

## Maqāshid syarī`ah Analysis of the Policy for Determining Dowry in Marriage Customs Sabang City, Aceh

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### Abstract

This research was conducted in Sabang City, revealing that in practice, the community determines the dowry amount as part of the marriage process, although Islam does not prescribe specific amounts or forms of dowry. The determination of bride is influenced by factors such as the prospective bride's employment status, lineage, beauty, and education. Maqāshid Syarī`ah, in his review of dowry determination in customary marriages in Sabang City, emphasizes that dowry is considered obligatory despite not being a pillar of marriage. The sayings of the Prophet highlight the importance of dowry, although its form and amount can vary according to the capabilities and preferences of the parties involved. Scholars agree that the dowry should be beneficial and comply with Shariah provisions. Differences among scholars regarding the quality and quantity of dowry often revolve around minimum thresholds, while maximum limits tend to be uniform.

**Keywords:** *marriage dowry, customary practices, Maqāshid Syarī`ah.*

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### INTRODUCTION

Islam strongly recommends for young men and women who are ready to get married, because marriage contains religious values as a form of worship to Allah SWT, and follows the Sunnah hadith of the Prophet besides that it also has human values to fulfill human life instincts in order to preserving offspring, creating a peaceful life, and fostering a sense of compassion in social life. (HAS Al-Hamdani, 1985).

Dowry in marriage is an important aspect of Islamic law which reflects the values of Maqāshid Syarī`ah, namely maintaining justice, benefit and protecting individual rights in society. In Sabang City, Aceh, the determination of dowry in marriage customs is regulated by local customs which sometimes conflict with the principles of Islamic law. This research aims to analyze the policy of determining dowry in marriage customs in Sabang City using the Maqāshid Syarī`ah approach.

In general, dowry is considered obligatory even though it is not a pillar of marriage in Islamic law. However, the process of determining the dowry is often influenced by factors such as social, economic and local cultural status which can influence equality and fairness in marriage. Therefore, Maqāshid Syarī`ah's analysis of the dowry determination policy in Sabang City is expected to provide a deeper understanding of the implementation of Islamic legal values in the practice of community life, as well as provide recommendations that can increase justice and benefit for individuals involved in marriage. . Thus, it is hoped that this research can contribute to the development of legal policies that are more sensitive to Maqāshid Syarī`ah values in the context of marriage in Acehnese society.

Based on the philosophical basis that: In the Al-Quran, Surah An-Nisa verse 4, it is explained about the dowry, which means:

*"Give a dowry (dowry) to the woman (you marry) as a gift with full willingness. Then if they give you part of the dowry happily, then eat (take) the gift (as food) which is delicious and has good consequences." (QS. Al-Nisa [4]: 4).*

The substance of this explanation is that Islam gives women (future wives) the right to receive a dowry and gives men (future husbands) the obligation to give dowries to their future wives based on their wishes and wishes, not because they are afraid or forced.

Several Islamic rules do not set a detailed lower limit on the amount and Islam even makes the dowry rules in a marriage very easy. However, in reality, some people actually deviate from these rules and recommendations. They prefer traditions that were born due to the selfishness of one community member which eventually became the traditions of the entire local community.

For example, in Aceh Province, the dowry given must be in the form of gold mayam. The term mayam itself refers to a kind of gold measure that applies in Acehese society. One gold mayam is estimated to be equivalent to 3.33 grams of gold. As is what happened in the Sabang City Government. Determining the dowry for the bride or in Acehese is called *dara baro*, with deliberation between both families, both the prospective groom's family (*linto baro*) and the prospective bride's family (*dara baro*).

In general, in Sabang City, the specified amount cannot be less than 12 Mayam or around 39.96 grams of gold if the person marrying is the first daughter. However, if the second daughter or subsequent daughters marry, the dowry must be equal to the dowry of the first daughter. For example, if the dowry for the first daughter is 20 mayam or around 66.66 grams of gold, then the dowry for the second daughter and so on must be 20 mayam.

## METHOD

This research uses a qualitative approach with field study methods to investigate the policy of determining dowry in marriage customs in Sabang City, Aceh. By conducting in-depth interviews, direct observations and document studies, researchers will explore the views and practices behind the determination of the dowry, and analyze them using *Maqāshid Syarī'ah* concepts such as justice, benefit and protection of individual rights. Data analysis will produce a deeper understanding of the extent to which these policies reflect Islamic values, as well as provide recommendations for improving policies that are more in line with the principles of Islamic law in the context of Acehese society.

## RESULTS AND DISCUSSION

### Overview of Dowry

#### 1. Understanding Dowry

Etymologically, dowry comes from the Arabic *Al-mahr*, the plural of which is *al-muhur* or *al-muhurah* means dowry, which is an obligatory gift from the prospective husband to the prospective wife during the marriage ceremony. *Shidaq*, *shaduqat*, *shidiq*, *shadaq*, *shadaqah* means honest feelings, a white heart. So it means, wealth is given with a white heart, a pure heart, a clear face to the bride when she is getting married. Because paying the dowry indicates the man's honesty and sincerity in marrying the woman. (Ahmad Rofiq, 2000) '*Ajr* means awards and gifts given to the bride. '*Ajr* also means something that is given and cannot be lost. *Nihlah* is the plural *nahl* which means gift. *Fariḍhah* is to mention family support or literally means income that is required or a part that has been emphasized. (Abdul Rahman, 1992).

It is called faridhah which linguistically means obligation, because dowry is the obligation of a man who wants to marry a woman. And it is said with the term ajran which linguistically means wages/rewards, because the dowry is a wage or fee for being able to have halal sex with one's wife. (Hamid Sarong, 2005)

In terms of terminology, a dowry is a mandatory gift from a prospective husband to a prospective wife as a form of sincerity in the future husband's heart to create feelings of love for a wife towards her future husband. (Abdull Rahman Ghazali, 2010) Or gifts that are required for the future husband by his future wife, either in the form of objects or services/services (freeing, teaching, etc.) from the bridegroom, when the marriage contract is held. The dowry is also one of the most important elements in the marriage process. (m.Ali Hasan, 2006)

Based on the explanation above, it can be understood that a dowry is an obligation that must be borne by every prospective husband who will marry his prospective wife as a sign of approval and willingness to live together as husband and wife, so the dowry is a full right for the wife who receives it, not a joint right and nor is it her guardian's right, no one has the right to use it without the woman's permission.

## 2. Basic Laws of Dowry in Islam

There are several applications for the obligation to give a dowry in Islamic law, namely:

### a. Al-Qur'an

Allah SWT says in Surah An-Nisa 24 which means:

*And (it is also forbidden for you to marry) married women, except for the slaves you own (Allah has established this law) as His decree for you. And it is permissible for you other than that (namely) to seek wives with your wealth to marry, not to commit adultery. So the wives whom you have enjoyed (interfered with) among them, give them their dowries (perfectly), as an obligation; and there is nothing for you about something that you have given up for each other, after determining the dowry. Indeed, Allah is All-Knowing, All-Wise. (QS. Al-Nisa [4]: 24).*

This verse explains that the dowry is an obligation and the man is obliged to pay it perfectly after having sexual intercourse with the wife he marries. (Syibli Syarjaya, 2008) This verse emphasizes that the lawfulness of obtaining pleasure from a married wife is perfect if the woman has been given her rights, namely in the form of a dowry.

### b. Hadith

Hadith is the second source of Islamic law after the Qur'an, which consists of the words (sunnah qauliyah), deeds (sunnah fi'liyah) and silence (sunnah taqiririyah or sunnah sukutiyah) of the Prophet as recorded (now) in the hadith books. (Hamid Sarong) This is an interpretation and explanation of the Al-Qur'an, there are many hadiths of Rasulullah SAW as evidence which states that dowry is an obligation that must be borne by every prospective husband who will marry his future wife, because the dowry is important and obligatory in marriage, then if a man A man wants to marry a woman, no matter how poor the man is, he is still obliged to give a dowry and if it turns out he really doesn't have anything, the abilities or services possessed by a man may be used as a dowry. As the Prophet Muhammad SAW said:

عن سهل بن سعد أن النبي صلى الله عليه وسلم جاتته امرأة وقالت: يا رسول الله، إني قد وهبت نفسي لك، فقامت قياماً طويلاً، فقام رجل فقال: يا رسول الله، زوجنيها إن لم يكن لك فيها حاجة. Facebook فقال: ما عندي إلا أزارني هذا. text تمس شينا. فقال: ما أجد شيئاً. فقال: إلتمس ولو خاتماً من جديد. فالتمس فلم يجد شيئاً. message قال: نعم. سورة كذا و سورة كذا لسور يسميها. فقال له النبي صلى الله عليه وسلم: قد زوجتكها بما معك من القرآن. (رواه احمد و البخري و مسلم)

*Meaning: From Sahl bin Sa'ad that in fact the Messenger of Allah SAW was once approached by a woman and said, O Rasulallah SAW, truly I surrender myself to you. Then the woman stood for a long time, then a man stood up and said, O Messenger of Allah, marry me to her if you yourself are not interested in her, then Rasulallah SAW asked, do you have anything that you can use as a dowry for her? He answered, I don't have anything except these clothes. Then Rasulallah SAW said, if you give your clothes to him then you will not wear clothes anymore, so look for something else, then the man said, I did not get anything else. Then Rasulallah SAW said, look for it, even if it is an iron ring. Then the man looked for it, but he didn't find it, then Rasulallah SAW asked him, do you have memorized the verses of the Koran? He answered, Yes. This letter and this letter. He mentioned the names of the letters, then Rasulallah SAW said to him, truly I have married you to him with what you have from the Koran (HR. Ahmad, Bukhari and Muslim). (Muhammadad Nashiruddin al-Albani, 1983)*

This hadith is Rasulullah SAW's own command to the man to look for something that could be used as a dowry. This order shows that Rasulullah SAW was obliged to keep telling him to look for it several times, until he said that even if it was an iron ring, in this hadith, first Rasulullah SAW ordered him to look for something to use as a dowry. The word something basically includes everything whether of value or no value, but when Rasulullah SAW said that even though a ring is made of iron, it can be understood that what is meant by something as a dowry in the above hadith is something of value, it cannot be used as a dowry that is not as valuable as a grain of rice. . (Abu Isa Muhammad, 1982)

The above hadith shows that dowry is very important, so every groom is obliged to give dowry within the limits of his ability. This hadith is also an indication that Islam is very easy and not burdensome. As the hadith explains, when a person has nothing to use as a dowry but only memorizes the Al-Qur'an that he has, then it is enough for him to teach the recited Al-Qur'an as a dowry, that is the obligation to give a dowry to his future wife. .

### c. Ijtihad

The word ijthihad comes from the Arabic word jahada, meaning being serious or devoting all one's power to one's efforts. (Ahmad Warson Al-Munawwir, 2002)Ijthihad is a serious effort or effort using all available abilities carried out by people (legal experts) who meet the requirements to formulate legal lines that are not yet clear or do not have provisions in the Al-Qur'an and the Sunnah of the Prophet. People who make ijthihad are called mujtahid. Ijthihad is the basis and means of developing Islamic law. Ijthihad is the obligation of Muslims who fulfill the requirements (because of their knowledge and experience) to fulfill it from time to time, because Islam and Muslims also develop from time to time in accordance with the development of society, in a developing society problems always arise that need to be solved. and determine the legal rules.

In Indonesian society, various schools of thought related to jurisprudence have developed. There are several schools of thought that have had a major influence on Muslims. A school of thought is the result of the ijthihad of an imam (Mujtahid Absolute Mustaqil) regarding the law of a problem or regarding the rules of istinbath. Among Muslims, there are four most famous schools of thought, namely the Hanafi, Maliki, Syafi'i and Hanbali schools. (m. Ali Hasan, 1997)

The legal dowry is obligatory on men and not on women. Some schools of thought have different opinions regarding the obligation to give a dowry. As stated by the Hanafi and Hanbali schools, firstly, even a valid contract can be lost in whole or in half, as long as it is confirmed by intercourse or death or seclusion. Second, sexual intercourse is essential, as is the condition of sexual intercourse carried out with skepticism, or in a fasid marriage. In conditions like this the dowry does not fall except by repayment or by release.

The Hanafi and Hanbali schools also believe that maharitu obligations start from khalwah, even though the relationship between husband and wife does not yet apply. According to the Hanafi ulama, Khalwah is equated with the relationship between husband and wife. The Hanafi school also adds one condition, namely that talaq bain takes place, even though husband and wife relations have not yet taken place, and the Hanbali school adds that since there is lust between husband and wife, they are obliged to pay the entire dowry. The Shafi'i school of thought says that a dowry is something that a man must give to a woman in order to be able to control all her body parts. Meanwhile, the Maliki school of thought says that dowry is a pillar of marriage, so the law of giving it is obligatory. The Maliki school of thought adds one condition, namely that the wife has lived at home with her husband for one year.

### 3. Various kinds of dowry

#### a. Musamma's dowry

Musamma's dowry is the dowry that has been mentioned or promised in terms of size and value during the marriage contract. Or the dowry amount which is stated at the time of the marriage contract.

#### b. Mitsil's dowry

Mitsil dowry is a dowry whose amount is not said to be large before or during the marriage. Or the dowry is measured (comparable) to the dowry received by the closest family.

### 4. Determination of Dowry in Islam

The dowry provisions in Islam according to the scholars are:

- a. Imam Malik said that the minimum thing that is suitable as a dowry is a quarter of a gold dinar (Rp. 119,517.00) or three silver dirhams (Rp. 41,055.00),

- b. Hanafiyah said that the minimum size of dowry is 10 dirhams (Rp. 4,780,680.00),
- c. Imam Syafi'i, Abu Tsaur, Ahmad, Ishaq and the tabi'in circles said that there is no lower limit for giving dowry. Anything that has a price can be used as a dowry.

It is understood that regarding the maximum limit, all scholars agree that there is no maximum limit regarding the dowry that the groom gives to his wife. Religion does not set a minimum or maximum amount of dowry.

### 5. Dowry in Acehese Culture

A dowry in Acehese culture is a sign given by a prospective husband to a prospective wife as a sign of the prospective husband's sincerity to create feelings of love for a wife towards her future husband in relation to marriage. The gift can be in the form of money, services, goods, or anything else that is considered useful by the person concerned. (Alting, 2011)

Since previous years, based on the traditional decision of the people of Sabang City, it has been mutually agreed that the dowry can be more than three gold coins. If more than three gold coins can be given, it will also be mentioned at the time of the marriage ceremony and is considered part of the dowry, but as a gift from the groom's side. This is in accordance with the deliberations before the contract. (Ismail Suardi Wekke, 2013)

Thus, in Acehese wedding customs, the dowry given by the prospective groom to the prospective bride is calculated in terms of manyam gold. Not in a set of prayer equipment, let alone just a figure with money stacked inside it, a small reception was held. So the prospective groom also handed over a gold ring as a bond. Apart from rings, gifts such as clothing and food were also brought. However, the amount of this offering is usually only symbolic with a limited amount. And the gold ring is counted as part of the dowry. (Oaka Nuraini Rachmawati, 2015).

Apart from the costs of buying an engagement ring and dowry, there are still other costs that must be prepared. Several areas in Aceh enforce a custom called burning money and filling the room. This means that the prospective husband hands over a certain amount of aid money for the reception at the prospective wife's place, including bedroom furniture. Bedroom furniture consists of a bed, wardrobe and dressing table. The nominal value ranges from nine million rupiah and above. And someone has deleted it. (Q. Barkah, 2014)

Based on the description above, it can be understood that a sign given to the prospective bride and groom is in accordance with previously prevailing cultural customs and the culture carried out in Aceh in giving signs to the prospective bride and groom so that a khanduri reception is held.

## CONCLUSION

Determining the amount of dowry in wedding customs in Sabang City, Aceh, is determined by the family or parents, as well as the prospective bride and groom themselves, taking into account several factors such as the prospective bride's employment status. For example, if the prospective bride is already working as a civil servant, a high dowry is considered reasonable because the parents have paid for education and attaining that position. Heredity, beauty and level of education also influence the determination of the dowry; if the prospective bride comes from a rich family, the dowry is usually higher. However, if you come from an ordinary family, the dowry tends to be standard, ranging from 10 to 25 mayam, with no fixed minimum or maximum limit nowadays. From the Maqāshid Syarī'ah review of determining the dowry, scholars agree that the dowry is an obligatory part even though it is not a pillar of marriage. The hadiths of the Prophet emphasize the importance of the dowry, with the Prophet himself encouraging that the dowry be something that is beneficial according to the Shari'a, as mentioned in the Sahl hadith. Although scholars agree that dowry must meet sharia criteria, there are differences of opinion in determining its quality and quantity, especially on the minimum limit. However, the maximum limit generally does not cause differences in views among scholars.

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