



The Taking and Use of Dowry by the Bride's Parents: A Sociological and Islamic Legal Perspective

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Abstract: One form of Islamic respect for women is the provision of a dowry, which is the wife's full property. Essentially, the dowry is an absolute right of the wife. However, in Padurungan Tanah Merah Village, Bangkalan, a predominantly Muslim village, a tradition still exists where the bride's parents take the gift in the form of money and may not use it for the wife. This prompted researchers to examine this issue in more depth using a juridical-empirical approach and qualitative methods using interviews, observation, and documentation. The results of the study revealed three patterns of dowry use by parents: it is considered the full right of the parents, it is distributed to unmarried relatives, or it is used to cover wedding expenses. Sociologically, this practice is motivated by the belief that it is taboo for the bride to use the dowry, although this tradition has no basis and tends to be superstitious (tathoyur). Under Islamic law, this act constitutes the taking of another person's property, which requires the wife's consent (thibi nafsi).

Keywords: dowry, sociology, Islamic law

Abstract: Salah satu bentuk penghormatan Islam terhadap perempuan adalah pemberian mahar, yang merupakan hak penuh istri. Pada dasarnya, mahar merupakan hak mutlak istri. Namun, di Desa Padurungan Tanah Merah, Bangkalan, yang mayoritas penduduknya beragama Islam, masih terdapat tradisi di mana mahar diambil oleh orang tua pengantin perempuan dan tidak boleh digunakan oleh istri, mendorong peneliti untuk mengkajinya lebih dalam melalui pendekatan yuridis-empiris dan metode kualitatif dengan menggunakan teknik observasi dan wawancara. Hasil penelitian menunjukkan tiga pola penggunaan mahar oleh orang tua, yaitu dianggap sebagai hak penuh orang tua, dibagikan kepada kerabat yang belum menikah, atau digunakan untuk menutupi biaya pernikahan. Sementara itu, secara sosiologis, praktik ini dilatarbelakangi oleh keyakinan bahwa mahar merupakan hal yang tabu jika digunakan oleh pengantin perempuan, meskipun tradisi ini tidak memiliki dasar dan cenderung bersifat tahayul (tathoyur). Menurut hukum Islam, tindakan ini termasuk dalam pengambilan harta orang lain yang memerlukan kerelaan (thibi nafsi) dari istri.

Keywords : mahar, sosiologi, hukum islam

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Introduction

Marriage in Islam is an event that is legalized according to Islamic law and automatically gives rise to legal consequences for both parties, namely the emergence of rights and obligations between husband and wife, where the husband's rights become the wife's obligations and vice versa (Adistyan, 2024). One of the wife's rights that the husband must fulfill is the provision of a dowry, which is property given as a result of the marriage contract or sexual intercourse (Pakarti, 2023). According to Wahbah Zuhaili, dowry is property that a wife is entitled to over her husband because of the marriage contract or *dukhul*, while the author of the book *al-'Inaayah 'Alaa Haamisyyi al-Fathi* defines dowry as property that the husband must pay in the marriage contract in return for sexual intercourse, either explicitly in the contract or based on applicable provisions (Salma, Nirbita, & Zahra, 2024). In line with this, the Shafi'i school of thought defines dowry as something obligatory as a result of marriage or the occurrence of a husband-wife relationship (Athar, 2022)

In Islam, giving a dowry is a form of respect and protection for women, as an effort to raise their dignity and status, who during the time of ignorance were often abused and treated as objects. (Yulia, Hayatudin, & Rojak, 2023) Apart from that, dowry is something that is mandatory and should not be prevented from getting it. Explained in QS. al-Nisa' (4): 4:

وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبَّ لَكُمْ عَنْ شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيئًا

Meaning: "Give the women (whom you marry) a dowry as a gift willingly. Then, if they give you some of it willingly, accept it and enjoy it. *The gift was given with pleasure.*"

Essentially, the dowry given by a husband is a wife's absolute right. However, in ancient times, parents viewed the dowry as a reward for the hard work of raising a daughter, so the dowry was taken over by the woman's parents (Oktavianto, 2023). Even when a baby girl is born, people say "*hannialaka al-nafizah*" as a hope that she will be a source of wealth (Yulinda, 2023).

This occurs in the community of Padurungan Village, Tanah Merah District, Bangkalan Regency, where they prioritize culture and customs over religious requirements, thus deeming anything inconsistent with tradition wrong. According to field reports, after the dowry is handed over by the husband to the wife, the bride's parents then take over the dowry. (Hasibuan, 2023) The use of the dowry by parents varies, including being considered entirely the property of the parents, as it is traditional that the dowry should not be kept by the bride; being distributed to relatives as a form of respect; or being used to help cover wedding expenses borne by the parents.

This tradition occurs contrary to Islamic law, which states that dowry is an absolute right that women have (As-Subki, 2018). Therefore, the taking of property by the bride's parents is not justified according to sharia, and if the property has already been taken, it must be returned or replaced. The fact is, some brides whose dowry is taken by their parents can only surrender, cannot fight, and feel embarrassed to defend it, even though they know that the dowry is theirs and they have the prerogative to manage it (N. & Marwing, 2023)

The legal issue of dowry giving has been discussed by several previous researchers. One such study is Jejen's "The Tradition of Dowry Giving in the Karo Batak Community of North Sumatra: An Islamic Legal Perspective" (Jejen, 2016). This study has the weakness of only being reviewed from an Islamic legal perspective and focusing on the Batak community's dowry tradition. The second study, written by Nurfatati, is titled "The Practice of Dowry Giving in Marriage in the Tanjung Senang District Community, Bandar Lampung." (Nurfatati, 2021) This study has a weakness, namely, it only discusses customs in Tanjung Senang, which may not necessarily be the same as those in Madura. This contrasts with the author's research, which has the novelty of examining the dowry tradition in Madura from a sociological and Islamic legal perspective.

This social phenomenon has prompted researchers to discuss and analyze it in greater depth from a sociological and Islamic legal perspective. After all, customary law must not conflict with Islamic law (Ni'ami & Najib, 2022). Therefore, this research was written to open the minds of the entire community, especially those who adhere to the tradition of taking a dowry from their daughters, that this tradition is not justified by Islamic law. Furthermore, this research is expected to provide a stronger understanding that the dowry is an absolute right of a wife as a form of gift from her husband, not to repay the woman's parents for the services they have received. Therefore, the woman's parents should not interfere in the ownership of the dowry.

Methods

This research uses an empirical juridical research type (Rusli, 2018), namely tracing the facts in the field through the results of observations in Padurungan Village and in-depth interviews with the bride and groom, the bride's-parents of the bride and groom, and community leaders. In this study, researchers used two types of data sources, namely primary and secondary. Primary data was obtained directly from the field through observation and interviews with informants such as the bride and groom, the bride's parents, and the community. This was used to capture the empirical reality regarding the tradition of taking and using dowries by the bride's parents in Padurungan Village. Meanwhile, secondary data was used to strengthen the theoretical basis through literature reviews and other relevant sources. This was used to obtain the right concept regarding the act of

taking over dowries from a sociological and Islamic legal perspective. As stated by William Kornblum, sociology is the science that studies society and its behavior. (Susiana, 2024) So that the perspective of Islamic legal sociology is a perspective based on the behavior that applies in society towards Islamic legal phenomena. (Siregar, 2023) The data collection procedure was carried out using two main methods, namely direct observation in the field to understand social phenomena contextually and in-depth interviews that were open and flexible to dig up detailed information from informants who played an important role in the practice of this tradition.

Result and Discussion

Result

Overview of Research Location

Padurungan Village is one of the villages located in the Tanah Merah District, Bangkalan Regency, East Java Province. Padurungan Village consists of five hamlets: Pager, Balok, Tembok, Madin, and Sidodadi. The population of Padurungan Village is 1,898 people, consisting of 451 families. The people of Padurungan Village are 100% Muslim. Like the Madurese community in general, the people of Padurungan Village are very strongly influenced by Islam. This is reflected in their daily religious activities, such as the five-times call to prayer in mosques and prayer rooms, the presence of Quran recitation activities for children in mosques and prayer rooms before sunset until Isha. The majority of the Padurungan community adheres to the Ahlus Sunnah wal Jamaah sect, namely the Nahdlatul Ulama (NU) organization, as evidenced by their religious rituals, such as performing qunut during the dawn prayer, tarawih with twenty rakaat, tahlilan, and holding commemorations of Islamic holidays such as Isra'-Mi'raj, the Prophet's birthday, and nuzulul Qur'an. The social conditions of the Pandurungan community are characterized by a high level of concern for their surroundings. So it is not surprising that they work together to create order (Dahlan, 2023)

The educational conditions of the Pandurungan community embrace both formal and non-formal education. Formal education for the majority of people is limited to high school. It is very rare for local people to pursue higher education beyond the first, second, or third levels. Non-formal education is provided by traditional Islamic boarding schools (pesantren) in Bangkalan and other parts of Java. Economically, the majority of the people of Padurungan Village are farmers and traders. While everyone in Padurungan Village has varying levels of income, most live in the lower-middle class. Those who rely on agriculture for their livelihood depend on their harvests.

The Practice of Taking and Using Dowry by the Wife's Parents in Padurungan Village, Tanah Merah

The daily lives of the residents of Padurungan Village are filled with unique traditions and customs. Community traditions are not only practiced in religious rituals or daily social behavior, but also in marriage traditions that persist. The wedding procession in Padurungan Village, as is common in Madurese society, includes traditional customs and religious and government regulations. Traditionally, the wedding begins with a period of engagement. The gifts brought by the groom are called *bhen ghiben*. These gifts include obligatory snacks called *tettel*. *Tettel* snacks are made from sticky rice flour mixed with coconut milk and cooked for approximately four hours. *Tettel* snacks symbolize the prospective groom's seriousness in proposing to his fiancée. In addition, gifts are also given in the form of jewelry, such as gold, such as rings, necklaces, or bracelets.

This statement was made by H. Abd Aziz as a community leader and elder of Padurungan Village, as follows:

"Mun nika usuallyah bedeh kalbekal. Mun kalbekal jiah bedeh dua sewajib eghibeh, jejen tettel ben gold. Ariaah ladeddih tardisi ePadurungan ben madureh society. Ajiah Mareh seriously raw lakek provisions for wife."

(In a wedding, it is usually preceded by an engagement. In the engagement, two things must be brought, namely *jajan tettel* and a gold dowry. This has become a tradition for the Padurungan community and also the Madurese community in general. As a form of seriousness, the groom proposes to the bride.)

From the explanation above, it is clear that there is no dowry in an engagement, as in a marriage. Instead, there is a gift from the groom in an unspecified amount. Gifts from the groom, such as gold or clothing, are owned by the woman and not taken by her parents. In contrast, other gifts, such as snacks and cakes, are left to the family. The marriage ceremony, however, has conditions and pillars. The dowry, also known as a bride price, is not a condition or pillar of marriage, but is nevertheless obligatory. This is because the dowry, besides being a religious requirement, also serves as a symbol and a sign of the prospective husband's commitment to the bride's marriage.

In Padurungan Village, the marriage process follows established Islamic rules, including the dowry. According to Syamsul Arifin, a religious figure in Padurungan Village, during the marriage ceremony, the marriage guardian recites the *ijab* (consent), which includes the dowry request, then the prospective husband accepts the *ijab* and also accepts the dowry request requested by the wife. Then the ceremony continues with a marriage prayer by a designated *kiayi* (Islamic cleric) and continues with the recitation of *salawat* (prayer) together, known as *syarofal anam* (prayer). Amid the recitation of the *shalawat*, the groom is guided to shake

hands with the guests, then guided to his wife (the bride) to hand over the dowry to her while blowing on her forehead.

"usual, nekah bedeh ijab deri welli nikah ben qobul derih ex lake'. Neng eijab isebbutagih dowry se ipentah party ex bine. Salastarenai continueagih prayer ben becaan sholatat neurologist anam. Continue ex lakrkasalaman dhe' sepresent, teris itonton nemmuhi binenah, teros aberri' dowry sambih nyebbul dheinah."

(Usually, the marriage is carried out with the ijab from the marriage guardian and qabul from the groom. In the ijab, the amount of dowry requested by the bride's side is also stated. After the akad is completed, it is continued with prayers and the reading of prayers called syarofal anam. Then the groom shakes hands with the attendees and is then guided to meet his wife, and gives her the dowry while blowing on her forehead.)

The people of Padurungan Village generally understand that a dowry is a property that a husband must give to his wife during marriage. However, there is an interesting custom and tradition in the Padurungan community, whereby, after the dowry is received by the bride, it is then collected by the bride's parents. The practice of collecting the dowry by the wife's parents, after the dowry is given by the husband to his wife, is then requested by the parents and collected. This is done by the parents because it is common practice and has become a tradition. The dowry is sometimes requested and collected by the wife's parents immediately after the dowry is received by the wife. And sometimes the dowry is requested after the marriage ceremony and the wedding reception are completed. This is, as stated by Subaidi, a religious figure:

"Kadheng dowry ekala' rengtuanah ex bhine' directly when is the dowry eparengagih lakeh. Ben Kadheng lo' ekala' directly tapeh ekala' when is the ex lamareh event"

(The dowry is sometimes taken by the wife's parents directly after it is given by the husband, and sometimes it is not taken directly or even taken after the reception is finished).

According to Syaifullah, the village head of Padurungan, the dowry usually comes in the form of money. However, if the dowry is not in the form of money, such as a set of prayer equipment or a motorcycle, it is not requested and is left to the bride.

"Usually the dowry is as epondut orang as sepponah bineh marriage, the dowry is as arapah as a screwdriver. Mon dowry arapah bereng akadhik gold, tool bejheng otabeh motorbike, then no epondhit ben etorot"

(Usually, the dowry taken by the wife's parents is a dowry in the form of money. However, if the dowry is in the form of goods such as gold, a set of prayer equipment or a motorbike, then it is not taken and is left.)

There are several ways in which the wife's parents use the dowry after receiving it from their daughter, the bride. The following are some of how it is used. First, after receiving the dowry, the wife's parents sometimes believe that the dowry belongs entirely to the parents, not to the bride. With this belief, the parents will use the money for their own needs, just like any other personal funds. Second, after receiving the dowry, the parents will give it to their relatives, especially those who are not yet married. This is because, according to the beliefs of some parents in the Padurungan Village community, the dowry should not be used by the bride and should be given to her unmarried relatives, hoping that the blessings will be passed on to them and they will soon be married. Furthermore, after receiving the dowry, the wife's parents take it to repay their debts to their parents, who have spent a significant amount on the wedding.

The above statement was confirmed by Subaidi, an elder of Padurungan Village, as follows:

"Dowry jiah eanggui sareng reng seponah bhineh acem-macem. Bedeh se ikala' karanah iyaqinih je' mun dowry jiah lo' olle ekaandi' ben eanggui bhineh. Mangkanah dowry ekala' kalaben suspect dowry jiah ekaandhi'. Ben kadheng saereng rengsepponah sebini' dowry e dhu'um dhe' lebelenah. Karanah thought there was a traffic jam olle juduh.

(The use of the dowry by the wife's parents varies. Some are taken by them because they believe that the dowry should not be used and used by the wife. So the parents take the dowry and believe that it is theirs. And sometimes the wife's parents share the dowry with their relatives, especially those who are not yet married, because according to their belief, it will speed up their marriage. And sometimes the dowry is taken to pay off debts by the parents who have spent a lot of money.)

The practice of collecting a dowry from the wife's parents in Padurungan Village is still widespread and continues to this day, even considered a custom and tradition. This is evident in the fact that many people still practice it, and the fact that many people still observe and ask after the wedding ceremony whether the dowry has been collected or where it has gone. This is as conveyed by H. Abd Aziz, a religious figure in Padurungan Village, as follows:

"Dowry epondut sareng reng sepponah bhineh pagghun bedeh sampe' samangken ben ghi' bennya' se maraktekaghih. Masarakat ghi' atanyah about dowry, apah dowry amphon epondhut ben epakammah"

(Parents still take dowry, and many parents still practice it. People still ask about dowry, whether it has been taken and where it goes.)

According to Syaifullah, the head of Padurungan Village, it's unknown when the tradition began and became a tradition in Padurungan Village. However, he knows that the dowry collection by the wife's parents or family has been going on for a long time, perhaps even before she was born.

"Buleh tak oneng started bileh tradition of nikah bedeh. Se buleh oneng taking dowry sareng reng seponah bineh nikah la ajelen abit. Maybe even Sabelomah buleh bedeh."

(I don't know when this tradition has existed. What I know is that the wife's parents have been taking a dowry for a long time, maybe even since before I was around.)

This is reinforced by the statement of Suroso, a parent who still carries out this practice on his daughter:

"Tradition reah la abhit ben rontamoron, tang emba alakhoh reah dhe' na'-ana'eh ben engko' jugen ngalakoh tradition riah noro' kabisanah tang kalaluga"

(This tradition has been going on for a long time and has been passed down from generation to generation. My grandfather did it for his children, and I also continue to carry out this tradition following the customs in my family.)

There are several societal beliefs regarding the status of the dowry taken by the wife's parents. Some parents believe that the dowry taken from their daughters is theirs in full, and therefore, they have the right to use it freely. Others believe that the money will not be used by the parents for personal use but will instead be distributed to relatives, especially those who are unmarried, so that they can quickly find a partner. And still others believe that the money is theirs, as a reimbursement for the wedding expenses they have already incurred. This statement was made by Syamsul Arifin, a religious figure in Padurungan Village, as follows:

"enggi, bennya' various public beliefs regarding dowry se epondut derih potrenah. Bhedeh se yaken je' dowry marriage deddih hakkheh ben can agunaagih. Ben bedeh se ayekeneh jhe' screwdriver nekah kodhuh edhu'um dhe' lebelenah ben bedeh jugen se ayekinih je' dowry nekah dedhah gentenah jasa se epakoloar reng seponah"

(Yes, there are several beliefs in society regarding the dowry taken from their children. Some believe that it is their full right so they are free to use it, some believe that the money must be distributed to their relatives and some believe that the dowry is a replacement for the costs that have been incurred by the parents.)

From the description above, researchers can conclude that the tradition of taking a dowry by the wife's parents in Padurungan Village is based on the understanding and belief that it is not good for the bride to use the dowry, and even that there is a taboo, namely bad things that will befall if the dowry is used by the wife. This tradition differs from the tradition of jahiliyah (jahiliyah), where the dowry is taken by the parents to enrich themselves. This tradition is carried out because of the love of parents for their children, to avoid negative things in the future. This tradition continues because it still receives support from some community leaders and religious leaders. Therefore, if it is forced to stop, it is feared that there will be clashes and friction between the leaders and the community.

Discussion

The Practice of Taking and Using Dowry by the Wife's Parents in Padurungan Village, Tanah Merah

Marriage is something that is considered important by both Sharia and society. According to Sharia, marriage is a contract that contains the permission to have intimate relations between two partners in a way that is prescribed by Sharia. The pillars of marriage according to the Shafi'i school of thought are five, namely Zauj (groom), zaujah (bride, guardian, two witnesses, sighot (ijab-qabul). In positive Indonesian law, the pillars of marriage according to the Shafi'i school of thought are five, where the Shafi'i school of thought is the school of thought followed by the majority of the Indonesian population.(Ayu, 2023)

In Islamic law and positive law, a dowry is not part of the conditions or pillars of marriage, so a marriage conducted without mentioning or requesting a dowry is still considered valid. Nevertheless, the dowry continues to receive serious attention in Islamic law, positive law, and society.(Mahfudhi, H, Arrosid, 2021)In Islam, there are rules regarding the dowry, which is a gift of property from the groom to the bride as a sign of seriousness and respect for her. Islam also regulates the requirements and ownership of the dowry. Many cultures and traditions surrounding the dowry have emerged in society, demonstrating its sacred and important role in marriage.(Humairah, 2024)

Madurese society is renowned for its social characteristics, which preserve history and culture. One group in Indonesia with distinctive and diverse local wisdom is the Madurese ethnic group. This local wisdom permeates the daily lives of Madurese people and extends beyond rituals and customs.(Zaputra, 2023)Social values, customs, and culture are just a few examples of the many ways this local wisdom is passed down from one generation to the next. Essentially, the Madurese identity is rooted in their local wisdom, which also plays a vital role in preserving their social and cultural survival.

As explained in Lontar Madura (2025), local wisdom in Madura encompasses not only customs and ceremonies but also principles applicable to contemporary life. As an illustration, consider the culture of mutual benefit demonstrated through various social activities such as house building, village cleaning, and traditional celebrations. This wisdom emphasizes the value of teamwork and unity in overcoming obstacles. Another way to practice democratic values is through reciprocal cooperation, which encourages tolerance and respect for each other's diversity.

The people of Padurungan Village, Tanah Merah District, are also deeply rooted in local culture and wisdom. This includes gifts, commonly called *bhan-ghibhan*, brought during engagements and weddings. Sayhu Abu Hasyim Sesarahan Orbhan-Ghibhan is something that must be present in engagements and marriages. In *Bhan-ghibhan* These these items given to the bride-to-be are not considered a dowry, but rather "gifts" that are not specifically requested by the bride's family. Unlike a dowry, a dowry is a specific request from the bride's family and is given specifically during the wedding ceremony.

Most people view this tradition as an essential part of the wedding procession. It's considered a hallmark of village weddings. This applies to almost everyone in society, both upper and lower-middle class. Men in this village typically prepare financially for a woman's marriage. It's even common for a prospective husband to have no income, as long as the dowry (*ben-ghiben*) can be covered by his parents.

A man will wait until everything is completely ready if he doesn't consider himself ready to bring the dowry. Furthermore, relatives of the groom's family will help ensure everything is ready. The presence of the dowry is important because it demonstrates a man's readiness to support his wife. The groom's family is considered ready to marry their daughter to their partner with the dowry (Syarifah et al., 2019).

According to H. Abd Aziz, religious figure of Padurungan Village, *bhan-ghibhan* in Padurungan Village, gifts are items brought by the groom's family to the bride's home during the wedding, symbolizing the bond and formalizing the relationship between the two families. These gifts can include money, jewelry, special clothing for the bride, and various household necessities. *Bhen-ghiben* also includes mandatory snacks, such as *tettel* and *bejhit*, a dish made from sticky rice and coconut that is cooked for a long time.

The gifts, or *bhen-ghiben*, become the property of the bride's family. The bride's family will then sort these gifts. Jewelry and special clothing for the bride are given to the bride. Some perishable food and snacks are kept, while the rest is distributed to relatives and neighbors. Long-lasting items, such as rice and sugar, are usually kept for personal use. From the description above, there are no

prohibitions or taboos regarding the bride's use of *bhen-ghiben*, whether gifts for engagement or wedding. This differs from the dowry, which has restrictions on the bride's use.

The dowry is not included in the marriage ceremony. The dowry is a separate entity, considered sacred by society. In Islam, the dowry is not a requirement or pillar of marriage. However, it is a form of property that a husband must give to his wife as a sign of his seriousness and respect for her. The amount of the dowry is usually determined before the marriage ceremony, and in some cases, the amount is determined well in advance after the groom's family inquires about the dowry requested by the bride's family (Maudian, Muslimin, & Shulton, 2023)

The dowry in Padurungan Village is relative and varies, usually depending on the social status of the bride and groom's families. For lower-middle-class families, it currently ranges from two hundred thousand to five hundred thousand rupiah. For upper-middle-class families, it's usually between one million and five million rupiah. (Abdullah, 2022) And for elite families, it can range from tens to hundreds of millions of rupiah. However, sometimes the dowry isn't in the form of money, such as gold or a motorbike. However, in Padurungan, the dowry is usually in the form of money.

In Padurungan Village, there is a tradition where the dowry given by the husband to the bride is taken by her parents and used by them. There are three practices in the collection and use of the dowry by the wife's parents. First, after the marriage ceremony is completed, the dowry is handed over by the groom to the bride. Then, the dowry is collected by the bride's parents from the bride's hands. Sometimes the dowry is collected immediately after the bride receives it, and sometimes it is collected after the ceremony is over. The bride's parents believe that the dowry is their right and they are free to use it.

Second practice After the marriage contract is completed, the dowry is handed over by the groom to the bride. Then the dowry is taken by the bride's parents from the hands of the bride. Then the dowry is distributed by the bride's parents to their relatives, especially unmarried relatives, so that they can quickly follow in marriage. Third practice, after the marriage contract is completed, the dowry is handed over by the groom to the bride. Then the dowry is taken by the bride's parents and then used to pay for the wedding expenses, which are not small. The dowry taken by the parents is a dowry in the form of money. Meanwhile, if the dowry is not in the form of money, such as in the form of goods, such as gold, a set of prayer equipment, or a motorbike, then the dowry is not requested and is left to be owned and used by the bride.

Customs of Taking and Using Dowry by the Wife's Parents in Padurungan Village, Tanah Merah, According to the Perspective of Legal Sociology

Sociology of law is a branch of sociology that studies social interactions in society and examines law not only as a collection of normative rules, but also in its function as a tool for social change that plays a role in upholding order, including its successes and failures in practice. (Mahfudhi, H, Arrosid, 2021) In this context, the author uses a normative ontological and sociological approach, namely an approach that not only understands the nature of social life and the laws that apply in society, but also examines in depth the legal articles and customs in social practices, so that it can reveal how customary law, such as the practice of taking and using dowry by the wife's parents in Padurungan Village, remains alive and relevant from the perspective of the local community.

From this definition, the collection and use of a dowry by the bride's parents in Padurungan Village can be considered a tradition, as it has been passed down through generations to the present day. This is evident in the fact that many people still practice it, and when it isn't practiced, it often draws public attention (Oktaberliana, 2024). Researchers' research reveals that it's unclear exactly when the tradition of collecting and using a dowry by the bride's parents in Padurungan Village began. However, it is certain that this tradition has been around for a long time and continues to exist today. The background to this tradition, according to H. Subadi, M. Ag Padurungan, academic figures There is a belief that it is not good if the dowry is used by the bride "*caephon reng lambhe' lo' becche' mun dowry eanggui ex binhe'*" (People used to say that it was not good for the bride to use the dowry). This belief led people to be afraid and reluctant to let their daughters' dowries be used by them.

The background to the emergence of this tradition, according to H. Subadi, M. Ag Padurungan, academic figures There is a belief that it is not good if the dowry is used by the bride. "*Caephon reng lambhe' lo' becche' mun dowry eanggui ex binhe'*" (People used to say it wasn't good for the bride to use the dowry). This belief led people to fear and be reluctant to let their daughters' dowries be used by them. However, researchers' investigations revealed no clear reason or basis for this concern, whether religious or otherwise. Islam, the religion practiced by the Padurungan community, clearly and firmly states that the dowry is the bride's right and belongs entirely to her, and no one else may take it without her permission.

The tradition of the Padurungan Village community continues to practice the practice of collecting and using a dowry by the bride's parents. The Padurungan Village community understands that, religiously, a dowry is a gift from the groom to the bride. Therefore, this tradition cannot be interpreted as opposing religious rules. This could have fatal consequences, considering that the bride's ownership

of a dowry is a religiously recognized principle, and any violation of this could be considered apostasy. Thus, this tradition still exists in Padurungan Village because the community believes in it and fears that breaking the rules will be taboo. Madurese people have a strong belief in magic and myths, which are often integral to their daily lives and various traditions. These beliefs, influenced by various factors such as Islam, customs, and ancestral influences, are reflected in various rituals, ceremonies, and cultural practices. Customs and beliefs in ancestors also play a significant role in Madurese life.

Although the majority of Madurese are Muslim, they also maintain a variety of traditional practices and beliefs that often blend with religious teachings. Belief in magic and myths provides meaning and function for Madurese in various aspects of life, including coping with disasters, celebrating important events, and maintaining their cultural identity. Therefore, what parents do with their daughters' dowries is based more on their love for their children. They do this not only because of tradition but also because they fear bad things will happen in the future, such as serious illness or difficulty finding a living, or even disharmony in their household. And parents have no desire to gratify the child they have raised, or hope to gain wealth from the dowry they take from their children.

This differs from the purpose of the dowry collected by the wife's parents in Padurungan Village, where parents are very proud of their daughters and love them dearly. They have no intention of demeaning their daughters, let alone seeking to control the dowries received by their daughters. In fact, for the people of Padurungan Village, the dowry is simply a symbol of the groom's seriousness towards the bride. This is evident in the small nominal dowry amounts, which generally range from one hundred thousand to five hundred thousand rupiah. They would be deeply offended if someone gave the bride a dowry as compensation for the parents' care (Athar, 2022)

Brides' attitudes toward this tradition vary. Some brides follow this tradition because it's customary for their parents to collect a dowry, regardless of whether the dowry is theirs. For them, the important thing is that the marriage is legal and the ceremony proceeds smoothly and conveniently. Some brides are forced to follow this tradition out of fear of social taboos. And still others follow the tradition to avoid conflict with their parents, even though they may object.

The Taking and Use of Dowry by the Wife's Parents in Padurungan Village, Tanah Merah, According to Islamic Law

One concrete manifestation of Islam's respect for women is granting them the right to own a dowry. A dowry is a material gift from a husband to his wife. Providing a dowry is not part of the pillars of marriage but rather an obligation of the husband, a consequence of the marriage. There is no specific dowry amount in Islam, whether it should be large or small.(Fathir, D. & Aulia, 2023)This is due to

differences in human abilities. Therefore, scholars agree that the dowry has no specific minimum or maximum limit. Therefore, the dowry is determined by mutual agreement between the bride and groom. However, it is not recommended to set the dowry too small or too large.

Regarding the husband's obligation to provide a dowry to his wife and the wife having full rights to the dowry, this has been explained in the text in the Qur'an, Surah An-Nisa, verse 4:

وَأْتُوا النِّسَاءَ بِصَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبَّنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيئًا

"Give the women (whom you marry) a dowry as a gift willingly. Then, if they give you some of it willingly, accept it and enjoy it with pleasure."

The above verse explains that a husband is obliged to provide a dowry to his wife. It also explains that the woman is the full owner of the dowry. However, even though the wife is the full owner of the dowry, she may give or give the dowry or part of it to another person, whether it is her husband, her family, or others, as long as the wife gives it with sincerity and consent (*tibi nafs*) and not due to pressure or coercion or shame. Therefore, the dowry given by the wife with sincerity is permissible to take and permissible to use. (Zulkifil, 2024) However, in Padurungan Village, there is a tradition of the bride's parents collecting a dowry. From an Islamic perspective, this tradition is inconsistent with Islamic law. This is because in Islam, giving or handing over a dowry from a wife to another person, such as her parents, is not obligatory or mandatory, but rather permissible. In other words, giving a dowry is the wife's prerogative. The status of a dowry for a wife is the same as any other property she owns, except for the dowry. She has full rights and authority to manage and distribute it, whether for personal use or for giving it to others. When given to others, the concept of *naqlul milki* applies, namely the transfer of ownership from the wife to the recipient, as in the transfer of property in general.

Thus, considering that the dowry is a full right of the bride under Islamic law, the basic law for the bride's parents to take the dowry from the bride is that it is not permitted unless they have permission from Islamic law. What is meant by permission from the Islamic law here is a legal method permitted by Islamic law to take over another person's property. This includes express permission from the bride that her parents may take the dowry. However, it is important to note that this permission must be sincere and free from any indication of coercion or embarrassment. (Fathir, D. & Aulia, 2023)

This is as explained by Zainudin al-Malibari (2006) in Fathal Muin that if someone is offered food by people who are eating, then one should not eat unless there is a strong suspicion that the offer is sincere (*thibi nafs*) not because of shame. According to Imam Gozali, something that is accepted because of shame from the giver is like rubbing the item, meaning it is haram to own and must be

returned. The existence of customs and traditions that the dowry is taken and used by the bride's parents, in this case, cannot be directly used as a basis for the tradition to be a legal tradition, but one must pay attention to the rules and conditions for traditions to be made into law and not deviate from Sharia. Islam recognizes the rule in the application of a law. So, *urf* must be carried out and become a rule that must be obeyed. The effectiveness of this rule in the rules of *fiqh* is called "*al-'adah muhakkamah*," which means "customs can become law". However, not all customs can be made into law. Because some customs are contrary to Sharia rules, and some are not. Customs that can be used as law must not conflict with Islamic law. Customs that conflict with Islamic law cannot be used as law (Mahfudhi, H, Arrosid, 2021)

From the provisions regarding the implementation of *al-adah muhakkamah* above, the tradition of taking a dowry by the bride's parents is analyzed as explained below (Mahfudhi, H, Arrosid, 2021). First, the taking of a dowry by the bride's parents is contrary to the text (Yasrony, 2022). It is clearly stated in the Quran and Hadith that the dowry is entirely the property of the bride. And no one has the right to take or use it except with her permission. Second, taking the dowry from the bride's parents is related to taking someone else's property. Where to take it must have permission from the sharia, in this case, verbal permission from the bride or the alleged consent of her. The tradition of taking the dowry by the bride's parents, according to researchers, cannot be used as an indication of the consent of the bride, considering that this tradition is based on the myth that if the dowry is used by the bride, something bad will happen in the future. Another factor is also the fear of parents if they do not want to give the dowry to them, or shame in the community and relatives if they do not want to share the dowry with them. Third, it must be generally accepted and applicable (*al-adah al-muttharidah*). In the reality of the Padurungan Village community, some still object to the bride's parents taking the dowry, whether for their personal use or to share it with relatives. Fourth, verbal permission, or "*dzon ridho*" (agreement), must be based on an indication that the permission or perceived consent is sincere and not coerced.

From the description above, according to the researcher, the taking and use of dowry by the bride's parents in Padurungan Village, Tanah Merah District, according to Islamic law, is as follows (Fathir, D. & Aulia, 2023). First, the taking and use of dowry in Padurungan Village is prohibited and falls into the category of *aklul malil ghoir bil batil* (devouring another person's property without sincere permission or if permission is given but there are strong indications of shame or embarrassment. This is because the dowry under Islamic law has become the full property of the bride, and anyone, including parents, has no right to take and use it without permission or approval from her. Second, the taking and use of dowry in

Padurungan Village is permitted if there is sincere permission from the bride or there is approval from her. For example, parents ask for the bride's dowry openly to use it to help pay for their wedding expenses. However, they must pay attention to the indications of approval, namely the situation and conditions, the amount of the dowry, and the criteria of the bride. Third, the traditions that occur in Padurungan Village cannot be used as a basis for legalizing the taking and use of dowry by the bride's parents. Because this tradition cannot be called *al-adah muhakkamah*, considering that the rules are not fulfilled, and this tradition is legally categorized as *'urf*, which is *fasid*. This is because there are several things, namely: (1) this tradition is contrary to the text of the Qur'an, (2) the tendency used is a myth or *tatoyur* which cannot be used as a basis, (3) not all brides are sincere and agreeable if their dowry is taken and used by their parents.

Conclusion

The implementation of taking and using dowry by the wife's parents in Padurungan Tanah Merah village has three patterns, namely the first that the dowry is taken by the bride's parents and then believed to be her right to be used freely. The second is that the dowry is taken by the bride's parents, and then the dowry is distributed to her relatives, especially those who are not yet married. And third, the dowry is taken by her parents, and then the dowry is used to pay for the wedding costs that her parents have spent on the wedding ceremony. According to sociology and Islamic law, the taking and using of dowry by the wife's parents in Padurungan Tanah Merah village is included in the discussion of taking other people's property, the law of which is interpreted as, (1) it is not allowed, if there is no permission or there is permission but there are indications of insincerity such as because of fear and shame. (2) It is permissible if there is sincere permission or *dzon ridho* after seeing the indications that exist in the situation and conditions, the amount of dowry, and the criteria of the bride. This tradition cannot be categorized as *al-adah muhakkamah*, because it contradicts the text of the Qur'an, there is no evidence to support it its tendency is a myth, and not all brides are willing to do it.

As a solution to this problem, ownership of the dowry, which should be owned by the bride, can be given to the parents to follow the prevailing tradition, provided the bride is willing to accept the decision without any coercion. Parents should also be more open to understanding that raising a child is an absolute obligation, not a debt. Therefore, it is inappropriate to take over the dowry under the pretext of repaying the costs of raising a child. This tradition of taking over the dowry can be gradually stopped. Community leaders should also provide firm guidance so that this tradition no longer occurs in society.

This research certainly has many shortcomings and requires in-depth analysis from other perspectives. Therefore, the author welcomes other researchers

who could further develop this research and discuss it in more depth, for example, regarding the implications of the results for the social conditions of Madurese society. Furthermore, the author sincerely hopes that all readers will provide input, both criticism and suggestions, to improve this research and better meet the needs of the community.

REFERENCE

- Abdullah, MI (2022). Gold Dowry in Traditional Weddings of the Acehnese Pidie Community. *At-Tahtdzib Journal*, 10(2), 54–59. <https://doi.org/10.61181/at-tahdzib.v10i2.280>
- Adistyan, M. (2024). The Urgency of Quranic Education for Teenagers in the Digital Era. *Al-Urwatul Wutsqa*, 4(2).
- As-Subki, AY (2018). *Family Fiqh: Guidelines for Family Life in Islam*. Jakarta: Amzah.
- Athar, M. (2022). The Concept of Marital Communication in the Quran. *JISAB: The Journal of Islamic Communication and Broadcasting*, 1(2), 96–105. <https://doi.org/10.53515/jisab.v1i2.13>
- Ayu, D. (2023). Implementation of Child Marriage Prevention Policy by the Women's Empowerment, Child Protection, Population Control and Family Planning Service of Sleman Regency. *SOSFILKOM: Journal of Social, Philosophy and Communication*, 17(1), 35–49. <https://doi.org/10.32534/jsfk.v17i1.3860>
- Dahlan, A. . (2023). *Encyclopedia of Islamic Law*. Jakarta: PT. Intermasa.
- Fathir, D. & Aulia, M. . (2023). The Concept of the Position of Mahar in Islamic Marriage According to Imam Syafi'i. *Jurnal Pro Justicia*, 2(3).
- Hasibuan, RZA (2023). A Review of Islamic Law on Divorce and Non-Cash Dowry in Marriages. *Doktrin: Journal of Legal and Political Science*, 2(1), 175–188. <https://doi.org/10.59581/doktrin.v2i1.1939>
- Humairah. (2024). Division Of Joint Property In Polygamous Marriages In The Decision Of The Tigaraksa Religious Court Number: 0728/Pdt.G/2016/PA.Tgrs. *ASA*, 6(2), 45–62. <https://doi.org/10.58293/asa.v6i2.112>
- Jejen. (2016). The Tradition of Giving Dowry in the Batak Karo Community of North Sumatra: An Islamic Law Perspective. *Al-Hukama'*, 6(1).
- Mahfudhi, H, Arrosid, MK (2021). Customary Theory in Qowaid Fiqhiyah and Its Application in Islamic Family Law. *Familia: Journal of Family Law*, 2(2).
- Maudian, FJ, Muslimin, A., & Shulton, H. (2023). Legal Protection Against Underage Marriage and Its Implications for Women's Rights from a Human Rights (HAM) Perspective. *Al-Wathan: Journal of Islamic Studies*. Retrieved from <https://jurnal.stisda.ac.id/index.php/wathan/article/view/72>
- N., Z., & Marwing, A. (2023). A Review of Islamic Law on Panai Money in the Bugis-Makassar Marriage Tradition. *BUSTANUL FUQAHA: Journal of Islamic Law*, 4(2), 266–282. <https://doi.org/10.36701/bustanul.v4i2.935>
- Ni'ami, MF, & Najib, AM (2022). Various Reasons for Legal Behavior in Marriage during the Covid-19 Era (Case Study of Denanyar Village, Jombang Regency). *AL-HUKAMA'*, 12(1), 109–126. <https://doi.org/10.15642/alhukama.2022.12.1.109-126>

- Nurfatati. (2021). The Practice of Giving Dowry in Marriage in the Tanjung Penang District Community, Bandar Lampung.
- Oktaberliana, SR (2024). The Legitimacy of Cryptocurrency as a Dowry in Marriage (The View of the Bahtsul Masa'il Institute of NU Malang City from the Perspective of Mashlahah Najmuddin At-Thufi). *Sakina: Journal of Family Studies*, 8(2), 193–203. <https://doi.org/10.18860/jfs.v8i2.3671>
- Oktavianto, HA (2023). Examination of Decisions Regarding Evidence in Applications for Interfaith Marriage Permits. *JISIP (Journal of Social Sciences and Education)*, 7(3), 1992. <https://doi.org/10.58258/jisip.v7i3.5127>
- Pakarti, MHA (2023). Family Law Reform in Religious Court Decisions. *Sakina: Journal of Family Studies*, 7(3), 335–344. <https://doi.org/10.18860/jfs.v7i3.3935>
- Rusli, H. (2018). Normative Legal Research Methods: How? *Law Review, Faculty of Law, Pelita Harapan University*, 1(2).
- Salma, PS, Nirbita, HK, & Zahra, FA (2024). The Relevance of the Regulation of Marriage Guardians for Children Resulting from Adultery in Law Number 1 of 1974 concerning Marriage and Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law (KHI) Reviewed from a Human Rights Perspective. *Padjadjaran Law Review*, 12(1). <https://doi.org/10.56895/plr.v12i1.1619>
- Siregar, FA (2023). A Legal Sociology Study Of The Phenomenon Of Divorce Outside Religious Courts. *Al-Maqasid Journal: Journal of Sharia and Civil Sciences*, 9(1), 122–134. <https://doi.org/10.24952/almaqasid.v9i1.7974>
- Susiana. (2024). A Sociological Study of the Law on the Phenomenon of Illegal Divorce. *AZ-ZAWAJIR JOURNAL*, 4(1), 76–87. <https://doi.org/10.57113/jaz.v4i1.362>
- Yasrony, MA (2022). Dowry in Marriage and Its Impact on Household Harmony (A Phenomenological Analysis of Marital Problems in Javanese Society). *JATIJAJAR LAW REVIEW*, 1(1), 55. <https://doi.org/10.26753/jlr.v1i1.728>
- Yulia, M., Hayatudin, A., & Rojak, EA (2023). Factors Influencing Marriage Dispensation Requests at the Brebes Religious Court. *Journal of Islamic Family Law Research*, 71–78. <https://doi.org/10.29313/jrhki.v3i2.2792>
- Yulinda, D. (2023). Judges' Considerations in Dispensation of Marriage for Minors at the Class 1A Religious Court of Mataram. *Fundamental: Scientific Journal of Law*, 12(2), 506–526. <https://doi.org/10.34304/jf.v12i2.173>
- Zaputra, R. (2023). The Purpose of Marriage According to the Perspective of the Qur'an, The Purpose and Wisdom of Marriage According to the Perspective of the Qur'an. *SAMBAS Journal*, 9(1).
- Zulkifil, T. (2024). Interfaith Marriage from an Islamic Law Perspective. *Al-Mizan Journal*, 11(1), 64–83. <https://doi.org/10.54621/jiam.v11i1.840>