



Volume 5 Issue 1, January 2024, pp: 1-14  
Indonesia Private Law Review.  
Faculty of Law, Universitas Lampung,  
Bandar Lampung, Indonesia.  
P-ISSN: 2723-259X E-ISSN: 2745-9284  
<https://jurnal.fh.unila.ac.id/index.php/iplr>



## GIVING DOWRY IN LAMPUNG COASTAL TRADITIONAL MARRIAGES FROM AN ISLAMIC LEGAL PERSPECTIVE

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*Submitted: September 12, 2024; Reviewed: February 02, 2024, Accepted : March 03, 2024;*  
*DOI: 10.25041/iplr.v4i2.3185*

### **Abstract**

*Marriage from the perspective of Islamic law in Indonesia is related to giving a dowry requiring an agreement between the prospective groom and the prospective bride. The practice of giving dowry at weddings in Padang Ratu Village is not a form of deviation from Islamic law, namely that the provisions for the amount of dowry are agreed upon by the prospective bride and groom, which occurs in Padang Ratu Village due to factors, especially demands for the size of the dowry from the family of the prospective bride. asking for a dowry which can be in the form of money, and items that must be according to their wishes, if the prospective groom's family agrees to the request then the prospective bride can be taken home by the prospective groom's family. The formulation of the problem in this research is how is the implementation of the traditional dowry for marriage in Lampung Pesisir, Padang Ratu Village, Wonosobo District, Tanggamus Regency and what is the perspective of Islamic law towards giving the traditional dowry for Lampung Pesisir, Padang Ratu Village, Wonosobo District, Tanggamus Regency. The type of research used is normative legal research with descriptive research type. The approach to this research problem is a historical approach and a legislative approach. The data source used is secondary data which is analyzed qualitatively. In marriage, as well as the mention of the dowry in the consent granted, only half of it is mentioned, meaning that the dowry is included in the dowry for Musamma. That the giving of dowry in the form of goods can be interpreted as not violating the rules of Islamic Law.*

**Keywords:** *Marriage, Dowry, Islamic Law*

### **A. Introduction**

The Islamic religion contains sharia law, which is also seen as a command or prohibition from Allah SWT to every follower, which can be in the form of the Koran and other holy books. Sharia law can be derived from the Al-Qur'an, the Muslim holy book, Qiyas means explaining something without arguments, Al-Hadith means everything is done based on the Messenger of Allah. Islamic law is very influential in regulating religious, social and state life for mutual agreement in Indonesia, which is predominantly Muslim.<sup>1</sup>

Islamic marriage law is a marriage ceremony held in the form of a human being to establish a bond with Allah and to obey and carry out Allah's commands. In Law No. 1 of 1974 and Law No. 16 of 2019, the Marriage Law stipulates that marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family.<sup>2</sup> Based

<sup>1</sup> Abd.Kafi, *Mahar Pernikahan dalam Pandangan Hukum Islam*, Jurnal Paramurobi, Vol.3, No.1, Januari-Juni 2020.

<sup>2</sup> Nurhadi, Nurhadi. "Undang-Undang No. 1 Tahun 1974 Tentang Pernikahan (Perkawinan) Di Tinjau Dari Maqashid Syariah." *UIR Law Review* 2, no. 2 (2018): 414. [https://doi.org/10.25299/uirrev.2018.vol2\(02\).1841](https://doi.org/10.25299/uirrev.2018.vol2(02).1841).

on Islamic law marriage is a human bond with Allah to obey and carry out Allah's commands in the form of marriage worship. In Law no. 1 of 1974 in conjunction with Law no. 16 of 2019 the Marriage Law states that marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on Belief in One Almighty God.<sup>3</sup>

Marriage dowry in Islamic law is one of the pillars of marriage whose virtue according to Islam is to protect and glorify women by granting them the rights they ask for at the time of marriage. Giving dowry to the prospective bride must be done willingly. As Allah SWT in QS An-Nisa (4): 4.<sup>4</sup> Mahar in marriage is divided into two (2), namely mahar musamma which means to determine (predetermined) the value of the size of the dowry has been agreed upon by the prospective groom and the prospective bride women and in the dowry consent the mahar is mentioned and mahar mitsil which means the dowry is not mentioned, the

size of the dowry at the time before or when there was a marriage and the dowry in the qabul consent is not mentioned.<sup>5</sup>

The dowry giving that occurs in Padang Ratu Village is slightly different from other coastal areas in Tanggamus because in the process of giving the dowry the money, goods or assets given by the man to the woman and received by the woman's family are not called honest money. (jukoh), but immediately referred to as dowry and considered dowry in the marriage that was carried out. This is because there is no honest money or proposing according to custom in Padang Ratu Village.<sup>6</sup>

If a married man or a man at the time of marriage joins the woman's family to maintain the woman's family lineage, then the man does not bring anything at the time of the marriage, but if the married woman or the woman joins the man's family and maintains the male lineage means the male can give money, items that must be received by the woman's family, which is called a dowry.

The traditional people of Coastal Lampung still follow the custom of giving money or goods before the wedding. In the indigenous traditions of Padang Ratu village, giving money or goods before marriage is considered a dowry. Often this is done through a ceremony or simply handing over property from the male family to the female family, such as giving money, jewelry, wardrobes and other items requested by the bride and groom. When giving these items, parents, family and relatives from both parties must be present.

Therefore, I am interested in reaching this title about how Islamic law views the practice of giving a dowry, as Islamic law suggest that women should be free in determining how much dowry they want and suggest lightening and simplifying the dowry. Because, many men fail to marry the women they choose because of the weight of the dowry that is determined. Therefore, women should not burden the prospective man who will marry them because it could result in the marriage being annulled.

So, the dynamics regarding dowries that occur in the coastal Lampung community will be prosecuted according to Islamic law. Based on the description above contained in this thesis, research was conducted entitled "Giving Dowry In Lampung Coastal Traditional Marriages From An Islamic Legal Perspective (Study in Padang Ratu Village, Wonosobo District, Tanggamus District, Lampung Province).

The research method used in this research is a descriptive research method with a quantitative approach because in this research it describes the current situation in a systematic and factual manner which demands that a solution be immediately sought and the search for facts with appropriate interpretation.

<sup>3</sup> Kamal Mukhtar, *Asas-Asas Hukum Islam Tentang Perkawinan*, cet ke-3, Jakarta: Bulan Bintang, hlm.5-8.

<sup>4</sup> Khotibi, Diana. 2023. "Kritik Al-Qur'an Terhadap Tradisi Mahar: Analisis Penafsiran QS. Al-Nisa' Ayat 4". *KACA (Karunia Cahaya Allah): Jurnal Dialogis Ilmu Ushuluddin* 13 (1):73-88. <https://doi.org/10.36781/kaca.v13i1.348>.

<sup>5</sup> Muhammad Shuhufi, Kata Kunci, and : Mahar, "Mahar Dan Problematikanya (Sebuah Telaah Menurut Syari'at Islam)," *Jurnal Hukum Diktum* 13, no. 2 (2015): 121–28, <https://doi.org/https://doi.org/10.35905/diktum.v13i2.365>.

<sup>6</sup> Hud Leo Perkasa Makki, "Analisis Hukum Islam Terhadap Uang Jujur (Jokoh) Dalam Perkawinan Adat Lampung Pesisir," *Adzkiya : Jurnal Hukum Dan Ekonomi Syariah* 5, no. 1 (2017): 107, <https://doi.org/10.32332/adzkiya.v5i1.1007>.

The approach to the problem used in this study is the historical approach, the researcher will take an approach by examining the history of the beginning of the dowry system in Padang Ratu Village and the statutory approach, the researcher will examine the Giving of Dowry in Lampung Coastal Traditional Marriages in the Perspective of Islamic Law using legislative regulations and positive Islamic law

## **B. Discussion**

### **1. Implementation Giving Dowry Marriage with Method Traditional Lampung Coastal Village of Padang Ratu.**

#### **a. The indigenous people of Padang Ratu Village**

The origin of the people of Coastal Lampung, especially Tanggamus Regency, the naming of Tanggamus Regency cannot be separated from the condition of the area located on the coast, and several coastal estuaries with one very large mountain, namely Mount Tanggamus which was taken as the name of Tanggamus Regency. Mount Tanggamus comes from the word Tang which means Pumatang in Indonesian means mountain while Gamus means big. Mount Tanggamus is a characteristic feature of the Tanggamus people.

Based on the results of interviews, the author with Saibatin (Batin Nasrin) explains that the story of the ancient people of Tanggamus is related to West Lampung Regency because the ancestral explorers of the West Lampung people who came from Skala Berak left their original area at the end of the 14th and 15th centuries and occupied new settlements. in the Tanggamus area. The explorer saw from a distance many hills and one large mountain, namely Mount Tanggamus, and saw a fairly long stretch of coastline, meaning the beaches of Kotaagung, Sawmil Wonosobo and Teluk Betung.<sup>7</sup>

These explorers occupied several areas and shaped them with customs that were inseparable from the Keaksian system from West Lampung. Keaksian itself is the highest customary system in Lampung Saibatin culture. The axes that have been formed by the explorers include:

1. Paksi Padang Ratu with its jurisdiction is the villages of Padang Ratu, Padang Manis, Kunyayan, Negeri Ngarip, Way Kerap, Semuong Raja Basa, Sanggi, Lakaran and Menggala (Buay Tekhugak).
2. Paksi Way Nipah with its jurisdiction over the villages of Tikhom and Tampang.
3. Paksi Belunguh with its territory Kagungan, Karta, Tanjung Anom, Cunggung, Umbul Buah.
4. Paksi Benawang with his territory Teba Bunuk, Tanjung Agung, Baros, Terbaya, Kuripan, Penanggungan, Negeri Ratu, Pardasuka, Top, Madang Market, Terbaya, Iron Cage, Belu, Kanyangan, Jambu Building, Banjar Masin, Tardana, Kesugihan, Maja, Umbrella, Pejajaran, Kalimiring, Negara Batin, Benawang Island.

The beginning of Pekon Padang Ratu, is estimated to have started from the year 1006 which is called the 1st period in the history of Pekon Padang Ratu, with the arrival of a group of 5 brothers from Skala Berak who traveled to Semaka where the place was named "ILAHAN". At that time King Abu Bakar had a dialogue with his friends discussing the next trip stop, but King Abu Bakar argued that should we dive into the flow of the Semaka river towards the estuary at the end of the Semaka river, namely the sea. However, his opinion differed from his friends who chose to go in another direction. With this difference of opinion, King Abu Bakar dived into the flow of the Semaka river and the others headed towards other destinations.

Explanation of the nickname of the ancestor of Pekon Padang Ratu namely "Raja Abu Bakar Umpu Pudalam Bioay" the first person to occupy an area called Pekon Kiyam is now known as Pekon

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<sup>7</sup> Wawancara dengan Batin Nasrin pada tanggal 14 Agustus 2022.

Teba Bunuk. In their daily lives, they grow crops in the fields and in the rice fields by working together with their families. This happens continuously until their skills develop in all fields. Another thing related to the history of Pekon Padang Ratu is related to the lives of men and women who have grown up, they are brought together as guardians to continue their offspring. Since then Pekon Padang Ratu has developed rapidly and developed very well.<sup>8</sup>

### **b. Implementation of Dowry Giving in Padang Ratu Village**

The Balancing lineage of Saibatin will be passed down to the eldest son in the Saibatin family. Balancing's position in the Saibatin lineage cannot be contested by anyone. The Saibatin custom in Tanggamus has various traditions and historical heritage which are still maintained today, including: cultural customs of marriage, religious culture, welcoming or honoring ceremonies, and cultural ceremonies of dance and martial arts.<sup>9</sup>

The dowry that occurred in Padang Ratu Village said the dowry at the time of the consent granted was only half of the dowry given on the grounds that if one day the family had a problem, or lacked in economic terms, the dowry could be sold to help with existing problems in family. However, if there is no problem and the husband can change it or not according to his agreement with his wife. Because it is the wife's right to determine whether or not the dowry should be replaced. This is in accordance with the rules of Islamic law relating to the dowry, the prerogative or full privilege of the wife,

The traditional tradition of Coastal Lampung in Padang Ratu Village. The marriage tradition in Padang Ratu Village, there is only *seimbangan*, marriages carried out due to pregnancy out of wedlock, the dowry is paid or given by the woman and *Kebayan* (Marriage and giving dowry which is carried out according to the custom of Padang Ratu Village) but different from the method of giving. The dowry is because the Lampung Pesisir indigenous people are still guided by the custom of giving money or goods before the wedding and the mention of the dowry is only half.<sup>10</sup>

In the practice of the indigenous people of Padang Ratu Village, giving money or goods before marriage is considered a dowry. Usually it is done with a ceremony or simply handing over assets from the male family to the female family such as giving money, jewelry, wardrobes and other items that have been requested by the woman.

The tradition of giving dowry and marriage in Padang Ratu Village, if the original person of Padang Ratu Village leaves or marries and settles in a village other than Padang Ratu Village, then it can be called *metudau*, which is a designation for a woman if a woman from Padang Ratu Village marries her husband and live in the village or husband's house and *semenda* is a designation for a man who is married to his wife and lives in the village or in his wife's house, so the person who *metudau* and *semenda* cannot use the original marriage customs that exist in Padang Ratu Village on the grounds that *apabila* a *metudau* and *semenda*, at the time of marriage it is forbidden to use the custom of Padang Ratu Village and it is required to use the custom where a person who is *semenda* or *metudau* is married.

The provisions for granting a dowry in an official marriage in Padang Ratu Village are as follows: In the Padang Ratu Village community there is a special mention for the prospective bride before the

<sup>8</sup> Wawancara dengan Tokoh adat Saibatin, Kepala Desa Padang Ratu dan Kepala Desa Tanjung Kurung, Kamis 14 Agustus 2022, Pukul 10.30 WIB.

<sup>9</sup> M.H.I Aspandi, Lc., "Mahar Dalam Perkawinan Islam; Analisis Pelaksanaan Pembayaran Dan Pemegang Hak Mahar," *AL-ADALAH: Jurnal Syariah Dan Hukum Islam* 5, no. 2 (2020): 244–57, <https://doi.org/https://doi.org/10.31538/adlh.v5i2.1103>.

<sup>10</sup> Zurifah Nurdin, "Aksiologi Hadis Ahkam Tentang Mahar," *Jurnal Pemikiran Keislaman Dan Tafsir Hadis* 5, no. 2 (2016): 13–28.

wedding takes place. The designation for the prospective bride is Kebayan which means the prospective bride or the prospective woman who will be officially married by the prospective groom.

1. Before the kebyayan is brought to the groom's house.

The first step can be seen from the way the prospective groom brings the prospective bride home to marry her, which is usually called Kebayan (the prospective bride). The kebyayan that the prospective groom brings home must first ask permission from the parents along with the kebyayan's parents at least 1 week before the kebyayan is brought home to the prospective groom's house. When asking for permission, the prospective groom together with his parents face the kebyayan's family, apart from asking for permission, they also discuss what the kebyayan will ask for. Usually the kebyayan and his family ask for money and goods that must be fulfilled by the prospective groom. If both parties have agreed, then the kebyayan is allowed by the parents to be brought home to the prospective groom's house.

2. It's time for the kebyayan to be a guest at the prospective groom's house.

When the kebyayan arrived at the groom's house, the kebyayan was greeted with the traditional Lampung Coastal Padang Ratu tradition, starting with the kebyayan being given a glass of drinking water and wearing kumbut (a head scarf typical of Padang Ratu Village), then asked to enter, sit down on the bed and served a meal in the form of porridge accompanied by the beating of tambourines and pesanggi (a song welcoming the kebyayan).

Then representatives from the kebyayan's family come and take home the request that has been approved before the kebyayan is taken to the prospective groom's house. Before the marriage contract process is carried out, the kebyayan will be considered a guest in the prospective groom's house. The length of time for the kebyayan to be a guest is around two weeks to 1 month, and once it has been 1 month, the marriage contract process must be carried out at the prospective groom's house.

3. The process of consent and giving dowry to the bride and groom.

The next day or a few days after being in the groom's house, the consent granted is carried out. At the time before the consent was granted, the wedding couple was decorated with Coastal Lampung customs. The prospective groom wears typical coastal clothes and sarongs, gold-plated tuppung, jukum fruit necklace, shawl, kris, canoe bracelet, while the kebyayan wears typical coastal clothes and sarongs, sigokh, moon seraja, earring, jukum necklace, jajar board necklace, and necklace ringgit, canoe bracelets, bird bracelets and seedling bracelets, shawls, serti feathers. After the prospective bride and groom are ready, the consent granted can be carried out in accordance with Islamic religious rules. However, in mentioning the dowry that was previously given, only half of the gift was mentioned. The reason for mentioning only half of the dowry is that if you are already married, there is a problem or dispute that requires the dowry to be sold, or given away, as well as deficiencies in economic matters, the dowry can be sold to help with problems in the family. However, if there is no problem and the husband may replace or not in accordance with the agreement with the wife, because the right of the wife to determine whether to be replaced or not

4. After the consent was granted.

Consent is usually held at a wedding reception in general. If the male family asks for a reception with a national event in general, then the female family at the reception does not get mi balak (mi balak is an additional gift from the entire family of the male family which can be in the form of fish, traditional Lampung cakes such as the selimpok symbol, kekakhas, cucukh, juadah, and diamonds, as well as heavy food such as rice, eggs, fish, noodles, etc. However, if a man's family asks for a traditional Lampung reception, the woman's family has the right to get everything in mi balak. The

man's family will specifically deliver it directly to the kebayan's house.<sup>11</sup>

## **2. Perspective Law Islam towards the implementation of marriages and the provision of traditional dowries in coastal Lampung, Padang Ratu Village.**

### **a. Marriage in the Perspective of Islamic Law**

Islamic law is the sharia that exists in the Islamic religion, which means that the existing rules come from Allah SWT. Islamic law consists of rules that regulate human behavior in life which are based on the revelation of Allah SWT and the Sunnah of the Prophet which must be obeyed by followers of the Islamic religion, because the guidelines contained in Islamic Law are binding on all its adherents. The existence of Islamic Law regulates personal human relationships with Allah SWT which aims to regulate relationships between humans and each other.<sup>12</sup>

One of the personal interests is related biological needs with human sexual needs in carrying out their lives need a partner, what is meant by partner is a woman and a man. Therefore, humans are said to be social creatures who need other humans in their life with the aim of living to meet these needs, marriage can be carried out between individuals a man and a woman. Marriage aims to fulfill needs biologically and to continue the descent from the male and female side of the family woman's family.

Marriage in Law No.1 of 1974 article 1 states that marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a family (household) happy and eternal based on the Almighty Godhead. The marriage that took place do it to fulfill personal interests, namely human biological needs as social creatures. With a marriage that unites the two a man and a woman to live together in a family in based on the Almighty Godhead. Marriage also unites birth bonds inner feelings between a man and a woman who are called a husband and wife.

wife in married life. With the physical and spiritual bond between husband and wife wives can form a happy, eternal and family or household prosperous. The basis of marriage from inner and outer bonds is based on belief in the one and only God.

Marriage according to customary law is a marriage that is carried out not only just bound by a civil marriage contract, but also marriage involves the traditional ties of each partner and at the same time constitutes kinship and neighborly ties. So in this case marriage is not only binds both parties religiously and civilly but also binds kinship and neighborliness on the part of women and men. As is this bond of life in running a household marriage can continue well in the field from a human perspective and good before God Which is One, because by entering into a marriage it has already been carried out commands and teachings that he recommended in life on earth the marriage that takes place can be said to be a complement to worship to God Almighty.<sup>13</sup>

Marriage regulation in Indonesia focuses on Law No.1 1974 is about marriage but also has its basis in the Compilation Islamic law in Indonesia. Compilation of Islamic Law organized and formed in codification as a unity of Islamic Law which is used for guidelines for judges in Religious Courts. This compilation of Islamic Law was created since the establishment of the Religious Courts in 1957, currently the Compilation of Islamic Law it is often referred to as Islamic cultural fiqh in Indonesia in this case, the arrangement follows the conditions and legal needs of marriage in Indonesia.

The birth of this Compilation of Islamic Law was also legally initiated by Instruction President Number 1 of 1991 on June 10 1991. 13 Basics marriage will become a basic moment or principle in marriage in the future carrying out the marriage and carrying out the family life that will occur live

<sup>11</sup> Wawancara dengan Tokoh adat Desa Padang Ratu, Kamis 11 Agustus 2022, Pukul 09.30 WIB.

<sup>12</sup> Dwi Rifiani, "Pernikahan Dini Dalam Perspektif Hukum Islam," *De Jure: Jurnal Hukum Dan Syar'iah* 3, no. 2 (2011), <https://doi.org/https://doi.org/10.18860/j-fsh.v3i2.2144>.Rifiani.

<sup>13</sup> Yusna Zaidah, "Model Hukum Islam: Suatu Konsep Metode Penemuan Hukum Melalui Pendekatan Ushuliyah," *Jurnal Syariah: Jurnal Ilmu Hukum Dan Pemikiran* 17 (2017): 143–59, <https://doi.org/https://doi.org/10.18592/sy.v17i2.1969>.

it together with the aim of building a happy family and eternal based on the Almighty Godhead. Married couple in Households must love each other, understand each other, help together complement each other so that in their domestic life they live in harmony, mawadah and warahmah and in accordance with the rules of marriage law.<sup>14</sup>

Marriage according to Islamic Law is a sacred deed to do, because marriage is binding between two (2) parties, namely a man and a woman in fulfilling biological needs, orders and recommendations from God Almighty. A good marriage according to Islamic law is a marriage that follows marriage guidelines. Islamic law stipulates that there are pillars of marriage, what is meant by pillars of marriage is something that will determine whether a marriage is valid or not carried out between a man and a woman, namely dowry in marriage in the view of Islamic law but if it is not fulfilled then the marriage is considered invalid in the view of Islamic law.<sup>15</sup>

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The marital pillars that must be fulfilled in marriage include:

1. There is a potential bride
2. There is a groom
3. The presence of a legal guardian to marry.
4. Witnessed by at least two (2) witnesses.
5. The expressions of a valid marriage contract are consent and qabul
6. There is a dowry.<sup>16</sup>

The dowry must be given sincerely and sincerely to the prospective bride. As Allah SWT says in QS An-Nisa (4): 4 and dowry is a full right for the woman who receives it. The dowry that has been given to the prospective bride means that the dowry cannot be used in any way without the permission and knowledge of the woman who has received the dowry because the dowry is the full right of the woman who has been married.<sup>17</sup>

Every marriage that has been carried out must be recorded according to the applicable laws and regulations. In addition, Article 4 of the Compilation of Islamic Law states that marriage is legal if it is performed according to Islamic law. Article 5 of the Compilation of Islamic Law states that every marriage that has been carried out must be registered with the Marriage Registration Officer to ensure orderliness of the marriage. The purpose of registering marriages is to provide legal certainty and protect husband and wife by providing authentic evidence of the existence of a marriage that has permanent legal force.<sup>18</sup>

The existing conditions for marriage mean that marriage can bind the spiritual and physical bonds of a man and a woman and the marriage can be carried out properly without violating legal

<sup>14</sup> Mukhtali Jarbi, "Pernikahan Menurut Hukum Islam," *Pendais I*, no. 1 (2019): 56–68.

<sup>15</sup> Rohidin, *Pengantar Hukum Islam ( cetakan 1 )*, Lampung : Lintang Rasi Aksara Books, 2016, hlm.2.

<sup>16</sup> Ri, Wati Rahmi, 2020, *Dimensi Keluarga Dalam Perspektif Doktrin Islam Indonesia*, Lampung : Pusaka Media.

<sup>17</sup> Ahmatnizar, *Mahar dalam Perkawinan (Kajian Singkat Berdasarkan Pramagisme Hukum Islam)*, Jurnal Hukum Ekonomi, Vol.6, No. 1 Juni 2020.

<sup>18</sup> Dapartemen Agama RI, *Kompilasi Hukum Islam*, Pasal 30.

regulations or marriage requirements. Fulfillment of these marriage requirements aims to form a happy and eternal marriage based on belief in the Almighty God. If the marriage requirements are not fulfilled by both parties, namely the prospective groom and the prospective bride, then the marriage cannot take place. Therefore, the importance of marriage conditions in the marriage that will be carried out is aimed at ensuring that the marriage can be carried out well and does not violate legal regulations or marriage conditions.

In a marriage between a man and a woman, of course they must fulfill the terms and conditions of marriage and register their marriage at the Marriage Registration Institute in accordance with their respective religions and laws. If the religion adhered to by the married couple is Islam, registration is carried out at the Religious Affairs Office (KUA), while for non-Muslims the registration is carried out at the Civil Registration Office. However, in the terms and conditions of marriage, of course there must be a dowry which must be given sincerely to the bride and must be in accordance with the rules of Islamic law and customs that apply in the local area.<sup>19</sup>

### **b. Dowry in Islamic Law Perspective**

In the perspective of Islamic law, mahar is an absolute right of a woman to get it, therefore pure dowry belongs to the wife after the marriage is carried out and dowry is a proof of the seriousness of the prospective groom towards the prospective bride so that she willingly gives and sacrifices part of the property on the basis of an agreement in give it to women.<sup>20</sup>

It is written in section b, namely dowry in Islamic law: Law comes from a translation of Islamic law. The meaning of Islamic Law as a whole the etymology of law comes from the Arabic root word, namely hakama-yahkumu yang has the meaning of wisdom. The word wisdom aims to make people who understand and understand the law and then apply it in life everyday then can be considered as a wise person. Existence Law is essentially intended to regulate a person from the things he or she does prohibit his religion, and obey the rules ordered in his religion to avoid injustice, injustice, persecution and others is a negative thing.<sup>21</sup>

Meanwhile, Islam comes from the words salima-yaslamu-salaman-wa salamatan yang has the meaning of being safe from danger and free from defects. Islam means for obedience of the people and submission of humans to Allah S.W.T in this case means that humans before God must admit their weaknesses as humans and confirming God's power. From this understanding it can be it is concluded that law is a regulation in religion regulates human life, while Islam is a belief humans before Allah S.W.T that humans are nothing compare it with the power of Allah S.W.T.

Giving a dowry in Islamic law is a gift that must be given by a male candidate to a female candidate, and there are no provisions on the size of the dowry except according to the agreement of both parties. The dowry cannot be determined by other people such as family, friends, relatives. The only people who can determine the dowry are the prospective groom and the prospective bride. The dowry must be given in any form, whether in the form of goods, money or services that are halal and valuable. As explained in the Hadith narrated by Bukhari and Muslim, the Messenger of Allah said to his friend:

Meaning: "Search even if it's just an iron ring." (Narrated by Bukhari and Muslim). This hadith shows that the dowry can be a little (low value) and it can also be a lot (high value) if both partners are happy with each other, because an iron ring shows the value of an easy dowry, but the dowry is

<sup>19</sup> Rachmadi Usman, "Makna Pencatatan Perkawinan Dalam Peraturan Perundang-Undangan Perkawinan Di Indonesia," *Jurnal Legislasi Indonesia* 14, no. 3 (2017): 256.

<sup>20</sup> Hud Leo Perkasa Makki, Nuraini Eka, and Endah Wahyu Ningsih, "Kedudukan Dan Hikmah Mahar Dalam Perkawinan," *Syakhsiyah Jurnal Hukum Keluarga Islam* 2, no. 2 (2022): 137–49.

<sup>21</sup> Aladin, Aladin. ". " *Masalah-Masalah Hukum* 46, No. 3 (2017): 239-248. Doi: <https://doi.org/10.14710/Mmh.46.3.2017.239-248>.



an easy dowry and will make the marriage blessed.

In the Compilation of Islamic Law Article 1 letter d states that dowry is a gift from a prospective groom to a prospective bride.<sup>22</sup> whether in the form of goods, money or services that are not contrary to Islamic law, but the amount of the dowry is not determined because the dowry should not burden the prospective bride men and adapt to their economic capabilities. Mahar should not complicate or become an obstacle in carrying out a marriage, because in Article 31 of the Compilation of Islamic Laws it stipulates that the determination of dowry is based on the ease and simplicity recommended by Islamic teachings in determining dowry.<sup>23</sup>

The dowry given must meet the requirements of Islamic law. In giving a dowry, of course there are provisions regulated by Islamic law. The dowry given to the prospective bride must meet the requirements. The dowry requirements include:

1. The price is precious
2. Dowry must be something that is sacred and can be used for benefits.
3. The dowry does not come from fancy things.
4. The dowry cannot be items whose condition is not clear. It is not valid to give a dowry and its type is not clear, so the item cannot be used as a dowry.<sup>24</sup>

The dowry given by the prospective groom is dowry in the form of goods, so the conditions that must be fulfilled in giving the dowry include:

1. The dowry must be clear and its form and nature known.
2. The dowry item must be fully owned by oneself in the sense that it contains substances and also benefits.
3. The goods have conditions to be traded in the sense that they are not goods that cannot be traded and cannot be made into dowries.
4. It can be delivered at the time of the contract or at the time promised, which means that the item is already in his hands if the item is needed.<sup>25</sup>

This dowry requirement is intended as a good guideline for men to give dowry to the woman they will marry in accordance with the provisions set out in Islamic law. There are, of course, different kinds of marriage dowry, of course there are differences in how it is carried out and given. Therefore, there are two types of dowry in Islamic law, namely:

1. Musamma's dowry

Musamma's dowry is the dowry that has been agreed upon by the prospective groom and bride, which is stated in the amount and amount of the dowry at the time of the marriage ceremony. In carrying out Musamma's dowry, it must be given in full if hands have been mixed up and one of the husband and wife is gone. This dowry is a dowry that is generally given at the time of marriage. The husband is obliged to pay the dowry in the form and value stated in the marriage contract given to the bride.

2. Mahar Mitsil

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<sup>22</sup> Rinda Setyowati, "Konsep Mahar Dalam Perspektif Imam Syafi'i Dan Kompilasi Hukum Islam," *Isti'dal : Jurnal Studi Hukum Islam* 7, no. 1 (2021): 1–15, <https://doi.org/10.34001/istidal.v7i1.2110>.

<sup>23</sup> Kompilasi Hukum Islam Bab V Pasal 31.

<sup>24</sup> Wati, Rahmi Ria, Opcit, hlm.58.

<sup>25</sup> Damis, Harijah. 2016. "Konsep Mahar Dalam Perspektif Fikih Dan Perundang-Undangan". *Jurnal Yudisial* 9 (1):19-35. <https://doi.org/10.29123/jy.v9i1.29>.

Mitsil's dowry is a dowry whose value and amount are not stated before or when the marriage takes place. And in this case the dowry is measured commensurate with the dowry that has been received by the next of kin, taking into account social status, beauty, intelligence and other matters related to the prospective bride. 8 As the mitsil dowry is explained in the Hadith of the History of Abu Dawud, Tirmizi, Nasai and Ahmad):

"The woman has the right to get the same dowry (mitsil dowry) as another wife's dowry, without adding or subtracting it. He must undergo a period of iddah and he got an inheritance." Then Ma'qil bin Sinan Al-Asyja'I stood up and said: "The Messenger of Allah has given a legal decision regarding Barwa' bint Wasyis, one of our people as you have decided." Hearing that, Ibn Mas'ud felt happy. (Reported by Abu Dawud, Tirmizi, Nasai and Ahmad).<sup>26</sup>

In addition to the types of dowry in marriage, of course there are forms of dowry according to Islamic law can be in the form of goods or services, including:

1. Dowry in the form of assets must be in the form of goods that have value and use for the recipient of the dowry. Examples of dowry for goods are money, gold, vehicles.
2. The dowry takes the form of services which can be: knowledge, advice or lessons that can be useful for the recipient of the dowry. For example, a wife requires that her husband provide a living of IDR 5,000,000 per month. This includes the dowry which must be paid or given in full.<sup>9</sup> This dowry in the form of services is the wife's full right.

In the Compilation of Islamic Law, Article 1 letter d states that dowry is a gift from a prospective groom to a prospective bride, whether in the form of goods, money, or services that are not contrary to Islamic law, but the amount of the dowry is not determined because the dowry should not burden the prospective bride's men and adjust to their economic capabilities. Mahar should not complicate or become an obstacle in carrying out a marriage because, in Article 31 of the Compilation of Islamic Laws, it stipulates that the determination of dowry is based on the ease and simplicity recommended by Islamic teachings in determining dowry.

The dowry given must meet the requirements of Islamic law. Of course, when giving dowry, there are provisions regulated by Islamic law. The dowry given to the prospective bride must fulfill the conditions. The dowry conditions include:

1. The dowry is precious. 2. The dowry must be something that is sacred and can benefit from it. 3. The dowry is not made of bad things. 4. The dowry may not be an item whose condition is not clear. If dowry is not valid by giving goods and the type is not clear, then the item cannot be used as dowry.

The dowry given by the prospective groom is dowry in the form of goods, so the conditions that must be fulfilled in giving the dowry include:

1. The form and nature of the dowry must be clear and known.
2. The dowry item must be fully owned by oneself in the sense that it contains substances and benefits.
3. The goods have conditions to be traded in the sense that they are not goods that cannot be traded and cannot be made into dowries.
4. It can be delivered at the time of the contract or at the time promised, which means that the item is already in his hands if needed.<sup>27</sup>

<sup>26</sup> Wati, Rahmi Ria, Opcit, hlm.59.

<sup>27</sup> Putra Halomoan, "Penetapan Mahar Terhadap Kelangsungan Pernikahan Ditinjau Menurut Hukum Islam," *JURIS (Jurnal Ilmiah*

In point 4 it is explained that the dowry can be handed over at the time of the contract or at the promised time, which means the goods have arrived hand if the item is needed. The statement states that the giving of dowry in Padang Ratu Village can be interpreted as not violating rules in Islamic Law due to giving dowry in the form of goods in can be given at the time of the contract or at a specified time.

In the implementation of dowry giving in Padang Ratu Village, the dowry is given occurred in Padang Ratu Village in accordance with Islamic Law because if you look at it from the point of view of the various types of dowry, namely musamma dowry which means the amount agreed and the dowry is mentioned at the time of the marriage contract and the mitsil dowry is not mentioned and the amount has not been determined. So it can be interpreted as a gift dowry in Padang Ratu Village is a dowry given by musamma dowry (The dowry is in the form and value stated in the marriage contract given to the bride) because of the dowry given by the prospective groom to the woman is agreed upon by both parties and the family and at the time of the marriage contract it is mentioned even if it is only half of the dowry given. Giving a dowry according to Islamic law is regulated in article 31 of the Compilation of Islamic Law regulates that the determination of the dowry is based on convenience and simplicity which is recommended by Islamic teachings in determining the dowry.

Big determination the small amount of dowry is only done by both parties and if the dowry is complete the levels and amounts are determined, whether in the form of goods, money or services contrary to Islamic Law. This is contrary to the procedures giving dowry in Padang Ratu Village, because in determining more dowry what is appreciated is the determination of the dowry by the family (parents) of the prospective bride and groom women, not according to the wishes of the prospective bride and groom.

The determination of the dowry must be approved by the prospective bride though in a forced situation because of pity which means the candidate's economic condition. It is not possible for the groom to give a dowry as large as the request the prospective bride's parents, but on the other hand if the wedding will be still, the prospective groom must agree directly, even if he has to looking for a loan to fulfill it. This is still in accordance with Islamic Law determining the dowry based on convenience and simplicity.

### **C. Conclusion**

Giving dowry in the Lampung Pesisir custom is a form of giving which is different from giving dowry in general in the Tanggamus area because, giving official giving a dowry in Padang Ratu village is done by giving money or goods requested by the family of the prospective bride before the marriage is carried out. If the family of the prospective groom agrees to the request, then when the marriage ceremony is held, it is directly referred to as a dowry. In marriage, as well as the mention of the dowry in the consent granted, only half of it is mentioned, meaning that the dowry is included in the dowry for Musamma. That the giving of dowry in the form of goods can be interpreted as not violating the rules of Islamic Law because the giving of dowry in the form of goods can be given at the time of the contract or at the specified time, even though the mention of the dowry is only half of it. Because it is based on an agreement with both parties. Therefore, the giving of dowry in Padang Ratu village is in accordance with the perspective of Islamic law and the giving dowry is only a customary provision that has been passed down from generation to generation in the Padang Ratu village.

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