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TRADITIONAL AND ISLAMIC LAW NEGOTIATIONS IN THE KHITBAH PRACTICE OF THE KANAWATU VILLAGE COMMUNITY

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Abstract

This study aims to analyze how the negotiation between customary law and Islamic law shapes the practice of khitbah and generates socio-religious legitimacy in the community of Kanawatu Village, Wotu Subdistrict, East Luwu Regency. The study employs a qualitative approach using a case study design and an Islamic socio-legal perspective. Primary data were obtained through in-depth interviews with religious leaders, community leaders, village officials, and community members involved in the khitbah practice, while secondary data were obtained from fiqh literature, legal documents, and previous studies. Data analysis was conducted using the Miles and Huberman interactive model through data reduction, data presentation, and drawing conclusions. The research results reveal three main findings. First, the community interprets the khitbah as both an expression of the intention to marry and a moral commitment that binds the prospective bride and groom and their families. Second, negotiations between customary law and Islamic law take place through two mechanisms: the "selection of functions," in which customary elements such as the exchange of rings, gold, or money are retained as social symbols without being positioned as religious obligations. Meanwhile, Islamic law serves as the normative boundary for these practices, and through "mutual legitimization," where social norms such as the obligation to remain faithful to one's partner are justified by both customary traditions and religious teachings. Third, the practice of khitbah gains legitimacy through three layers of acceptance: social acceptance, normative acceptance, and practical acceptance.

Keywords: *Engagement, Customary and Sharia negotiations, Living Islamic law, Socio-religious legitimacy, Islamic family law*

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Abstrak

Penelitian ini bertujuan menganalisis bagaimana negosiasi antara adat dan syariat membentuk praktik khitbah serta menghasilkan legitimasi sosial-keagamaan pada masyarakat Desa Kanawatu, Kecamatan Wotu, Kabupaten Luwu Timur. Penelitian menggunakan pendekatan kualitatif dengan desain studi kasus dan perspektif sosio-hukum Islam (socio-legal). Data primer diperoleh melalui wawancara mendalam terhadap tokoh agama, tokoh masyarakat, aparat desa, dan masyarakat yang terlibat dalam praktik khitbah, sedangkan data sekunder diperoleh dari literatur fikih, dokumen hukum, dan studi terdahulu. Analisis data dilakukan menggunakan model interaktif Miles dan Huberman melalui reduksi data, penyajian data, serta penarikan kesimpulan. Hasil penelitian menunjukkan tiga temuan utama. Pertama, masyarakat memaknai khitbah sebagai penyampaian kehendak menikah sekaligus komitmen moral yang mengikat kedua calon mempelai dan keluarganya. Kedua, negosiasi adat dan syariat berlangsung melalui dua mekanisme, yaitu pemilihan fungsi, di mana unsur adat seperti pemberian cincin, emas, atau uang dipertahankan sebagai simbol sosial tanpa diposisikan sebagai kewajiban agama. Sementara syariat menjadi batas normatif praktik tersebut, dan legitimasi timbal balik, di mana norma sosial seperti kewajiban menjaga kesetiaan pasangan memperoleh pembenaran sekaligus dari adat dan ajaran agama. Ketiga, praktik khitbah memperoleh legitimasi melalui tiga lapisan penerimaan, yaitu penerimaan sosial, penerimaan normatif, serta penerimaan praktis.

Kata kunci: *Khitbah*, Negosiasi adat dan syariat, *Living Islamic law*, Legitimasi sosial-keagamaan, Hukum Keluarga Islam

INTRODUCTION

Marriage in Islam is an institution that has not only a religious dimension but also a social dimension that evolves within society. Sharia provisions provide a normative foundation for the process of forming a family, but their implementation in various Muslim communities takes diverse forms, influenced by local values, traditions, and culture (Harun et al., 2024). This situation demonstrates that the practice of Islamic family law does not always take the form of a literal application of norms but rather evolves through the interaction between religious teachings and the social realities of the community. Thus, the relationship between Sharia and local customs is a crucial aspect in understanding the dynamics of marriage practices within Indonesian Muslim communities.

One of the stages of marriage that reflects this interaction is the *khitbah*. From a fiqh perspective, the *khitbah* is understood as a process of courtship that serves as the first step before the marriage contract and aims to provide an opportunity for both parties to get to know one another and prepare for married life (Mustakim & Kholipah, 2022). However, in social practice, the *khitbah* is not merely understood as a religious recommendation but has also evolved into a social institution shaped by the value systems, traditions, and cultures prevalent in each region (Anton et al., 2025; Huda & Hermawan, 2025). Consequently, the ways in which the *khitbah* is carried out in various Muslim communities exhibit distinct characteristics, even though they remain grounded in the principles of Sharia.

This diversity of practices indicates that *khitbah* cannot be fully understood solely through a normative approach focused on the provisions of Islamic law (Rahmadani, 2025; Sugitanata & Hakim, 2023). In reality, various *khitbah* practices reveal processes of adaptation, acceptance, and the creation of new meanings within local traditions, thereby

giving rise to forms of practice that derive legitimacy from both society and religious values. Therefore, examining *khitbah* as a social phenomenon is essential to explaining how local customs and Sharia interact in shaping the marriage practices that are alive within society.

This phenomenon is evident in the *khitbah* practices of the community in Kanawatu Village, Wotu Subdistrict, East Luwu Regency. As a community that still upholds Bugis cultural values, the *khitbah* practice in this region is influenced not only by Islamic law but also by various local cultural values, such as the culture of *siri'*, family deliberation, the symbolic gifts exchanged during the *khitbah* ceremony, and the involvement of community and religious leaders in every stage of the courtship process (Ipandang & Darlis, 2022). This pattern aligns with findings among Bugis communities in other regions, where local traditions such as "*passeppi*" are preserved as symbols of respect and the value of "*siri*" while also being categorized as "*urf shahih*" from an Islamic legal perspective (Imran et al., 2026). At the same time, the community continues to uphold religious principles as a guide in maintaining the relationship between the prospective couple before the marriage contract and in determining the boundaries of the courtship practices.

These characteristics make Kanawatu Village an important research site because the practice of *khitbah* there does not simply reflect the dominance of any single normative system. Rather, there is a social space where local customs are preserved, while the meaning and boundaries of their implementation are understood within a framework of religious values. In fact, there is variation in the practice of *khitbah*, ranging from an agreement without the exchange of gifts to the use of specific objects as symbols of commitment. These variations demonstrate that there is room for the community to determine the form of practice deemed appropriate to social conditions while remaining acceptable within a religious framework. With these characteristics, Kanawatu Village provides a relevant empirical context for examining not only the presence of adat and sharia in the practice of *khitbah*, but especially how the two are negotiated and why the results of these negotiations gain social and religious acceptance in community life.

To understand the extent to which this process has been explained, it is necessary to examine previous studies on the *khitbah*, both from normative and sociocultural perspectives. Various studies on the *khitbah* have made significant contributions to explaining its role in Islamic law and in social practice. Some studies position *khitbah* as a legal institution focused on normative aspects, such as its requirements, essential elements, purposes, and legal implications in the process leading to marriage. This perspective successfully explains the position of *khitbah* within the Islamic legal system; however, it places greater emphasis on textual dimensions, so the social practices that have developed within society have not yet become a primary focus.

On the other hand, a number of studies have begun to examine *khitbah* as part of marriage traditions influenced by local culture. These studies show that the practice of *khitbah* in various regions has different characteristics due to the influence of cultural values, social structures, and local customs (Huda & Hermawan, 2025; Nurhikmah et al.,

2022; Sariman, 2025; Stiawan, 2021). These findings demonstrate that local customs play a significant role in shaping the practice of *khitbah*. Nevertheless, these studies are generally still descriptive in nature, focusing on the forms of traditions that have developed, and thus have not yet explained how the relationship between local customs and Islamic law plays out in the process of shaping these practices.

Subsequent developments are illustrated by studies that employ a socio-legal perspective, the concept of “living Islamic law,” and the concept of *‘urf* to understand the relationship between Islamic law and local culture (Arifin, 2025; Daud & Ridlwan Hambali, 2022; Harmanto et al., 2026; Luthfi et al., 2024). This approach has successfully demonstrated that Islamic law is not only understood as a textual norm but also as a social practice that continually interacts with the realities of society. However, research attention remains largely focused on the existence of a relationship between Islamic law and local customs, while the mechanisms by which this interaction gives rise to forms of practice that gain social and religious legitimacy have not yet been fully explained, particularly in the practice of *khitbah*.

Based on these developments, it is clear that studies on *khitbah* have shifted from a normative approach toward a social and cultural one. As previously noted, the term “interaction” used in these studies remains general and does not yet explain the specific mechanisms involved. This study aims to fill this gap by framing the relationship between customary law and Islamic law not merely as an interaction, but as a process of negotiation specifically, how the two negotiate with one another to shape the practice of *khitbah*, which is accepted by the community both as part of tradition and as a religious practice. Therefore, this study poses the following question: How does the negotiation between adat and sharia shape the practice of *khitbah*, which has gained social and religious legitimacy among the community of Kanawatu Village, Wotu Subdistrict, East Luwu Regency?

This study is expected to contribute in three ways. Empirically, it enriches our understanding of the *khitbah* practice among the Bugis community in Kanawatu Village as a representation of the negotiation between adat and sharia in Islamic family law. Theoretically, this study expands the field of “living Islamic law” by demonstrating that the relationship between adat and sharia is not merely one of coexistence but unfolds through a process of negotiation that generates social and religious legitimacy for the *khitbah* practice. Methodologically, this study demonstrates that the socio-legal approach to Islam is capable of providing a more comprehensive explanation of the dynamics of family law negotiations compared to a normative approach that focuses solely on the conformity between practices and fiqh provisions.

LITERATURE REVIEW

Studies on the *khitbah* in recent years have followed three major trends. The first trend views the *khitbah* as a legal institution examined through the lens of fiqh and statutory law. The second trend examines *khitbah* as a living tradition within local cultures across various regions. The third trend employs socio-legal perspectives, the concept of

“living law,” and the concept of *‘urf* to analyze the relationship between Islamic law and social customs. All three make distinct and complementary contributions, yet each stops at a different point of analysis.

The first trend is evident in studies that emphasize the concept and legal status of *khitbah*. Mustakim and Kholipah outline the concept of *khitbah* in Islam along with the boundaries that must be observed prior to the marriage contract (Mustakim & Kholipah, 2022). Nuraziza and colleagues examine the practice of *khitbah* through a sharia-based legal analysis and the accompanying issues of Islamic family law in Indonesia (Nuraziza et al., 2026). Rahmadani’s study goes a step further by highlighting the tension between the status of the betrothal in the Compilation of Islamic Law which is not legally binding and the social reality that treats it as a binding commitment (Rahmadani, 2025). In this trend, the primary focus of analysis remains on normative provisions, while social practices serve as a point of comparison against these norms.

The second trend focuses on how the *khitbah* is carried out within the traditions of specific communities. Siregar et al. examined the tradition of exchanging rings during the *khitbah* and interpreted it as a symbol of commitment assessed through the frameworks of *‘urf* and *maqāṣid al-syarī’ah* (Siregar et al., 2025). Mustolih and Purnomo investigated the tradition of presenting jeulamee a gold ring during the *khitbah* in Aceh Besar and concluded that this practice is understood as a gift, not a dowry, representing a form of assimilation between local customs and Islamic law (Mustolih & Purnomo, 2025). Sugitanata and Hakim highlight a different dynamic among the Muslim community in Sade, where the merariq tradition is so dominant that the *khitbah* stage is no longer observed (Sugitanata & Hakim, 2023). Arifin, through a socio-anthropological perspective, views the betrothal as a cultural phenomenon rooted simultaneously in religious values, customs, and social structures (Arifin, 2025). These studies demonstrate that local customs play a significant role in shaping betrothal practices, with varying forms and degrees of adherence to Sharia across different regions.

The third trend employs a more explicit framework to explain the relationship between Islamic law and local culture. Daud and Hambali analyze the *khitbah* and marriage proposals through the sociology of law using the “living law” framework (Daud & Ridlwan Hambali, 2022). Umaaya positions *‘urf* as a normative bridge between customary law and Islamic law in Indonesian Muslim marriages, with relational patterns involving accommodation, correction, and coexistence, as well as the function of *‘urf* as a normative selection mechanism for “living law” (Umaaya, 2026). Wahyuni and Harisah cite the giving of gifts during the engagement period as *‘urf ṣaḥīḥ* as long as they are not treated as a dowry (Wahyuni & Harisah, 2023). In the Bugis context, Imran and colleagues examine the *passeppepi* tradition in customary marriage within the framework of living law and categorize it as *‘urf ṣaḥīḥ* (Imran et al., 2026). Regarding the concept of living Islamic law itself, the study by Mustofa and colleagues emphasizes that living law is law rooted in social legitimacy and moral authority recognized by society (Mustofa et al., 2025).

Although these three approaches have enriched our understanding of *khitbah*, each has its limitations. Normative studies tend to emphasize textual dimensions, so social practices have not yet become the focus of analysis. Studies of local traditions generally focus on identifying forms of practice and assessing their conformity with sharia, so the processes that enable a practice to endure have not been extensively explored. Studies from socio-legal and 'urf perspectives have shown that Islamic law and custom are interrelated, but their analysis tends to stop at classification for example, whether a custom qualifies as 'urf *ṣaḥīḥ* or at general patterns of relationship. Consequently, questions regarding how adat and Sharia are negotiated by the community itself, and why the outcomes of these negotiations gain social and religious acceptance, have not been fully addressed in the author's research to date particularly regarding the Bugis community's *khitbah* practice at the village level.

Based on this evaluation, this study takes a different stance from previous studies. While earlier studies focused solely on identifying forms of *khitbah*, assessing their compliance with fiqh, or classifying a custom as 'urf, this study views the relationship between adat and sharia not merely as an interaction, but as a process of negotiation carried out by the community itself. On that basis, this study poses the following question: How does the negotiation between adat and sharia shape the practice of *khitbah* that has gained socio-religious legitimacy in the community of Kanawatu Village, Wotu Subdistrict, East Luwu Regency?

METHODS

This study is a qualitative research project using a case study design that aims to gain an in-depth understanding of the practice of *khitbah* as the result of negotiations between customary norms and Sharia law in the community of Kanawatu Village, Wotu Subdistrict, East Luwu Regency (Assyakurrohim et al., 2023). The approach used is the Islamic socio-legal approach, which integrates a normative study of Islamic law with an analysis of social practices that have developed within the community (Hermawan & Yahya, 2022; Jamaluddin et al., 2026). This approach was chosen because *khitbah* is not merely a normative concept in fiqh but also a socio-religious practice whose implementation is shaped by the customs and values prevalent in the community. Through this approach, the practice of *khitbah* is understood by examining the relationship between legal norms and the social reality of Kanawatu Village, thereby enabling the study to explain how religious provisions take shape and acquire meaning in the daily lives of the community.

The research subjects were selected through purposive sampling, which involves choosing informants deemed to possess knowledge, experience, and direct involvement in the practice of *khitbah* in Kanawatu Village (Ahmad & Wilkins, 2024). The research informants consisted of religious leaders, community leaders, village government officials, the village imam, and community members who had undergone or been involved in the *khitbah* process. The selection of these informants was intended to gather

information from various perspectives so as to provide a more comprehensive and in-depth description of the *khitbah* practice.

The research data consisted of primary and secondary data. Primary data were collected through in-depth interviews. The interviews were conducted in a semi-structured manner using an interview guide developed based on the research focus, allowing the researcher flexibility to explore information that emerged during the research process. Meanwhile, secondary data was obtained through a documentary review of literature on fiqh *al-munakahat* (Islamic marriage law), legislation, previous research findings, village documents, and various references relevant to the practice of *khitbah* and Islamic family law.

The collected data were analyzed using the interactive model of qualitative data analysis developed by Miles and Huberman, which consists of three stages that occur simultaneously (Qomaruddin & Sa'diyah, 2024). First, data reduction the process of selecting, simplifying, and focusing the data from interviews and observations on aspects relevant to customary and Sharia negotiations in the practice of *khitbah*, so that irrelevant data can be set aside. Second, data presentation, which involves organizing the reduced data into descriptive-analytical narratives structured around the research themes: the interpretation of *khitbah*, the mechanisms of customary and Sharia negotiations, and the legitimacy of the practice as "living Islamic law." Third, drawing conclusions and verification the process of interpreting the presented data to identify patterns, relationships, and meanings that address the research questions, while also cross-checking these findings to ensure that the conclusions are fully supported by field data.

To ensure the validity and credibility of the data, this study employed source triangulation and methodological triangulation. Source triangulation was conducted by comparing information obtained from various informants with different roles and social positions namely, religious leaders, community leaders, and village government officials to ensure that the research findings were not based on a single perspective but rather reflected the shared understanding of the Kanawatu Village community. Methodological triangulation was conducted by comparing data from in-depth interviews with the results of field observations of *khitbah* practices taking place in the community, thereby verifying the consistency between what the informants reported and what was directly observed. Through these two triangulation techniques, the research findings are expected to possess an adequate level of credibility.

RESULT AND DISCUSSION

The Meaning of the Khitbah at The Intersection of Religious and Social Values

The people of Kanawatu Village view the *khitbah* as the first step toward marriage, serving not only to express the intention to marry but also as a form of commitment between a man and a woman before entering into the marriage contract. *Khitbah* is understood as an agreement that provides certainty regarding the relationship between the two prospective spouses while also serving as the foundation for them to prepare for marriage (Huda & Hermawan, 2025). This interpretation demonstrates that *khitbah*

possesses a normative dimension as a step toward marriage as well as a social dimension as a bond that is understood and upheld by the community (Fathonah & Hambali, 2022; Huda & Hermawan, 2025). This interpretation is evident in Hamid Tobo's statement:

"*Khithbah* is the process of courting a woman to become a wife, whether in the form of a declaration or a promise from the man to the woman a commitment that is binding and accountable, leading to marriage" (Toboh, 2024).

This statement indicates that *khithbah* is understood as the expression of the intention to marry, accompanied by a promise and a responsibility to continue the relationship toward marriage. Thus, *khithbah* is not only understood as an expression of intent on the part of the man, but also as a commitment that carries moral consequences for both prospective spouses (Fitri & Miftakhuddin, 2025). A stronger interpretation of the aspect of commitment is put forward by Jumin Saide:

"For the community, the meaning of *khithbah*, or engagement, is something deeply ingrained; thus, once an engagement or a binding agreement has taken place, both the man and the woman come to know their prospective life partner, and neither party whether the man or the woman may betray that agreement or engagement; consequently, both must preserve their respective chastity" (Saide, 2024).

This explanation indicates that once the *khithbah* takes place, society ascribes a stronger social significance to the relationship between the two prospective spouses. The *khithbah* is viewed as an agreement that must be respected and upheld by both parties. The responsibility to maintain one's integrity and not renege on the agreement demonstrates that the *khithbah* serves a social function in regulating the behavior of the prospective couple as they move toward marriage (Fathonah & Hambali, 2022). Meanwhile, Sudirman offers an interpretation that highlights the symbolic elements inherent in the practice of the *khithbah*.

"*Khithbah*, or engagement, is a binding pledge made by a man to a woman, either in the form of an agreement or the giving of a specific item such as gold or money after an agreement has been reached that she is ready to be married by a man, even if the wedding is still a long way off" (Sudirman, 2024).

Sudirman's explanation shows that the practice of *khithbah* in Kanawatu Village can take two forms: an agreement between the two parties and the giving of specific items such as gold or money. This gift serves as part of the social practice accompanying the agreement leading to marriage (Mustolih & Purnomo, 2025). Thus, *khithbah* in community practice does not always take a uniform form but may be accompanied by symbolic elements that reaffirm the commitment of both parties.

When these three descriptions are read together, it becomes clear that the people of Kanawatu Village assign three main meanings to the *khithbah*. First, the *khithbah* is understood as the expression of a man's intention to marry a woman. Second, the *khithbah* is understood as an agreement or commitment that must be upheld by both prospective spouses. Third, the *khithbah* may be accompanied by the exchange of specific items, which are understood as part of the binding elements in community practice. These three interpretations indicate that the practice of the *khithbah* has a broader dimension than

merely a stage preceding the marriage contract, as it incorporates elements of agreement, responsibility, and social symbolism.

The presence of these elements demonstrates that the practice of *khitbah* in Kanawatu Village takes place within a space where religious provisions intersect with community customs. *Khitbah*, as a step toward marriage, is understood within the framework of Islamic teachings, while its implementation may involve social agreements and the exchange of specific items that have evolved within community practices. Thus, at the practical level, the *khitbah* in Kanawatu Village reflects the simultaneous presence of two sources of values: religious norms and community customs (Maharani et al., 2026). The relationship between these two elements must be further examined in terms of how the community determines which forms of practice are acceptable and worth preserving in their lives.

Negotiations Between Custom and Islamic Law in The Practice of Khitbah

As mentioned earlier, a *khitbah* may be accompanied by the presentation of a specific item as a symbol of commitment; this variation reflects a profound negotiation between custom and Islamic law. The relationship between custom and Sharia in the *khitbah* practices of the Kanawatu Village community does not involve a strict separation between religious provisions and community customs. Rather, the two negotiate with one another to determine the form, boundaries, and meaning of the *khitbah* practices accepted by the community (Kurniawati et al., 2024). This is evident in the variations in how the *khitbah* is carried out: some community members conduct it through an agreement without the exchange of any items, while others include the exchange of a ring, gold, or a sum of money as a symbolic token of commitment. These variations indicate that the customary elements in the *khitbah* practice are not treated as absolute requirements but are positioned alongside the community's understanding of religious precepts. These variations are evident in Halimin's description of the *khitbah* procedures in Kanawatu Village:

“Regarding the marriage betrothal procedures in Kanawatu Village, Wotu Subdistrict, East Luwu Regency, they vary from couple to couple: some take the form of a simple agreement without any token, some involve an agreement accompanied by a token in the form of an object, and others are directly integrated with the proposal process” (Halimin, 2024).

This statement indicates that there is no single, prescribed form that must be followed by the entire community when conducting a *khitbah*. An agreement between the prospective couple serves as the basis for the *khitbah*, while the exchange of specific items is merely one possible aspect that may accompany the process. Thus, the exchange of gold, money, or other items is not considered the sole determining factor for the validity of the *khitbah*. The choice of form indicates that there is room for communities to adapt the practice to the circumstances and agreements of each couple. The same is evident in Sudirman's explanation of the two patterns of *khitbah* in Kanawatu Village:

“The procedure for *khitbah* among the people of Kanawatu Village, Wotu Subdistrict, East Luwu Regency, depends on the parties involved. In one form

of *khitbah*, or engagement, the groom's family visits the bride's family to express their intention to propose to their daughter, presenting a token such as a ring or a sum of money as both a pledge and a marriage agreement to ensure she is not proposed to or accepts a proposal from anyone else. In other cases, the man proposes directly to the woman in question and makes an agreement to marry, even without giving anything whether money or gold" (Sudirman, 2024).

This finding is significant because it shows that people do not automatically transform local customs into religious obligations. The giving of a ring, gold, or money is still understood as part of a social practice that serves to signify seriousness and commitment, while the primary basis for marriage remains the mutual agreement to proceed with the relationship toward marriage (Yani et al., 2025). Thus, custom finds a place in the *khitbah* process as long as it is not positioned as a religious requirement that determines the validity of a proposal.

This pattern can be understood through the concept of '*urf*' in Islamic law (Fauzi, 2024). '*Urf*' allows for customs that have developed within society to be considered in legal practice, provided that such customs do not conflict with the principles of Sharia (Wahyuni & Harisah, 2023). In the context of Kanawatu Village, the exchange of objects as symbolic tokens of commitment can be understood as a social custom that imbues the relationship between the prospective bride and groom with specific meaning, but it is not treated as an obligation that determines the validity of the *khitbah* (Luthfi et al., 2024). At the same time, Sharia norms remain the boundary for this practice, especially since the community understands that the *khitbah* does not yet make the man and woman a lawful couple; thus, both remain obligated to maintain proper conduct during the period leading up to the marriage.

Negotiations between adat and sharia thus take place through a process of functional differentiation. Adat elements are retained in symbolic and social aspects – such as the exchange of rings, gold, or money as a sign of sincerity and a bond between partners while provisions regarding the boundaries of relationships between men and women continue to be governed by religious norms. This demonstrates that communities don't have to abandon local customs when practicing their religion. Rather, these customs can be preserved once their meanings are situated within a framework deemed not to conflict with Sharia.

In addition to this separation of functions, the negotiation between customary law and Sharia is also evident in the form of mutual legitimization, as seen in the norm that binds both prospective spouses to remain faithful to one another and not to betray the agreement after the *khitba* has taken place. As Jumin Saide points out, once an engagement or agreement has taken place, both parties are considered to be mutually aware of and morally bound to one another; thus, it is not permissible for either party to breach the agreement, and both are required to preserve their respective chastity. In the practices of the Kanawatu Village community, this requirement to remain faithful is understood as part of the social order and is also linked to Islamic teachings regarding the boundaries of relationships between men and women who are not yet married. This

connection demonstrates that religious norms exist not only as rules derived from religious texts but also serve as the basis for the legitimacy of social rules that have been accepted by the community. Thus, when a custom is justified through religious principles, the boundaries between adat as a social custom and sharia as a religious norm become intertwined in the daily lives of the community.

This finding explains why the practice of *khitbah* in Kanawatu Village has been able to preserve its traditional forms without being viewed as a practice that contradicts religion. This acceptance occurs because the community does not view adat and sharia as two systems from which one must be chosen. Adat serves to provide a social and symbolic framework for the *khitbah* process, while sharia serves to establish normative boundaries for the practice. When both can be positioned in distinct yet complementary roles, the *khitbah* practice gains acceptance both socially and religiously.

Thus, the negotiation between customary and Sharia law in the *khitbah* practice of the Kanawatu Village community does not primarily take place through the rejection of either element, but rather through a process of adapting their meanings and functions. Customary practices, such as the exchange of tokens of commitment, are maintained as symbols of sincerity but are not elevated to the status of religious obligations. Conversely, Sharia provisions regarding the boundaries of relationships and the procedures leading to marriage remain the community's normative reference. This understanding demonstrates that the *khitbah* in Kanawatu Village is a socio-religious practice shaped through a process of negotiation, in which custom provides social form and meaning, while Sharia provides boundaries and normative legitimacy for the practice. Through this pattern, the *khitbah* in Kanawatu Village can be understood as a manifestation of "living Islamic law" that is, Islamic law that is not merely present in textual form but is alive and shaped through ongoing negotiation with the social realities of the community (Umaaya, 2026; Yamin et al., 2023).

The Legitimacy of The Practice as living Islamic Law

The acceptance of the *khitbah* practice by the community of Kanawatu Village is based not only on the existence of a long-standing custom within the community but also on the alignment of the practice's meaning and function with the religious values they hold dear. The *khitbah* practice is accepted because it is viewed as capable of providing certainty regarding the relationship leading to marriage, maintaining the commitment of both prospective spouses, protecting family honor, and regulating the relationship between men and women during the period before the marriage contract (Yani et al., 2025). Thus, the legitimacy of the *khitbah* practice is established through the community's acceptance of a practice that is socially considered beneficial and, from a religious perspective, understood not to contradict Islamic principles.

This understanding is reflected once again in Jumin Saide's statement, quoted in the previous section, that after an engagement or a binding agreement has taken place, both prospective spouses must uphold their commitment and maintain their personal purity. While in the previous section this statement was interpreted as a form of loyalty binding the two prospective spouses, in this context the same statement indicates that

society assigns normative value to the practice of *khitbah* not merely because it is a custom passed down through generations, but because the practice is understood to serve a function in regulating the behavior of prospective spouses before entering marriage. Thus, acceptance of *khitbah* is linked to the practice's ability to embody values considered consistent with religious teachings.

The same point is reiterated in Hamid Tobo's statement mentioned earlier, namely that *khitbah* is viewed as highly important by the community, especially when accompanied by a gift such as a ring a symbol that provides certainty that the relationship is headed toward marriage. While this explanation was previously used to clarify the meaning of the *khitbah*, in this context it shows that the symbolic token gains acceptance not because it is considered a determining factor in the validity of the *khitbah*, but because society ascribes social significance to it as a sign of the man's sincerity. Thus, a custom can gain legitimacy when society understands its social function in strengthening the commitment toward marriage.

This legitimacy is also related to the *khitbah*'s function in maintaining the order of social relations. As previously mentioned in Sudirman's explanation of the *khitbah* procedure, the giving of an object such as a ring or money serves as both a bond and a pledge to marry, ensuring that the woman who has been proposed to does not accept proposals from other men. This provision indicates that *khitbah* not only functions as an agreement between the two prospective spouses but also serves as a basis for the family particularly the bride's parents to ensure that this commitment is respected by outsiders.

In this context, acceptance of the *khitbah* practice is reinforced by its connection to religious norms. The prohibition against proposing to a woman who is already engaged to another man is understood by the community not only as a social rule but is also linked to Islamic teachings. This connection between religious norms and social acceptance gives the practice of *khitbah* a dual basis of legitimacy: it is accepted because it aligns with the community's social structure and is simultaneously understood to be in accordance with religious norms. Consequently, a practice that was initially viewed as a local custom gains a stronger standing when the community provides religious justification for it.

This pattern can be explained through the perspective of "living Islamic law," which views Islamic law not only as norms found in texts but also as values that are brought to life, understood, and practiced by the community in daily life that is, norms agreed upon by the community, whether written or unwritten, and deeply rooted in social legitimacy and moral authority recognized by the community (Mustofa et al., 2025). In the practice of *khitbah* in Kanawatu Village, religious norms regarding the process leading up to marriage do not stop at a textual understanding but manifest as social behaviors that govern commitment, family honor, and the boundaries of the relationship between the prospective bride and groom. At the same time, local customs are not automatically accepted as religious norms; rather, they gain legitimacy when the community interprets them as practices that support values considered consistent with Islamic teachings (Nair et al., 2026).

Thus, the legitimacy of the *khitbah* as “living Islamic law” does not stem solely from its formal status as part of Islamic law, but is shaped through a process of social acceptance and religious interpretation. The community accepts this practice because they see a alignment between the social functions of *khitbah* and the values they consider important in religious life, such as preserving honor, building commitment, preventing inter-family conflicts, and maintaining boundaries in relationships before the marriage contract. This alignment ensures that the practice of *khitbah* is not viewed as something outside of religion, but rather as part of the daily life of the Muslim community that can be practiced alongside local customs.

While the previous subsection explained how adat and sharia negotiate with one another, this section explains why the results of those negotiations are accepted and endure in community life. These findings indicate that the legitimacy of the *khitbah* practice in Kanawatu Village is established through three layers of acceptance. First, there is social acceptance, as *khitbah* is seen as a means of providing certainty, building commitment, and maintaining relationships between families. Second, there is normative-religious acceptance, as the practice is understood not to conflict with the principles of sharia and, in some aspects, is even directly linked to religious provisions. Third, there is practical acceptance, as local customs – such as the exchange of rings, gold, or money – can be maintained as long as they are understood as social symbols and not treated as religious obligations.

Thus, the three findings discussed here reinforce one another. The community’s interpretation of *khitbah* indicates that this practice has, from the outset, brought together religious and social values; the negotiation process demonstrates how this convergence is managed through the delineation of functions and mutual legitimization between adat and sharia, while the legitimization formed through three layers of acceptance explains why the outcome of these negotiations is accepted and has endured in community life. Together, these three findings demonstrate that the practice of *khitbah* in Kanawatu Village is not merely a coincidence of two normative systems coexisting side by side, but rather a truly living Islamic law one that is recognized as a rule, interpreted through experience, negotiated through social interaction, and ultimately sustained through shared acceptance. It is at this point that the practice of *khitbah* in Kanawatu Village stands as an embodiment of living Islamic law a norm whose validity derives not solely from texts, but also from practice, interpretation, negotiation, and the community’s collective acceptance.

CONCLUSION

This study shows that the practice of *khitbah* among the community of Kanawatu Village, Wotu Subdistrict, East Luwu Regency, cannot be understood solely as a normative step toward the marriage contract, but rather as a socio-religious practice shaped through a process of negotiation between customary law and Islamic law. At the practical level, the community interprets *khitbah* as the expression of intent to marry, a commitment that must be upheld, and in some cases, it is accompanied by the exchange of a ring, gold, or a sum of money as a symbol of sincerity. The main finding of this study

lies in how these elements are not applied as a uniform set of rules but are negotiated based on the community's understanding of the boundaries of Islamic law and their social needs. Customary elements particularly the exchange of symbolic tokens—are retained because they serve a social function in affirming sincerity, upholding commitment, and regulating inter-family relationships; however, they are not treated as religious obligations that determine the validity of the *khitbah*. Conversely, Sharia principles serve to provide normative boundaries for these practices, particularly regarding the status of the *khitbah* which does not yet make the two prospective spouses a lawful couple and the prohibition against proposing to a woman who is already engaged to someone else. Thus, the negotiation between customary law and Sharia takes place through the adjustment of the status, functions, and boundaries of customary practices, so that the two are not positioned as two systems that must be pitted against one another. The results of these negotiations subsequently gain socio-religious legitimacy because the practices that are retained are viewed as consistent with religious values, serve a social function, and are collectively accepted and practiced by the community. From the perspective of “living Islamic law,” these findings demonstrate that Islamic law in community life operates not only through the textual application of norms but also through social processes in which religious norms are interpreted, adapted, and integrated with local customs.

Theoretically, this study contributes to the development of research on “living Islamic law” by demonstrating that the relationship between adat and sharia cannot be adequately explained merely as one of coexistence or interaction. This study offers an understanding that there is a mechanism of negotiation through the processes of selection, adaptation, and the assignment of functions to elements of adat based on the boundaries understood from sharia. Thus, the legitimacy of a living Islamic legal practice stems not only from its conformity with religious norms but also from social acceptance and the practice's ability to address the needs and values that are alive within the community. Methodologically, this study demonstrates that an Islamic socio-legal approach grounded in the perspective of “living Islamic law” can be used to explain how a religious norm undergoes contextualization when applied in the life of a community. This approach allows the practice of *khitbah* to be understood not merely in terms of whether or not it conforms to *fiqh*, but through an examination of the social processes that cause a practice to be maintained, adapted, and granted socio-religious legitimacy.

This study has limitations in that its empirical focus is limited to the community of Kanawatu Village, Wotu Subdistrict, East Luwu Regency; therefore, the findings regarding the mechanisms of customary and Sharia negotiations cannot be directly generalized to the entire Bugis population or Muslim communities in other regions. Furthermore, this study focuses on the practice of *khitbah* and has not yet compared these negotiation mechanisms with other marriage practices or communities from different cultural backgrounds. Future research could develop a comparative study across regions to examine whether the patterns of customary and Sharia negotiation found in Kanawatu also emerge in other Muslim communities, as well as further explore

the roles of families, religious leaders, customary leaders, and social changes among the younger generation in the process of forming and legitimizing “living Islamic law” in marriage practices.

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