbajah, and Hasse Jubba, "Relasi Agama Dan Budaya Dalam Tradisi Dui Menre'pada Pernikahan Masyarakat Bugis," *Dharmasmrti: Jurnal Ilmu Agama Dan Kebudayaan* 21, no. 2 (2021): 15.

² Rusdaya Basri and Fikri Fikri, "Sompa and Dui Menre in Wedding Traditions of Bugis Society," *IBDA: Jurnal Kajian Islam Dan Budaya* 16, no. 1 (2018): 14.

Bugis society in Wajo Regency views *dui menre* as a necessity in the marriage procession, even though from an Islamic law perspective its status is permissible.³ The *dui menre* tradition is treated as a basic part that is absolutely carried out,⁴ and become a symbol of the legality of marriage which is approved by customary marriage in the Bugis Bone society.⁵ The Bugis people's view that *dui menre* and *sompa* are considered a symbols of prestige, also reflects the noble values of the philosophy of life for *sipakatau*, *sipakainge*, and *sipakele'bi*.⁶

The insights from these studies suggest that the *dui menre* tradition in Bugis society in Wajo and Bone Regencies reflects a rich cultural value closely related to respect for parents, a form of independence for youth, and the embodiment of the philosophical teachings of *sipakatau*, *sipakainge*, and *sipakele'bi*. While the Islamic legal perspective considers *dui menre* permissible, the tradition has shifted to become an absolute obligation as an indicator of the legality of customary marriages. This rigid interpretation has also led to negative impacts, one of which is the increase in unregistered marriages due to the inability of the prospective bride and groom to meet social expectations regarding the nominal of *dui menre*.

Studies that emphasize the positivist orientation of fatwas reveal that their issuance emerges from the interplay between religious texts and socio-political realities. Consequently, although fatwas do not carry formal legal authority, they nonetheless play a pivotal role as normative references in the formulation of policies and legislation in Indonesia.⁷ Within the state structure, the Indonesian Council of Ulama (MUI) operates as a mediator between political infrastructure and

³ Ekawati Ekawati, "Tradisi Dui Menre Pada Suku Bugis Di Kabupaten Wajo: Kajian Hukum Islam," *Jurnal Iqtisaduna* 5, no. 2 (2019): 215.

⁴ Nur Avita, Ahmad Rusyaid Idris, and Frina Oktalita, "Integration of Tradition and Sharia: Dowry and Dui Menre in the Marriage of the Bugis Community in Bone Regency," *El-Mashlahah* 12, no. 2 (2022): 124–25.

⁵ Reski Ulul Amri, "Kududukan Doi Menre Dalam Perkawinan Suku Bugis Di Bone Sulawesi Selatan," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 54, no. 1 (2020): 83–103.

⁶ Siti Halimah¹, Risma M Sinaga, and Yustina Sri Ekwandari, "Dui'Menre Sompa Adat Perkawinan Bugis Dalam Budaya Siri'di Kelurahan Kota Karang," 2019; Muhammad Rinaldy Bima, "Hakikat Uang Belanja Dalam Perkawinan Adat Bugis Dari Perspektif Hukum Islam," *Jurnal Tana Mana* 3, no. 2 (2022): 211–16; Sudarwin Kamur et al., "Tinjauan Kedudukan Tradisi Dui Menre Dalam Pernikahan Adat Bugis Di Kecamatan Samaturu Kabupaten Kolaka," *JIM: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah* 8, no. 3 (2023): 1968.

⁷ Fuad Luthfi et al., "Pendekatan Sosio-Legal Terhadap Fatwa: Analisis Kedudukan Dan Peran Fatwa MUI Di Indonesia," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024): 2226.

superstructure through the issuance of religious edicts that significantly influence public policy.⁸ Environmentally oriented fatwas issued by MUI are grounded in *maqasid al-shariah* reasoning, articulated through a rigorous analysis of benefits or *maslahah* and harms or *mafsadah*.⁹ A distinctive feature of fatwas lies in their recognition of human dynamism, whether shaped by temporal shifts, social transformations, or the emergence of new societal demands.¹⁰

So far, most previous studies have predominantly concentrated on the cultural and symbolic dimensions of *dui menre*, yet very few have critically examined its legal implications, particularly in relation to the positivization of the Indonesian Council of Ulama's fatwa on *dui menre* as a legally recognized norm within the framework of national law. Although such legal products are often institutionalized through regional regulations in Bugis communities, an in-depth analysis from the Qur'anic perspective remains largely absent. This gap highlights the need for further research to explore the inherent tensions between customary values, Qur'anic principles of Islamic law, and state policy in the implementation of marriage practices within Bugis society. Against this backdrop, the central inquiry lies in examining the position of the Qur'an as the primary source in the formulation of fatwas and how the process of positivizing the Indonesian Ulama Council's fatwa on *dui menre* can be conceptualized from the Qur'anic perspective. The overarching objective is to clarify the legal standing of *dui menre* and to develop a model of harmonization that integrates local cultural values with the Qur'anic principles of justice and legal protection in marriage.

B. Research Methods

This study focuses on the positivization of the Indonesian Council of Ulama's (MUI) Fatwa No. 2 of 2022 concerning *dui menre* in Bugis society by examining its normative-theological and juridical foundations from the Qur'anic perspective,

⁸ Ainun Najib, "Fatwa Majelis Ulama Indonesia Dalam Perspektif Pembangunan Hukum Responsif," *Lisan Al-Hal: Jurnal Pengembangan Pemikiran Dan Kebudayaan* 6, no. 2 (2012): 393.

⁹ Moh Mufid, "Reasoning Ecological Fatwas: The Progressive Response of the Indonesian Ulama Council (MUI) to the Phenomenon of Climate Change in Indonesia," *Istinbath: Jurnal Hukum* 20, no. 02 (2023): 102.

¹⁰ Yuliatin Yuliatin, "Studi Tentang Penerapan Fatwa Bunga Bank Di Indonesia," *Al-Risalah* 11, no. 02 (2018): 119.

while also assessing its potential as a normative reference for the formulation of regional regulations that integrate Islamic law and local culture. The research employs a qualitative approach with a descriptive design and case study strategy. Primary data were obtained through in-depth interviews with the South Sulawesi MUI officials and academics, while secondary data consisted of Islamic law documents, fatwas, Qur'anic verses, Islamic law literature, and studies related to Bugis culture. The analysis draws upon positivization, *maqasid al-shariah*, and *al-urf* theories to explore the legal standing of the fatwa, its reflection of the objectives of Islamic law, and the traditional values of *dui menre*. Data collection methods included literature review, document analysis, and in-depth interviews, combined with normative-theological content analysis to examine the substance of the fatwa, its relevance to Qur'anic principles, and its relationship to Bugis cultural practices in the context of regional legal regulations.

C. The Qur'an as the Main Source of Law in Forming Fatwas

The Qur'an is the first and most important source of Islamic law, and its position is derived directly from divine revelation. The primacy of the Qur'an as a legal basis is undeniable because it has strong legitimacy as a proof in Islam, and is the main reference before using other legal sources. The authenticity of the Qur'an remains intact to this day, and various arguments in its texts and universal functions demonstrate its important role, such as as guidance, mercy, explanation, differentiation, illumination, giver of good news, and healer of spiritual ailments or *syifa'u al-şudur*. Its fundamental role and undoubted authenticity make the Qur'an the main foundation in Islamic jurisprudence or *fiqh* for the realization of the welfare of humanity.¹¹

The Qur'an holds the highest position as an authoritative and irreplaceable source of Islamic law. This special position stems from its status as a revelation from Allah as a God, which provides strong legitimacy as the primary legal basis, preceding other sources of Islamic law. Since its first revelation, the authenticity of the Qur'anic text has been maintained without change or historical intervention. It

¹¹ Eva Nur Hopipah and Abdullah Syafe'i, "Sumber Hukum Islam: Kedudukan Al-Qur'an Sebagai Sumber Hukum Syara'," *Qaf: Jurnal Ilmu Al-Qur'an Dan Tafsir* 5, no. 02 (2023): 156.

contains not only legal provisions but also comprehensive spiritual and ethical values. The Qur'an regulates not only the relationship between humans and God but also guides human behavior towards a just and beneficial social order. The Qur'an deserves to be used as the primary foundation in the legal system. The authority of valid revelation, the breadth of its substance, and its orientation towards the benefit of humanity make the Qur'an not only a source of law, but also a moral guide and wisdom that is always relevant in various life contexts.

The Qur'an holds the position of the most important source of Islamic law. Its primacy is evident in its contents, which provide moral and legal guidance for devout Muslims, and in its belief in revelation as the foundation of faith. This is emphasized in Surah Al-Baqarah, verse 2, which states that the Qur'an contains no doubt and is a guide for those who are devout. Verse 4 reinforces this by stating that believers are those who believe in the Qur'an, the previous scriptures, and the Last Day. The Qur'an explicitly demonstrates its function as a guide to life and a solid legal basis for Muslims throughout the ages.¹²

The Qur'an is the primary source of fundamental values in the Islamic legal system related to justice, welfare, and equality. These values are not only normative but also reflected in the objectives of sharia, which aims to protect five fundamental aspects of human life: religion, life, intellect, lineage, and property. Muslims must be able to contextualize the universal principles of the Qur'an to remain relevant to modern social dynamics, without obscuring the essence of Islamic teachings. Therefore, a critical analysis of the role of the Qur'an in the legal system is necessary so that its application can address contemporary challenges and remain rooted in transcendental values.¹³ With its strategic position as a guide to life and normative

¹² Eva Nur Hopipah and Abdullah Syafe'i, "Sumber Hukum Islam: Kedudukan Al-Qur'an Sebagai Sumber Hukum Syara'", h. 157-158.

¹³ Ayu Karina et al., "Kedudukan Al-Qur'an Dalam Sumber Hukum Islam: Melacak Pemikiran Islam Melalui Kajian Ushul Fiqh," *Moral: Jurnal Kajian Pendidikan Islam* 2, no. 2 (2025): 88-89; Regina Trismayanti, Muhammad Rizky, and Dwi Noviani, "Al-Qur'an Sebagai Sumber Hukum Islam Di Zaman Modern: Tinjauan Dari Segi Teori Dan Praktik," *Social, Educational, Learning and Language (SELL)* 1, no. 2 (2023): 175-76; Muhammad Arsyad et al., "Al-Qur'an Sebagai Sumber Ajaran Dan Hukum Islam," *Religion: Jurnal Agama, Sosial, Dan Budaya* 2, no. 3 (2023): 110; Tentiyo Suharto, Asmuni Asmuni, and Tuti Anggraini, "Konsep Al-Qur'an Sebagai Sumber Utama Dalam Hukum Islam," *Jurnal Multidisiplin Madani* 2, no. 2 (2022): 955; Muhammad Furqan and Syahril Syahril, "Kedudukan 'Urf Sebagai Sumber Hukum Dalam Mazhab Syāfi'ī," *Jurnal Al-Nadhair* 1, no. 02 (2022): 68.

reference, the Qur'an not only establishes legal rules, but also becomes a source of inspiration for the birth of an Islamic legal system that is just, adaptive, and responsive to developments in the times.

The relevance of each fatwa drafted by the Indonesian Ulema Council, hereinafter abbreviated as MUI, is absolutely based on the belief that the Qur'an is the main foundation in the formation of fundamental values in the formation of fatwas as one of the methodologies for the discovery of Islamic law, especially in guaranteeing the principles of justice, welfare, and equality. Every formulation of Islamic law must reflect the teachings of the Qur'an which aims to protect the five essential elements of human life, namely religion, life, reason, descendants, and property, as included in the objectives of the enactment of Islamic law. Each fatwa also highlights the urgency to adapt the principles of the Qur'an to the ever-evolving social reality, without obscuring the core of its teachings. Therefore, in-depth and systematic *ijtihad* efforts are needed from the scholars so that the formulated laws remain adaptive, just, and able to provide solutions to contemporary problems.

By making the Qur'an the primary reference in Islamic law, fatwas should not be limited to mere textual understanding, but also explore the essential values contained within the fatwa to prioritize justice, welfare, and equality. The teachings of the Qur'an emphasize the importance of taking social conditions into account in the process of establishing law, as reflected in the objectives of Islamic law, which are oriented towards protecting fundamental aspects of human life. The ideal fatwa is one that aligns with the spirit of the Qur'an and is able to adapt to the needs of the times, rather than relying solely on a rigid textual approach.¹⁴ The integration between the holy texts in the Qur'an, the social dynamics between *al-urf*, for example *dui menre*, and the open *istinbat* method will produce fatwas that are contextual, applicable, and provide solutions to the problems faced by humans in the current context.

The Qur'an is the primary source of Islamic law, recognized despite its limited number of verses and narrations, while the reality of human life continues to evolve

¹⁴ Ibnu Irawan, Jayusman Jayusman, and Agus Hermanto, "Studi Fatwa Al-Lajnah Al-Daimah Li Al-Buhus Al-Ilmiyah Wa Al-Ifta': Kritik Atas Larangan Mahar Pernikahan Berupa Hafalan Al-Qur'an," *Kodifikasia* 13, no. 2 (2019): 299.

in a complex and dynamic manner. When the Qur'an addresses new issues not explicitly addressed, *ijtihad*, a method of legal discovery, is required, such as fatwas. The Indonesian Ulama Council (MUI) plays a crucial role in addressing various contemporary religious issues that arise in society,¹⁵ the MUI is no exception. As a religious authority authorized to issue fatwas, the MUI is required to have a methodological framework for conducting *ijtihad*.

The Qur'an is regarded as the primary and authoritative source of Islamic law, even though the number of verses that directly regulate legal matters is limited, while social realities continue to evolve in complex and dynamic ways. In addressing contemporary issues not explicitly covered in the text, such as the *dui menre* tradition in Bugis society, the mechanism of *ijtihad* is required to formulate rulings consistent with the principles of Islamic law. Within this context, fatwas serve as a crucial instrument that bridges divine revelation with socio-cultural realities. The Indonesian Council of Ulama (MUI) plays a strategic role in responding to modern religious challenges, including the issue of *dui menre*, by grounding its decisions in Qur'anic principles such as *al-adl*, *al-maslahah*, and the avoidance of hardship or *raf' al-haraj*. Therefore, MUI Fatwa No. 2 of 2022 concerning *dui menre* should not be understood merely as a normative product, but rather as a concrete manifestation of efforts to contextualize Qur'anic values in regulating local cultural practices that can generate injustice or hinder marriage. The actual significance of the Qur'an lies not only in its textual content but also in the implementation of its values within social life, including through customary regulations that gain legitimacy in positive law, such as Local Regulation.

Fatwas formulated by the Indonesian Ulama Council (MUI) are a method of Islamic law, developed through the *ijtihad* process of a *mufti* or Islamic jurist on issues presented to him. Fatwas are recommendations from a group of ulema (Islamic scholars) or religious statements from individuals with specific capacities, addressed to the wider community or specific groups. In Indonesia, the results of ulama *ijtihad* are formalized nationally through fatwas issued by the Indonesian

¹⁵ Heri Fadli Wahyudi and Fajar Fajar, "Metode Ijtihad Komisi Fatwa Majelis Ulama Indonesia Dan Aplikasinya Dalam Fatwa," *Cakrawala: Jurnal Studi Islam* 13, no. 2 (2018): 120; Ibnu Elmi A S Pelu, "Kedudukan Fatwa Dalam Konstruksi Hukum Islam," *El-Mashlahah Journal* 9, no. 2 (2019): 167.

Ulema Council (MUI). Since its inception, the MUI has produced various fatwas and religious advice that have become part of Islamic legal thought,¹⁶ and also influences the substance of various regulations both in statutory regulations and local regulations.

Indonesian Ulema Council (MUI) Fatwa No. 2 of 2022 reflects the application of the principle of justice by offering a moderate approach to the practice of *dui menre*, which has undergone a shift in meaning from a symbol of respect to an economic burden. Consequently, the fatwa serves to address the issue of social injustice within Bugis society. From an *al-maslahah* perspective, the fatwa strives to ensure that the *dui menre* tradition does not obstruct a couple's fundamental right to marry, while also affirming its relevance to *maqasid al-shariah*. The aspect of removing hardship is also evident, as the Indonesian Ulema Council emphasizes the importance of reducing the financial pressure caused by the *dui menre* tradition to enable marriages to be conducted appropriately. The MUI Fatwa does not merely function as a normative ruling but also represents a form of contextual *ijtihad* that incorporates Qur'anic values into the management of the dynamics of Bugis marital customs. Furthermore, it opens the possibility for positivization into the drafting of local regulations.

Fatwas formulated by the Indonesian Ulema Council (MUI) are the result of the *ijtihad* process, which is an integral part of the method of establishing Islamic law to address various community issues. These fatwas serve as religious guidelines delivered by an authoritative figure or group of ulama, and are aimed at both the general public and specific groups. Since its founding, the MUI has produced various fatwas and religious advice that have been recognized nationally as representing Islamic legal thought. Therefore, these fatwas not only serve as spiritual guidance but also have a significant impact on the formation of legal policy through their contribution to the legislative process, both at the national and regional levels.

¹⁶ Pelu, "Kedudukan Fatwa Dalam Konstruksi Hukum Islam"; Andi Sani Silwana, "Peran Fatwa Dalam Pembentukan Perundang-Undangan Di Indonesia," *Al-Ubudiyah: Jurnal Pendidikan Dan Studi Islam* 4, no. 1 (2023): 104; IEAS Pelu and J Tarantang, "Fatwa Majelis Ulama Indonesia Sebagai Solusi Permasalahan Umat Islam Di Indonesia," ...: *Jurnal Kajian Hukum Islam*, 2020, <http://ejournal.uinsaizu.ac.id/index.php/almanahij/article/view/3927>; Moh Mundzir, "Metode Penetapan Fatwa Majelis Ulama Indonesia (Analisis Penggunaan Qawaid Fiqhiyyah Sebagai Dalil Mandiri Dalam Fatwa)," *The Indonesian Journal of Islamic Law and Civil Law* 2, no. 1 (2021): 1.

Although the MUI fatwa is grounded in Qur'anic values, challenges arise when these universal principles of the Qur'an are to be implemented through local regulations, which are constrained by the framework of positive law within the national legal system. Tension is also evident at the intersection of sharia norms and local customs, as not all local traditions, including the practice of *dui menre*, are entirely congruent with the mission of justice and *maslahah* taught by the Qur'an. A further obstacle lies in the resistant attitude of some community members who perceive changes to local regulations as interference with deeply entrenched cultural traditions. Therefore, the effort to contextualize Qur'anic teachings into Local Regulations requires a careful balance between the normative authority of the fatwa, the social interests of the community, and adherence to the national legal system to avoid creating both legal and social disharmony.

Fatwas issued by the Indonesian Ulema Council (MUI) are the result of religious *ijtihad* by scholars who play a strategic role in addressing various religious issues in society. MUI fatwas reflect Islamic thought that aligns with Indonesia's social dynamics and can be referenced in Islamic law, which has received national recognition. Fatwas also serve as a solid normative basis for formulating regional policies that align with Islamic values. Therefore, the formulation of Local Regulations based on MUI fatwas is crucial to ensure that the regulations implemented remain within the framework of justice, public welfare, and respect for the local wisdom of Muslims.

D. The Positivization of the Indonesian Ulema Council's Fatwa on *Dui Menre* from the Qur'anic Perspective

Fatwas play a crucial role in the lives of Muslims in Indonesia, determining the direction of Islamic law. They provide the interpretations needed by the community to understand and correctly practice Islamic teachings. Fatwas can address aspects of worship and provide solutions to individual and community issues concerning marriage, divorce, and inheritance. They also provide ethical and moral guidance in daily life. Fatwas play a strategic role in guiding Muslims in living according to sharia principles, both legally and morally.

Information reinforced by the Deputy Secretary of the South Sulawesi MUI, the MUI fatwa relating to *dui menre* could potentially become a Regional Regulation that

The South Sulawesi Provincial MUI Decree Number 2 of 2022 concerning bride price (*panai*) in Makassar society and *dui menre* in Bugis society has the potential to become a Regional Regulation, although not legally binding, it holds moral force for Muslims. The fatwa was born from sociological considerations and is a response to the social realities of the Bugis society regarding the practice of *dui menre*. The MUI Fatwa Commission, as a credible institution, has a specific method for formulating fatwas based on societal dynamics. Many Bugis people question the suitability of *dui menre* with Islamic teachings, particularly due to the shift in meaning from assistance to a symbol of prestige. In fact, the practice of *dui menre*, which is considered burdensome, has led to the annulment of marriages and sparked social unrest, prompting the MUI to issue MUI Fatwa Number 2 of 2022 as a form of moral responsibility.¹⁷

MUI Fatwa Number 2 of 2022 has a role as a response to the anxiety with the dynamics of the practice of *dui menre* which is considered fantastic in Bugis society by adapting Islamic legal values to contemporary conditions. Bugis society refers to MUI Fatwa Number 2 of 2022 generally intends to carry out Islamic teachings appropriately and avoid actions that conflict with Islamic law. MUI Fatwa Number 2 of 2022 does not have binding legal force, but still holds a place of honor because it comes from a religious figure or institution whose authority and integrity are recognized. The level of acceptance of MUI Fatwa Number 2 of 2022 influenced by a person's beliefs and their suitability to local customs and culture, as long as they do not deviate from the basic principles of Islamic teachings.

During an in-depth interview with the Deputy Secretary of the MUI of South Sulawesi Province, he explained MUI Fatwa Number 2 of 2022 regarding the bride price or *dui menre*, several legal provisions state that as long as *dui menre* does not conflict with sharia principles, then the practice can be considered in line with Islamic values, especially if the aim is to facilitate and provide support in marriage. MUI Fatwa Number 2 of 2022 is also a number of recommendations, especially for families in the Bugis society in South Sulawesi, considering that the local people were born and raised in this culture. This is related to the possibility MUI Fatwa

¹⁷ H. Abdul Syatar, "The interview was conducted on August 10, 2023, with the Deputy Secretary of the Indonesian Ulema Council (MUI) of South Sulawesi Province," 2023.

Number 2 of 2022 on *dui menre* being appointed as a Regional Regulation (Perda), it is very dependent on the needs of the Bugis society itself. If someone proposes it, it would certainly be better. Although MUI Fatwa Number 2 of 2022, it is not mandatory to comply with, but in order to have binding legal force, strong political support is required, including an initiative from legislative members to raise it to the parliamentary realm.¹⁸

An interview with an academic and cleric who is a member of the MUI of South Sulawesi Province is a recommendation from MUI Fatwa Number 2 of 2022 that the study of the *dui menre law* shows that most of these fatwas are not only advisory but also have the potential to be developed into Regional Regulations (Perda) or even higher regulations. Regional Regulations are particularly relevant in South Sulawesi, where the practice of *dui menre* often raises its own issues, particularly regarding the amounts considered burdensome. In some areas, the high demands for *dui menre* have led to negative social impacts, such as increased crime and even sexual harassment due to the inability of prospective grooms to meet the *dui menre law*. Some communities in the Bugis region see the importance of regulations that set minimum or maximum limits for *dui menre* and are pushing for MUI Fatwa Number 2 of 2022 used as a formal legal basis through more binding regional regulations.¹⁹

The context of family life in Bugis society, MUI Fatwa Number 2 of 2022 has an important role as a guide and religious advice in various aspects of family law. Public concern regarding the high *dui menre*, Fatwa Number 2 of 2022 is able to answer household problems, if they are deemed to deviate from Islamic principles. MUI Fatwa Number 2 of 2022, it provides guidance on the requirements for marriage, its procedures, and the rights and obligations of husband and wife, including guidance on the divorce process and the division of rights between each party. The fatwa serves as an important reference for the Bugis society in maintaining order and justice in domestic life in accordance with Islamic family law.

¹⁸ H. Abdul Syatar, "The interview was conducted on August 10, 2023, with the Deputy Secretary of the Indonesian Ulema Council (MUI) of South Sulawesi Province," 2023.

¹⁹ Ahmad Musyahid, "The interview was conducted on August 10, 2023, with the Deputy Secretary of the Indonesian Ulema Council (MUI) of South Sulawesi Province," 2023.

A fatwa is a form of Islamic legal opinion conveyed by a mufti or mujtahid in response to a problem raised by the requesting party, whether concerning an individual or a wider community. Fatwas are not legally binding, but rather serve as guidelines for addressing a particular issue. Their determination is carried out collectively by scholars through discussion or deliberation, rather than being determined individually. In the context of the national legal system in Indonesia, five main types of legal sources are recognized: statutory regulations, customs, judicial decisions, international treaties, and the opinions of legal experts. The hierarchical structure of these laws and regulations is stipulated in Law Number 10 of 2004, Article 7, which covers everything from the 1945 Constitution to village regulations.²⁰

The role of fatwas can bridge the gap between religious norms and legal practices in society. While formally legal, fatwas are not legally binding, they nevertheless possess strong normative influence because they originate from a religious authority, namely the Indonesian Ulema Council (MUI), which is highly respected by the public.²¹ The MUI Fatwa Number 2 of 2022 serves as a crucial reference in its implementation because it was issued through a deliberation among religious scholars and is recognized as a moral guideline for addressing religious issues. When a fatwa aligns with local social order and customary values, as is the case in Bugis culture, its effectiveness is enhanced, even though it is not included in the five categories of formal national legal sources. The Bugis society's adherence demonstrates that the existence of a fatwa in the legal system depends not only on state legality but also on the social recognition and religious legitimacy of the issuing institution.

Therefore, MUI Fatwa Number 2 of 2022 has the potential to provide solutions to various problems of high public spending, if it is used as a reference by the public and supported by government regulations, including regional regulations. Based on Islamic principles, MUI Fatwa Number 2 of 2022 encourage the creation of

²⁰ M Erfan Riadi, "Kedudukan Fatwa ditinjau dari Hukum Islam dan Hukum Positif (Analisis Yuridis Normatif)," *Ulumuddin Journal of Islamic Legal Studies* 7, no. 1 (2011): 473–74.

²¹ Yuli Darti, "Peran Fatwa Majelis Ulama Indonesia (MUI) dalam Pembangunan Hukum Di Indonesia," *Reformasi Hukum* 21, no. 1 (2017): 114.

fair and non-burdensome solutions to the implementation of marriage traditions in Bugis society. MUI Fatwa Number 2 of 2022 also provides a religious basis for reevaluating the practice of *dui menre*, which has shifted from its original meaning as a symbol of respect. This approach encourages the community to understand and apply customs wisely so they remain adaptive to Islamic law and avoid creating social pressure.

The fatwa on *dui menre* issued by the Indonesian Ulema Council (MUI) carries a high degree of legitimacy because it originates from an officially recognized institution at the national level. The Validity of the MUI Fatwa Number 02 of 2022 is the issuer's religious authority lies within the issuing institution, thus offering a significant opportunity to garner public and government attention and even serve as the basis for the formation of regulations such as Regional Regulations. Although MUI Fatwa No. 2 of 2022 is not legally binding, the Bugis society continues to consider it an important guideline for adapting the *dui menre* custom to Islamic teachings. Therefore, the effectiveness of a fatwa at the local level is largely determined by its social acceptance and compliance with the prevailing legal system within the Bugis society.

The state is not obligated to enforce the implementation of fatwas on its citizens. Conversely, the state also lacks the authority to impose sanctions for violations of fatwas, unless they have become law. The question of whether the state may prohibit fatwas is answered through Article 29, paragraph 2 of the 1945 Constitution, which emphasizes that the state has no right to prohibit them because fatwas are part of the practice of religious teachings. Fatwas are part of the Islamic legal framework, addressing issues not explicitly addressed in the Qur'an and Hadith. The term "Islamic law" itself does not appear in the Qur'an or classical Islamic literature.²²

The validity of MUI Fatwa Number 2 of 2022 in practice depends heavily on the willingness of the community and local legal system to accept and follow the *dui menre* guidelines in Bugis society. MUI Fatwa Number 2 of 2022 demonstrates that

²² Umarwan Sutopo, "Dialektika Fatwa Dan Hukum Positif Di Indonesia: Meneguhkan Urgensi Dan Posisi Fatwa Di Masyarakat Muslim Nusantara," *Justicia Islamica* 15, no. 1 (2018): 100.

its effectiveness is largely determined by the level of acceptance and implementation in Bugis society. Public adherence to MUI Fatwa Number 2 of 2022 may reflect the dominant role of religious norms related to the determination of *dui menre* in Bugis society, which strictly adheres to Islamic law. In the Bugis society context, adherence to MUI Fatwa Number 2 of 2022 reflects the strong influence of religious institutions and local cultural values.

Fatwas do not have the same legal force as local regulations or statutory regulations in the Indonesian legal system. However, regional regulations are drafted by local governments through formal legal procedures. While not binding, fatwas remain influential in the formation of regulations because they embody religious values recognized by the community. MUI Fatwa No. 2 of 2022 can be used as a reference in proposing policies aligned with Islamic legal values. Although aspirational, recommendations from the community can be considered in the legislative process. Support from the Bugis society through cultural and social aspects can strengthen the local government's chances of adopting the substance of the fatwa. MUI Fatwa Number 2 of 2022 in government policies throughout the Bugis society.

The Positivization emphasizes the importance of formal law, rooted in regulations established by the government or an authorized institution. This perspective emphasizes that the law must be applied strictly according to its text without regard for values or morality.²³ MUI Fatwa Number 2 of 2022 is a representation of Islamic legal values issued by the Indonesian Ulema Council (MUI) Fatwa Council in South Sulawesi. Although it lacks the force of law like legislation, the fatwa serves as a reference in religious life, including for the Bugis society when determining the amount of *dui menre*. The difference between legislation and MUI Fatwa No. 2 of 2022 lies in the source of authority and the type of regulation created.

²³ I Sidqi and D Witro, "The Position of the Indonesian Ulema Council (MUI) Fatwa in the Perspective of Islamic and National Law: A Study of the Implications of Fatwa on Society," *Nizham Journal of Islamic Studies*, 2020, <https://e-journal.metrouniv.ac.id/index.php/nizham/article/view/2103>; H Ahyani, ADA Bumaeri, and A Hapidin, "Transformation of Islamic Legal Values towards Positive Law in Indonesia," *Amnesty Journal of Law*, 2021, <http://jurnal.umpwr.ac.id/index.php/amnesti/article/view/1118>.

The legal product through the Indonesian Ulama Council (MUI) Fatwa Number 2 of 2022 has great potential to be legislated into a Regional Regulation in South Sulawesi Province, especially in the Bugis society, which prioritizes religious values in its social and cultural order. *Dui menre* in Bugis tradition tends to integrate state law with religious guidance through MUI Fatwa Number 2 of 2022, based on the beliefs of the Bugis society. The positivist effort of Fatwa Number 2 of 2022 to have binding power like a law, its substance based on Islamic legal principles, gives it significant moral authority in the formation of local legal policies. Therefore, Fatwa Number 2 of 2022 has the potential to be accommodated as a foundation for designing Regional Regulations that reflect local wisdom and the community's spiritual values. Thus, MUI Fatwa Number 2 of 2022 is also worthy of recommendation as a reference in the preparation of Regional Regulations in several areas of South Sulawesi dominated by the Bugis society, in order to create harmony between religious law and the national legal system.

E. Conclusion

This study examines a significant contribution by offering a new perspective on the meaning of *dui menre* through the positivization of MUI Fatwa No. 2 of 2022. The novelty of this research lies in its effort to integrate Bugis cultural values with religious norms, thereby creating an alternative paradigm for formulating local regulations that align with the principles of *maqasid al-shariaah*. On a practical level, the findings demonstrate that the fatwa has the potential to serve as a normative foundation for the establishment of regional regulations. Consequently, *dui menre* is no longer merely regarded as a symbol of social status or a source of economic burden but rather as a social practice that upholds justice, welfare, and equality. The limitation of this study lies in its focus on Wajo and Bone Regencies, which reduces its broader representativeness. Therefore, the study recommends strengthening the synergy between the MUI, local governments, and customary leaders to formulate fatwa-based regulations that are more inclusive, representative, and harmonized with both Islamic law and Bugis local wisdom.

References

- Ahyani, H, A D A Bumaeri, and A Hapidin. "Transformasi Nilai Hukum Islam Terhadap Hukum Positif Di Indonesia." *Amnesti Jurnal Hukum*, 2021. <http://jurnal.umpwr.ac.id/index.php/amnesti/article/view/1118>.
- Amri, Reski Ulul. "Kududukan Doi Menre Dalam Perkawinan Suku Bugis Di Bone Sulawesi Selatan." *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 54, no. 1 (2020): 83–103.
- Arsyad, Muhammad, Muhammad Arya Bima, Muhammad Dwi Rifqy Kurniawan Fauzy, Muhammad Indriyani Saputra, Muhammad Thaib, and Nabeel Khayru Ramadhan. "Al-Qur'an Sebagai Sumber Ajaran Dan Hukum Islam." *Religion: Jurnal Agama, Sosial, Dan Budaya* 2, no. 3 (2023): 110.
- Avita, Nur, Ahmad Rusyaid Idris, and Frina Oktalita. "Integration of Tradition and Sharia: Dowry and Dui Menre in the Marriage of the Bugis Community in Bone Regency." *El-Mashlahah* 12, no. 2 (2022): 124–25.
- Basri, Rusdaya, and Fikri Fikri. "Sompa and Dui Menre in Wedding Traditions of Bugis Society." *IBDA: Jurnal Kajian Islam Dan Budaya* 16, no. 1 (2018): 14.
- Bima, Muhammad Rinaldy. "Hakikat Uang Belanja Dalam Perkawinan Adat Bugis Dari Perspektif Hukum Islam." *Jurnal Tana Mana* 3, no. 2 (2022): 211–16.
- Darti, Yuli. "Peran Fatwa Majelis Ulama Indonesia (MUI) Dalam Pembangunan Hukum Di Indonesia." *Reformasi Hukum* 21, no. 1 (2017): 114.
- Ekawati, Ekawati. "Tradisi Dui Menre Pada Suku Bugis Di Kabupaten Wajo: Kajian Hukum Islam." *Jurnal Iqtisaduna* 5, no. 2 (2019): 215.
- Furqan, Muhammad, and Syahrial Syahrial. "Kedudukan 'Urf Sebagai Sumber Hukum Dalam Mazhab Syāfi'ī." *Jurnal Al-Nadhair* 1, no. 02 (2022): 68.
- Halimah¹, Siti, Risma M Sinaga, and Yustina Sri Ekwandari. "Dui'Menre Sompa Adat Perkawinan Bugis Dalam Budaya Siri'di Kelurahan Kota Karang," 2019.
- Hopipah, Eva Nur, and Abdullah Syafe'i. "Sumber Hukum Islam: Kedudukan Al-Qur'an Sebagai Sumber Hukum Syara'." *Qaf: Jurnal Ilmu Al-Qur'an Dan Tafsir* 5, no. 02 (2023): 156–58.
- Irawan, Ibnu, Jayusman Jayusman, and Agus Hermanto. "Studi Fatwa Al-Lajnah Al-Daimah Li Al-Buhus Al-Ilmiyah Wa Al-Ifta': Kritik Atas Larangan Mahar Pernikahan Berupa Hafalan Al-Qur'an." *Kodifikasia* 13, no. 2 (2019): 299.
- Juhansar, Juhansar, Mustaqim Pabbajah, and Hasse Jubba. "Relasi Agama Dan Budaya Dalam Tradisi Dui Menre'pada Pernikahan Masyarakat Bugis." *Dharmasmrti: Jurnal Ilmu Agama Dan Kebudayaan* 21, no. 2 (2021): 15.
- Kamur, Sudarwin, Samsi Awal, Ahmad Iskandar, and Afrisal Afrisal. "Tinjauan Kedudukan Tradisi Dui Menre Dalam Pernikahan Adat Bugis Di Kecamatan Samaturu Kabupaten Kolaka." *JIM: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah* 8, no. 3 (2023): 1968.
- Karina, Ayu, Dea Puspita, Uum Umaroh Husaeni, and Hafidz Taqiyuddin. "Kedudukan Al-Qur'an Dalam Sumber Hukum Islam: Melacak Pemikiran Islam

- Melalui Kajian Ushul Fiqh." *Moral: Jurnal Kajian Pendidikan Islam* 2, no. 2 (2025): 88–89.
- Muannif, Ridwan. "Fatwa Mui Ditinjau Dari Perspektif Teori Positivisme Hukum." *VERITAS Jurnal Program Pascasarjana Ilmu Hukum* 3, no. 1 (2017): 110.
- Mundzir, Moh. "Metode Penetapan Fatwa Majelis Ulama Indonesia (Analisis Penggunaan Qawaid Fiqhiyyah Sebagai Dalil Mandiri Dalam Fatwa)." *The Indonesian Journal of Islamic Law and Civil Law* 2, no. 1 (2021): 1.
- Musyahid, Ahmad. "Wawancara Diselenggarakan Pada Tanggal 10 Agustus 2023 Sebagai Wakil Sekretaris MUI Provinsi Sulawesi Selatan," 2023.
- Pelu, Ibnu Elmi A S. "Kedudukan Fatwa Dalam Konstruksi Hukum Islam." *El-Mashlahah Journal* 9, no. 2 (2019): 167.
- Pelu, IEAS, and J Tarantang. "Fatwa Majelis Ulama Indonesia Sebagai Solusi Permasalahan Umat Islam Di Indonesia." ... : *Jurnal Kajian Hukum Islam*, 2020. <http://ejournal.uinsaizu.ac.id/index.php/almanahij/article/view/3927>.
- Riadi, M Erfan. "Kedudukan Fatwa Ditinjau Dari Hukum Islam Dan Hukum Positif (Analisis Yuridis Normatif)." *Ulumuddin Journal of Islamic Legal Studies* 7, no. 1 (2011): 473–74.
- Sidqi, I, and D Witro. "Kedudukan Fatwa Majelis Ulama Indonesia (MUI) Dalam Perspektif Hukum Islam Dan Nasional: Studi Implikasi Fatwa Terhadap Masyarakat." *Nizham Journal of Islamic Studies*, 2020. <https://ejournal.metrouniv.ac.id/index.php/nizham/article/view/2103>.
- Silwana, Andi Sani. "Peran Fatwa Dalam Pembentukan Perundang-Undangan Di Indonesia." *Al-Ubudiyah: Jurnal Pendidikan Dan Studi Islam* 4, no. 1 (2023): 104.
- Suharto, Tentiyo, Asmuni Asmuni, and Tuti Anggraini. "Konsep Al-Qur'an Sebagai Sumber Utama Dalam Hukum Islam." *Jurnal Multidisiplin Madani* 2, no. 2 (2022): 955.
- Sutopo, Umarwan. "Dialektika Fatwa Dan Hukum Positif Di Indonesia: Meneguhkan Urgensi Dan Posisi Fatwa Di Masyarakat Muslim Nusantara." *Justicia Islamica* 15, no. 1 (2018): 100.
- Syatar, H. Abdul. "Wawancara Diselenggarakan Pada Tanggal 10 Agustus 2023 Sebagai Wakil Sekretaris MUI Provinsi Sulawesi Selatan," 2023.
- Trismayanti, Regina, Muhammad Rizky, and Dwi Noviani. "Al-Qur'an Sebagai Sumber Hukum Islam Di Zaman Modern: Tinjauan Dari Segi Teori Dan Praktik." *Social, Educational, Learning and Language (SELL)* 1, no. 2 (2023): 175–76.
- Wahyudi, Heri Fadli, and Fajar Fajar. "Metode Ijtihad Komisi Fatwa Majelis Ulama Indonesia Dan Aplikasinya Dalam Fatwa." *Cakrawala: Jurnal Studi Islam* 13, no. 2 (2018): 120.