



Transformation of Dowry from Traditional Practices to Maqashid Sharia: A Causal Analysis of Women's Dignity and Family Harmony

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Abstract

Marriage is a sacred institution in Islam that encompasses moral, social, and spiritual implications. The dowry, as an essential element of the marriage contract, has been prescribed to uphold the dignity of women and reinforce the foundation of the family. However, in social reality, the practice of dowry is often reduced to a mere symbol of formality or a burdensome customary obligation. This phenomenon illustrates the disconnect between the implementation of dowry and the objectives of Islamic law. This research employs a qualitative approach utilising normative-theological and sociological methods. Primary data were sourced from classical *fiqh* texts and al-Syātibī's seminal work (*al-Muwāfaqāt*), while secondary data were obtained from academic journals and customary marriage documents. This article adopts the framework of maqashid sharia and the principles of customary law (*al-'ādah muḥakkamah*), integrating perspectives from Islamic legal philosophy and cultural sociology theory to analyse the meaning of dowry both causally and contextually. The findings of the study indicate that the transformation of the concept of dowry from a customary symbol to a maqashid necessitates a reinterpretation of local values through a dialogue between tradition and the objectives of sharia. The dowry, restructured within the framework of maqashid sharia, contributes to the preservation of women's dignity, the strengthening of relational justice, and the enhancement of household harmony. This research presents the development of a maqashid causality analysis framework grounded in an Islamic social philosophy approach. Furthermore, it offers insights for both the community and policymakers to facilitate maqashid-based customary deliberation and enhance family law literacy. An extension of this research could involve an exploration of women's perceptions regarding the symbolic and strategic value of dowry within diverse Muslim customary communities.

Keywords: Dignity of Women; Dowry; Maqashid Sharia; Social Philosophy; Tradition.

Abstrak

Pernikahan merupakan sebuah institusi sakral dalam Islam yang memiliki implikasi moral, sosial, dan spiritual. Mahar, sebagai salah satu elemen penting dalam akad nikah, disyariatkan untuk menjunjung tinggi harkat dan martabat perempuan serta memperkuat fondasi keluarga. Namun, dalam praktik sosial, mahar sering kali direduksi menjadi simbol formalitas atau beban adat yang memberatkan. Fenomena ini mencerminkan adanya jarak antara pelaksanaan mahar dan tujuan syariat Islam. Penelitian ini menggunakan pendekatan kualitatif dengan metode normatif-teologis dan sosiologis. Data primer diperoleh dari kitab-kitab fikih klasik dan karya utama al-Syātibī (*al-Muwāfaqāt*), sedangkan data sekunder bersumber dari jurnal akademik dan dokumen adat pernikahan. Artikel ini mengadopsi kerangka kerja maqashid sharia dan kaidah *al-'ādah muḥakkamah*, serta mengintegrasikan pendekatan filsafat hukum Islam dan teori sosiologi budaya untuk menganalisis makna mahar secara kausalitas dan kontekstual. Hasil penelitian menunjukkan bahwa transformasi konsep mahar dari simbol adat menjadi maqashid memerlukan penafsiran ulang terhadap nilai-nilai lokal melalui dialog antara tradisi dan tujuan syariah. Mahar yang diatur ulang dalam kerangka maqashid sharia berkontribusi dalam menjaga martabat perempuan, memperkuat keadilan relasional, dan mendukung keharmonisan rumah tangga. Hasil penelitian ini memberikan pengembangan kerangka analisis kausalitas maqashid dengan pendekatan filsafat sosial Islam. Selain itu, menambahkan wawasan kepada masyarakat dan pembuat kebijakan untuk mendukung musyawarah adat berbasis *maqashid* dan memperkuat literasi hukum keluarga. Pengembangan dari penelitian ini dapat mengeksplorasi persepsi perempuan mengenai nilai simbolis dan strategis dari mahar di berbagai komunitas adat Muslim.

Kata Kunci: Filosofi Sosial; Mahar; Martabat Perempuan; Maqashid Syariah; Tradisi.



Introduction

Marriage in Islam is regarded as a sacred institution that embodies sharia, moral, and social values. A fundamental element of the marriage contract is the dowry, which is understood as a mandatory gift from the husband to the wife. This gift is not only material but also serves as a symbol of honesty, respect, and readiness to assume responsibility for establishing a household.¹ However, in practice, the substantive meaning of the dowry is frequently reduced to a mere administrative formality or socio-economic burden, particularly within local customary practices such as Pisuke in Sasak,² Jeulamee in Aceh,³ and dowry in Bugis.⁴ This phenomenon indicates a tension between customary values and the normative values of maqashid sharia in the context of Islamic family law.

Various studies of Islamic law have underscored the necessity of balancing customary practices with the principles of Islamic justice.⁵ The research conducted by Djawas reveals that customary practices related to dowry are still symbolically maintained, albeit not always in alignment with maqashid sharia.⁶ Similarly, the practice of providing a set of prayer equipment as a dowry is perceived as a form of symbolism that economically discriminates against women.⁷ However, most previous studies have primarily concentrated on the legal-formal approach to dowry,⁸ neglecting to explore the depth of its maqashid causality.⁹ While maqashid sharia has been extensively applied in macro-level themes such as environmental jurisprudence, Islamic finance, and bioethics, its application to micro-level legal provisions, such as dowry (*mahr*) in marriage, remains underexplored in scholarly discourse.¹⁰ There has been limited research examining dowry within the framework of complementary objectives of Islamic law (*maqashid mukammilah*), despite its significant role in supporting protection of

¹ Ahadi, Bima, and Siti Djazimah. "Menjaga Agama Dan Akal Melalui Prosesi Perkawinan: Hafalan Ayat al-Qur'an Sebagai Mahar Perkawinan." *Al-Ahwal: Jurnal Hukum Keluarga Islam*, vol. 13, no. 2, Dec. 2020, pp. 153–62. DOI.org (Crossref), <https://doi.org/10.14421/ahwal.2020.13205>.

² Retno Simopati. "Makna Transaksi Harga Gelar Kebangsawanan Dalam Tradisi Perkawinan Adat Sasak Di Desa Batujai Lombok Tengah NTB." *Tafaquh*, vol. 2, no. 2, Dec. 2017, pp. 36–53. DOI.org (Crossref), <https://doi.org/10.70032/fpkb0n40>.

³ Dewi, Marlina Afrian. *Perubahan Makna Mahar (Jeulamee) Pada Masyarakat Aceh (Studi Kasus di Kecamatan Seunagan, Kabupaten Nagan Raya)*. 2014, <https://api.semanticscholar.org/CorpusID:193563018>.

⁴ Diningrat, Himas, et al. "Tinjauan Hukum Islam Terhadap Uang Panai Dalam Perkawinan Adat Bugis." *Jurnal Syntax Admiration*, vol. 5, no. 5, June 2024, pp. 1892–99. DOI.org (Crossref), <https://doi.org/10.46799/jsa.v5i5.1131>.

⁵ Akhmad Maimun. "Maqashid al Syari'ah Dalam Hukum Mahar Perkawinan." *Aladalah: Jurnal Politik, Sosial, Hukum Dan Humaniora*, vol. 1, no. 2, Feb. 2023, pp. 133–43. DOI.org (Crossref), <https://doi.org/10.59246/aladalah.v1i2.197>.

⁶ Djawas, Mursyid, et al. "The Integration Between Syara' and Ade' in Marriage Tradition Bugis Bone, South Sulawesi." *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, vol. 18, no. 2, Oct. 2023, pp. 342–64. DOI.org (Crossref), <https://doi.org/10.19105/al-lhkam.v18i2.10373>.

⁷ Yenti, Endri, et al. "A Set of Prayer Outfits as a Mahar? Discrimination against Women in the 'Urf Reality of the Archipelago's Fiqh." *Al-Risalah*, vol. 20, no. 1, May 2020, p. 17. DOI.org (Crossref), <https://doi.org/10.30631/al-risalah.v20i1.567>.

⁸ Hamdan, Hamdan Arief Hanif, and Yoni Irma Yunita. "Derajat Mahar Dalam Proses Perkawinan Tinjauan Fikih Munakahat." *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)*, vol. 5, no. 1, May 2023, pp. 19–32. DOI.org (Crossref), <https://doi.org/10.20885/mawarid.vol5.iss1.art2>.

⁹ Wardi, Utama, et al. "Comparative Analysis of Islamic Family Law and Customary Law in the Settlement of Inheritance Disputes in Indonesia." *Hakamain: Journal of Sharia and Law Studies*, vol. 3, no. 1, July 2024, pp. 13–25. DOI.org (Crossref), <https://doi.org/10.57255/hakamain.v3i1.330>.

¹⁰ Rasyid, Yanuriansyah Ar, et al. "Reconstructing the Concept of Uang Panai in South Sulawesi: A Maqāsid al-Sharī'ah Approach for Revitalizing Women-Friendly Islamic Values." *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, vol. 9, no. 1, Aug. 2024, pp. 1–13. DOI.org (Crossref), <https://doi.org/10.22515/alakhkam.v9i1.8706>.

honour or dignity (*hifz al-'ird*), protection of wealth or property (*hifz al-māl*), and protection of progeny or lineage (*hifz al-nasl*) within the Islamic household order.¹¹

This article aims to provide a new, integrative approach to studying the concept of dowry by merging the Islamic principles of tradition (*fiqhiyyah al-'ādah muḥakkamah*), the classical maqashid sharia framework from al-Syātibi, and the theory of final causality from the treasures of *ushul fiqh*.¹² This interpretation is enriched by Jasser Auda's systemic maqashid approach,¹³ which facilitates a contextual, functional, and adaptive legal exploration of contemporary social realities. Consequently, this article positions dowry not merely as a symbol of a contract or legal obligation, but as a means of Sharia in safeguarding women's dignity and promoting relational justice within Muslim families.^{14 15}

The principal objective of this study is to analyse the transformation of the meaning of dowry from customary tradition to maqashid sharia causality, prioritising the values of public interest (*maslahah*) and justice. In addition, this article seeks to construct a conceptual synthesis that can serve as a reference for strengthening family law policies, enhancing Islamic legal literacy, and developing a more contextual and equitable of marriage law (*munakahat*) curriculum. The proposed approach is anticipated to enrich the discourse on Islamic legal reform based on maqashid while remaining attuned to the dynamics of local community culture.

Method

This research falls within the normative qualitative category,¹⁶ aiming to explore in depth the relationship between the practice of dowry in indigenous communities and the maqashid sharia framework within Islamic law. The focus of this study is on the meaning and interpretation of legal texts, customs, and normative values of sharia through both philosophical and juridical approaches.¹⁷ It employs the classical maqashid sharia approach developed by al-Syātibi¹⁸ and its systemic renewal by Jasser Auda.¹⁹ This approach is further supplemented by the principle of al-'ādah muḥakkamah from the science of *qawā'id fiqhiyyah*,²⁰ as well as the theory of final causality (*al-ta'līl bi al-ghāyah*) from classical *ushul fiqh*, which permits legal reasoning to be based not solely on textual sources but also on the ultimate objectives of sharia.

¹¹ Aziz, Erwati, et al. "The Acculturation of Islam and Customary Law: An Experience of Minangkabau, Indonesia." *QIJIS (Qudus International Journal of Islamic Studies)*, vol. 8, no. 1, June 2020, p. 131. DOI.org (Crossref), <https://doi.org/10.21043/qijis.v8i1.7197>.

¹² Hamdan, Hamdan Arief Hanif, and Yoni Irma Yunita. "Derajat Mahar Dalam Proses Perkawinan Tinjauan Fikih Munakahat." *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)*, vol. 5, no. 1, May 2023, pp. 19–32. DOI.org (Crossref), <https://doi.org/10.20885/mawarid.vol5.iss1.art2>.

¹³ 'Auda, Ġāsir. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Edited by Ġāsir 'Auda, The International Inst. of Islamic Thought, 2008.

¹⁴ Jindani, Mohamed. "The Concept of Mahr (Dower) in Islamic Law: The Need of Statutory Recognition by English Law." *Yearbook of Islamic and Middle Eastern Law Online*, vol. 11, no. 1, 2004, pp. 219–27. DOI.org (Crossref), <https://doi.org/10.1163/22112987-91000095>.

¹⁵ Qaraḍāwī, Yūsuf al-, and Yūsuf al-Qaraḍāwī. *The Lawful and the Prohibited in Islam: Al-Halal Wal-Haram Fil Islam*. American Trust Publications, 1999.

¹⁶ Moleong, Lexy J., and Tjun Surjaman. *Metodologi penelitian kualitatif*. Penerbit PT Remaja Rosdakarya, 1991.

¹⁷ Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oneworld Publications, 2008.

¹⁸ Abu Ishaq Al-Shatibi. *Al-muwāfaqat fi usul al-shariah*. Al-Maktabah Al-Tawfikia, 2003.

¹⁹ 'Auda, Ġāsir. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Edited by Ġāsir 'Auda, The International Inst. of Islamic Thought, 2008.

²⁰ Kašānī, Abū Bakr b Mas'ūd al-, and Muḥammad Muḥammad Tāmir. *Bada'i' al-ṣanā'i' fī tartīb al-ṣarā'i'*. Dār al-Ḥadīṭ, 2005.

The material object of this study examines several indigenous communities in Indonesia that sustain distinctive and resilient dowry traditions, including the Bugis (pengapanai money), Aceh (Jeulamee), and Sasak (Pisuke). These communities were selected due to their living customary practices that are actively applied in contemporary marriage rituals, thus providing contrasting subjects for observation regarding the values of maqashid sharia. Primary data sources for this research include classical texts such as *al-Muwāfaqāt* by al-Syātibī and works by Jasser Auda on the maqashid system, as well as customary marriage documents from the three study areas. Secondary data were obtained from nationally accredited journals discussing the law of dowry, Islamic family law, and the integration of customary law with sharia. Data collection techniques involved documentary studies and literature reviews, incorporating narrative content from customary law and marriage regulations.

Data were analysed using legal hermeneutic techniques,²¹ specifically the intertextual interpretation of Islamic and customary texts, employing the maqashid framework as a categorisation tool. Additionally, a thematic analysis approach was utilised to group key themes related to the symbolic transformation of dowry and the value of justice in customary practices.²² The results of the analysis were subsequently interpreted normatively and sociologically, aiming to bridge the gap between Islamic legal principles and customary realities.²³

The concept of dowry in Islamic law

The term "dowry" has numerous equivalents in both Arabic and Indonesian. In various classical literatures, mahr is also referred to as a dowry as proof of honesty (*shadaq*), a sincere gift (*nihlah*), a reward (*ajr*), an ability to give (*thaul*), a determination (*faridhah*), a fixed property (*uqar*) and a voluntary grant (*'athiyah*).²⁴ In Islamic law, dowry is a mandatory gift from a prospective husband to a prospective wife, serving as a form of responsibility, respect, and protection for the wife.²⁵ The dowry is a prerequisite for the completion of the marriage contract, although the majority of scholars maintain that it is not one of the essential pillars of the contract itself.²⁶ Islam does not stipulate specific provisions regarding the amount of dowry to be paid; rather, it strongly recommends that the dowry be simplified to facilitate marriage for those seeking to wed.²⁷ Dowry may take the form of goods or services of halal value, such as gold, money, a set of prayer equipment, or educational services.²⁸ In Islam, dowry is perceived not merely as a financial transaction but also as a sign

²¹ Lawn, Chris. *Gadamer, Hans-Georg*. Edited by Paul Atkinson et al., SAGE Publications Ltd., 2020.

²² Braun, Virginia, and Victoria Clarke. "Using Thematic Analysis in Psychology." *Qualitative Research in Psychology*, vol. 3, no. 2, Jan. 2006, pp. 77–101. DOI.org (Crossref), <https://doi.org/10.1191/1478088706qp063oa>.

²³ Abou El Fadl, Khaled. *Speaking in God's Name: Islamic Law, Authority and Women*. Repr, Oneworld, 2010.

²⁴ Ibn-Qudāma al-Maqdisī, 'Abdallāh Ibn-Aḥmad. *Al- Muḡnī*. 1. Markaz al-Buḥūt wa'd-Dirāsāt al-'Arabīya wa'l-Islāmiya, 1986.

²⁵ Mrd, Misbah. "Konsep Mahar Dalam Al-Qur'an Dan Relevansinya Dalam Masa Ke Kinian." *Al FAWATIḤ: Jurnal Kajian Al Quran Dan Hadis*, vol. 5, no. 1, June 2024, pp. 123–33. DOI.org (Crossref), <https://doi.org/10.24952/alfawatih.v5i1.11441>.

²⁶ Shāfi'i, Muḥammad ibn Idrīs, and Ḥusayn 'Abd al-Ḥamīd Nīl. *Mukhtasar kitab al-Umm Imam al-Syafi'i*. Perniagaan Jahabersa, 2007.

²⁷ Akhmad Maimun. "Maqashid al Syari'ah Dalam hukum Mahar Perkawinan." *Aladalah: Jurnal Politik, Sosial, Hukum Dan Humaniora*, vol. 1, no. 2, Feb. 2023, pp. 133–43. DOI.org (Crossref), <https://doi.org/10.59246/aladalah.v1i2.197>.

²⁸ Marghīnānī, 'Alī ibn Abī Bakr. *al-Hidāyah: sharḥ Bidāyat al-mubtadī*. Dār al-Kutub al-'Ilmiyah, 2000.

of love, respect, and commitment from husband to wife.²⁹ This is emphasised in the Qur'an: "Give dowry (*shadaq*) to women (whom you marry) as an obligatory gift. If they are willing to give you part of the dowry, then accept it and enjoy it with grace." (QS An-Nisā' [4]: 4). In the Sunnah, the Prophet Muhammad (SAW) stated: "The best dowry is the easiest (lightest)." (HR. Abu Dawud, no. 2117).³⁰ This underscores Islam's intention for marriage to be uncomplicated, blessed, and devoid of excessive burdens. Consequently, dowry plays a strategic role in establishing an Islamic household founded on love, justice, and respect for dignity.

In classical Islamic jurisprudence, the imams of the various schools of thought provide definitions and limitations of dowry in diverse yet complementary manners. Imam Syafi'i, in *al-Umm*, emphasised that dowry is not included in the pillars of marriage but is rather a valid condition of marriage. He permits the omission of dowry from the contract but still requires a customary dowry (*mitsil*).³¹ Dowry is also regarded as a form of recompense for a lawful marital relationship. Imam Malik, in *al-Mudawwanah*, asserted that mahr is part of a woman's honour, and its amount may be determined based on beauty, social status, or wealth.³² He contended that dowry is a wife's right that must be fulfilled fairly. Imam Abu Hanifah, in *al-Hidayah*, broadened the scope of acceptable forms of dowry, permitting legitimate benefits as dowry, including certain services. However, he did not accept teaching the Qur'an as a legitimate form of dowry; if this were to occur, it would necessitate replacement with a customary dowry.³³ Despite the differences in detail, all three schools of thought concur that mahr is a wife's right, which plays a crucial role in safeguarding the honour and welfare of the family.

These classical perspectives indicate that dowry in Islam must be understood through final causal reasoning (*al-ta'līl bi al-ghāyah*), which connects legal provisions with the objectives of sharia.³⁴ The application of this approach confirms that the purpose of dowry is, firstly, to protect the wife's rights (*ḥifẓ al-'ird*); secondly, that the dowry should not be burdensome, facilitating the formation of a peaceful family; and thirdly, that the dowry serves to honour the marriage contract, rather than merely serving as an administrative or symbolic burden. With this understanding, dowry is not only considered from a nominal perspective but also in terms of its contribution to the realisation of maqashid sharia in family life.³⁵ Thus, dowry in Islam is not merely an administrative requirement but serves as an instrument for welfare in constructing an Islamic household founded on love, justice, and protection. This study therefore proposes a reinterpretation of maqashid-based dowry practices to align with the objectives of Islamic sharia justice in the contemporary era.

²⁹ Retno Sirnopati. "Makna Transaksi Harga Gelar Kebangsawanan Dalam Tradisi Perkawinan Adat Sasak Di Desa Batujai Lombok Tengah NTB." *Tafaqquh*, vol. 2, no. 2, Dec. 2017, pp. 36–53. DOI.org (Crossref), <https://doi.org/10.70032/fpkb0n40>.

³⁰ Abū Da'ūd Sulaymān ibn al-Ash'ath al-Sijistānī, and Muḥammad Nāṣir al-Dīn Albānī. *Ṣaḥīḥ Sunan Abī Dāwūd*. Al-Ṭab'ah 1., Lil-Ṭab'ah al-Jadīdah., Maktabat al-Ma'ārif lil-Nashr wa-al-Tawzī', 1419.

³¹ Al-Syafi'i, *al-Umm*, Juz 5 (Beirut: Dar al-Kutub al-'Ilmiyyah, 2001), 70–72.

³² Mālik Ibn-Anas, et al. *al-Mudawwana al-kubrā li-Imām Mālik ibn Anas: Muqaddimāt Ibn Ruṣd li-bayān ma 'iqṭadathū al-Mudawwana min al-aḥkām*. Edited by Zakariya 'Umairāt, Dār al-Kutub al-'Ilmiya, 2012.

³³ Marghīnānī, 'Alī ibn Abī Bakr. *al-Hidāyah: sharḥ Bidāyat al-mubtadī*. Dār al-Kutub al-'Ilmiyah, 2000.

³⁴ Abu Ishaq Al-Shatibi. *Al-muwafaqat fi usul al-shariah*. Al-Maktabah Al-Tawfikia, 2003.

³⁵ 'Auda, Ġāsir. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Edited by Ġāsir 'Auda, The International Inst. of Islamic Thought, 2008.

Dialectics of al-Syāṭibi and Auda: implications for dowry law

The dowry in Islamic law does not merely fulfil the formalities of the marriage contract; it embodies dimensions of maqashid sharia that are crucial for maintaining women's dignity and stabilising the family institution.³⁶ In this context, a maqashid shariah approach, both within classical and contemporary frameworks, is necessary to comprehensively and adaptively understand the essence of dowry law in light of social change.

Al-Syāṭibi, in *al-Muwāfaqāt*, emphasised that all Islamic law aims to achieve human welfare in five main categories: preserving religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-ʿaql*), property (*ḥifẓ al-māl*), and descendants (*ḥifẓ al-nasl*).³⁷ Within this framework, dowry is categorised as part of *ḥifẓ al-māl* and honour (*ḥifẓ al-ʿird*), as it serves as a means of respect and minimal economic security for the wife.³⁸ The function of dowry at the level of basic needs (*daruriyyāt*) supports the sustainability of marriage as a fundamental institution of society. According to al-Syāṭibi, disregarding the substantive value of dowry has the potential to undermine the maqashid of Islamic law in the context of marriage.

Jasser Auda, in maqashid sharia as Philosophy of Islamic Law, critiques classical maqashid for being rigid and textual.³⁹ This study examines the role that maqashid sharia—the overarching objectives and intents of Islamic law—can play in enhancing the application of sharia within contemporary Muslim societies, particularly in shaping relevant juridical policies. The validity and effectiveness of such applications depend on the extent to which Islamic rulings embody universality and adaptability in response to evolving societal contexts.⁴⁰ After reviewing the ethical and legal framework embedded in the concept of maqashid, the paper explores three methodological approaches: (1) distinguishing between legal injunctions that act as means (*wasāʾil*)⁴¹ to greater ends and those that are ends (*ahdāf*) in themselves; (2) adopting a multidimensional perspective to harmonise conflicting legal evidences, rather than defaulting to reductionist tools such as abrogation (*naskh*) or preferential exclusion (*tarjīḥ*);⁴² and (3) promoting the universality of sharia across diverse cultures through the consideration of prevailing customs (*al-ʿurf*).⁴³

He developed a systemic maqashid approach characterised by: First, Multidimensionality: viewing the law from various dimensions (economic, social, psychological). Second, Causality and Purposefulness: connecting the law with the cause and final goal. Third, Contextuality: considering changes in time and socio-culture. In addressing contemporary issues such as the practice of dowry, this maqashid-based approach encourages a re-evaluation of traditional norms to ensure that the dowry remains a symbol

³⁶ Mrd, Misbah. "Konsep Mahar Dalam Al-Qur'an Dan Relevansinya Dalam Masa Ke Kinian." *Al FAWATIḤ: Jurnal Kajian Al Quran Dan Hadis*, vol. 5, no. 1, June 2024, pp. 123–33. DOI.org (Crossref), <https://doi.org/10.24952/alfawatih.v5i1.11441>.

³⁷ Abu Ishaq Al-Shatibi. *Al-muwāfaqāt fī usul al-shariah*. Al-Maktabah Al-Tawfikia, 2003.

³⁸ Retno Simopati. "Makna Transaksi Harga Gelar Kebangsawanan Dalam Tradisi Perkawinan Adat Sasak Di Desa Batujai Lombok Tengah NTB." *Tafaquh*, vol. 2, no. 2, Dec. 2017, pp. 36–53. DOI.org (Crossref), <https://doi.org/10.70032/fpkb0n40>.

³⁹ Auda, Gāsir. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Edited by Gāsir Auda, The International Inst. of Islamic Thought, 2008.

⁴⁰ Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oneworld Publications, 2008.

⁴¹ Abu Ishaq Al-Shatibi. *Al-muwāfaqāt fī usul al-shariah*. Al-Maktabah Al-Tawfikia, 2003.

⁴² Auda, Gāsir. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Edited by Gāsir Auda, The International Inst. of Islamic Thought, 2008.

⁴³ Šāfiʿī, Muḥammad Ibn-Idrīs aṣ-, and Majid Khadduri. *Al- Imām Muḥammad Ibn Idrīs al-Shāfiʿi's al-Risāla Fī Uṣūl al-Fiqh: Treatise on the Foundations of Islamic Jurisprudence*. 2. ed., Repr, Islamic Texts Society, 1997.

of respect and empowerment, rather than a structural burden that impedes the realisation of justice, social welfare, and human dignity—core objectives of sharia. By situating dowry within a broader system of family justice, maqashid sharia offers a framework to mitigate excess and restore the ethical spirit of marriage in Islam.

This study posits that, dialectically, al-Syātibi emphasises the importance of dowry provisions in maintaining the foundational welfare of the family. Building upon this, the study adopts Jasser Auda's dynamic maqashid-based perspective, which urges a contextual assessment of whether contemporary dowry practices genuinely promote justice or function as mechanisms of social exclusion. Accordingly, this study argues that mahr must remain a symbol of respect and dignity for women in Islamic jurisprudence. Its value should reflect the principles of benefit (*maṣlaḥah*) and justice, rather than merely fulfilling social expectations or serving as empty ritualistic symbolism.

Table 1. The Concept of maqashid sharia in the legal framework of al-Syātibi and Jasser Auda

Aspect	al-Syātibi	Jasser Auda	References
Perspectives on maqashid	Maqashid seeks to actualise human benefits across five fundamental dimensions: religion, life, intellect, wealth, and progeny (<i>al-darūriyyāt al-khams</i>).	Maqashid must be understood as an open and dynamic system that interacts with the contemporary social context.	Abū Ishāq al-Shātibī, <i>Al-Muwāfaqāt fī Uṣūl al-Sharī'ah</i> , vol. 2, ed. 'Abdullah Darrāz (Beirut: Dār al-Ma'rifah, n.d.), 10–14; Jasser Auda, <i>Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach</i> (Herndon, VA: IIIT, 2008), 19–23.
Perspectives on dowry	The dowry serves to safeguard women's rights and ensure the protection of property (<i>hifẓ al-māl</i>) and honour (<i>hifẓ al-'ird</i>).	Dowry is conceptualised within a multidimensional framework that encompasses dignity, social justice, balance, and human rights.	al-Shātibī, <i>Al-Muwāfaqāt</i> , vol. 2, 51–53; Auda, <i>Maqasid Al-Shariah</i> , 49–67.
The degree of utility of dowry	Dowry supports maqashid at the level of <i>darūriyyāt</i> , thereby ensuring the continuity of marriage	Dowry is assessed based on its effectiveness in achieving actual justice and welfare in society	al-Shātibī, <i>Al-Muwāfaqāt</i> , vol. 2, principle of <i>maṣlaḥah</i> ; Auda, <i>Maqasid Al-Shariah</i> , 83–87.
Method of analysis in Maqashid	Based on universal legal principles (<i>qawā'id kulliyah</i>), it tends to exhibit a degree of rigidity.	Employs a systematic approach that emphasises contextualisation, causality, and purpose-driven reasoning.	al-Shātibī, textual/normative method; Auda, <i>Maqasid Al-Shariah</i> , 115–140.
Implications of Maqashid for Customary Practices	Accepts customs (<i>'urf</i>) provided that they do not conflict with fundamental maqashid.	Calls for a critical evaluation of customary practices to ensure alignment with principles of justice and welfare.	al-Shātibī, <i>al-'Urf</i> within maqāṣid framework; Auda, <i>Maqasid Al-Shariah</i> , 141–150.
Critique of	Deviation in nominal	Formalistic dowries are	al-Shātibī, critique on

dowry practices	dowries as formalities lacking a connection to <i>maṣlahah</i> .	perceived as structural impediments that undermine justice and dignity.	<i>takalluf</i> (excessiveness); Auda, <i>Maqasid Al-Shariah</i> , 161–170.
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This study combines classical and systemic approaches to understanding the law of dowry, based on the premise that dowry is a woman's right protected by sharia. The function of dowry must be assessed based on its contribution to achieving maqashid sharia in contemporary Islamic families, and every effort to interpret or apply mahr provisions must be grounded in the principles of *maṣlahah* and social justice.⁴⁴

This study argues that both al-Syātibī and Jasser Auda offer essential insights for understanding mahr comprehensively. Al-Syātibī provides a normative foundation, viewing dowry as a means to protect women's dignity and property within the framework of maqashid. In contrast, Auda presents a dynamic and contextual approach, questioning whether current dowry practices still align with the principles of justice and public interest. By integrating both perspectives, this article emphasises the need to reform dowry traditions based on maqashid sharia, ensuring that mahr remains meaningful and just, rather than a structural burden that contradicts the ethical goals of Islamic law.⁴⁵

The practice of dowry customs in Indonesia from the perspective of customary law

In Islamic jurisprudence, the principle of customary law (*al-'ādah muḥakkamah*) asserts that established customs that do not conflict with sharia principles may serve as a legal basis.⁴⁶ This is underscored in the rules of fiqh: "Customs can be recognised as law, provided they do not contradict the texts and maqashid sharia."⁴⁷ Custom becomes a valid supplementary source of law if it meets certain criteria: first, it must not conflict with the Qur'an, Sunnah, and maqashid; second, it must be generally applicable and consistent within the community; and third, it must not cause harm.⁴⁸ Consequently, in the realm of marriage law, local customs concerning dowry may be accepted if they promote benefit (*maṣlahah*), justice, and the protection of women's rights.

Several case studies pertaining to dowry customs in Indonesia illustrate this point. The first is Panai Money (Bugis), which is a dowry that consists of a substantial sum of money determined by the social status of the prospective wife.⁴⁹ While the dowry serves to uphold the family's honour, it often becomes excessively burdensome, violating the principle of facilitating ease (*taysīr*) in sharia.⁵⁰ From the perspective of self-giving, this practice is

⁴⁴ 'Auda, Ġāsir. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Edited by Ġāsir 'Auda, The International Inst. of Islamic Thought, 2008.

⁴⁵ "William Paley on Marriage and Social Status." *Population and Development Review*, vol. 44, no. 2, June 2018, pp. 391–94. DOI.org (Crossref), <https://doi.org/10.1111/padr.12147>.

⁴⁶ Al-Zarkashi, al-Bahr al-Muḥith, Juz 6 (Beirut: Dar al-Kutub al-'Ilmiyyah, 1994), p. 240.

⁴⁷ Al-Suyuthi, al-Ashbah wa al-Naza'ir, (Beirut: Dar al-Kutub al-'Ilmiyyah, 1998), p. 115.

⁴⁸ Abu Ishaq Al-Shatibi. *Al-muwafaqat fi usul al-shariah*. Al-Maktabah Al-Tawfikia, 2003.

⁴⁹ Djawas, Mursyid, et al. "The Integration Between Syara' and Ade' in Marriage Tradition Bugis Bone, South Sulawesi." *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, vol. 18, no. 2, Oct. 2023, pp. 342–64. DOI.org (Crossref), <https://doi.org/10.19105/al-lhkam.v18i2.10373>.

⁵⁰ Sajid Ali et.al "An Analysis of Dowry Practices and Its Religious Aspect in Rural Area of District Swat-Pakistan." *Journal of Philosophy, Culture and Religion*, Feb. 2019. DOI.org (Crossref), <https://doi.org/10.7176/JPCR/41-01>.

acknowledged as valid, provided it is not onerous and does not serve as a means of social ostentation.

The second case is Jeulamee (Aceh), which involves a dowry of gold or money symbolising a woman's purity and honour.⁵¹ The intention behind this dowry, as a form of respect for women, is a positive value. However, in practice, the determination of a high value can place an undue burden on the man's family, contradicting the principle of convenience. Thus, from the perspective of self-giving, it is valid if it remains within the bounds of the common good and does not obstruct marriage.

The third case is Pisuke (Sasak), wherein the dowry consists of money or valuables according to Lombok tradition.⁵² In many instances, pisuke effectively becomes an economic negotiation tool, transforming potential benefits into potential harm. Therefore, the position of custom law (*al-'ādah muḥakkamah*) necessitates a review of the amount demanded to align with capacity, ensuring that the objectives of Sharia are not compromised.

In contemporary developments, there is a trend wherein the recitation of the Qur'an or the provision of a set of prayer tools is employed as a form of dowry in various urban Muslim communities in Indonesia. For instance, in certain marriage contracts, the prospective husband may offer memorisation or recitation of specific surahs from the Qur'an as dowry.⁵³ Additionally, the provision of a package of prayer equipment (including a mukena, prayer mat, prayer beads, and Al-Qur'an) is also regarded as a form of dowry. This practice is often perceived as simple and aligned with Islamic principles.

From the perspective of *al-'ādah muḥakkamah*, the use of Qur'anic recitation as dowry has generated debate. According to the Hanafi school, reciting the Qur'an is not considered valid as dowry since it does not take the form of wealth or material benefits.⁵⁴ Dowry must consist of something with tangible economic value (*māl mutaḥawwim*). If the contract is predicated on Qur'anic recitation, then, under Islamic law, it must be substituted with a community standard dowry (*mitsil* dowry). Conversely, a set of prayer tools as dowry is legally valid, as it constitutes an object with inherent value. However, from the perspective of maqashid, it is essential to examine whether the gift adequately represents the values of respect and protection for the wife or whether it merely serves as minimalist symbolism.⁵⁵

The evolving interpretation of dowry in Indonesia is inextricably linked to the social, economic, and religious dynamics of society. This phenomenon reveals a transformation in the purpose of dowry, transitioning from substantive respect to a symbol of social status, administrative formality, and even religious symbolism (in the case of prayer tools and memorising the Qur'an). The changing perceptions have been influenced by modernization, urbanisation, and the impact of social media, leading to a shift in societal orientation. Dowry is now often viewed more as a ceremonial, aesthetic, or "trendy simplicity" value, rather than a foundation for economic protection and the dignity of women. This shift indicates the commodification of marriage, wherein dowry signifies social prestige; the formalisation of

⁵¹ Zainuddin, Muhammad, et al. "Jeulamee on Aceh People's Marriage in Islamic Law and Phenomenology Perspective." *Lisan al-hal: Jurnal Pengembangan Pemikiran Dan Kebudayaan*, vol. 16, no. 2, Dec. 2022, pp. 153–78. DOI.org (Crossref), <https://doi.org/10.35316/lisanalhal.v16i2.153-178>.

⁵² Khaerani, Siti Nurul. "Faktor Ekonomi dalam Pernikahan Dini pada Masyarakat Sasak Lombok." *Qawwam*, vol. 13, no. 1, Dec. 2019, pp. 1–13. DOI.org (Crossref), <https://doi.org/10.20414/qawwam.v13i1.1619>.

⁵³ Mrd, Misbah. "Konsep Mahar dalam al-Qur'an dan Relevansinya Dalam Masa ke Kinian." *Al Fawatih: Jurnal Kajian Al Quran Dan Hadis*, vol. 5, no. 1, June 2024, pp. 123–33. DOI.org (Crossref), <https://doi.org/10.24952/alfawatih.v5i1.11441>.

⁵⁴ Marghīnānī, 'Alī ibn Abī Bakr. *al-Hidāyah: sharḥ Bidāyat al-mubtadī*. Dār al-Kutub al-'Ilmiyah, 2000.

⁵⁵ Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oneworld Publications, 2008.

religion, where dowry becomes a religious symbol despite the erosion of its essence; and the negotiation of modern identity and traditional religiosity. Initially, dowry served as a mechanism for safeguarding the rights of wives in alignment with maqashid; however, in practice, it has transitioned to a tool of formal symbolism that fails to prioritise tangible benefits. This represents a significant issue that necessitates critique and reconstruction in accordance with contemporary maqashid sharia.

Causal analysis of dowry practices and women's dignity

In Islam, dowry is not merely an administrative requirement for marriage but a symbolic instrument that affirms the dignity and autonomy of women. In pre-Islamic history, women did not possess the right to own property; they were treated solely as objects of transaction.⁵⁶ Islam reformed this paradigm by establishing dowry as a woman's full right, which must not be taken away by her husband or family.⁵⁷ As stated in the Qur'an: "And give the dowry to the women (whom you marry) as a gift willingly..." (QS. An-Nisā' [4]). This verse illustrates that the giving of a dowry is a form of existential respect for women as legal subjects.

Theoretically, the concept of causality employed here follows the final causality approach (*al-ta'lil bi al-ghāyah*) in ushul fiqh, as articulated by Imam al-Syatibi.⁵⁸ He posits that every provision of *sharia* law has an objective (*ghāyah*) oriented towards the public interest (*mashlahah*). Imam As-Syatibi stated, "Allah did not prescribe a law except to bring about benefits for humans." In the context of dowry, there are two elements of causa: the first, the reason (*causa efficiens*) is the giving of dowry from the husband to the wife. The second, the final goal (*causa finalis*) is to realise respect, economic security, and recognition of women's autonomy in the family.⁵⁹ Thus, the provision of dowry constitutes a legal cause that contributes to the objective of Islamic Law (*maqāṣidiyyah*), namely the preservation of women's honour (*hifz al-'ird*).

The dowry possesses a profound philosophical function, namely the recognition of ownership. Islam affirms women's rights to personal property given as dowry, signifying that women are no longer objects but subjects in the contract.⁶⁰ Dowry also embodies moral respect, serving as evidence that the marriage relationship is not founded on exploitation but on respect and honesty.⁶¹ Furthermore, the dowry becomes the foundation of gender justice, differentiating Islamic marriage from patriarchal practices that deny women's rights.⁶² Jasser Auda, through the systemic maqashid approach, emphasises that every provision of Islamic

⁵⁶ Ali, Abdullah Yusuf. *The Meaning of the Holy Qurān*. New ed. with Qurānic text (Arabic), rev. Translation, Commentary, and Newly compiled comprehensive index, Amana Publications, 1997.

⁵⁷ Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oneworld Publications, 2008.

⁵⁸ Abu Ishaq Al-Shatibi. *Al-muwafaqat fi usul al-shariah*. Al-Maktabah Al-Tawfikia, 2003.

⁵⁹ 'Auda, Gāsir. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Edited by Gāsir 'Auda, The International Inst. of Islamic Thought, 2008.

⁶⁰ 'Alī Salāmah 'Abd al-Ḥalīm Abū Sharīf, "Abū 'Abd Allāh ibn al-Fakhkhār al-Ilbīrī wa atharuhu fī al-nahw," *Hawliyyat Kulliyat al-Dirāsāt al-Islāmiyyah wa al-'Arabiyyah lil-Banāt bi al-Iskandariyyah* 29, no. 1 (2013): 936–1001, <https://doi.org/10.21608/bfda.2013.147007>.

⁶¹ Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatuhu: al-shāmil li al-adillah al-shar'iyyah wa al-ārā' al-madhhabiyah wa ahamm al-naẓariyyāt al-fiqhiyyah wa taḥqīq al-aḥādīth al-nabawiyyah wa takhrījihā wa fahrasah al-fābā'iyyah li al-mawḍū'āt wa ahamm al-masā'il al-fiqhiyyah*, al-Ṭab'ah al-rābi'ah wa al-thalāthūn (Damascus: Dār al-Fikr, 2014).

⁶² Mrd, Misbah. "Konsep Mahar dalam al-Qur'an dan Relevansinya Dalam Masa ke Kinian." *Al Fawatih: Jurnal Kajian Al Quran Dan Hadis*, vol. 5, no. 1, June 2024, pp. 123–33. DOI.org (Crossref), <https://doi.org/10.24952/alfawatih.v5i1.11441>.

law, including dowry, must be understood within the context of social complexity.⁶³ When the significance of dowry transitions from a function of respect to a minimalist symbol or an economic burden, it becomes imperative to reconstruct the objective of the dowry within the framework of Islamic law.

Any attempt to simplify the dowry must ensure that its final causal goal is achieved: the protection of women's dignity within the Islamic family structure. Thus, disregarding the substantive value of the dowry equates to overlooking the primary objectives of sharia in safeguarding women. Therefore, from a philosophical perspective, the dowry is a declaration of honour, justice, and recognition of women's independence within the social structure of the family.

The practice of dowry, whether Panai Money in Bugis, Jeulamee in Aceh, or Pisuke in Sasak, is not merely a financial transaction but a deeply embedded cultural tradition that reflects the core Islamic values of respect, autonomy, and gender justice. These regional customs reinforce the notion that dowry is not merely an economic burden but a meaningful symbol of women's rights, dignity, and independence. From an Islamic perspective, dowry becomes a tool for protecting women's honour (*hifz al-'ird*) and ensuring their autonomy within the family structure. The legal and philosophical function of dowry, as discussed through the lens of maqashid sharia, aligns with these regional practices, which preserve women's rights while adapting to local cultural contexts. Thus, dowry remains a powerful instrument for upholding women's dignity and promoting justice, both within the framework of Islamic law and in the diverse cultural landscapes of Indonesia.

Dowry as a mechanism for promoting household harmony

In Islamic law, dowry is not merely a material obligation presented during the marriage contract; it also serves as a philosophical and sharia instrument to: maintain the dignity of women (*hifz al-'ird*), guarantee the initial economic rights of women (*hifz al-māl*), and establish a framework of relational justice within the household.⁶⁴ In fulfilling these functions, the dowry contributes to the establishment of peace of mind (*sakinah*) and initial trust between husband and wife, which are prerequisites for a harmonious family.⁶⁵ Dowry transcends being an administrative requirement; it plays a significant role in sustaining marital harmony through two interconnected elements of causality: Causa Efficiens—the giving of the dowry from the husband to the wife—and Causa Finalis—the realisation of respect, economic security, and recognition of women's autonomy within the family, which in turn fosters marital harmony.

Family sociological research indicates that when women feel valued and their rights are acknowledged from the outset (including the right to a dowry), the level of marital satisfaction increases. Furthermore, the financial and social security provided through the dowry fortifies emotional trust in the husband-wife relationship.⁶⁶ Therefore, while dowry is not the sole factor in achieving harmony, it serves as an essential initial psychological support for cultivating mutual respect and emotional stability.

⁶³ 'Auda, Ġāsir. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Edited by Ġāsir 'Auda, The International Inst. of Islamic Thought, 2008.

⁶⁴ Abu Ishaq Al-Shatibi. *Al-muwafaqat fi usul al-shariah*. Al-Maktabah Al-Tawfikia, 2003.

⁶⁵ Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oneworld Publications, 2008.

⁶⁶ Harsya, Rabith Madah Khulaili, and Umdah Aulia Rohmah. "Konsep Mahar Pekawinan Dalam Fiqh Kontemporer Analisis Mubadalah." *al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam*, vol. 4, no. 2, Nov. 2022, pp. 495–504. DOI.org (Crossref), <https://doi.org/10.37680/almanhaj.v4i2.1973>.

The dowry is a testament to the husband's capacity to bear economic responsibility for his wife.⁶⁷ Providing a proper and meaningful dowry reinforces the husband's psychological commitment, as he has made financial sacrifices to establish a household; this, in turn, encourages him to exercise greater caution in maintaining the marital relationship, given that divorce or failure of the household would entail significant material and moral losses. Allah SWT states: "And give the dowry to the women (whom you marry) as a gift with full willingness" (QS. An-Nisā' [4]: 4). This verse implies that the seriousness of the husband's intentions is manifested through the provision of a substantive dowry rather than an empty symbol. According to al-Zuhaili, "A decent dowry is a form of respect for women and a testament to the husband's ability to bear the burden of living responsibly."⁶⁸ This suggests that a meaningful dowry can encourage a husband to reconsider any negligence or actions that could lead to divorce.

For a wife, a generous dowry conveys a sense of social and spiritual appreciation, financial security, and the recognition of her rights, thereby providing peace of mind as she embarks on her marriage with initial economic stability. Social research demonstrates that "the level of initial respect for women in the marriage structure is positively correlated with the level of satisfaction and stability of the household."⁶⁹

In the event of a divorce, the dowry remains the unequivocal right of the wife; it cannot be confiscated or diminished, and it may serve as capital for her independent living post-separation. In contexts of economic crisis or the husband's bankruptcy, the dowry becomes an independent asset for the wife that can help sustain the family's livelihood and temporarily alleviate the household's economic condition.⁷⁰ Imam al-Shafi'i emphasised that "the mahr is property that is prescribed to strengthen women's economic rights, not merely a ceremonial gift."⁷¹ Thus, in critical situations, the presence of a valuable dowry can function as a social and economic shield for the wife and family.

The transformation of dowry from custom to maqashid sharia in the realisation of a dignified and harmonious family

The transformation of the concept of dowry from a customary tradition to maqashid sharia represents a strategic agenda aimed at strengthening Islamic family law, with a focus on justice and welfare. The practice of dowry in various customary communities, such as uang panai among the Bugis and jeulamee in Aceh, demonstrates how local values shape the

⁶⁷ Universitas Islam Negeri Alauddin Makassar, and Halimah Basri. "Konsep Mahar (Maskawin) Dalam Tafsir Kontemporer." *Al Daulah: Jurnal Hukum Pidana Dan Ketatanegaraan*, vol. 6, no. 2, Dec. 2017, pp. 310–30. DOI.org (Crossref), <https://doi.org/10.24252/ad.v6i2.4885>.

⁶⁸ Wahbah al-Zuhayli, *al-Fiqh al-Islāmī wa Adillatuhu: al-shāmil li al-adillah al-shar'iyyah wa al-ārā' al-madhabiyah wa ahamm al-naẓariyyāt al-fiqhiyyah wa taḥqīq al-aḥādīth al-nabawīyyah wa takhrījihā wa fahrasah alfābā'iyyah li al-mawḍū'āt wa ahamm al-masā'il al-fiqhiyyah*, al-Ṭab'ah al-rābi'ah wa al-thalāthūn (Damascus: Dār al-Fikr, 2014).

⁶⁹ Anthony, Michael J. "The Relationship Between Marital Satisfaction And Religious Maturity." *Religious Education*, vol. 88, no. 1, Jan. 1993, pp. 97–108. DOI.org (Crossref), <https://doi.org/10.1080/0034408930880108>.

⁷⁰ Mohammad Yaqub Sharif, "Women's Economic Empowerment and Inheritance Rights across Major Global Religions: A Comparative Exploration." *British Journal of Arts and Humanities*, Dec. 2023, pp. 309–26. DOI.org (Crossref), <https://doi.org/10.34104/bjah.02303090326>.

⁷¹ Ridwan, Muhammad. "Kedudukan Mahar Dalam Perkawinan." *Jurnal Perspektif*, vol. 13, no. 1, June 2020, pp. 43–51. DOI.org (Crossref), <https://doi.org/10.53746/perspektif.v13i1.9>.

structure of marriage.⁷² However, as this practice has evolved, these symbolic values often become economic burdens that hinder the ease of marriage (*taysir*) and create tensions between families.⁷³ This phenomenon highlights the urgent need to actualise the concept of dowry within the framework of maqashid sharia, positioning dowry as an instrument of public interest rather than a customary burden.

The final causality approach (*al-ta'lil bi al-ghāyah*) proposed by al-Syāṭibi posits that the laws of sharia must be assessed based on their ultimate goals.⁷⁴ In the context of dowry, these goals include the preservation of women's dignity (*hifz al-'ird*), ensuring economic protection (*hifz al-māl*), and reinforcing family stability (*hifz al-nafs*). Consequently, when dowry is transformed into an instrument of prestige and an economic burden, it deviates from the objectives of sharia. Efforts to reconstruct customary values through the lens of maqashid are essential to ensure that the practice of dowry aligns with the principles of justice and welfare within Islamic teachings.

Empirical studies conducted in Aceh demonstrate that limiting the value of dowry through customary deliberation informed by maqashid can reduce economic excesses in marriage without diminishing cultural significance. This approach serves as a concrete example of integrating local values with *Shariah* principles, whereby deliberation yields rational dowry standards that are not burdensome while still upholding the value of honour.⁷⁵ Similarly, the reinterpretation of nominal dowry in urban communities illustrates that maqashid literacy in marriage is crucial to prevent dowry from becoming merely a social formality devoid of spiritual significance.⁷⁶

A dignified family in Islam is one that is founded on principles of justice, mutual respect, and responsibility.⁷⁷ Within this framework, dowry, when positioned according to maqashid, functions not only as the economic right of the wife but also as an expression of the husband's sincerity and respect for his life partner. By situating dowry within the maqashid framework, marriage transforms into a medium for the substantive actualisation of sharia values rather than a mere legal formalism. In this context, domestic harmony arises from a genuine respect for women's rights and dignity from the moment the marriage contract is established.

Therefore, the transformation of dowry from a customary practice to maqashid sharia is not merely a methodological choice but an ethical and sociological necessity in addressing the challenges of modernity. This transformative strategy can be implemented through three stages: the reinterpretation of customary values, the strengthening of customary deliberation based on *Shariah*, and the education of family law centred on maqashid. In this manner, local traditions are respected while ensuring alignment with the overarching ideals of Islamic law:

⁷² Hoesin, Moehammad, and Nab Bahany As. *Islam Dan Adat Aceh: Bagaimana Ajaran Islam Mewarnai Adat Istiadat Aceh*. Cetakan kedua, Edisi ejaan disempurnakan, Lembaga Studi Kebudayaan dan Pembangunan Masyarakat bekerjasama dengan Majelis Adat Aceh, 2018.

⁷³ Sulfa, Nafilah, and Nafilatul Khair. "Konsep Mahar Dalam Surah An-Nisa Ayat 4: Pendekatan Maqasid Al-Qur'an Dalam Perspektif Rasyid Ridha." *Al Karima: Jurnal Studi Ilmu Al Quran Dan Tafsir*, vol. 9, no. 1, Mar. 2025, pp. 92–109. DOI.org (Crossref), <https://doi.org/10.58438/alkarima.v9i1.303>.

⁷⁴ Abu Ishaq Al-Shatibi. *Al-muwafaqat fi usul al-shariah*. Al-Maktabah Al-Tawfikia, 2003.

⁷⁵ Ritonga, Raja, and Ahmad Roisuddin Ritonga. "Relevansi Antara Norma Adat Dan Syariah Dalam Perkawinan: Studi Kasus Di Desa Huraba Siabu Mandailing." *Asy-Syari'ah: Jurnal Hukum Islam*, vol. 10, no. 2, June 2024, pp. 33–41. DOI.org (Crossref), <https://doi.org/10.55210/assyariah.v10i2.1650>.

⁷⁶ Abdillah, Kudrat. "Reinterpretasi Hak Ijbar Dalam Hukum Perkawinan Islam Di Keluarga Pesantren." *Asy-Syari'ah*, vol. 22, no. 1, July 2020, pp. 35–50. DOI.org (Crossref), <https://doi.org/10.15575/as.v22i1.7874>.

⁷⁷ Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oneworld Publications, 2008.

protecting human rights, facilitating life's pathways, and recognising women as equal partners in family life.⁷⁸

The transformation of dowry from a customary practice to a concept grounded in maqashid sharia represents a significant epistemological shift in the understanding of marital obligations. By elevating dowry from a symbolic cultural exchange to a legal-philosophical instrument rooted in the objectives of sharia, this study contributes to the renewal of the discourse surrounding Islamic family law in Indonesia. It offers an integrative framework that bridges lived traditions and normative ethics, ensuring that dowry not only reflects social honour but also secures the moral, economic, and spiritual rights of women within the institution of marriage. This transformation, therefore, supports the realisation of a dignified and harmonious family (*usrah sâlihah*), in alignment with the higher aims of maqashid sharia.

Conclusion

This study confirms that the transformation of the concept of dowry from a merely customary practice to its association with maqashid sharia is a fundamental necessity in the renewal of Islamic family law, ensuring it is both just and beneficial (*maslahah*). Based on an analysis employing the final causality approach and *maqāṣidīyah theory*, it was found that the practice of dowry within various customary communities, such as Panai money in Bugis and Jeulamee in Aceh, frequently experiences value distortion, shifting from a symbol of respect to an economic burden. This shift can potentially hinder the achievement of the objectives of sharia, namely the preservation of women's dignity, facilitation of marriage, and protection of family stability. The synthetic approach utilised in this study—integrating the theory of custom law (*al-'ādah muḥakkamah*), classical maqashid al-Syāṭibi, and systemic maqashid as articulated by Jasser Auda—yields a novel scientific contribution in the form of a contextual and applicable maqashid-based customary interpretation model. Consequently, this article enriches the discourse surrounding Islamic family law by presenting a more adaptive approach to the dynamics of local culture and contemporary social realities. The formulation of a novel maqāṣid-based causality analysis model that integrates Islamic legal philosophy with living customary practices not only bridges the gap between symbolic dowry traditions and the substantive objectives of Islamic law but also provides a theoretical foundation for a more contextual reform of Islamic family law in Indonesia. Accordingly, the study recommends adopting a maqashid-oriented framework in the formulation of family law policies to promote gender justice, public welfare, and legal literacy at the grassroots level. For future research, it is recommended to develop quantitative studies assessing public perceptions of the value of maqashid in dowry practices, undertake cross-country comparative legal analyses, and conduct a more in-depth exploration of the transformation of the meaning of dowry in the digital era, along with its implications for the resilience of contemporary Muslim families.

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