

Determination of Dowry in Marriage According to Islamic Law

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ABSTRAK

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This article discusses the giving of dowry in marriage (study of Islamic law). The main topic of discussion in this article is knowing Islamic law regarding dowry in marriage, the author takes references from the Qur'an and schools of thought which are expected to be a reference for the preparation of articles that the author has compiled. Furthermore, the article that the author adopted aims to find out Islamic law in determining the dowry and how to determine the dowry. The author uses qualitative research with data collection techniques used, namely using library research techniques sourced from books or data sources in research, namely primary data and secondary data. The results of the article that the author has compiled are the results of several schools that become references in seeing the intent of the dowry, in Islamic law the dowry is not set at what level but from the ability of men who want to apply for women he wants to marry, but cultural customs are often a problem in determine the marriage dowry. Whereas Islamic law explains that anything can be a dowry as long as the bride accepts the gift from the man.

1. introduction

In Indonesia, religion is born and develops binding every adherent to all norms. The pillars of diversity, be it customs, traditions, ethnicity and culture as well as religion, are the hallmarks of the unitary state of the Republic of Indonesia. Every custom, tribe or habit in Indonesia is very diverse and different and has its own characteristics. Customs are often interpreted as habits or culture carried out by people from generation to generation in an area. Indigenous peoples are also referred to as traditional communities where the people obey the rules or laws that regulate the behavior, habits that are believed and adhered to by each indigenous group.

Marriage is one of the most important things in people's lives. Because marriage obtains a balance of life both biologically and psychologically. This marriage does not only concern both parties, but also parents, siblings, and even the families of both parties. This marriage also occurs because of an agreement by the community with approval and consideration according to the rules or customs that apply in the local community.

Marriage in Islam is a worship carried out by people who are capable, marriage is also a human nature in social life, because marriage can reduce disobedience and avoid adultery In addition, marriage is a physical and spiritual bond between a man and a woman as husband and wife, with the aim of forming a family.

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Marriage in religious terms is called marriage, marriage in Sharia is more specifically called a contract. The contract is an agreement or acknowledgment to bind men and women in a marriage, which aims to carry out worship. Because religion considers marriage a sacred thing and done in a sacred way.

In marriage, in each region there are different ways of arranging it according to customs and habits both in accordance with Islamic law and customs in their respective regions. The customs in each region must be followed by the implementation of marriage, if it is contrary to custom, there will usually be consequences because indigenous people always hold fast to beliefs that have been passed down from generation to generation.

There are many tribes in Indonesia, one of which is the Batak tribe. This Batak tribe is one of the tribes that has very strong customs. Sinamot is a kind of dowry that has become a hereditary tradition in the life of the Toba Batak. In the Batak language, sinamot means dowry, the dowry is the amount of money given by the man to the woman. The process of agreement and handover of sinamot marhata sinamot. Dowry (sinamot) besides being an unwritten law, it has historical value.

Indigenous peoples in marriage even though they have used Islamic Shari'a as a basic requirement for marriage, but there is a separate way in determining the level of dowry, they have their own benchmarks, which are seen from the level of education and social status.

Marriage according to Islamic law must meet the pillars and conditions, one of which is a dowry. The dowry is a binding condition in marriage. The provision of this dowry is an obligatory gift from a husband to his wife to make their relationship lawful and also a form of love and loyalty to his wife. There are many explanations for the issue of dowry, but Islamic jurisprudence in Indonesian marriages does not determine the amount or level of the dowry.

Islam does not set the lowest limit in detail the amount of dowry a man can give to the woman he wants to marry, the dowry is okay for anything of value. Islam does not determine the level and form of a binding dowry, but returns to an agreement with conditions that can be owned, useful and lawful according to Islamic law.

Based on this introduction, the researcher is interested in studying further the determination of the dowry in marriage according to Islamic law, which will be discussed in this article.

2. Literature Review

The word nahla is a dowry. Nihlah in Arabic means something that is obligatory meaning "don't marry except with something that is obligatory for him." Etymologically, dowry is a dowry. Meanwhile, in terms of terminology, it is a mandatory gift for a prospective husband to a prospective wife as the sincerity of a prospective husband to create a sense of love for a wife to a prospective husband. Thus, the dowry is an obligation that must be paid by the husband to his wife.

Islamic law is shari'a which means the rules made by Allah for His people, both laws related to belief (aqidah) and laws related to amaliyah (deeds) carried out by all Muslims. Islamic law is derived from the religion of Islam. This law is the rules or norms that regulate human behavior in a society.

3. Methodology

The type of research that the author uses is library research which in this study the author collects data on literature literature related to the theme raised by the author, such as books, articles, views of schools, and others that support the theme that the author adopts. The approach used in this study is a linguistic approach. The linguistic approach is a linguistic approach in explaining the meaning of the verses contained in the Qur'an.

4. Results and Discussion

4.1 Marriage in Islamic Law

Before referring to marriage according to Islamic law, it is better to know the marriages that exist in society. Based on this introduction, the researcher is interested in studying further the determination of the dowry in marriage according to Islamic law, which will be discussed in this article. Marriage in society according to indigenous peoples is an inner and outer bond between a man and a woman as husband and wife, with the aim of forming a happy family. According to indigenous peoples, marriage is very important, it must be clear seeds, bebet, and weight for potential partners. This marriage is not only the formation of a household, but also unites two families who are different in every way, social, economic, cultural, and customary.

The purpose of marriage for indigenous peoples is kinship, to maintain and continue the lineage, to acquire customary and cultural values. Traditional marriages for indigenous peoples are also different from one tribe to another.

Marriage law is part of Islamic law which contains rules in terms of marriage, namely how a marriage contract must be carried out according to the law and how the outer and inner bonds have been made. This marriage is a sacred bond that is strong and solid for a happy, safe, peaceful, and loving life together.

Marriage is marriage, where marriage is taken in Arabic, namely from the word *zawaj* which means marriage. Then the marriage bond in law is a contract (*ijan kabul*) between the guardian of the prospective wife and the groom with words

and fulfills the conditions of the contract. This word is clearly stated in the Qur'an Surah An-Nisa verse 3:

تَعُولُوا إِلَّا أَدْنَىٰ ذَٰلِكَ ۖ أَيْمَانُكُمْ مَلَكَتْ مَا أَوْ فَوَاجِدَةً تَعُولُوا إِلَّا جَفْتُمْ فَإِنَّ ۖ وَرُبِعَ وَثَلَاثَ مَثَلَىٰ النِّسَاءِ مِن لَّكُمْ طَابَ مَا فَاذْكُرُوا الْيَتَامَىٰ فِي تَنقِيطُوا إِلَّا جَفْتُمْ وَإِنْ

Meaning:

"And if you are afraid that you will not do justice to orphans, then marry other women you like, two, three, or four people, and if you are afraid that you will be fair, one person is enough."

Marriage is a legal sexual relationship because there is an agreement or contract between a man and a woman. While some scholars explain:

- a. The Hanafi school interprets it by its original meaning, namely intercourse. While the contract is the thing that makes lawful sexual relations between men and women.
- b. The Shafi'iyah school explains that marriage is a contract as the original word and intercourse is other terms.
- c. The Abu Hanifah school explained that marriage is a gathering between a contract and intercourse.

The word marriage is often interpreted in society with the word marriage. There is no difference between these two words which term is correct between the terms marriage or marriage. Because the two terms mean the same thing.

4.2 Dowry in Islamic Law

In Islam to carry out a marriage must meet the pillars and conditions, one of which is the obligation to give a dowry. Dowry in society in general has different purposes and levels according to the customs of each community group. Every life of the customary law community and culture is still maintained by people in various regions. Every custom, tribe and culture in Indonesia is very diverse and different.

The determination of the dowry in each region is different according to the customary community, for example in the Toba Batak custom, the dowry is also known as sinamot, where sinamot means dowry. Sinamot is a sum of money given by the men to the women. The process of agreement and handover of sinamot is referred to as marhata sinamot. The event was held before the martumpol (engagement) process. In Batak custom, this sinamot must be given to women as a sign of buying or taking a girl to be a life companion. The giving of this sinamot is pegged from the level of education and social equality of the couple. But along with the development of the era, the sinamot was no longer given to women but was given to women's parents.

Dowry (sinamot) has become a controversy, where the amount of dowry (sinamot) is an obstacle for every man who will get married. Sinamot was originally a decision in the view of the Batak community for the welfare and welfare of the people the happiness of the bride and groom. The magnitude of the value of sinamot becomes an obstacle and even becomes a failure to propose to a prospective wife.

The position of women is very important in Islam, one of which is giving a dowry. Etymologically, dowry means dowry. In terminology, dowry or dowry is the gift of wealth from a man to a woman when married or having intercourse.

The word dowry in the Qur'an is explained in Surah An-Nisa verse 4, namely:

مَرِيئًا هَنِيئًا فَكُلُوهُ نَفْسًا مِّنْهُ شَيْءٍ عَن لَّكُمْ طِبْنٌ فَإِنَّ ۙ نِحْلَةً صَدَقْتِهِنَّ أَلْبَسَاءَ وَأَتُوا

It means :

"Give a dowry (dowry) to the woman (whom you marry) as a gift willingly. Then if they give you part of the dowry with pleasure, then eat (take) the gift (as food) with good results." (Surah An-Nisa: 4).

In this verse, dowry is interpreted as truth. Because the dowry or dowry is a promise, the gift is evidence of a promise. This dowry can be interpreted as a promise to keep a household secret.

a. Dowry according to the Hanafi school defines that "wealth that is obligatory on the husband when it takes place". the marriage contract in return for the sexual pleasure he received."

b. The dowry according to the Maliki school explains that the dowry is something that makes the wife to marry wooed." with the consent of both parties, or determined by law."

c. Dowry, according to the Shafi'i school of thought, said, "Mahar is something that must be paid due to a contract

d. Dowry, according to the Hambali school of thought, dowry is "as a reward for a marriage, whether clearly stated in the marriage contract, determined marriage or intercourse."

From these definitions, it can be concluded that dowry is an obligation to provide money, goods, or services that have a beneficial value to the prospective wife and full rights for the prospective wife. This dowry is an obligation in Islamic marriages, the obligation to pay the dowry as a token of respect and proof of love.

In Islam, the dowry is not limited to the size of the value given. The dowry can be in the form of money, rings, gold, or houses. As long as it is not burdensome and the prospective husband likes and is sincere in giving it. The fuqoha have agreed that the obligation to pay the dowry, while the dowry has various kinds, namely:

a. Musamma's dowry

The musamma dowry is a dowry that has been determined in the form and amount in the sighat contract. The groom is obliged to give a dowry to the prospective wife which he said in the marriage contract, either directly or postponed after having conjugal relations.

b. Missile dowry

The missile dowry must be paid if the woman who has been interfered with dies or if the woman has not been interfered with but her husband has died then the woman has the right to ask for the missile dowry and the blessing of receiving inheritance.

The standard of dowry in Islam does not determine the size of the gift given, because there are differences between human beings. Some are rich, some are poor, some are spacious and some have narrow fortunes. But people have different customs and habits. Therefore, the issue of dowry is submitted based on the ability of each person in accordance with the prevailing customs in society. Religion does not set a minimum and maximum amount of dowry. Because according to the level of human ability.

If the dowry is a woman's right, then a good woman does not make it difficult or expensive for her dowry. Because Islam does not like things that are excessive, then on the contrary if the dowry is cheap but provides lightness and convenience in getting married, then it is more blessed in the next life.

5. Conclusion

In marriage, in each region there are different ways of arranging it according to customs and habits both in accordance with Islamic law and customs in their respective regions. Customs in each region must be followed by the implementation of marriage, if it is contrary to custom, there will usually be consequences because indigenous people always hold fast to beliefs that have been passed down from generation to generation. Indigenous peoples in marriage even though they have used Islamic Shari'a as a basic requirement for marriage, but there is a separate way in determining the level of dowry, they have their own benchmarks, which are seen from the level of education and social status. Marriage is marriage, where marriage is taken in Arabic, namely from the word *zawaj* which means marriage. Then the marriage bond in law is a contract (*ijan kabul*) between the guardian of the prospective wife and the groom with words and fulfills the conditions of the contract.

The standard of dowry in Islam does not determine the size of the gift given, because there are differences between human beings. Some are rich, some are poor, some are spacious and some have narrow fortunes. But people have different customs and habits. In Islam to carry out a marriage must meet the pillars and conditions, one of which is the obligation to give a dowry. Dowry in society in general has different purposes and levels according to the customs of each community group. Every life of the customary law community and culture is still maintained by people in various regions. Every custom, tribe and culture in Indonesia is very diverse and different.

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