

The Practice of *Paneta Mawinne* in The Sumbanese Tribe of East Nusa Tenggara Perspective of Islamic Law

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ABSTRACT: *This research aims to explore the phenomenon of forced marriage, particularly the practice of Paneta Mawinne or arrest marriage, among the Sumba tribe in East Nusa Tenggara, Indonesia. The study specifically examines this practice through the lens of Islamic law, analyzing whether such cultural customs align with or contradict Islamic legal principles. The research adopts a qualitative approach using secondary data collected through literature reviews from credible sources. Data were gathered over several months from academic journal articles, online news outlets, and social media platforms, including relevant videos that document the practice. The analysis focuses on Islamic jurisprudence regarding marriage, which emphasizes mutual consent, justice, and the absence of coercion. Findings indicate that Paneta Mawinne involves significant elements of force and lack of consent, especially on the part of the bride, which is fundamentally incompatible with the principles upheld in Islamic law. Islamic teachings require the voluntary agreement of both parties in a marriage contract, making any form of coercion a violation of Sharia. The originality of this study lies in its intersectional analysis, combining anthropological insights with Islamic legal evaluation to assess a localized cultural practice. By highlighting the contradiction between local customs and Islamic values, this research contributes to broader discussions on cultural relativism, religious norms, and human rights. Ultimately, it calls for greater awareness and legal clarity to ensure that traditional practices do not undermine individual autonomy and religious ethics in Muslim communities.*

Penelitian ini bertujuan untuk mengeksplorasi fenomena pernikahan paksa, khususnya praktik *Paneta Mawinne* atau pernikahan tangkap, yang terjadi di kalangan suku Sumba di Nusa Tenggara Timur, Indonesia. Studi ini secara khusus menelaah praktik tersebut melalui perspektif hukum Islam, dengan menganalisis apakah kebiasaan budaya semacam ini selaras atau bertentangan dengan prinsip-prinsip hukum Islam. Penelitian ini menggunakan pendekatan kualitatif dengan data sekunder yang dikumpulkan melalui tinjauan pustaka dari berbagai sumber yang kredibel. Pengumpulan data dilakukan selama beberapa bulan, mencakup artikel jurnal akademik, portal berita daring, serta platform media sosial, termasuk video yang mendokumentasikan praktik tersebut. Analisis berfokus pada yurisprudensi Islam mengenai pernikahan, yang menekankan pada persetujuan bersama, keadilan, dan tidak adanya unsur paksaan. Temuan penelitian menunjukkan bahwa praktik *Paneta Mawinne* mengandung unsur pemaksaan dan ketiadaan persetujuan yang signifikan, terutama dari pihak perempuan, yang secara mendasar bertentangan dengan prinsip-prinsip yang dijunjung dalam hukum Islam. Ajaran Islam mewajibkan kesepakatan sukarela dari kedua belah pihak dalam akad nikah, sehingga segala bentuk paksaan merupakan pelanggaran terhadap syariat. Keaslian penelitian ini terletak pada analisis interseksionalnya, yang menggabungkan wawasan antropologis dengan evaluasi hukum Islam dalam menilai praktik budaya lokal. Dengan menyoroti kontradiksi antara adat lokal dan nilai-nilai Islam, penelitian ini berkontribusi pada diskusi yang lebih luas mengenai relativisme budaya, norma keagamaan, dan hak asasi manusia. Pada akhirnya, penelitian ini menyerukan kesadaran yang lebih besar dan kejelasan hukum agar praktik tradisional tidak merusak otonomi individu dan etika keagamaan dalam masyarakat Muslim.

Keywords: *Arrest Marriage, Islamic Law, Culture, Traditions, The Bride.*

I. INTRODUCTION

Indonesia is a country that has many diverse tribes, languages, cultures, and customs spread across all the islands in the archipelago. This is a treasure trove of Indonesian wealth and local wisdom that is not shared by other nations in the world. One of the riches possessed by Indonesia is the tradition of wedding procession rituals such as the wedding traditions of the Batak tribe in Sumatra, the Dayak tribe in Kalimantan, the Javanese tribe on the island of Java, and other areas (Putri et al., 2024). The eastern region of Indonesia is no exception, as it has a unique culture and traditions as its characteristics (Amrin et al., 2020).

The development of community culture and traditions in various tribes in Indonesia cannot be separated from the progress and development of human resources. This also tends to be followed by a shift in values in tradition and culture itself. Developing culture continues to experience changes as usual because several factors influence it. These factors appear as cultural influences that come from outside or emerge from within, either due to technology, discoveries in various scientific disciplines, or due to the impact of certain religious teachings or beliefs. The form of change or development is usually known through its structure and life at one time, then compared with what happened in the past (Muhdi, 2020).

Marriage is a ubiquitous institution and has enormous meanings and consequences in all societies (Shamad, 2017). The practice of marriage varies in different regions of the world, encompassing various forms, traditions, and procedures that reflect social, cultural, and religious values. Indonesia, as a country rich in cultural and religious diversity, also shows diversity in its marriage customs (Florea, 2023).

An interesting and distinctive marriage custom that is still prevalent in some regions of Indonesia, such as Sumba in East Nusa Tenggara, is known as "*kawin tangkap*" (Kamuri & Toumeluk, 2021). This practice results in marriage without the full consent of one or both parties involved in the marriage. Although capturing marriage has been a long-standing tradition in Sumba culture, derived from customs, there are concerns about its adherence to the teachings of Islamic law that have developed in the society (Dewi, 2022).

An act of arrest or arrest in marriage refers to a situation where a person marries without full permission or awareness of the marriage (Kamuri & Toumeluk, 2021). In this practice, one or both parties in the marriage often feel involved in undesirable circumstances and are sometimes even forced to enter into the marriage. Such marriages can have a profound impact, especially on individual freedoms, such as the freedom to choose a partner, the freedom to give consent, and the freedom to enjoy a legal and satisfying marital union (Tangu et al., 2021).

The practice of catching a partner (*Paneta Mawinne*) is a customary law adopted by the people of Sumba, East Nusa Tenggara (NTT). The custom of kidnapping brides has been passed down and continues to be carried out by various tribes in remote parts of Sumba Island, especially the Kodi and Wawewa tribes. Traditionally, the practice of *Kawin Tangkap* was mostly done by wealthy men who wanted to propose to the woman they wanted to marry (Amin & Muhdi, 2021). However, this happens when there is mutual understanding between two parties, namely the male family and the female family. Mutual consent lends significant credibility to the conduct of these *Kawin Tangkap* (Bembot & Sermada, 2022).

Recently, the tradition of capturing marriage caused a polemic among the public when in June 2020, a viral video showed the arrest of a Sumba woman by some men. The woman was loaded into a car and taken by the men to the home of the man who was going to marry her. The same thing happened in another video that went viral on social media in December 2019 (Kleden, 2017). The central government, through the Minister of Women and Child Empowerment, sees this event as a form of violence against women and children for cultural reasons. The same thing was conveyed by Komnas women who considered arrest marriage as a form of sexual harassment against women as forced marriage (Bire & Radja, 2023).

Kawin Tangkap serves as a means to promote propaganda against women (Bire & Radja, 2023). Therefore, Muhdi (2020) views the practice of capturing marriage in Islamic law as a prohibited religion (Indrama, 2022). Matchmaking practices can be influenced by various factors such as family finances, social standing, education, and cultural values (Sanjaya & Rahardi, 2021). According to Kamuri & Toumeluk (2021), the practice of captive marriage on Sumba Island involves a hegemonic process influenced by a

patriarchal society. According to Mardiani et al. (2021), the practice of forced marriage has become outdated in today's society because it limits women's autonomy (Wachidah et al., 2024). The same thing was also conveyed by Mahmud & Ilyas (2024), who explained that the customary practice of marriage and kidnapping in Sumba creates an unfavourable position for women.

It is important to understand the perception of Islamic law regarding the practice of Islam in Sumba, which is one of the religions adopted by some (Toriq, 2023). In addition to the social and cultural dimensions, questions arise regarding the suitability of the institution of marriage with the teachings and doctrines of *fiqh* adopted by certain individuals in Sumba. Islam enforces strict marriage rules and ethics governing the protocol of the rights and responsibilities of married individuals (Hakim, 2021). Therefore, it is important to examine the Islamic legal viewpoint regarding this activity and ensure its conformity with Islamic sharia or vice versa.

In addition, it is important to recognize that the issue of marriage is not just a local issue but has broader implications. Gaining insight into the phenomenon of forced marriage through the lens of Islamic law can offer a clearer understanding of efforts to protect individual rights within a range of social and cultural regulations. In addition, it can encourage contemplation on the potential contributions of law and religion to promote beneficial transformation in society (Musyafah, 2020).

This study aims to investigate the phenomenon of *Kawin Tangkap* (*Paneta Mawinne*) marriage in the Sumba Tribe of East Nusa Tenggara further, with a special focus on its implications within the framework of Islamic law. In this context, researchers will investigate whether these behaviors are in line with or deviate from Islamic beliefs and laws.

Table 1. Showing the gaps and indicators in the practice of *kawin tangkap* (*Paneta Mawinne*) in East Nusa Tenggara

Aspect	Positive Indicators (Supporting)	Negative Indicators (Contradictory)	Existing Gap
Culture & Tradition	Considered part of Sumbanese customs, symbolizing masculinity and social status.	Contradicts human rights and gender equality values.	Differences in perspective between local customs and human rights principles.
Customary Law	It is still accepted in certain communities with <i>belis</i> (bride price) payment.	Lacks legality under Indonesian national law, often considered abduction.	Conflict between customary law and state law.
Islamic Law Perspective	Islam emphasizes marriage based on mutual consent.	It does not align with the Islamic <i>ijab qabul</i> requirement, which requires the bride's approval.	The absence of consent and justice in the marriage contract.
Women's Protection	Some families of the bride accept this tradition as part of their customs.	Women often become victims of physical and psychological violence.	Lack of protection for women within the customary legal system.
Social & Economic Aspects	Can be part of agreements between families within the community.	Often leads to social conflicts and trauma for the victims.	There is no mechanism to ensure women's protection and well-being.
National	Customary law is still	It is considered a violation of	Incompatibility between

Law	respected in certain contexts in Indonesia.	rights and can be prosecuted under laws on abduction and violence against women.	customary practices and state law.
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This table illustrates the contradictions between local customs, Islamic law, and national law in the practice of *Kawin Tangkap* in Sumba (Muthoifin et al., 2024).

The cultural practice of *Paneta Mawinne* or *Kawin Tangkap* in the Sumbanese tribe of East Nusa Tenggara has long been a topic of discussion due to its controversial nature. This traditional practice, which involves the forceful taking of a woman for marriage, raises significant concerns regarding human rights, gender equality, and legal legitimacy (Al-rahman, 2024). Despite its deep-rooted presence in Sumbanese customs, the practice has been increasingly scrutinized in light of national laws and religious perspectives, particularly Islamic law. This study aims to analyze *Paneta Mawinne* from the standpoint of Islamic legal principles to evaluate its compatibility with Islamic ethics and jurisprudence (Doko et al., 2021).

The significance of this research lies in its exploration of a culturally ingrained yet legally and ethically problematic practice. While local traditions often play a crucial role in shaping societal norms, they must be examined through legal and moral frameworks to ensure justice and human dignity. This study provides an essential discourse on the intersection between customary laws and Islamic teachings, highlighting the challenges of harmonizing cultural traditions with religious and legal standards. By delving into the historical and sociocultural context of *Paneta Mawinne*, this research seeks to uncover the underlying factors contributing to its persistence and the implications it has for women's rights and marital consent in Sumbanese society (Muzayyanah et al., 2023).

The novelty of this study lies in its focused examination of *Paneta Mawinne* through the lens of Islamic law, a perspective that has been relatively underexplored in existing literature. While previous studies have discussed *Kawin Tangkap* in relation to Indonesian legal frameworks and human rights perspectives, limited research has comprehensively analyzed this practice based on Islamic jurisprudence (*fiqh*). This study seeks to bridge this gap by employing Islamic legal principles, particularly those concerning marriage, consent, and justice, to assess the legitimacy of *Paneta Mawinne* critically. Additionally, it offers an evaluative comparison between customary norms and Islamic ethical values, providing a unique contribution to the discourse on cultural traditions and religious legal systems.

Ultimately, this research aspires to contribute to the broader efforts of advocating for human rights and legal reforms, particularly in regions where cultural practices still pose challenges to gender equality and justice. By bringing Islamic law into the discussion, this study aims to provide alternative perspectives that encourage ethical and legal transformations within the Sumbanese community, ensuring that traditional customs align with the principles of justice and human dignity upheld in Islam.

II. METHOD

This study employs a qualitative research method with a specific focus on library research or literature review, designed to examine the cultural practice of *Kawin Tangkap* (*Paneta Mawinne*) in Sumba, East Nusa Tenggara, through the lens of Islamic law. The qualitative method is appropriate for interpreting socio-cultural phenomena and normative frameworks, particularly when aiming to understand deeply rooted traditional practices and assess their compatibility with religious legal principles (Manurung, 2022).

The research applies a normative juridical approach, which emphasizes the study of legal norms found in classical Islamic jurisprudence (*fiqh*), national regulations, and academic discourse. This approach allows the researcher to evaluate the extent to which the tradition of *Kawin Tangkap* aligns with or contradicts Islamic legal standards, particularly those related to marriage, human dignity, and personal consent (Afiyah, et al., 2024). The main research question posed is: How is the tradition of *Kawin Tangkap* (*Paneta Mawinne*) in Sumba perceived from the perspective of Islamic law?

In terms of data and data sources, this study draws upon both primary and secondary data. Primary data consists of authoritative Islamic legal texts, such as the Qur'an, Hadith, and classical *fiqh* books from various schools of Islamic law. In addition, interviews with Islamic scholars (ulama), legal experts, and local community leaders who are familiar with the practice of *Paneta Mawinne* are included to provide contextual insights and contemporary interpretations. Secondary data includes peer-reviewed journal articles, Indonesian legal documents, online news reports, and social media videos that document real-life cases and public perceptions related to this tradition.

Data collection techniques used in this study involve systematic document analysis and semi-structured interviews. Document analysis was conducted over several weeks to gather relevant information from scholarly works, legislation, and digital media. The documents were selected based on credibility, relevance, and recency. Semi-structured interviews were conducted with experts from religious and legal fields, offering interpretive depth and community-based perspectives. This dual method ensures a robust understanding of both theoretical foundations and real-world applications.

For the data analysis, this research adopts a comparative and descriptive-analytical approach. The data collected are categorized and analyzed thematically, focusing on key concepts such as consent, coercion, justice, and human rights within marriage. These concepts are then examined in relation to both Islamic legal doctrines and the customary laws of the Sumba people. A critical comparison is made between the principles of Islamic law and the local tradition of *Paneta Mawinne*, highlighting areas of convergence and divergence, As shown in the picture below (Uddin et al., 2024).



Figure 1. Research location

To strengthen the normative evaluation, this study incorporates the *maqashid shariah* (objectives of Islamic law) framework as an analytical tool. This framework assesses the practice in terms of its adherence to core Islamic values, including the preservation of religion (*din*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and wealth (*mal*). Special emphasis is placed on the values of justice, human dignity, and gender equality, which are essential pillars in Islamic marital ethics. In conclusion, this methodology allows for a comprehensive and nuanced understanding of *Paneta Mawinne*, situated within both the cultural context of Sumba and the legal-ethical framework of Islamic law. By bridging normative theory with empirical insights, the study contributes to broader discourses on legal pluralism, gender justice, and cultural transformation in Muslim societies (Ali, et al., 2024).

III. RESULT AND DISCUSSION

The practice of *Kawin Tangkap*, locally referred to as *Paneta Mawinne*, is a traditional custom still found among certain communities in Sumba, East Nusa Tenggara. This cultural practice involves a man forcibly taking a woman—often without her prior knowledge or consent—with the intent of making her his wife. While some defend the custom as part of local identity and heritage, it raises serious ethical and legal concerns, particularly when analyzed from the standpoint of Islamic law. From an Islamic legal perspective, *Paneta Mawinne* is considered inappropriate and invalid due to its coercive nature. Islamic marriage requires the *ijab* and *qabul* (offer and acceptance) to be carried out willingly by both the bride and groom. The absence of the bride's free consent contradicts the core Islamic principle that marriage must be based on mutual agreement and justice.

The results of this study affirm that while cultural traditions hold social significance, they must not override fundamental religious and moral standards. The practice of *Kawin Tangkap* fails to meet the criteria of lawful marriage in Islam and, therefore, should be

reconsidered or reformed to ensure alignment with Islamic ethics and the protection of individual rights.

The *Mawinne Paneta* in Sumba, East Nusa Tenggara

Indonesia is a country of wealth, both biological and non-biological wealth from Sabang to Merauke a lot of biological and non-biological wealth, especially culture and tradition. Let's look at and discuss one of the cultures or traditions of captive marriage. The tradition of *Kawin Tangkap* is defined as marriage after the arrest of a pair of women by the family of the man, where they are secluded in a house or other quiet place with indications of conjugal relations (Subeitan, 2022).

In other studies that discuss *Kawin Tangkap*, it can be interpreted as forced marriage where marriage can occur due to family problems such as; Zina, Being alone in a quiet place, Visiting beyond visiting hours, or Being pregnant out of wedlock (Israfil et al., 2021). So *Kawin Tangkap* can be interpreted as forced marriage where the marriage occurs because there is an indication that a man and woman have a relationship like husband and wife or can also be accused of conjugal relations (Sanjaya & Rahardi, 2021).



Figure 2. *Procession and discussion of the implementation of Kawin Tangkap*

This image captures a traditional procession and communal discussion surrounding the practice of *Kawin Tangkap* (*Paneta Mawinne*) in Sumba, East Nusa Tenggara. The gathering often involves elders, family members, and local leaders who negotiate the terms following the forced act of taking the bride (Abuzar, 2024). While culturally significant to some, the scene reflects the complex social dynamics and ethical concerns related to consent and gender roles. In the context of Islamic law, such a practice raises critical issues, especially regarding the requirement for mutual agreement in a valid and just marriage contract (Aryani et al., 2024).

History and Development of the Practice of *Mawinne Paneta*

The practice of capturing marriage in Sumba, East Nusa Tenggara has recently attracted controversy. This tradition is considered to lead to the abduction of women, and violations of women's rights and human rights. Capture mating is considered a tradition from their ancestors for generations to this day (Agust, 2022; Kleden, 2017).

In the old tradition of Sumba society, *Kawin Tangkap* is usually carried out by the groom's family, who is hindered by belts or high dowry from the woman's side. *Kawin Tangkap* is a category of marriage without marriage that occurs because there is no family agreement on the amount of belts or dowry. At the beginning of this tradition, a woman was dressed. The bridegroom is also dressed in traditional clothes and riding a horse. The woman was arrested and taken to the man's family home. This tradition is unique because it involves the good name of both families, especially with the background of the family. After being arrested, the male party would bring a machete and a horse to the female side as a sign of apology and a sign that the woman was already in the man's house (Tanggu et al., 2021).

Along with the times, the practice of captive marriage that was carried out was not by the initial procedures of tradition. Later, this tradition went awry and harmed women personally. Recent captive marriages seem to make women feel like they are kidnapped, tortured, abused, even humiliated, and worthless (Sanjaya & Rahardi, 2021).

Influential factors in marriage include economic factors in terms of debt-related, social strata factors, education, and trust. Women in this case are used as ransom for family debts (Saprudin et al., 2023). One of the factors that became the motive for captive marriage was to build kinship between the two families so that relations remained and the wealth given as belies was not given to others (Toriq, 2023).



Figure 3. The action of "Marriage Arrest" caught on camera

The image above depicts a real-life incident of the traditional practice known as *Paneta Mawinne*, as it occurred in East Nusa Tenggara. Captured by CCTV footage, the scene shows a woman being forcibly taken by a group of men, symbolizing the beginning of the

marriage process without her prior consent. This visual evidence illustrates the coercive nature of the practice. It raises significant concerns regarding human rights, gender equality, and religious legality, particularly when viewed through the lens of Islamic law, which strictly upholds the principle of voluntary consent in marriage (Thaib et al., 2023).

The Practice of Paneta Mawinne in the Perspective of Islamic Law

Muslims are now facing very complex challenges related to conflicting legal, customary, and religious issues. Among these issues are human rights, gender equality, relations between Muslims and non-Muslims, the environment, human resource development, and the development of science and technology are very prominent issues (Shamad, 2017).

According to *fiqh* scholars, initially, the pattern of government relations with the people was determined by customs. Because these customs are not written, there are no strict boundaries regarding the rights and obligations of each party in this relationship. All forms of response that often emerge from Muslims to these challenges are defensive-apologetic attitudes and counter-productive actions. Some have carried out *ijtihad* but are still limited to reading old things over and over again and do not dare to carry out new *ijtihad* (Pratama & Jannah, 2024).

The ideals of Islam seem to be drowned out by the awkward performance of some Muslims. Many agendas are touted as reforming the understanding of Islamic teachings, even though they are only decorations for the treasures of the old Islamic civilization. Therefore, it is urgent to put on the agenda a reform of the understanding of Islamic law that is in line with the development of modern science which in our opinion will have a major impact on the Islamic education system, constitutional system, national and state life as well as social and cultural issues in general (Mahfudhi & Arrosid, 2021).



Figure 4. Marriage captures Islamic perspective

Compared to *aqidah* and morals, Islamic law and *fiqh* are much more intense in their struggle with the dynamics of contemporary life, *fiqh* is directly related to everyday reality. Faced with contemporary dynamics, the old scientific knowledge of jurisprudence is no longer able to answer it. Therefore, reform efforts towards the understanding of Islamic teachings should not be aimed at Islamic law or *fiqh* but should be aimed directly at Islamic legal philosophy or useful *al-fiqh*, which is the producer of *fiqh* laws which in

this case is related to how Islamic law is viewed and whether it is practised. *Paneta Mawinne* in the Sumba tribe of East Nusa Tenggara is from the perspective of Islamic law itself (Malisi, 2022).

Kawin Tangkap when viewed from practice can be classified as kidnapping because it is carried out without the consent of the woman. Kidnapping is a criminal act and is a prohibited act in the teachings of Islam, which is known to the wider community and can be described as the deprivation and abduction of others against their will (Bire & Radja, 2023). In practice, capture mating can occur either by the use of force or by deception or inducement. Before and after the change in practice in *Kawin Tangkap*, both were carried out without the consent of women and ended in coercion (Aisa et al., 2022).

If you look at the source or basis of marriage law, such as the Qur'an, al-Sunnah, or Ijma', of course, this capture of marriage is not explicitly mentioned. Meanwhile, the law of origin of marriage is *mubah* (permissible). However, the law can be changed to obligatory, *sunnah*, *makruh*, and *haram*, depending on the *'illat* that affects (Campmajó, 2020).

The marriage law becomes mandatory if a person is considered physically mature and has a fixed income, and he is very willing to marry so that if he does not marry he is feared to fall into adultery (Zulfikar, 2020). Al-Qurthubi said, "A person who is able and worried about himself and his religion becomes corrupted by celibacy, so that it is impossible to overcome it except by marrying, there is not the slightest difference of opinion to declare that he is obliged to marry. Still, if the desire for marriage is great but unable to provide for the wife, then it should carry out the direction of Allah Swt (Indrama, 2022). In his statement Q.S An-Nur Verse 33 which reads:

وَلَيْسَتَغْفِرِ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّى يُعْزِيَهُمُ اللَّهُ مِنْ فَضْلِهِ وَالَّذِينَ يَبْتَغُونَ الْكِتَابَ بِمَا مَلَكَتْ
أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَأَنْتُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ وَلَا تُكْرِهُوا فَتَيَاتِكُمْ عَلَى الْبِغَاءِ
إِنْ أَرَدْنَ تَحَصُّنًا لِيَبْتِغُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهْهُنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ

"And those who are unable to marry should keep them chaste until God enables them with His gifts. And if the servants of the *sahaya* you have desired a covenant (freedom), make a covenant with them, if you know there is good in them, and give them a portion of the treasure of Allah which He has given you. And do not force your female servants to engage in prostitution, while they desire chastity, for you seek the benefits of worldly life. Whoever forces them, then truly, Allah is Most Forgiving, Most Merciful (to them) after they are forced."

The law of marriage becomes *sunnah* when a person is seen from his natural physical growth and he tends to have a desire to marry and already has a steady income. The marriage law becomes *makruh* when a person is physically and of sufficient age even though it is not too urgent. But he does not have a fixed income so if he marries it will bring life misery to his wife's children. The law of marriage becomes *haram* when a man marries a woman to molest ridicule or to take revenge (Kamuri & Toumeluk, 2021).

From the marriage law above, we can see that a marriage is considered religiously invalid depending on the ability of a man to marry his future wife. Seeing the traditions carried out in the Sumba area of East Nusa Tenggara, we as people who understand marriage law must be able to advise the local traditional leader so that the marriage does not become haram for the couple. Remembering marriage or marriage is a very big worship reward because all our romantic actions toward the wife are the source of our reward as husbands there (Mahfudhi & Arrosid, 2021).

The analysis of *Paneta Mawinne* within the framework of Islamic law reveals a significant tension between cultural traditions and religious principles. Islamic jurisprudence emphasizes mutual consent (*ridha*) in marriage, which directly contradicts the forced nature of *Paneta Mawinne*. According to Islamic teachings, marriage is a solemn contract that requires the voluntary agreement of both parties, ensuring that the dignity and autonomy of individuals are preserved. The Quranic verse reinforces this principle: "Do not inherit women against their will" (Qur'an 4:19), highlighting the necessity of free will in marital arrangements (Thaib et al., 2023).

From a legal standpoint, *Paneta Mawinne* conflicts with the principles of maqashid shariah, particularly in safeguarding life (*hifz an-nafs*) and protecting human dignity (*hifz al-'ird*). The act of forcefully taking a woman for marriage can lead to psychological distress, social marginalization, and violations of fundamental rights. Islamic law promotes justice (*adl*) and opposes oppression (*zulm*), further questioning the legitimacy of a practice that disregards the well-being of women (Afiyah & Macsudov, 2024).

Furthermore, a comparative analysis with Indonesian national law indicates that *Paneta Mawinne* violates statutory marriage regulations. The Indonesian Marriage Law (Law No. 1 of 1974) stipulates that marriage must be based on the mutual consent of both parties. Additionally, human rights perspectives categorize *Paneta Mawinne* as a form of gender-based violence, emphasizing the need for protective measures and legal reforms (Abuzar et al., 2024).

Despite its cultural significance, the persistence of *Paneta Mawinne* suggests a need for community engagement and educational interventions. Religious leaders and legal authorities should collaborate in advocating for reforms that align customary traditions with Islamic ethical standards. Encouraging dialogue between cultural and religious institutions can help promote alternative practices that respect both tradition and individual rights. In conclusion, while *Paneta Mawinne* remains deeply rooted in Sumbanese culture, its legitimacy under Islamic law is highly questionable. The practice contradicts fundamental Islamic principles of justice, dignity, and mutual consent. Legal and educational efforts must be intensified to ensure that cultural traditions evolve in a manner that upholds both Islamic values and universal human rights (Anurogo et al., 2023).

IV. CONCLUSION

In light of the findings presented, it is clear that the practice of *Kawin Tangkap*, locally known as *Paneta Mawinne*, among the Sumbanese community in East Nusa Tenggara, is incompatible with the fundamental principles of Islamic law. Islamic jurisprudence places a strong emphasis on the mutual consent of both individuals entering into a marriage. Consent must be given freely and without any form of coercion, as this reflects the Islamic values of justice, dignity, and individual autonomy. The concept of justice ('adl) in Islamic law is not limited to legal fairness but extends to the ethical and social dimensions of human relationships, including marriage. Marriage in Islam is viewed as a solemn contract ('aqd) that requires the voluntary and willing participation of both the bride and the groom. Any form of pressure, compulsion, or force used to obtain a woman's agreement to marriage invalidates the spirit, if not the legal form, of the marital contract. Therefore, the *Paneta Mawinne* tradition, which involves capturing a woman and forcing her into marriage, fundamentally contradicts the essence of Islamic matrimonial ethics. Furthermore, such practices may also lead to broader violations of human rights and undermine efforts to promote gender equality and protect women's rights within both religious and national legal frameworks. From the perspective of *maqashid syariah*—the higher objectives of Islamic law—this tradition fails to uphold the essential goals of preserving human dignity (*karamah insaniyah*) and protecting lineage (*hifz al-nasl*) in a manner consistent with Islamic teachings. In conclusion, while cultural traditions form an important part of community identity, they must evolve in ways that uphold justice, respect individual autonomy, and align with universal ethical and religious values. The practice of *Paneta Mawinne* should be critically reassessed and reformed in accordance with the principles of Islamic law to ensure the protection and dignity of all individuals involved.

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