

CONTINUITY OF ISLAMIC LAW AND CULTURE: THE IMPLEMENTATION OF THE PRINCIPLE OF *AL-'ADAH AL-MUHAKKAMAH* IN THE *SIRI' NA PACCE* PHILOSOPHY OF THE BUGIS-MAKASSAR COMMUNITY

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ABSTRACT

The flexibility of Islamic law in responding to the dynamics of social life can be achieved through the concept of 'urf, or customary practice. This study aims to analyze the continuity of Islamic law and community culture regarding the implementation of the principle of al-'adah al-muhakkamah in relation to the philosophy of Siri' na Pace, which represents the local wisdom of the Bugis-Makassar people in South Sulawesi. This research is a literature review employing a qualitative method with normative and sociological approaches. Data analysis was conducted using descriptive qualitative methods by integrating normative Islamic legal texts with the values alive in society (Siri' na Pacce). The results indicate that the principle of al-'adah al-muhakkamah remains a robust method for formulating Islamic law responsive to societal dynamics, provided that such cultural practices do not conflict with Islamic sharia. Its implementation within the philosophy of Siri' na Pacce (a sense of shame and empathy), deeply rooted in Bugis-Makassar society, extends beyond mere values; it serves as a guiding principle for life that prioritizes honesty, responsibility, and social solidarity. This philosophy can be harmonized with Islamic law as a foundation for resolving issues such as silariang or passampo siri' cases, provided that the values it contains align with the principles of maqashid al-shari'ah. This study concludes that the synergy between Islamic law and local wisdom, through the principle of al-'adah al-muhakkamah, can establish a legal framework that is dynamic, responsive, fair, and grounded in local wisdom.

Keywords: Al-'Adah Al-Muhakkamah, Islamic Law, Local Wisdom, Siri' na Pacce.

INTRODUCTION

Islam will always govern all aspects of human life, and as such, it is regarded as a source of guidance for humanity from the moment of creation through to the Day of Resurrection. These aspects encompass human moral conduct, faith, worship, and even commercial transactions. These matters are, of course, regulated in accordance with the sources of Islamic law—namely, the Qur'an and the Sunnah—which serve as guidance for humanity in living their lives in this world, a temporary stopover before moving on to the hereafter.¹

The continuity of religious rituals is inseparable from the diversity of customs and cultures prevalent in a given place, which serve as a foundation for behaving in accordance with the guidance of the Qur'an and the hadith. From a legal perspective, Allah has established Sharia as the legal norm

¹Muannif Ridwan, M. Hasbi Umar, and Abdul Ghafar, 'Sumber-Sumber Hukum Islam Dan Implementasinya', *Borneo : Journal of Islamic Studies*, 1.2 (2021) <<https://doi.org/10.37567/borneo.v1i2.404>>.

that must be followed, understood, and applied by Muslims.² It is important for one's faith to be in harmony with moral conduct—whether in interactions with the Creator, with fellow human beings, or with the objects that exist within society. This is closely related to *hablum minallah*, *hablum minannas*, and *hablum minal alam*—our relationship with Allah as the Creator of all things, our relationship with fellow human beings, with whom we are, in essence, mutually dependent, and, most importantly, our relationship with the universe.

A good life can be achieved when the regulatory framework—or rules—that address both physical and spiritual needs evolves appropriately. The blend of national law, Islamic law, and customary law in Indonesia represents a unique integration of multifaceted fields of study that, in substance, share the same aims and objectives.³ The essence of Islamic law seeks the common good (*maslahah jam'iyah*) rather than the interests of any particular group; similarly, the concept of *'adah* is deeply rooted within the communities of South Sulawesi. The cultural roots inherent in the tribes of South Sulawesi—and even in other tribes or ethnic groups that also possess *'adah* and cultures—make it particularly compelling to examine these alongside one another and incorporate them into the concept of the fiqh principle of *al-adah muhakkamah*. *'Adah* can be taken into consideration in determining the law provided that such customs are practiced consistently, are regarded as good by the community, and do not deviate from the provisions of Sharia.

This study attempts to delve deeper into the traditional or cultural slogan of the Bugis-Makassar people, "*Siri' Na Pacce*" (modesty and strong solidarity), which constitutes a moral and ethical principle encompassing guidelines, prohibitions, rights, and obligations.⁴ In addition to the concept of self-belief, it also embodies the principles of honesty and mutual aid among fellow human beings. Thus, it is often said that anyone who practices "*Siri' Na Pacce*" by staying true to its original roots will be accompanied by honor and virtue. Conversely, anyone who rejects "*Siri' Na Pacce*" as a way of life (interpreting it in a way outside the Bugis-Makassar context) will end up behaving worse than an animal—showing no shame and no concern for others.

The purpose of Islamic law is to regulate and organize human life; on a deeper, spiritual level, it also governs the entire universe and all it contains, reflecting the transcendental nature of its Creator, such that what is observed serves as a representation of Him.⁵ *'Adah*, or culture, which serves as a philosophy of life, is considered important to consistently be included in scientific discourse so that

²Rafha Adha Abiyutama and others, 'Menelusuri Hukum Islam: Peran Al Qur'an Dalam Pembentukan Norma Hukum', *Karakter: Jurnal Riset Ilmu Pendidikan Islam*, 2.1 (2024) <<https://doi.org/10.61132/karakter.v2i1.366>>.

³Mursyid Fikri, *Transformasi Hukum Islam Di Indonesia: Dari Tradisi Historis Menuju Integrasi Hukum Nasional Article History*, *Jurnal Ilmu-Ilmu Keislaman*, 2025, XXV.

⁴Ahmad Hairul Alamsyah, 'Implementasi Budaya Siri'Na Pacce Di Tengah Arus Kebudayaan Populer', *Ad-Dariyah: Jurnal Dialektika*, 3.1 (2022), 1–15.

⁵A. Nurdin and others, 'Qawaidul Fikiyah', *El-Usrah: Jurnal Hukum Keluarga*, 5.1 (2022).

'adah, culture, law, and Sharia can be interconnected and mutually supportive, thereby creating a rule or regulation oriented toward the collective welfare (*maslahah jam'iyah*).

Based on this discussion, this study aims to examine the continuity of Islamic law and culture in the application of the principle of *al-adah muhakkamah* to the philosophy of “*Siri' na Pacce*”, a living value within the Bugis-Makassar community of South Sulawesi. This study is further refined by examining the existence of the “*al-adah muhakkamah*” principle in Islamic law and elucidating the “*Siri' na Pacce*” philosophy in relation to this principle. This study posits that Islamic law and local culture can be harmonized by taking into account the values of *maqashid al-shari'ah* and their benefits to society.

METHOD

This study is a literature review that employs a qualitative method using two approaches: the normative (Islamic law) approach and the sociological approach. The normative approach is used to conduct an in-depth analysis of Islamic legal texts—including the Qur'an, hadith, and *fiqh* principles—related to *'urf* and the principle of *al-'adah al-muhakkamah*. Meanwhile, the sociological approach is used to explore the philosophy of *Siri' na Pacce* as a value that is alive and evolving within the Bugis-Makassar community in South Sulawesi. The primary data sources for this study were the Qur'an, *fiqh* literature related to customs, the principle of *al-'adah al-muhakkamah*, and studies of the local wisdom of the Bugis-Makassar community. Data collection was conducted through document analysis and subsequently analyzed using qualitative descriptive methods to identify the connection between the existence of Islamic law and the sustainable preservation of local culture.

RESULTS AND DISCUSSION

The Principle of *al-'Adah al-Muhakkamah*

Definition of the Principle of *al-'Adah al-Muhakkamah*

Linguistically, *al-'adah al-muhakkamah* derives from the word *al-'aud* (العود) or *al-mu'awadah* (المعاودة), which means “to repeat” (التكرار). Ibn Nuzaim defines *al-'aadah* as “an expression of what is hidden within oneself, a recurring matter that is generally accepted by a sound disposition.”

As for al-Jurjani, he defines it as:

العادة استمر النفس عليه على حكم المعقول وعادوا اليه مرة بعد اخرى

Meaning:

“*Al-'aadah* is something (an action or statement) that is continuously practiced by people because it is acceptable to reason, and people repeat it continuously.”

In this context, scholars define *al-'aadah* in the same sense as *al-'urf* because their essence is the same, although the terms differ; for example, *al-'urf* is defined as:

العرف هو ما تعارف عليه الناس واعتاده في اقوالهم وافعالهم حتى طار ذلك مطردا غالبا

Meaning:

“*Urf* is what people are familiar with and repeatedly practice in their speech and actions until it becomes customary and universally accepted.”

Al-adah al-muhakkamah is also often interpreted as “local wisdom or customs can serve as a legal standard or reference.” Etymologically, the root of the word *al-‘adah* is ‘*ada-ya’udu wa huwa al’aud*, which refers to a habit regarding something that is continuously practiced until it becomes a defining characteristic.⁶ Based on the various definitions of *al-adah al-muhakkamah* discussed above, it can be concluded that *al-adah al-muhakkamah* refers to something that occurs repeatedly and continuously, to the point where it is accepted by human reason and deemed suitable to serve as a legal reference.

Types of ‘*Adah*

The various types of ‘*adah* or ‘*urf* are presented in the table below:

Table 1. Types of ‘*adah* or ‘*urf*

Classification	Type	Explanation
In terms of scope ⁷	<i>Urf am</i>	<i>Urf</i> that is generally practiced throughout the world. For example, nodding the head to indicate agreement and shaking the head to indicate disagreement.
	<i>Urf khas</i>	<i>Urf</i> a practice observed by a specific group of people in a particular place or at a specific time. For example, the custom of tracing lineage through the mother (matrilineal) in Minangkabau society and through the father (patrilineal) in Batak society.
Classified by nature ⁸	<i>Urf qauli</i>	<i>Urf</i> a expressed in words. For example, the word <i>walad</i> , which literally means “child,” includes both boys and girls. However, in everyday conversation, it is sometimes interpreted to mean only a boy. Similarly, the word <i>lahmun</i> , which literally means “meat,” includes beef, fish, or other animal meat. However, in everyday conversation, <i>lahmun</i> is not interpreted to mean fish meat.
	<i>Urf fi’li</i>	<i>Urf</i> in the form of an action. For example, buying and selling in a society where people do not recite the <i>shighat</i> (formula) for a sale. Whereas in Islamic law (<i>sharia</i>), the <i>shighat</i> is one of the essential elements of a sale. However, since it has become customary in society to conduct sales transactions without the <i>shighat</i> , it is permitted.
From the perspective of judging right and wrong ⁹	<i>Urf shahih</i>	Something widely recognized by the public, which does not contradict Islamic law, does not permit what is forbidden, and does not nullify what is obligatory. For example, ordering a tailor to make clothing.

⁶Jalaluddin al-Suyuthy, *Al-Asybah Wa Al-Nadzair* (Kairo, Mesir: Dar El-Salam, 2009).

⁷Amir Syarifuddin, *Ushul Fiqh Jilid 2, Sustainability (Switzerland)*, 2011, xi.

⁸Ahmad Sanusi and Sohari, *Ushul Fiqh* (Depok: PT. Raja Grafindo Persada, 2015).

⁹Abdul Wahhab Khallaf, *Ilmu Ushul Fiqh*, ed. by Moh. Suhri (Semarang: Toha Putra Group, 1994).

<i>Urf fasid</i>	Something that has become a tradition or custom among the general public but contradicts Islamic law—in other words, it permits what is forbidden or nullifies what is obligatory. For example, the custom of drinking alcohol to celebrate an achievement, and so on.
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Scholars agree that a corrupt custom (*'adah*) cannot serve as a legal basis, and such a custom is legally null and void. Therefore, to promote the dissemination and practice of Islamic law within society, it is best to proceed in a proper manner by striving to transform corrupt customs into valid ones—that is, those in accordance with Islamic law.¹⁰

Conditions for the Application al-Adah al-Muhakkamah

To apply the principle of *al-'adah al-muhakkamah*, several conditions must be met. Kholid Saifulloh lists the conditions as follows:¹¹

1. *'Adah* must not contradict stronger Sharia evidence. If the *'adah* contradicts a stronger Islamic legal argument, then the Islamic legal argument shall serve as the basis for the ruling.
2. *'Adah* is more frequently practiced than neglected, or there are more people who practice it than those who do not. If a custom is more frequently neglected than practiced, or if there are more people who do not practice it than those who do, then that custom cannot be used as a legal reference. Muhammad Az-Zuhaili said: A custom can serve as a legal reference in Sharia law if it is *muttaridah* (consistently practiced) or *galibah* (more commonly practiced than neglected), because the prevalence of this custom among the majority of the community is sufficient (to make it a legal reference) without considering the customs of the minority.
3. *'Adah* serves a public interest, meaning it brings benefit to the community and protects it from harm and evil.
4. *'Adah* is generally observed among people within a specific community.¹²

With regard to *'adah*, the scholars have also relied on it, provided that the specified conditions are met. For example, Imam Malik based his rulings on the *'adah*, or customs, of the people of Medina. Imam Abu Hanifah also had differences of opinion with his followers due to differences in *'adah*. Imam Shafi'i also had his *qaul qadim* and *qaul jadid*, which stemmed from differences in *'adah* or customs in the respective regions of origin of the scholars or imams. In other words, the applicability of *al-'adah al-muhakkamah*, or customary law, is closely tied to the conditions and circumstances of the environment and era at that time, which are considered relevant to addressing existing issues. Therefore, the principle of *al-'adah al-muhakkamah* is not absolutely applicable forever, as it depends on the

¹⁰Abd. Rahman Dahlan, *Ushul Fiqh, Amzah* (Jakarta: Amzah, 2011).

¹¹kholid Saifulloh, 'Aplikasi Kaidah "Al-'Adah Muhakkamah" Dalam Kasus Penetapan Jumlah Dan Jenis Mahar', *Al-Majaalis : Jurnal Dirasat Islamiyah*, 8.1 (2020) <<https://doi.org/10.37397/almajalis.v8i1.153>>.

¹²Syarifuddin Amir, 'Garis-Garis Besar Ushul', *E-Book NetLibrary*, 2014.

development of society; however, its existence is considered an important formulation in complementing the legal system with its evolving scholarship.

Legal Basis, Existence, and Implementation of the Principle of *al-‘Adah al-‘Muhakkamah*

Legal Basis of the Principle of al-‘Adah al-‘Muhakkamah

This principle is closely related to the customs and traditions of a society that have been practiced continuously and are therefore regarded as acceptable by subsequent generations. There are numerous arguments supporting the validity of the principle of *al-adah al-muhakkamah* as a method for determining the law regarding a particular issue—whether in matters of family, marriage, economics, or other areas.

One such principle states that “what is generally practiced by society can serve as *hujjah* (reason/evidence) that must be followed”.¹³ For example, if someone is given food by a neighbor that is placed on a plate, they are obligated to return the plate to that neighbor, because according to custom, only the food is being given. A tradition can also be taken into account if it is widely practiced or followed by the majority and is considered good.

As has also been stated, “what is recognized is what is widespread and common, not what is rare and practiced by a minority”.¹⁴ This principle means that a tradition or custom that is widely practiced within a community holds legal force for its members. In other words, such a tradition is justified in being upheld. Conversely, if a tradition is not yet widely practiced, then it cannot be used as a legal provision; in other words, the principle of *al-adah al-muhakkamah* does not apply to customs or traditions that are not generally observed. For example: The mitoni tradition (a seventh-month pregnancy celebration) is commonly practiced in Java, so this tradition or custom can be justified as continuing within the community. This is because, aside from the fact that such a tradition does not contradict the *nash*, it is also considered beneficial by the community that has practiced it for generations. The Word of Allah in Surah Al-A’raf, verse 199, reads as follows:

خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِينَ

Translation:

“Be forgiving, enjoin what is right, and turn away from the ignorant.”¹⁵

And Allah says in Surah Al-Nisa, verse 19:

وَعَاثِرُوا هُنَّ بِالْمَعْرُوفِ

Translation:

¹³Husnul Haq, ‘Kaidah “Al-‘Adah Muhakkamah” Dalam Tradisi Pernikahan Masyarakat Jawa’, *Ahkam: Jurnal Hukum Islam*, 5.2 (2017), 295–320 <<https://doi.org/10.21274/ahkam.2017.5.2.295-320>>.

¹⁴Shahliah ibn Ghanim Al-Sadlan, *Al-Qawaid Al-Fiqhiyyah Al-Kubra* (Riyadh: Dar al-Balansiyyah).

¹⁵Kementerian Agama RI, *Al-Qur’an Terjemah As-Salaam*, ed. by Yayasan Penyelenggara Penerjemah Al-Qur’an (Depok: Alhuda Kelompok Gema Insani, 2015).

“And treat them with kindness”.¹⁶

Meanwhile, the Prophet said:

مَا رَأَى الْمُسْلِمُونَ حَسَنًا فَهُوَ عِنْدَ اللَّهِ حَسَنٌ، وَمَا رَأَى الْمُسْلِمُونَ قَبِيحًا فَهُوَ عِنْدَ اللَّهِ قَبِيحٌ

“Whatever a Muslim sees as good, Allah, the Exalted, considers it good, and whatever a person sees as bad, Allah considers it bad.”

Scholars emphasize that ‘*adah* or ‘*urf* and custom are one of the foundations for deriving Islamic law, particularly in legal cases where there is no explicit textual evidence (*nash*).¹⁷ As for any ‘*urf* that contradicts the *nash*, it is automatically rejected. In books on *usul al-fiqh*, ‘*urf* or *al-adah* is considered one of the sources of Islamic law (*mashadir al-Ahkam*). Although its status as evidence is disputed, this does not negate its role as a method of applying the law.

According to Sheikh Ahmad Zarqa, custom or ‘*urf* serves as a legal reference in cases where there is no specific textual evidence. Thus, for example, if there is no textual evidence at all that contradicts ‘*urf*, or if there is textual evidence but it is general in nature and not explicit, then ‘*urf* may be taken into account in the formulation of legal rulings.¹⁸ The discussion above aligns with another widely accepted principle cited by Jalaluddin al-Suyuthi in his book, *al-Asybah wa al-Nadzair*:

كُلُّ مَا وَرَدَ بِهِ الشَّرْعُ مُطْلَقًا بِلاَ ضَابِطٍ لَهُ مِنْهُ وَلَا مِنَ اللُّغَةِ يُرْجَعُ فِيهِ إِلَى الْعُرْفِ

Meaning:

“Any matter upon which Islamic law applies in an absolute sense, without any specific legal standard—including in matters of language—its standard is determined by ‘*urf*”.¹⁹

Ibn Qayyim states in his book “*A’lam al-Muwaqqi’in*” that customs and ‘*urf* greatly influence the formulation of fatwas. He writes:

وَلَا تَجْمُدْ عَلَى الْمُنْقُولِ فِي الْكُتُبِ طُولَ عُمْرِكَ، بَلْ إِذَا جَاءَكَ رَجُلٌ مِنْ غَيْرِ إِفْلِيمِكَ يَسْتَفْتِيكَ فَلَا تُجِرْهُ عَلَى عُرْفِ بَلَدِكَ، وَسَلْهُ عَنْ عُرْفِ بَلَدِهِ فَأَجِرْهُ عَلَيْهِ وَأَفْتِهِ بِهِ، دُونَ عُرْفِ بَلَدِكَ

Meaning:

“Do not remain rigid or stagnant in your adherence to the texts of a book throughout your life. Even if someone from outside your region comes to you seeking a fatwa, do not apply the customs of your region. Ask them about the customs of their region, then apply those customs and issue your fatwa based on them, not on the customs of your own region”.²⁰

The derivative principles from the above principle include, among others:²¹

¹⁶RI.

¹⁷Mahmud al-Hariri, *Al-Madkhol Ila Al-Qaqaid Al-Fiqhiyyah* (Dar al-Imar li al-Nasyr, 1998).

¹⁸Ahmad Sarqa, *Syarh Al-Qawaid Al-Fiqhiyyah*, 1st edn (Suriah: Dar al-Qalam, 1989).

¹⁹al-Suyuthy.

²⁰Ibn Qayyim Al-Jauziyyah, ‘*I’lam Al-Muwaqqi’in*’, in 2, 2017.

²¹Kupipedia.id, *al-adah al-muhakkamah*

<https://kupipedia.id/index.php?title=Al_Adah_Muhakkamah&oldid=3261>.

Table 2. Derivative Principles of *Al-Adah Al-Muhakkamah*

Meaning	Principles of Fiqh
"The consensus adopted by people is an argument that must be acted upon."	استعمال الناس حجة يجب العمل بها
"Custom is taken into account and considered if it is widespread or predominant."	انما تعتبر العادة اذا اضطردت او غلبت
"What is taken into account is what is customary, not what is rare."	العبرة للغالب لا للنادر
"Affirmation through custom is like affirmation through textual evidence."	التعيين بالعرف كالتعيين بالنص
"A condition stipulated between merchants is like a condition that applies among them."	المعروف بين التجار كالمشروط بينهم
"The literal meaning is set aside because of the customary implication."	الحقيقة تترك بدلالة العادة
"A written statement is like a spoken statement"	الكتاب كالخطاب
"Signals picked up from people can be like verbal explanations."	الاشارة المعهودة للآخرس كالبيان بالسان
"It cannot be denied that laws change due to changes in time and place."	لا ينكر تغير الاحكام بتغير الازمنة والامكنة

These principles explain that practices that have become customary in society can serve as a reference, and may even be obligatory to follow if they do not conflict with Sharia. These principles clarify that custom is valid if it is widely practiced and predominant. These two conditions must be met for custom to be considered a legal basis. Some of these principles serve as supporting principles for the principle of *al-'adah al-muhakkamah*, thereby reinforcing its existence within Islamic culture.

The Existence of the Principle of al-'Adah al-Muhakkamah in Islamic Law

The existence of the principle of *al-adah al-muhakkamah* in legal matters within a diverse society holds a unique position due to the breadth of its application. For example, consider the application of the principle of *al-adah al-muhakkamah* in commercial transactions: Person A orders a package containing clothing online, and the seller states that the buyer is responsible for the shipping costs; however, Person B—whose customary practice (*adah*) when ordering online is that the seller covers the shipping costs—faces a different situation. Therefore, the seller's statement should serve as the legal benchmark in accordance with this principle. Another example involves a transaction where an *'adah* already existed at the time of the contract, such as in the Bugis-Makassar tradition regarding a dowry consisting of a set of prayer items. For instance, in the past, a dowry consisting of a set of prayer items was interpreted to mean only a prayer shawl; however, a new tradition later emerged in Bugis-Makassar society stipulating that a set of prayer items includes not only a prayer shawl but also a prayer mat, a Qur'an, and prayer beads. Therefore, someone who marries according to the old tradition (a prayer shawl alone) is not required to pay according to the new tradition.

The example above, of course, requires that behavior align with the existing concept. No matter how good or beautiful the concept may be, if the recipient or the person acting as the agent (the individual) lacks *Siri' na Pacce* (in the Bugis-Makassar language)—which can be interpreted as a sense of modesty, responsibility, honesty, trustworthiness, and the cultivation of the concept of *taawun*—then the goals envisioned by this principle of *fiqh* will not be created or realized.

Implementation of the Principle of al-'Adah al-Muhakkamah

Upon closer examination, the principle of *al-adah muhakkamah* reveals a concept—or a synthesis—between the spirit of religiosity and the spirit of '*adah* and local culture, which can be accepted as a philosophy or worldview guiding transactions, actions, deeds, and even speech and thought. The proper and wise application of the principle of *al-adah muhakkamah* will produce dynamic legal outcomes that keep pace with and remain relevant to the changing times. Such transactions can occur in the field of *muamalah*, such as sales using the *mu'athah* model, where the transaction is conducted by the public without a formal offer (*sighat ijab*)—for example, the seller stating, “I am selling this sarong to you for Rp. 50,000,” and without a formal acceptance (*sighat qabul*)—such as the buyer responding, “I am buying that sarong at that price.” However, this sale is conducted purely by the seller displaying the merchandise and the buyer handing over the money, without any verbal communication—much like what happens in supermarkets and other large stores.²²

Changes in the practices of *muamalah* are a response to scientific advancements. However, we must be cautious to ensure that these changes do not lead to practices that deviate from the guiding principles. People must be mentally prepared for these developments by adapting themselves in accordance with the principles of '*adah* that apply in each region. The focus today is no longer on past opinions or the *ijtihad* of scholars, but rather on the preparation and readiness of the community to become virtuous and wise actors.

The presence of the principle of *al-adah al-muhakkamah* serves as a testament to the breadth and beauty of Islam in determining legal status. Custom and culture are always taken into consideration in upholding this principle so that its implementation is maximized and it can serve as a solution to the community's challenges. People must instill a sense of responsibility and always stand firm in their convictions while upholding the principle of mutual assistance (*taawun*). Thus, the success of implementing the principle of *al-adah al-muhakkamah* depends on those who apply it. The principle mentioned earlier must always be adopted as '*adah* (philosophy) and cultivated within oneself.

Siri' Na Pacce and Its Relationship to the Principle of Al-'Adah Al-Muhakkamah

²²Nasrulloh, 'Hukum Adat Dan Penerapannya Dalam Ekonomi Islam', *Institut Agama Islam Imam Ghazali (IAIIG) Cilacap*, 2.2 (2013).

Islam, with its guiding sources—the Qur'an, the hadith, and the consensus of scholars (*ijma' ulama*)—aspires to create a community that leads a dignified life and prepares itself to organize its existence for the hereafter. The existence of legal rulings—obligatory (*wajib*), forbidden (*haram*), recommended (*sunnah*), disliked (*makruh*), and permissible (*mubah*)—serves as a framework and purpose to ensure that people consistently adhere to these principles in their interactions. All of these are intended to foster the common good of the community, which calls for people to be more honest, trustworthy, responsible, and caring toward one another. Just as “*Siri' na Pacce*” is the philosophy of the Bugis-Makassar people, which has been passed down through generations as a way of life guiding their conduct.

Siri' na Pacce is solidarity based on shared feelings, a common fate, and mutual support.²³ Several issues of legal division arising from Indonesia's diversity must be viewed as serious matters that require comprehensive resolution. The situation where the faithful are exposed to a wide array of concepts in instilling their beliefs causes people to become confused and ultimately stray from the religious truth of Sharia due to misjudging the truth based on their own perspectives or those of the clerics they follow as their spiritual guides.

Adah, or customs and culture—particularly among the Bugis-Makassar people of South Sulawesi—are deeply rooted in traditions that emphasize the attitude of “*mappakkiade*” or “*pangadereng*,” which upholds the principle of self-discipline in faith. This involves not merely fearing one's fellow human beings, but rather a deep fear and simultaneous certainty that every action is constantly observed by the Creator of the universe. The effective application of the principle of “*al-adah al-muhakkamah*” must be supported by a concept of *adah* and culture rooted in consistent moral conduct, so that a custom may be considered as a *hujjah* or method for establishing law.

Culture is a highly complex issue. As an integral part of life, culture tends to vary from one ethnic group to another, particularly in Indonesia.²⁴ Indonesian society is diverse and vast, resulting in a wide variety of cultures related to ways of life, customs, and etiquette—including distinct traditions and practices that are still upheld today. These include marriage customs, which are commonly discussed and studied in academic circles, as well as the *Siri' na Pacce* tradition—a motto of the Bugis-Makassar community, to make this tradition a philosophy of life for its people.

The *Siri' na Pacce* tradition and culture are fundamental to the Bugis-Makassar people, although some researchers and observers argue that the spirit of *Siri' na Pacce* has lost its original authenticity. Consequently, many individuals merely pay lip service to the philosophy of *Siri' na Pacce*, treating it as a mere formality in certain activities. Therefore, to restore its originality, a reconstruction

²³Auliah Safitri and Suharno Suharno, ‘Budaya Siri' Na Pacce Dan Sipakatau Dalam Interaksi Sosial Masyarakat Sulawesi Selatan’, *Jurnal Antropologi: Isu-Isu Sosial Budaya*, 22.1 (2020), 102 <<https://doi.org/10.25077/jantro.v22.n1.p102-111.2020>>.

²⁴Muhammad Arief, ‘Hukum Adat Lontara’, (2021) <http://dx.doi.org/10.31219/osf.io/2efmq>

is necessary so that the meaning embedded in this philosophy is truly understood and internalized as a crucial principle that must be present within every individual, particularly among the Bugis-Makassar people. Legal ethics, violence, local wisdom, dispute resolution, and other issues are all encompassed within the essence of *Siri' na Pacce*, which serves as a foundation for personal growth and for remaining within the framework of awareness of the existence of the Creator.

The *Siri' na Pacce* custom is deeply ingrained in Bugis-Makassar society. When an issue arises that is considered shameful or that undermines human dignity and self-respect, the only recourse is to conceal that shame (*siri'*) through all aspects of customary law and its consequences. For example, in the case of *silariang* (elopement), Bugis-Makassar customs and culture view this as behavior that disregards the *Siri' na Pacce* tradition. In such cases, someone must act as the *passampo siri'* (the one who provides a solution or covers the shame) resulting from the act in question.

This study argues that continuity of customs and culture should be taken into consideration in the implementation of the principle of *al-adah al-muhakkamah* so that the quality of legal practitioners and the legal rulings they produce can be applied effectively and fairly in accordance with the needs of a specific region, or—in terms of substance and method—apply universally. The changing times, along with the generations and characteristics of scholars—from the classical period to the contemporary era—naturally require different methods of thinking, as diverse issues demand interpretation through analytical reasoning grounded in existing evidence. The principle of *al-adah al-muhakkamah* is highly relevant to Indonesia's geographical conditions, given its diverse ethnic groups and races. Each will have its own customs, culture, and legal issues, and the methods of resolution may differ at certain times. Existing principles, as well as local customs and culture—which are considered capable of enhancing the quality of Islamic legal products—must be taken into account in their application so that customs, culture, and Islamic law are mutually reinforcing without conflicting with one another.

CONCLUSION AND RECOMMENDATIONS

The principle of *al-'adah al-muhakkamah* serves to address existing legal issues, particularly in the contemporary era. As is the case today, there are quite a number of issues—whether regarding muamalah or acts of worship—that require clarification when considered in relation to custom. Thus, the principle of *al-'adah al-muhakkamah* can be effective when there is a balance between custom, culture, and Islamic law. The principle of *al-'adah al-muhakkamah* is often applied in accordance with the changing times. The application of this principle depends heavily on the actors involved and the prevailing customs, as well as on changing circumstances over time. Thus, customs, culture, and the principle of *al-'adah al-muhakkamah*—in relation to *Siri' na Pacce* in Bugis-Makassar society—are two inseparable aspects necessary for the realization of the principle's objective (that customs can serve as a method for determining the law).

Discussions regarding the principle of *al-'adah al-muhakkamah* have consistently been marked by differences of opinion among scholars; nevertheless, the implementation and relevance of this principle in addressing issues from ancient times to the modern era cannot be overlooked. This principle addresses the vast majority of contemporary legal issues that are not explicitly covered in the scriptural texts. Consequently, the principle of *al-'adah al-muhakkamah* has become a method for deriving legal rulings and is considered one of the methods for establishing law in Indonesia, a nation composed of diverse ethnic groups and races.

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