

Negotiating Custom and Islamic Law: Reconstructing the Pisuke Tradition in Sasak Marriage through Symbolic Capital and Maqāsid System Theory

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Abstract

This study aims to explain how the basis for determining the pisuke customary marriage payment among the Sasak community of Lombok has shifted from aristocratic lineage (Aji Krame) to women's formal educational attainment, and to reconstruct its legal status through an integrated socio-legal framework. The urgency of this inquiry lies in the fact that pisuke, a customary payment made by the groom's family to the bride's family independently of the Islamic mahar, has increasingly inflated to levels that impose severe financial hardship (masyaqqah), drive ribawi debt, and delay marriage among Sasak youth, while prior studies remain largely descriptive-ethnographic and have not operationalised a systemic theory of Islamic law to explain this shift. Using a qualitative legal-ethnographic design, data were collected in Kilang Village, East Lombok, through in-depth interviews with six purposively and snowball-sampled informants, participant observation, and documentation study, analysed thematically following Miles and Huberman's interactive model, and interpreted through Pierre Bourdieu's theory of symbolic capital and Jasser Auda's Maqasid System Theory. The findings show that women's academic credentials have become a vehicle for accumulating symbolic capital and status competition among families, shifting pisuke's legal status from 'urf sahih to 'urf fasid. The study concludes that this shift can be reversed through a novel conceptual model, Tradition-Negotiation-Moderation-Maslahah, which operationalises Auda's principles of openness and purposefulness to reconstruct pisuke as a flexible voluntary gift (hibah) rather than a rigid marital precondition.

Keywords: Islamic Family Law; Living Islamic Law; Customary Marriage; Maqasid al-Shariah; Sasak Community.

Abstrak

Penelitian ini bertujuan menjelaskan pergeseran acuan penentuan nominal Pisuke pada masyarakat Sasak di Lombok dari silsilah kasta aristokratis (Aji Krame) menuju pencapaian pendidikan formal perempuan, sekaligus merekonstruksi status hukumnya melalui kerangka sosio-legal yang terintegrasi. Urgensi kajian ini terletak pada kenyataan bahwa Pisuke, yaitu uang jaminan yang diberikan keluarga laki-laki kepada keluarga perempuan di luar mahar syariat, kian melambung hingga menimbulkan masyaqqah, memicu utang ribawi, dan menunda pernikahan pemuda Sasak, sementara kajian terdahulu masih bersifat deskriptif-etnografis dan belum mengoperasionalkan teori sistem hukum Islam kontemporer untuk menjelaskan pergeseran tersebut. Menggunakan desain etnografi hukum kualitatif, data dikumpulkan di Desa Kilang, Lombok Timur, melalui wawancara mendalam terhadap enam informan yang dipilih secara purposive dan snowball sampling, observasi partisipatif, dan studi dokumentasi, dianalisis secara tematik mengikuti model interaktif Miles dan Huberman, serta diinterpretasi melalui teori kapital simbolis Pierre Bourdieu dan Maqashid System Theory Jasser Auda. Hasil penelitian menunjukkan bahwa ijazah pendidikan perempuan telah menjadi instrumen akumulasi kapital simbolis dan kompetisi status antarkeluarga, yang menggeser status hukum Pisuke dari 'urf shahih menjadi 'urf fasid. Penelitian ini menyimpulkan bahwa pergeseran tersebut dapat dipulihkan



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melalui model konseptual baru, Tradisi-Negosiasi-Moderasi-Maslahah, yang mengoperasionalkan prinsip keterbukaan dan keterbaktian tujuan dari teori Auda untuk merekonstruksi Pisuke sebagai pemberian sukarela (hibah) yang fleksibel, bukan syarat mutlak pernikahan.

Kata Kunci: Hukum Keluarga Islam; Hukum Islam yang Hidup; Perkawinan Adat; Maqashid Syariah; Masyarakat Sasak.

INTRODUCTION

In many Muslim societies, traditional marriage remittances are increasingly shifting functions: from a symbol of willingness and respect to an instrument of social stratification whose nominal value continues to soar according to the educational and economic status of the family. This global shift manifests itself in the dynamics of the *Pisuke* tradition in the Sasak Tribe community on the island of Lombok, namely a certain amount of money or obligatory collateral given by the male family to the female family outside the *sharia* dowry.¹ Historically-philosophically, *Pisuke* is rooted in the concept of *Pisolo*h which represents willingness, mutual agreement, and deep respect for women, and traditionally functions as a *Lempot Substitute* symbolic appreciation for the services of mothers who take care of their daughters and *Uang Begawe* which distributes the burden of communal costs of weddings in order to strengthen social cohesion.²

The problem becomes urgent when, along with the rapid flow of modernization, the reference for determining the nominal *Pisuke* shifts radically. If in the past the amount of this demand was determined by the position of blood line and traditional caste (*Aji Krame*),³ in the contemporary era the determining variable has been replaced by the achievement of women's formal education diplomas, so that Sasak women who graduated from Bachelor's or Master's degrees now have a *Pisuke* bargaining value that has soared many times, penetrating tens to hundreds of millions of rupiah.⁴

The extreme economic burden (*masyaqqah*) due to the soaring nominal *Pisuke* often forces men to borrow funds that trap them in usury-based debt, or even forced to sell the family's productive assets.⁵ At its most critical, the hard-boiled bargaining of this customary nominal bargaining triggered mass marriage postponements among Sasak youth, strained kinship relations between families, and increased vulnerability to post-marriage divorce due to mounting debt pressure.⁶ This reality makes the study of *Pisuke* not just an ethnographic issue, but an urgent issue of Islamic family law that needs to be reviewed.

From the perspective of contemporary Islamic law, this shift in value structure demands a critical review of the law of *'Urf*. In the study of classical *ushul fiqh*, customs that have been accepted collectively and intended for benefit are categorized as *'Urf Saheeh*,⁷ but when its implementation is driven by the motivation of exploitative status

¹ Fahrurrozi dan Nurhandini Hidayatus Shalihah, "Adaptasi Sosial Keagamaan: Analisis Budaya Pisuke dalam Pernikahan Masyarakat Suku Sasak di Lombok," *Al-Wasilah: Jurnal Studi Agama Islam* 1, no. 2 (2026): 66.

² Fahrurrozi dan Shalihah, "Adaptasi Sosial Keagamaan," 67.

³ Fahrurrozi and Shalihah, "Social Adaptation of Religion," 66.

⁴ Fahrurrozi and Shalihah, "Social Adaptation of Religion," 66.

⁵ Interview with Afgoni, Refinery, February 27, 2026.

⁶ Junaidi Sahibuddin, "The Determination of Pisuke in the Tradition of Marriage in West Lombok Al-'Urf Perspective," *Indonesian Journal of Education Research and Technology (IJERT)* 2, no. 2 (2022): 152.

⁷ Sahibuddin, "The Determination of Pisuke in the Tradition of Marriage," 152.

competition and triggers mafsadah in the form of extraordinary economic difficulties, it functionally shifts to *'Urf Fasid* because it is contrary to the principle of sharia convenience (*taysir*).⁸ This critical point in the shift in function is the core problem that this study aims to answer.

To dissect the problem clearly, this study places two theoretical frameworks as analytical knives. First, the sociology of Pierre Bourdieu's practice, particularly the concepts of *Symbolic Capital* and *Status Competition*, is used to read how women's higher education is converted into an instrument of family social prestige.⁹ Second, the *Maqashid System Theory* developed by Jasser Auda is used to assess the validity of the *Pisuke* law no longer partially from the classical fiqh text, but based on its contribution to the essential benefits through the analytical features of Openness, *Multidimensionality*, and *Purposefulness*.¹⁰

Several previous studies have touched on the *Pisuke* tradition from different perspectives. Fahrurrozi and Shalihah explored the socio-religious adaptation of the *Pisuke* tradition and found that the magnitude shifted from caste orientation to academic meritocracy, and can be classified as *'Urf Saheeh* if it is based on willingness (*al-rida*), although this study is still descriptive-ethnographic and has not yet operationalized the theory of the contemporary Islamic legal system.¹¹ Sahibuddin analyzes the determination of *Pisuke* in West Lombok from the perspective of *Al-'Urf* and finds a dual impact between social justice and marriage delay, but his analysis is limited to the classical dichotomy of *'urf saheeh/'urf fasid* without dissecting sociological class competition.¹² Habibi and Astari reviewed this tradition in Central Lombok and noted that the nominal bargaining was influenced by the level of education, profession, and fate of women, although the study was normative-descriptive without a sociological theoretical basis for the reproduction of symbolic capital.¹³ Huda and Badawi analyze *Pisuke* using the perspective of classical *Maqasid al-Shariah* and classify it as a *Hajiyyat-level benefit*, but are stuck in the taxonomy of the classical *Maqashid al-Shatibi* which is rigid and has not touched on an open and dynamic systemic approach.¹⁴ Meanwhile, Darji and Fikri mapped *Pisuke*'s financing posts through a household cost accounting approach and found that the nominal can be broken down into a structured but continuously increasing cost component, even though the study only focuses on the micro-economic accounting dimension and has not touched on the sociological dimension or systemic legal reconstruction.¹⁵

Although descriptively rich, the five studies leave the same flaws: they all stop at the classical taxonomy of binary law (*'urf sahih* vs *'urf fasid*, or *daruriyyat-hajiyyat-tahsiniyyat* ala al-Shatibi) without operationalizing the theory of the contemporary

⁸ A. Basiq Djalil, *The Science of Ushul Fiqih* (Jakarta: Kencana Prenada Media Group, 2010), 153.

⁹ Pierre Bourdieu, *Outline of a Theory of Practice*, terj. Richard Nice (Cambridge: Cambridge University Press, 2020), 178.

¹⁰ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2007), 5; Ade Ali Nashuha, Muthoifin, dan Mohamed Elbanna, "An Analysis of Jasser Auda's Thought on Maqashid Sharia and Its Implications for Sharia Economic Law," *SICOPUS: Solo International Collaboration and Publication of Social Sciences and Humanities* 3, no. 3 (2025): 442, <https://doi.org/10.61455/sicopus.v3i03.361>.

¹¹ Fahrurrozi and Shalihah, "Social Adaptation of Religion," 66.

¹² Sahibuddin, "The Determination of Pisuke in the Tradition of Marriage," 152.

¹³ Habibi dan Astari, "Pisuke Tradition in Traditional Marriages," 120.

¹⁴ Huda and Badawi, "Pisuke in Marriage Perspective of Maqāṣid Al-Shariah," 105.

¹⁵ Darji and Fikri, "Pisuke Accounting," 540.

Islamic legal system that is able to read *Pisuke* as a dynamic and multidimensional phenomenon.¹⁶ None of them dissects sociologically how class competition and symbolic capital reproduction drive the shift of customary functions from benefit to exploitation, so that the study of *Pisuke* tends to be descriptive-ethnographic and lacks theoretical clarity.

Different from the five studies, this study offers a clear *novelty*. Instead of dwelling on the normative classification of *'urf saheeh/'urf fasid* or the static taxonomy of classical Maqashid as in previous studies, this study integrates Pierre Bourdieu's sociology of practice with Jasser Auda's Maqashid System Theory to read *Pisuke* as a dynamic and multidimensional socio-legal system of a cross-disciplinary analytical bridge that has not yet been traversed by the literature *Pisuke* any before. This novelty lies in two things: first, the sociological explanation of why and how class competition drives the commodification of *Pisuke* through the accumulation of symbolic capital; and second, the offer of a new conceptual model, Tradition-Negotiation-Moderation-Maslahah, which operationalizes the principles of openness and *purposefulness*) as a way to reconstruct concrete and replicable customary law, not just a black-and-white normative label.

Based on these gaps, this study aims to, first, explain how the shift in the nominal determination of *Pisuke* from aristocratic caste (*Aji Krame*) to academic meritocracy reflects the accumulation of symbolic capital and status competition in the sociological structure of Sasak society; and second, formulate how to operationalize the principles of openness and devotion of purpose in the *Maqashid System Theory* Jasser Auda to reconstruct the *Pisuke tradition* from *'urf fasid* to an instrument of benefit (*'urf sahih*) that favors economic justice and the protection of family reproductive rights.

RESEARCH METHODS

This study uses a qualitative design with a *sociological-normative* approach to Legal Ethnography, because the issue of ¹⁷*Pisuke customary law* cannot be partially understood through the reading of mere normative-doctrinal legal texts, but must be studied as a *living law* in the social reality of society. Informants were selected using a combination of *Purposive Sampling*, *Snowball Sampling*, and *Criterion Sampling* until six key informants were obtained, including two religious leaders/Tuan Guru, two customary/community leaders, and two affected marriage actors from undergraduate/postgraduate education backgrounds.¹⁸ Data were collected through three integrated techniques: in-depth unstructured interviews to explore the subjective meaning and psychological burden behind the *nominal Pisuke*,¹⁹ disguised participatory observations on the *Nyelabar*, *Mbait Wali*, and *Sorong Sera processions*,²⁰ as well as documentation studies on the archives of the Office of Religious Affairs (KUA), village regulations (*Awik-Awik*), and primary literature of *ushul fiqh* and sociology.²¹

Data analysis is operationalized through *Thematic Coding Analysis* which is integrated into the Miles and Huberman interactive model,²² including data condensation,

¹⁶ Huda and Badawi, "Pisuke in Marriage Perspective of Maqāṣid Al-Shariah," 110.

¹⁷ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 71.

¹⁸ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 71.

¹⁹ Baiq Laela Handayani, Thesis: "Negotiation Communication in the Pisuke Tradition in the Community of Selong Belanak Village, Central Lombok Regency" (Mojokerto: KH. Abdul Chalim, 2022), 28.

²⁰ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 71.

²¹ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 71.

²² Matthew B. Miles dan A. Michael Huberman, *Qualitative Data Analysis: A Sourcebook of New Methods* (Beverly Hills: Sage Publications, 1984), 23.

three-level thematic coding (*open, axial, and selective coding*), as well as data presentation and conclusion drawn.²³ At the *axial coding stage*, data on social prestige and bachelor's degrees were grouped into the theme of Symbolic Capital Accumulation and Status Competition a la Bourdieu,²⁴ while data on financial debt and delayed marriage were mapped into the category of Abandoned Benefits (*'Urf Fasid*) in the concept of openness of the Jasser Auda system.²⁵ In order to ensure the credibility, transferability, dependability, and conformability of the findings, this study applies four pillars of *trustworthiness*, namely triangulation of sources between Tuan Guru, Pembayun, village heads, and affected spouses; triangulation of techniques between interview data and participatory observation; *member checking* of draft transcripts and interpretations with key informants; and *peer debriefing* with academics of Islamic family law and sociology.²⁶

RESULTS AND DISCUSSION

Factors Triggering the High Nominal Pisuke: Symbolic Capital Dialectics and Status Competition

The nominal escalation of the *Pisuke* in the traditional marriage of the contemporary Sasak people cannot be seen as a symptom of neutral material inflation, but rather as an arena of social reproduction and complex class contestation.²⁷ Field data show a linear positive correlation between women's formal education levels and the nominal spike in *Pisuke* requested by women's families,²⁸ a pattern that is no longer dominated by the traditional aristocratic caste system (*Aji Krame*) based on blue-blood lineage, such as the aristocratic caste of Perwangsa Datu/Raden with a level of *Aji Krame* of 100-200, or Perwangsa Perbape with a level of 66-99.²⁹

On the contrary, there has been a paradigm shift towards academic meritocracy, where a Bachelor's (S1) or Master's (S2) higher education diploma is the main instrument determining the sociocultural bargaining value of Sasak women.³⁰ A couple interviewed emphasized that the bride's family now explicitly juxtaposes the *nominal Pisuke* with the education level of the prospective bride, so that the diploma functions like a bargaining value certificate in customary negotiations.³¹

Read through the lens of the sociology of practice Pierre Bourdieu in *Outline of a Theory of Practice*, formal education in Lombok functions as a process of converting institutional cultural capital (diploma) into Symbolic Capital that is collectively recognized by the community.³² This capital is then further converted into economic capital in the form of a high *nominal Pisuke*, because women's families believe that their children's educational investment should be returned in the form of equal financial rewards.

This phenomenon aptly describes what Bourdieu calls the status competition field, in which Sasak families compete with each other to convert educational capital into

²³ Sahibuddin, "The Determination of Pisuke in the Tradition of Marriage," 152.

²⁴ Bourdieu, *Outline of a Theory of Practice*, 178.

²⁵ Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, 9.

²⁶ Habibi dan Astari, "Pisuke Tradition in Traditional Marriages," 125.

²⁷ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 67.

²⁸ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 68.

²⁹ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 69.

³⁰ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 70.

³¹ Interview with Sujariadi and Maisaroh, Refinery, February 6, 2026.

³² Bourdieu, *Outline of a Theory of Practice*, 179.

visible social prestige *in the eyes of the* community.³³ The higher the *nominal Pisuke* that a family succeeds in, the higher their position in the hierarchy of informal social status of the village, an accumulation logic that the informant calls sociocultural prestige.³⁴

This interpretation is reinforced by the findings of Habibi and Astari in Central Lombok, who note that *Pisuke's* nominal bargaining is also influenced by profession and *nasab*, not just education, showing that the status competition in the Sasak community is multidimensional and not single.³⁵ However, of all these dimensions, women's higher education diplomas remain the most dominant variable and the easiest to convert into concrete financial nominals.³⁶

The implications of this dialectic are ambivalent. On the one hand, the high financial rewards for women's education have the potential to encourage families to invest more in education for their daughters, in line with the spirit of gender equality in education.³⁷ On the other hand, the commodification of education as a financial bargaining tool actually reduces the substantive meaning of education itself to a mere prestige commodity that is at stake in competition between families.

As a result, instead of maintaining its social function of mutual cooperation as manifested in the concept of *Penggenti Lempot* and *Uang Begawe*,³⁸ *Pisuke* is trapped in a vortex of competitive and consumeristic customary commodification.³⁹ This shift from traditional caste to academic meritocracy cannot therefore be seen as a form of value-free voluntary modernization, but rather as an instrument of intense symbolic capital accumulation in order to re-establish the social prestige of the family.

This socio-legal dilemma ultimately gave birth to empirical implications that undermined the stability of the Sasak Muslim family. One of the informants said that his family was forced to sell a piece of productive land and borrow interest funds in order to meet *Pisuke's* nominal demands based on his future wife's master's diploma, a decision that he called a burden that complicates, not facilitates, the road to marriage.⁴⁰ This pattern is the starting point for the review of *fiqh* in the following section.

A Review of Munakahat Fiqh: From 'Urf Saheeh to 'Urf Fasid

In the study of classical jurisprudence, a custom (custom) can be accepted as a source of law as long as it meets the requirements of *'urf sahih*, that is, a custom that does not contradict the shari'a law, is accepted collectively by the common sense of the community, and is oriented towards benefit.⁴¹ *Pisuke*, in its original form as *Pisolah* based

³³ Bourdieu, *Outline of a Theory of Practice*, 183.

³⁴ Interview with Rumman, Refinery, February 27, 2026.

³⁵ Habibi dan Astari, "Pisuke Tradition in Traditional Marriages," 122.

³⁶ M. Darji dan M. A. Fikri, "Pisuke Accounting in the Wedding Culture of the Sasak Tribe in Central Lombok," *IJEBIR: International Journal of Economic Business and Information Research* 4, no. 2 (2025): 540.

³⁷ Dedisyah Putra, Martua Nasution, and S. Edi, "Reviving the Past: The Role of Sharia in Preserving Forgotten Customs within Islamic Culture," *Al-Rasikh: Journal of Islamic Law* 14, no. 1 (2025): 38, <https://doi.org/10.38073/rasikh.v14i1.2367>.

³⁸ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 68.

³⁹ Muslihun, *Shifting the Meaning of Pisuke/Gantiran in the Merari'-Sasak Lombok Culture*, accessed 25 May 2026, https://1drv.ms/b/c/9ba2cca4e403f0a0/IQDBx_5ugzo4R6WXQjpcAjNiARaBXlJRSx3THUR5rM9khT4,44.

⁴⁰ Interview with Afgoni, February 27, 2026.

⁴¹ Djalil, *The Science of Ushul Fiqh*, 154.

on willingness and mutual respect, has historically fulfilled all three conditions and is therefore legitimately categorized as *'urf saheeh*.⁴²

However, the validity of an *'urf* is dynamic, not an eternal static, it is tied to the *'illat* (legal reason) that accompanies it. When *the 'illat* changes, its legal status has the potential to change, a principle that in the rules of fiqh is formulated as *al-'adah muhakkamah*, as long as it does not cause real mafsadah.⁴³ The crucial point lies in the question: what changes caused *Pisuke* to shift from benefit to harm?

Field data show that the shift is not caused by changes in the customary structure itself, but by changes in the accompanying social functions. When its original function as a symbolic award (*Penggenti Lempot*) and an instrument of mutual cooperation (*Uang Begawe*) is replaced by a status competition function,⁴⁴ then *the 'illat* of benefit that originally supported its validity as *'urf sahih* also collapses.

Second, this shift is also driven by a change in the values upheld by the community from the value of willpower (*al-rida*) which is the spirit of *Pisoloh*, to the value of exploitative prestige.⁴⁵ A Tuan Guru who was interviewed said that many families now demand *the nominal Pisuke* not because of real needs, but solely to keep face in front of neighbors and relatives.⁴⁶

Third, in terms of purpose (*maqсад*), the initial function of *Pisuke* as a means of facilitating marriage (*taysir al-nikah*) has been reversed one hundred and eighty degrees into a means of making it difficult (*ta'sir al-nikah*), a direct contradiction to the spirit of convenience which is one of the main *maqashid* of the shari'a of marriage.⁴⁷

These three dimensions of change cumulatively explain why *Pisuke*, which was originally valid as *'urf saheeh*, has now, in its commodified practice, shifted to *'urf fasid*: a custom that is corrupted because it is contrary to the principle of ease of sharia (*taysir*) and gives rise to real mafsadah in the form of economic masyaqqah, usury debt, and marriage postponement.⁴⁸

This interpretation emphasizes that *the problem of Pisuke* is not a question of the permissibility of the custom in textual, but the question of the extent to which the practice is still faithful to *the 'illat* and *maqсад* that sustains its original validity. Implicitly, legal reconstruction efforts are not necessary and should not erase the *Pisuke* tradition completely, but rather restore it to its original function, value, and purpose.

Analysis of Maqashid System Theory Jasser Auda: Openness, Multidimensionality, and Devotion of Purpose

The binary classification *approach of 'urf saheeh/'urf fasid*, while adequate for assessing textual validity, is not sufficient to formulate a constructive solution. This study therefore switches to Jasser Auda's *Maqashid System Theory*, which approaches Islamic law not as a set of rigid laws, but as an open system that is dynamic and actively interacts with social reality.⁴⁹

The first feature, *Openness*, demands that customary laws such as *Pisuke* not be seen as a final closed entity, but rather as a system that constantly receives input from

⁴² Sahibuddin, "The Determination of Pisuke in the Tradition of Marriage," 150.

⁴³ Afrinald Rizhan, "The Position of Al-'Adah and Al-'Urf as the Source of Islamic Law," Legal Journal 6, no. 1 (2024): 80.

⁴⁴ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 68.

⁴⁵ Sahibuddin, "The Determination of Pisuke in the Tradition of Marriage," 151.

⁴⁶ Interview with Lalu Abdullah, Refinery, February 6, 2026.

⁴⁷ Djalil, *The Science of Ushul Fiqh*, 157.

⁴⁸ Sahibuddin, "The Determination of Pisuke in the Tradition of Marriage," 152.

⁴⁹ Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, 4.

changing socio-economic realities.⁵⁰ In this context, openness means acknowledging that *Pisuke*'s nominal should be elastic, adjusting to the real economic capabilities of both parties, not rigidly pegged based on diplomas alone.

The second feature, *Multidimensionality*, demands that the validity of *Pisuke* be evaluated from various dimensions of *maslahah* at once, not just the single dimension of *Hifz al-Nasl* (safeguarding offspring through the ease of marriage contracts).⁵¹ The data of this study shows that the excessive *nominal Pisuke* also threatens *Hifz al-Mal* (property protection) through the snare of usury debt,⁵² and has the potential to injure *Hifz al-Muru'ah* (the human dignity of women) when women are reduced to objects that are 'valued' solely based on the financial nominal that can be generated from their diplomas.

The third feature, *Purposefulness*, requires that every legal provision, including customary law, should always be measured based on its contribution to the ultimate goal of the sharia, not on formal adherence to the form of tradition alone.⁵³ With this principle, *Pisuke*, which is formally still practiced but substantively complicates marriage and threatens the economic resilience of the family, loses its legitimacy as an instrument of *maslahah*, regardless of its legitimate historical roots.

The operationalization of these three features resulted in an important epistemological shift: the validity of *Pisuke's law* was no longer partially tested from classical jurisprudence texts alone, but was evaluated systemically based on its contribution to the realization of the essential benefits as a whole.⁵⁴

This finding is in line with the review by Putra, Nasution, and Edi who affirmed that the sharia plays a role in maintaining and re-evaluating old customs (*forgotten customs*) so that they remain relevant to the contemporary context, not blindly defending them.⁵⁵ Customs that no longer contribute to *maslahah*, however historically rooted, must be reviewed for their functional validity.

The practical implication of this systemic analysis is that the reconstruction of *Pisuke* is not enough to be carried out through normative fatwas alone, but rather requires an institutional mechanism capable of translating the principles of openness and devotion of purpose into the practice of daily customary negotiation at the village level.

The Role of Community Leaders in Moderating *Pisuke* and the Reconstruction Conceptual Model

Field data shows that Mr. Guru played a strategic role as a substantive moderator in the *Pisuke* negotiation impasse. One of the teachers interviewed explained that he was often asked to mediate when nominal negotiations reached an impasse, by reminding both parties of the principle of ease (*taysir*) in marriage.⁵⁶

In addition to religious authorities, village administrative authorities also play a role through the institutionalization of local regulations in the form of written village regulations (*Awik-Awik*) that limit the maximum nominal amount of *Pisuke* based on the family's economic ability.⁵⁷ This *Awik-Awik* instrument effectively serves as an institutional moderation mechanism that translates the principle of openness of Auda into concrete and socially binding rules of the game.

⁵⁰ Nashuha, Muthoifin, dan Elbanna, "An Analysis of Jasser Auda's Thought," 444.

⁵¹ Huda and Badawi, "Pisuke in Marriage Perspective of Maqāsid Al-Shariah."

⁵² Interview with Abdul Rachman, Kilang, February 3, 2026.

⁵³ Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, 11.

⁵⁴ Nashuha, Muthoifin, dan Elbanna, "An Analysis of Jasser Auda's Thought," 446.

⁵⁵ Putra, Nasution, and Edi, "Reviving the Past," 40.

⁵⁶ Interview with Lalu Abdullah, February 6, 2026.

⁵⁷ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 71.

It is this synergy between religious authorities and administrative authorities that, based on the findings of this study, is most effective in moderating the nominal of customary to restore its noble function. Without this synergy, moderation efforts tend to stop at normative appeals that are non-binding and easily ignored by status-competition-oriented families.

Based on the above findings, this study formulates a conceptual model of systematic socio-legal reconstruction: Tradition-Negotiation-Moderation-Maslahah. The Tradition stage represents the early practice of *Pisuke* as *Pisoloh*, *Pengganti Lempot*, and *Ta'awun* which are full of benefits.

The Negotiation stage represents a clash between the class prestige of the female family and the financial limitations of the male family, which if left unintervened will push *Pisuke* further and further towards '*urf fasid*'. The Moderation stage represents the intervention of the religious and administrative authorities of the Tuan Guru and the village head through substantive dialogue and *Awik-Aik regulations*.

The final stage, Maslahah, represents the results of reconstruction in the form of the ease of marriage contracts, financial resilience of young families, and the maintenance of social cohesion of the community. This model emphasizes that *the reconstruction of Pisuke* is not a project of the elimination of customs, but a project of returning customs to the spirit of benefit that has been the reason for its existence since the beginning.

The practical implication of this model is the recommendation that Sasak traditional stakeholders and KUA authorities no longer treat *the nominal Pisuke* as an absolute condition for marriage, but rather position it proportionally as an elastic voluntary contribution (*grant*), in line with the spirit of sharia convenience which is the spirit of *maqashid al-nikah*.⁵⁸

CONCLUSION

This research answers two problem formulations that were proposed at the beginning. First, the shift in the nominal determination of *Pisuke* from the aristocratic caste (*Aji Krame*) to academic meritocracy is not a value-free modernization, but a form of intense accumulation of Symbolic Capital in order to maintain the social prestige of the family in the realm of the sociocultural status competition of the Sasak community. When the accumulation of this status catapulted the nominal of the custom, causing *masyaqqah*, usury debts, and postponement of marriage, this tradition underwent a shift in function, value, and purpose from the original '*urf sahih*' to '*urf fasid*'. Second, the principle of Openness and Devotion of Purpose in *Maqashid System Theory* Jasser Auda can be operationalized through the synergy of religious authorities (Tuan Guru) and village administrative authorities (*Awik-Awik*), which has proven to be effective in moderating the nominal of customary and returning *Pisuke* to its benefit function, as summarized in the conceptual model of Tradition-Negotiation-Moderation-Maslahah offered by this research.

Theoretically, the contribution of this research lies in a new analytical bridge that synchronizes the sociology of practice of Pierre Bourdieu with *Jasser Auda's Maqashid System Theory* to evaluate the elasticity of customary law, an approach that dismantles the pettiness of classical normative-binary jurisprudence and affirms that the validity of customary law is dynamic, not static, depending on whether the practice still fulfills the purpose of Islamic law. Practically, this finding requires Sasak traditional stakeholders

⁵⁸ Fahrurrozi and Shalihah, "Socio-Religious Adaptation," 71.

and KUA authorities to position the *nominal Pisuke* proportionally as an elastic grant, not an absolute requirement for marriage.

This study has methodological limitations that need to be honestly acknowledged: its micro-scale focus on a case study in Refinery Village, East Lombok, has not been able to capture the nominal variability of *Pisuke* in the West Lombok or North Lombok regions which have different caste pedigrees and tourism economic dynamics, while the qualitative-ethnographic approach used also limits statistical generalizations regarding the causal correlation between customary nominal inflation and divorce rates throughout Lombok Island. Further macro-scale research with a mixed method approach and regional codification by the Sasak Customary Council is therefore an important agenda to complement the findings of this research.

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