

MOWINDAHAKO FROM AN ISLAMIC LAW PERSPECTIVE: AN ETHNOGRAPHIC STUDY OF THE TOLAKI COMMUNITY

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Abstract

This study examines the *Mowindahako* tradition in the customary marriage practices of the Tolaki ethnic community in Amesiu Village, Pondidaha District, Konawe Regency, Southeast Sulawesi, and analyzes it from the perspective of Islamic law. *Mowindahako* is a sacred stage in Tolaki customary marriage that must be performed prior to the Islamic marriage contract (akad nikah), involving the fulfillment of the dowry and other prescribed ceremonial requirements. If these obligations are not fulfilled, they are considered a debt of the groom. This raises an important question regarding how Islamic law views such a practice. This research employs a qualitative approach using normative, sociological, and historical methods. Data were collected through interviews with customary practitioners, religious leaders, community figures, and local government officials as informants. The findings indicate that the *Mowindahako* tradition involves a complex sequence of rituals, starting with the groom's procession carried on a traditional stretcher (Sinamba Ulu), redemption at several ceremonial gates, and customary dialogues between representatives of both families. The process concludes with *moheu osara* (customary ratification), followed by the Islamic marriage contract. From the perspective of Islamic law, *Mowindahako* can be categorized as '*urf* sahih (a sound and valid custom) because it contains values of mutual respect and the preservation of ancestral traditions. However, it may also be considered '*urf* fasid (a burdensome or problematic custom) because it can place financial pressure on the groom's family and create social consequences for those who fail to comply.

Keywords: Mowindahako, Tolaki customary marriage, Islamic law, '*urf* sahih, '*urf* fasid

Abstrak

Penelitian ini mengkaji tradisi Mowindahako dalam perkawinan adat masyarakat Suku Tolaki di Desa Amesiu, Kecamatan Pondidaha, Kabupaten Konawe, Sulawesi Tenggara, serta menganalisisnya berdasarkan perspektif hukum Islam. Mowindahako merupakan tahapan sakral dalam adat perkawinan Tolaki yang wajib dilakukan sebelum akad nikah, berupa penunaian mas kawin dan perlengkapan sebagaimana yang ditetapkan, ketika hal tersebut tidak ditunaikan,

maka akan menjadi utang bagi mempelai laki-laki. Hal tersebut menimbulkan pertanyaan bagaimana hukum Islam memandang hal tersebut. Penelitian ini menggunakan pendekatan kualitatif, metode normatif, sosiologis, dan historis, melibatkan pelaku adat, tokoh agama, tokoh masyarakat, dan pemerintah daerah sebagai informan. Hasil penelitian menunjukkan bahwa tradisi Mowindahako memiliki prosesi yang kompleks, dimulai dari pengantaran pengantin laki-laki dengan usungan (Sinamba Ulu), penebusan di berbagai pintu, hingga dialog adat antara juru bicara kedua belah pihak. Tradisi ini berakhir dengan moheu osara (pengukuhan adat) sebelum dilanjutkan dengan akad nikah secara Islam. Dalam perspektif hukum Islam, Mowindahako dapat dikategorikan sebagai 'urf Shahih (kebiasaan baik) karena mengandung nilai saling menghargai dan melestarikan budaya leluhur, namun juga sebagai 'urf Fasid (kebiasaan yang kurang baik) karena dapat memberatkan pihak laki-laki secara ekonomi dan menimbulkan konsekuensi sosial bagi yang tidak melaksanakannya.

Kata Kunci: Mowindahako, perkawinan adat Tolaki, hukum Islam, 'urf Shahih, 'urf Fasid

A. Introduction

Fiqh munākahāt refers to marriage in Islamic law. Munākahāt falls under the general category of muamalat, which governs interactions among people. Marriage is classified as part of muamalat because it governs the relationship between husband and wife, as well as between them and their children, within family life in accordance with the will of Allah swt.¹ The discussion of marriage is very broad because it involves various aspects of the relationship, in accordance with the rules established by the Qur'an and the Hadith.

The foundation of marriage based on Islamic values is sakinah, mawaddah, and rahmah, as explained in Allah's words in Surah al-Rum/30:21.

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Translation:

And among His signs is that He created mates for you from among yourselves, so that you may find comfort in them, and He placed love and mercy between you. Indeed, there are signs for people who reflect.

The essential elements of a marriage contract consist of five components, namely: the prospective husband, the prospective wife, the marriage guardian, two witnesses, the ijab, and the qabul. A marriage is considered valid if it is conducted in accordance with the above provisions and essential elements, so that the marriage contract is recognized under Islamic law.²

¹Beni Ahmad Saebani, *Fiqh Munakahat 1, Cet.I, Fiqh Munakahat 1* (Kencana, 2013).

²Tinuk Dwi Cahyani, *Hukum Perkawinan, UMM Press* (UMM Press, 2020), vii.

Abdurrahman Al-Jaziri established the requirements for a marriage contract, including³: For the prospective husband, the requirements are: a. Muslim, b. Male, c. Has a clear identity, d. Capable of making decisions, e. Has no legal impediments to marriage. Other requirements include not being under duress, not being a mahram to the prospective wife, acting of one's own free will, and not being currently in the state of ihram for the Hajj. As for the prospective bride, the requirements are: a. Muslim, b. Female, c. Has a clear identity, d. Must be able to give her consent, e. There are no legal impediments to marriage. There are no religious impediments, meaning she is not married, is not a mahram, is not currently in the iddah period, is free, is acting of her own free will, and is not currently in the state of ihram for Hajj. As for the marriage guardian (wali), the requirements are: a. Male, b. Of legal age, c. Possesses the right to act as a guardian, d. There are no impediments to his guardianship. The requirements for the guardian are: male, of legal age, of sound mind, not coerced, just, and not currently in the state of ihram for Hajj. Finally, the marriage witnesses must meet the following requirements: a. There must be at least two men; b. They must be present during the exchange of consent (ijab qabul); c. They must be able to understand the intent of the contract; d. They must be Muslim; e. They must have reached puberty. Additional requirements include being of sound mind, just, able to hear and see, free, not coerced, not currently in the state of ihram for Hajj, and able to understand the language used during the exchange of consent.

A dowry is mandatory because it is a requirement for marriage, but specifying the dowry during the wedding ceremony is sunnah. As stated in the words of Allah, the Exalted, in Surah An-Nisa / 4:4.

وَأْتُوا النِّسَاءَ بِدُفْتِهِنَّ إِحْلَاءً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنَاءً مَرَاتًا

Translation:

Give the dowry to the woman (you marry) as a gift given willingly. Then, if they give you a portion of it willingly, accept it and enjoy that gift with a glad heart.

The best dowry is the simplest one, as stated in the hadith:

عَنْ عُقْبَةَ بْنِ غَامِرٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: خَيْرُ الصَّدَاقِ أَيْسَرُهُ. (اخرجه ابو داود وصححه الحاكم)

Meaning:

From 'Uqbah bin 'Amir, may Allah be pleased with him, who said: The Messenger of Allah, peace be upon him, said, "The best dowry is the simplest one." (Narrated by Abu Dawud and authenticated by al-Hakim).⁴

There are five requirements for a dowry, namely: (1) A pure item or a service that provides a benefit; (2) owned by the husband; (3) useful; (4) capable of being

³Syaikh Abdurrahman Al-Juzairi, *Fikih Empat Madzhab Jilid 1* (Pustaka Al-Kautsar, 2015) <https://books.google.co.id/books?id=buviDwAAQBAJ&hl=id&source=gbs_navlinks_s>

⁴Muhammad Jafar, *Hukum Hafalan Al-Qur'an Dan Hadis Sebagai Mahar Nikah*, ed. by Kamaruddin (Yayasan Penerbit Muhammad Zaini, 2021)

handed over; the dowry is considered invalid if the item given is currently seized by another party and cannot be handed over; (5) its characteristics and quantity must be identifiable.⁵

The *Mowindahako* tradition is a stage of the Tolaki customary marriage ritual that is considered sacred and therefore must be performed before the marriage contract is formalized. This tradition is quite unique, so it is necessary to conduct a study on the *Mowindahako* ceremony in traditional weddings among the Tolaki people in Konawe Regency, Southeast Sulawesi.⁶

In Tolaki culture, the *Mowindahako* ceremony is a must. A new marriage is considered complete only after the customs have been fulfilled through the *Mowindahako* procession.⁷ Thus, the upcoming wedding ceremony is considered complete only after the *Mowindahako* rite has been performed; however, if the wedding takes place without undergoing the *Mowindahako* ceremony, the marriage is deemed incomplete. Given this situation, a man planning to marry should fulfill this requirement. If a man wishes to marry but has not yet completed the *Mowindahako* ceremony, he will be considered to have a traditional debt or obligation that must be settled, even though the process may take a considerable amount of time.⁸

The *Mowindahako* custom (Bride Price Settlement) is observed when a wedding involves a bride price that must be fulfilled in the form of specified items, but in practice cannot be provided at that time; this then becomes a debt or promise that must be settled by the groom.⁹ Even if it takes quite a long time, if this man passes away, any debts or customary obligations must be settled first before the funeral, although not in the same manner as during a wedding¹⁰. On the other hand, if a man has not yet fulfilled his customary obligations or performed the *Mowindahako* ceremony, and he has a daughter who is to be proposed to, then the father is not permitted to request that the customary rites be carried out because he himself has not yet fulfilled those obligations. In accordance with the Tolaki people's traditional philosophy, "Inae Konasara, Iyeto Pinessara, Inae Liassara, Iyeto Pinekassara" (those who respect

⁵Abdul Rahman Ghazaly, *Fiqh Munakahat*, 9th edn (PRENADA MEDIA GROUP, 2019) <<https://books.google.co.id/books?id=pi4jnQAACAAJ&printsec=frontcover&hl=id#v=onepage&q&f=false>>

⁶Mustafidzur Rachman, 'Tradisi Kalosara Dalam Perkawinan Suku Tolaki Di Kecamatan Moramo: Perspektif Tokoh Adat Dan Ulama', 2025 <<https://dspace.uui.ac.id/handle/123456789/54949>>

⁷N Badrun, 'Menanamkan Nilai-Nilai Pendidikan Islam Dalam Tradisi Mowindahako Pada Pernikahan Adat Suku Tolaki Di Kecamatan Bondoala', 2019 <<https://digitallib.iainkendari.ac.id/id/eprint/2909/1/1 COVER.pdf>> [accessed 28 February 2026].

⁸Takwa and others, 'Cultural Imagery of Tolaki Mekongga Community of Kolaka in Mowindahako Ritual', *Theory and Practice in Language Studies*, 14.3 (2024), pp. 763–70, doi:10.17507/tpls.1403.17.

⁹Iis Herlinda, Sitti Halimang, and Jabal Nur, 'Tradisi Berutang Dalam Memenuhi Biaya Perkawinan Suku Tolaki Perspektif Maqashid Al-Syariah (Studi Desa Amosilu Kecamatan Besulutu Kabupaten Konawe)', *FAWAID: Sharia Economic Law Review*, 3.1 (2021), doi:10.31332/flr.v3i1.2705.

¹⁰Ipandang, 'Dinamika Mombolasuako Di Sulawesi Tenggara: Perspektif Hukum Islam', *Al-Ulum*, 20.2 (2020), pp. 369–86, doi:10.30603/au.v20i2.1334.

tradition will be respected, while those who do not respect tradition will not be respected).¹¹

Although there is a growing body of literature on Tolaki customary marriage, there remains a lack of analysis that specifically focuses on *Mowindahako* as a customary obligation that creates a debt, as well as its legal implications under Islamic law. Previous studies have not sufficiently explored how this tradition is situated between 'urf sahih (valid custom) and 'urf fasid (harmful custom), particularly in cases where failure to fulfill it results in social and economic consequences for the groom's family.

The essential elements and requirements of marriage under Islamic law serve as the benchmark for the validity of a marriage, and the performance of a marriage according to customary law does not guarantee that these elements and requirements under Islamic law have been fulfilled. However, this is inconsistent with the *Mowindahako* process, in which, if the prospective groom cannot meet the customary requirements, he must wait; or if the marriage proceeds anyway, it becomes a debt that must be repaid even if the person in question has passed away. This does not constitute an element of the pillars or requirements of marriage. This has prompted the author to conduct further research.

B. Research Method

This study was conducted in Amesiu Village, Pondidaha Subdistrict, Konawe Regency, from August to December 2024. This study employs a qualitative approach to provide an in-depth description of the *Mowindahako* customary practice or "*pelangkahan*" in the marriages of the Tolaki ethnic group and to analyze it from the perspective of Islamic law. The qualitative method was chosen because it yields meaningful, context-rich data. This study utilizes normative, sociological, and historical approaches. The sources of information for this study were practitioners of the *Mowindahako* custom, religious leaders, community leaders, and local government officials. Data collection techniques included observation, interviews, and documentation. The data were then analyzed using data reduction, data organization, data categorization, and data processing techniques. Data collection was conducted through observation, in-depth interviews, and documentation. Data analysis utilized the Miles and Huberman model, which involves data reduction, data presentation, categorization, and interactive conclusion-drawing and verification. Data validity was tested through triangulation of sources, techniques, and time, and was reinforced with member checks and peer debriefings to ensure the validity and accuracy of the research findings.

C. Result and Discussion

Interviews with traditional leaders in Amesiu Village reveal that a Tolaki traditional marriage begins with the *mombeune-une* (intention) stage, followed by *metiro* (searching for and selecting a prospective partner), then the proposal, and

¹¹Marlin Marlin, 'Pembayaran Adat Dalam Mewujudkan Rasa Keadilan Pada Sengketa Lahan Di Kabupaten Konawe Selatan', *Gorontalo Law Review*, 2023, pp. 294–313, doi:10.32662/GOLREV.V6I2.2760.

culminates in the *Mowindahako* ceremony as the marriage's climax. In practice, the community still upholds the use of traditional elements such as kalo, betel leaf, areca nut, and the role of the Tolea-Pabitara as the traditional spokesperson.

This demonstrates that individuals who obey and respect the rules accepted by a community are considered civilized – referred to as Kosara. They will receive honor, respect, and esteem from the community.¹² Meanwhile, those who reject customary law are known as Mateasara (those who have died to the customs). People who violate customary boundaries are called Liasara. In the past, those considered to have died to the customs would no longer be treated according to customary law for seven generations; they were even punished by local customary leaders with a ban on leaving the village for the rest of their lives.

In Tolaki society, honoring traditional promises is considered very important because individuals who keep such promises will naturally be treated well by the community. Conversely, those who break traditional promises will clearly be shunned by the community. This custom has become an important part of life for the Tolaki people in Konawe Regency, where religious teachings are reflected in the ceremonies traditionally practiced within Tolaki ethnic culture.¹³ This is then integrated and constitutes social interaction. The religious aspect shapes the development of knowledge, particularly in the fields of religion and culture, so that cultural values no longer serve as a barrier to religious development. On the contrary, it reinforces these contributions without disregarding the community's traditional knowledge and serves as a guide for the government to continue preserving local wisdom as a symbol of identity.

These findings indicate that the *Mowindahako* custom is a form of local wisdom that continues to exist despite undergoing social transformation. Changes in the form of its implementation, without altering the substance of the custom, demonstrate the flexible nature of customary law. From an Islamic legal perspective, this phenomenon can be categorized as 'urf shahih, that is, a custom that does not conflict with the principles of Sharia.

1. The *Mowindahako* Traditional Ceremony

The stages of marriage among the Tolaki people in Amesiu Village, Pondidaha Subdistrict, were briefly explained by Mr. Gusmar, a traditional leader, as follows: 1) the planning stage for the marriage proposal, namely mobeune-une (intention) and metiro (making a choice); 2) the proposal stage; and 3) the wedding ceremony stage. For further clarification, the author will describe each of these stages in detail.¹⁴

In his book titled "*Tolaki Customary Marriage Law*," Basuala Tamburaka briefly outlines several stages in the Tolaki customary marriage process, which consists of five

¹²Nur Alim, Badarwan Badarwan, and Syahrul Syahrul, 'Edukasi Kepemimpinan Berbasis Tradisi Lokal Pada Masyarakat Tolaki Di Kabupaten Konawe', *Shautut Tarbiyah-IAIN Kendari*, 26.1 (2020), pp. 32–49, doi:10.31332/str.v26i1.1840.

¹³ Irfan Maulana and others, 'Sistem Perkawinan Dan Penyelesaian Sengketa Keluarga Dalam Hukum Adat Tolaki Di Sulawesi Tenggara', *Jurnal Penelitian Multidisiplin Bangsa*, 1.12 (2025), pp. 2138–49, doi:10.59837/jpnmb.v1i12.421.

¹⁴Gusmar, Tokoh Adat Desa Amesiu Kec. Pondidaha, Wawancara Tgl 27 Juni 2024.

stages: First, Metiro or Mendutuda; Second, Melosoako; Third, Mondongo Niwule; Fourth, Moekati Onggoso; and Fifth, Mowindahako.

The following is a clear explanation of several stages of the Tolaki tribe's *Mowindahako* process prior to the formal proposal:

a. The Mombeune-une Stage

Mombeune-une refers to the intention of both the husband's and the wife's parents on the groom's side, initiated by one of them, to establish a secret plan regarding the prospective bride (the young woman) who will be the focus of attention. Once the husband and wife have agreed and their resolve is firm, this secret plan can be carried forward to the next stage.

b. The Metiro Stage

Metiro is the process of gathering information or, in other words, searching for a young woman who will become a prospective bride. Based on this information, a selection will be made in the subsequent stages. Next, the groom's parents will send close family members—usually women—to visit the home of the girl's parents. The purpose of metiro is to observe firsthand what the girl does at home. In local culture, this is known as papaso or wiwai; the goal is to find positive aspects about the girl. If any negative aspects are found, an equivalent will be sought.

There are several methods for the Metiro process, including:

- 1) Metiro is carried out by the girl's parents sending a secret messenger to the boy's parents' home, observing the proper protocol (papasa and wowai meambo). If the desired girl is deemed suitable, the messenger from the boy's side will propose secretly through monggolupe, which involves discreetly leaving the girl's makeup kit behind. If no one claims them within 4×24 hours, it is a sign that the secret proposal has been accepted, and the open proposal process can proceed. However, if rejected, the girl's makeup must be returned immediately—within 1×24 hours by the girl's family.
- 2) "Metiro" through "morakepi" is a lighthearted exchange of humor aimed at strengthening family bonds whenever the opportunity arises. In this context, the bride's parents will respond with a gentle refusal using lighthearted humor as well, and if the opportunity arises, they will also reply with lighthearted humor.
- 3) Metiro is a process of uncertainty—whether a marriage proposal is accepted or rejected—known as pekokorangako. This process is a way for a man to seek the woman's attention, including through voluntary assistance from several workers during the season for clearing land for agricultural plantations. Or assistance in other forms; all such assistance is commonly referred to as rorakoe. If there is hope that the proposal will be accepted, a contract will be drawn up between the two sets of parents. If the proposal is rejected, the suitor is gently admonished not to continue providing such free assistance, or "rorakoe."
- 4) Another method is "mondutudu," which means proposing in a limited manner, using "kalo" and a single packet of fresh betel leaves (bitenggukale) wrapped with a binding tied only once, along with a piece of sarong fabric as

the fastener. Within 1×24 hours, the packet of betel leaves and the piece of sarong fabric must be returned, signifying that the proposal has been rejected. If there is no response within 8×24 hours, an open proposal may be made. Once the man's side receives a signal indicating that an open proposal may be submitted, the man's side prepares everything necessary. Both parties discuss the matter to ensure the smooth progress of the courtship, particularly regarding the selection of an appropriate time.

c. Application Submission Stage

To carry out the marriage proposal, the process to be followed is as follows:

First, preparation: The father of the groom's family will contact the spokesperson (Tolea Pabitara) to prepare for the proposal and inquire about the traditional items that the groom's family must provide. After receiving an explanation, the groom's family will appoint a representative to discuss the arrival time of the groom's family for the proposal.

In submitting the proposal, the groom's family prepares the traditional items to be presented on the day of the proposal, including: a skilled pabitara (spokesperson) from the groom's side, complete with the necessary equipment—such as a kalo appropriate to the bride's traditional status, as agreed upon by both parties—a siwole (container), ine (a single betel nut), obite (a fresh betel leaf with the midrib running down the center between the left and right sides)—one leaf, and salapo/cigarettes.

Second, when carrying out the proposal process, the groom's family must understand the traditional status of the bride's family to whom the proposal is being made so that the determination of the dowry amount is clear.

One of the traditional marriage rituals of the Tolaki tribe is called "kalo." The size of the kalo used in a marriage, according to traditional status, is as follows: for a "mokole," a large kalo is used that covers both the left and right shoulders (Kalo Ula Bose/Sabolalo), while the general public uses a kalo the size of a head (Kalo Ulu) or a neck-circling kalo (Kalo Woroko).

Furthermore, in the Tolaki traditional betrothal ceremony (Mowawo niwule), the offerings consist of 40 betel leaves, 4 layers of black tobacco, 40 areca nuts, a betel-and-areca-nut bundle worth Rp. 10,000 or Rp. 25,000, and a betrothal mat (Porambahi) in the form of a single sarong. Despite this decision, its implementation is not always effective.

As for the elements still found in marriage practices and accepted by the Tolaki community, as explained by the traditional leader:

The items required for the betrothal ceremony include one bundle of fresh betel leaves, wrapped in an old, peeled areca nut frond, along with a binding made from Huko rope (often replaced with a gold necklace), and one bundle of green areca nuts containing 40 betel leaves and 40 green areca nuts each, which are used by ordinary people.¹⁵

¹⁵Samid, Ketua Adat Perkawinan Tolaki Kecamatan Pondidaha, wawancara tanggal 29 Juli 2024

*Mowindahako can be defined as a wedding ceremony, in which all stages of the marriage are completed during the Mowindahako, in accordance with the schedule agreed upon by both parties*¹⁶.

Therefore, the wedding ceremony is carefully prepared by both the groom's and the bride's families.

When the celebration is about to begin, the groom is escorted to the wedding venue by (Sinamba Ulu) or another mode of transportation. Then, the groom's entourage enters the ceremony area. They pass through the fence, the main door, and the room door, opening the curtains, while the bride's eyes are covered. A ransom must be paid as agreed upon by each guard. To ensure a smooth process – particularly when it comes to uncovering the bride's eyes the groom's parents take charge of the groom's journey. The purpose of this ritual is to enliven the wedding celebration; it symbolizes the groom's side's sincere acceptance. During this ceremony, all engagement agreements are carried out and clearly presented before the respective representatives (Tolea Pabitara), government officials, Puutobu, and guests from both sides.¹⁷

As the ceremony progresses from one stage to the next, the Tolaki traditional wedding is nearing its final stage; both parties are now seated cross-legged and ready to participate in the traditional *Mowindahako* ceremony.¹⁸ Historically, the *Mowindahako* traditional ceremony was conducted spontaneously, without any formal protocol. Recent developments have taken it a step further, with the ceremony now beginning with an opening address by a protocol officer representing the women's side.

Based on the ceremonial opening, which indicated that both parties were ready to participate in the traditional ceremony, the spokesperson for the groom's side adjusted his position by presenting the kulo in front of the Puutobu or local government up to a maximum of four times until he was directly facing and within reach of the recipient of the kulo, signaling that the traditional ceremony was about to begin. Following this procession, after the male spokesperson presents the kulo before the Puutobu or local government while offering greetings and a welcome, the Pabitara explains the purpose of their visit to the Puutobu/local government, beginning with the following words, among others:

"ie inngumiu mberiou, nolaa tudu telengan sara mombokoowose mami lako iwui mui, sara mombependahi mami sara mbeparamisi mami lako laha amiu, keno laando palalo pondatahamiu, kionggoto moko dunggui sara laa neleuakomami, ie inngumiu mberiou nggombera ito ikeni."

¹⁶ Resti Indriani, Ali Hadara, and La Batia La Batia, 'Structure Of Tolea And Pabitara Speech In The Traditional Processes Of Toloki Tribe Wedding In Puuwonggia Village, Motui District, Konawe Utara District (2008-2021)', *Jurnal Penelitian Pendidikan Sejarah UHO*, 8.1 (2023), pp. 49–61, doi:10.36709/jpps.v8i1.82.

¹⁷ M Lisnawati, Djohar Arifin, and Parulian Napitupulu, 'Morumbandole Dalam Hukum Adat Tolaki Merupakan Salah Satu Cara Penyelesaian Perkawinan (Suatu Studi Di Kecamatan Sampara)', *Sultra Law Review*, 01.2 (2019), pp. 438–53 <<https://mail.jurnal-unsultra.ac.id/index.php/sulrev/article/view/744>>

¹⁸ Takwa and others, 'Humanistic Values in Metaphoric Expressions of Traditional Marriage in Tolaki Mekongga Kolaka', *Theory and Practice in Language Studies*, 12.8 (2022), pp. 1602–8, doi:10.17507/tpls.1208.16.

Kemudian dijawab oleh Puutobu/Pemerintah :

*"Keno taa niondo laa inoolundu, keno koato tono mehai nggonggo leu, ma meamboito pabitaru ipoko dungguito sara laa nileu akomiu."*¹⁹

Next, the recipient hands the item to the spokesperson. The male spokesperson then takes his leave to return to his original position and face the female spokesperson. In the next step, the male spokesperson steps toward the female spokesperson while announcing that the *Mowindahako* ceremony will continue. At the same time, to the right of the male spokesperson, a woman presented a salopa containing betel nut and cigarettes or tobacco for the mosoro niwule ceremony.

Observing the performance of this Tolaki traditional wedding, it is regarded as a wedding tradition that has adapted to the changing times and advances in information technology. In this context, "*Mowindahako*" for the Tolaki people can be arranged as long as the fundamental principles of custom are adhered to. This is where the tolea plays the role of "mediator." The popolo process can be made smoother by prioritizing consultation between both parties, especially if the bride's family knows "who" the prospective son-in-law is. According to the Tolaki people, during "*mowada popolo*," the term "*meoli o'ana*," which means burdening the groom's family with the cost of the popolo, is not used.²⁰

The closing ceremony concludes with a "*moheu osara*," or traditional initiation rite. Its purpose is to ensure that the spokesperson acts fairly and honestly and maintains good health throughout their life. Failure to do so will result in punishment. In addition, prayers are offered for both the bride's and the groom's families, wishing them a harmonious life, strong faith, piety toward God, peace, happiness, good health, abundant blessings, and children who are pious, healthy, knowledgeable, and faithful until the end of their lives. Afterward, a drink is exchanged as a sign that the wedding ceremony has concluded.²¹

The marriage ceremony, conducted by the guardian and witnessed by a Marriage Registrar (PPN), begins with the transfer of guardianship from the bride's parents to the imam or whoever is officiating the marriage. The next step is the "cancellation of wudhu," performed by the groom by placing his right thumb beneath the bride's throat or between her eyebrows.

The Tolaki people view marriage as a symbol of continuing the lineage, connecting family trees, and establishing social status. At times, traditional weddings also serve as a means to mend strained kinship ties. Furthermore, marriage is linked to inheritance, social standing, and marital property.

Research findings indicate that the *Mowindahako* tradition is still viewed as an important part of the cultural identity of the Tolaki community in Amesiu Village. The practice of this tradition serves as a means of preserving ancestral heritage, strengthening kinship ties, and symbolizing respect for social values passed down

¹⁹Samid, *Ketua Adat Perkawinan Tolaki Kec. Pondidaha*, wawancara tanggal 29 Juli 2024

²⁰Kepala Kantor Urusan Agama Kecamatan Pondidaha, *Wawancara*, 14 Februari 2024.

²¹Laode Mazal Amri Maruf, 'Membedah Pelaksanaan Perkawinan Adat Tolaki Di Kabupaten Konawe Selatan Sulawesi Tenggara' (UIN Alauddin Makassar, 2013).

through generations. The presence of Kalosara in every stage of the marriage serves as a symbol of unity, kinship, and harmony in relationships among community members.

According to the Head of the Religious Affairs Office (KUA) of Pondidaha Subdistrict, and as confirmed by interview findings, there are several couples whose marriage registrations at the Pondidaha Subdistrict KUA have not been completed due to financial constraints. Consequently, both the official marriage registration at the subdistrict KUA and the traditional *Mowindahako* wedding ceremony have taken place.

They believe that there are no fees for marriage registration at the KUA, which has led some members of the community to choose to marry informally and to forgo the *Mowindahako* traditional ceremony, as conducting this ceremony requires significant expenses to fulfill the necessary traditional customs.²²

On the other hand, the study also identified some negative impacts in the practice of this tradition. First, conflicts arise between parents and the prospective bride and groom regarding the requirement to perform the *Mowindahako*. In one case that the researcher witnessed firsthand, the prospective bride refused to participate in the traditional ceremony because she considered it unnecessary and believed that a religious marriage ceremony alone was sufficient. Conversely, the parents viewed the traditional ceremony as an obligation that could not be disregarded, leading to tension within the family.

According to the parents of the bride-to-be, the tradition must be observed because it has become a requirement for the Tolaki tribe; the parents (guardians) stated that they would leave the area and refuse to act as marriage guardians if the *Mowindahako* traditional ceremony were not performed. Meanwhile, the daughter (the bride-to-be) states that she does not want to be married through the *Mowindahako* traditional ceremony because, in her view, it is all a waste of time and even involves elements of shirk. She wishes to conduct only the religious marriage ceremony, which she believes is sufficient since it is already valid according to her religion.²³

Researchers also found a tendency among some traditional practitioners to report a higher amount for the dowry or mahar than the actual sum in order to maintain social prestige, especially when the bride and groom come from prominent families. Third, the relatively long duration of traditional ceremonies often causes fatigue among participants and guests, so that the marriage ceremony, the core of the wedding, is sometimes rushed and does not receive the attention it deserves.

2. Analysis of the Benefits and Drawbacks of the *Mowindahako* Custom

a. Benefits

The *Mowindahako* tradition governs the community's social etiquette. This tradition is well-received by the residents of Amesiu Village because it holds special significance through symbols related to its core principles. Some examples of these symbols include: a basin, a lamp, a kaci cloth, a gong, and others. In addition, the *Mowindahako* tradition also teaches the community the importance of mutual respect among different ethnic groups. This begins with government officials, religious leaders, traditional leaders, community leaders, and all family members and friends

²²Kepala KUA Kecamatan Pondidaha, Wawancara 27 Juli 2024.

²³Ridwan, Warga Desa Amesiu, wawancara tanggal 28 Juli 2024.

present at the wedding ceremony, where they honor the parents and show respect to women during the observance of the *Mowindahako* tradition.

b. Harm

First, the *Mowindahako* custom is burdensome or coercive in that it requires compliance without consent. For members of the Tolaki tribe who do not observe the *Mowindahako* custom during their wedding celebrations, if they later have a daughter, that child is not permitted to follow the custom or request it from her future husband – because her parents did not observe the *Mowindahako* custom in the past.

Second, once the child reaches adulthood, she may be appointed to government positions such as village head, sub-district head, district head, regent, or other roles. However, she is not permitted to receive the customary dowry because her parents did not previously observe this custom.

Third, in marriages among the Tolaki people in Amesiu Village, Pondidaha Subdistrict, Konawe Regency, disputes often arise between the parents of the prospective bride. This is caused by the prospective bride's refusal to undergo the traditional ceremony known as *Mowindahako*. The author has personally observed this issue, which relates to the prospective bride's refusal to be married following the *Mowindahako* ritual.

Fourth, in the *Mowindahako* traditional ceremony, certain elements can be exaggerated. For example, the amount of spending money and dowry is often stated to be larger than it actually is during the ceremony. Although the actual costs are not that high, this occurs because the bride comes from a noble family or is the child of a government official, leading them to feel the need to save face or maintain prestige in front of the invited guests during the *Mowindahako* ceremony.

D. Conclusion

Based on an analysis of Islamic law and field findings, the *Mowindahako* tradition in Tolaki weddings in Amesiu Village, Pondidaha Subdistrict, Konawe Regency, has two dimensions from the perspective of 'urf. As a 'urf shahih, this tradition embodies the values of consultation, respect for the bride, cultural preservation, and the strengthening of kinship ties, all of which align with the principles of Sharia. However, in practice, *Mowindahako* predominantly exhibits the characteristics of 'urf fasid because it has evolved into a coercive customary obligation that fails to consider the prospective groom's economic capacity and imposes ongoing social and financial burdens. Moreover, unfulfilled obligations are often treated as customary debts that impact the lives of the family and their descendants. Interview findings reveal that although deliberation remains a resolution mechanism, social pressure and stigma against those unable to fulfill the obligation remain strong. This situation contradicts Sharia principles that reject hardship (*raf' al-haraj*), prohibit imposing burdens beyond one's capacity, and prioritize justice and the public interest. Therefore, the *Mowindahako* tradition needs to be reinterpreted and reconstructed so that it continues to uphold positive cultural values without compromising the principles of justice, flexibility, and ease, which are the primary objectives of Sharia (*maqasid al-shariah*), particularly in safeguarding wealth (*hifz al-mal*) and preventing harm to the community.

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