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Review of Islamic Law on the Position and Execution of Dowry in Marriage in Indonesia

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Abstract: In Islam, the dowry is a voluntary obligation for a husband to fulfill to his wife during the marriage contract as a symbol of respect, responsibility, and economic protection. The legal basis for the dowry is stated in Surah An-Nisa, verse 4 of the Qur'an, and the hadith of the Prophet Muhammad (peace be upon him), which facilitates the determination of the dowry. It is also regulated in detail by the Compilation of Islamic Law (KHI) in Indonesia. The dowry serves a multifaceted function, including protecting women's rights, binding the marriage contract, providing a means of social education, and reflecting the principle of justice adapted to the husband's capabilities and the local cultural context. Legal protection of a wife's right to a dowry is implemented through religious courts through mediation and legal education mechanisms to ensure that settlements are resolved fairly and without burden. In Indonesia, cultural diversity and social media pressures influence variations in dowry, posing challenges to ensuring that dowry practices remain compliant with Sharia law, upholding convenience, and maintaining a balance of rights and obligations within Muslim families. Socialization efforts and a humanistic approach are essential to ensure that

Keywords: Dowry, Wife's Rights, Husband's Obligations, Quran, Hadith, Compilation of Islamic Law.

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the dowry does not become a financial burden or a source of conflict, but rather a means of respect and protection for women in Islamic households.

Abstrak: Mahar dalam Islam adalah kewajiban suami yang wajib dipenuhi secara sukarela kepada istri pada saat akad nikah sebagai simbol penghormatan, tanggung jawab, dan perlindungan ekonomi. Dasar hukum mahar tertuang dalam Al-Qur'an Surat An-Nisa ayat 4, hadis Nabi Muhammad SAW yang membangun kemudahan dalam penentuan mahar, serta diatur secara rinci oleh Kompilasi Hukum Islam (KHI) di Indonesia. Mahar memiliki fungsi multifaset, termasuk sebagai perlindungan hak perempuan, pengikatan kontrak pernikahan, media pendidikan sosial, dan cerminan prinsip keadilan yang disesuaikan dengan kemampuan suami dan konteks budaya setempat. Perlindungan hukum terhadap hak istri atas mahar dilaksanakan melalui pengadilan agama melalui mekanisme mediasi dan edukasi hukum agar penyelesaian dapat diselesaikan secara adil dan tidak memberatkan. Di Indonesia, keberagaman budaya dan tekanan media sosial turut mempengaruhi variasi mahar, menimbulkan tantangan agar praktik mahar tetap sesuai syariah, menjunjung kemudahan, dan menjaga keseimbangan hak dan kewajiban dalam keluarga Muslim. Upaya sosialisasi dan pendekatan humanis sangat diperlukan agar mahar tidak menjadi beban finansial atau sumber konflik, melainkan sarana penghormatan dan perlindungan bagi perempuan dalam rumah tangga Islam

Kata kunci: Mahar, Hak istri, Kewajiban suami, Al-Qur'an, Hadis, Kompilasi Hukum Islam (KHI)

INTRODUCTION

In Islam, a dowry is a mandatory gift from a prospective husband to his prospective wife, given during the marriage ceremony. The dowry is not merely a tradition or formality, but has important legal, social, religious, and economic value. In the Qur'an, Surah An-Nisa, verse 4, the obligation to give a

dowry is emphasized as a voluntary gift. The verse reads: "And give the women (whom you marry) a dowry (dowry) as a voluntary gift" (Ministry of Religious Affairs of the Republic of Indonesia, 2010), which states that the dowry is an absolute right of the wife that must be given without coercion[1].

In Islamic jurisprudence, Imam Shafi'i explains the dowry as a condition of marriage, although it is not a requirement for the validity of the marriage contract. Scholars agree that the dowry is obligatory, with differences in the minimum value: for example, Imam Abu Hanifah stipulated a minimum of 10 dirhams, while Imam Malik did not specify a minimum limit but allowed a dowry of no less than half a dinar. Imam Shafi'i and Imam Ahmad bin Hanbal did not specify a minimum value for the dowry; the important thing is that it has value and benefits[2].

Hadith of the Prophet Muhammad SAW emphasizes ease in giving dowry and avoids burdens that burden the prospective husband. For example, the Prophet permitted a dowry in the form of an iron ring for friends who were unable to give more[3]. In Indonesia, the dowry is regulated by Articles 30-38 of the Compilation of Islamic Law (KHI), which govern various aspects of dowry provision, from its form and value to the time of payment and the consequences if it is not fulfilled. Religious court rulings also reinforce the

[1] Khairuddin, "Mahar Dalam Islam : Hukum , Tuntutan , Dan Realitas Sosial," *Journal of Dual Legal Systems* 1, no. 2 (2024): 87–102, https://doi.org/10.58824/jdls.v1i2.222.

[2] Zulaifi, "Konsep Mahar Menurut Pemikiran Ulama Empat Mazhab Dan Relevansinya Di Era Kontemporer," *Qawwam: Journal for Gender Mainstreaming* Vol. 16, no. No. 2 (2022): 105–20, https://doi.org/10.20414/qawwam.v16i2.5348.

[3] Khairuddin, "Mahar Dalam Islam : Hukum , Tuntutan , Dan Realitas Sosial."

husband's obligation to provide the dowry[4] and finalize the settlement regarding the dowry for the wife[5].

However, in practice, legal problems often arise such as late payments, forms of dowry that do not match the value, or even fake dowries that can be detrimental to the wife, so legal protection for the wife is very important[6]. From a social perspective, the dowry serves as a symbol of respect for women and as initial economic protection for the wife in a new household. A fair dowry provides women with an economic cushion, especially in the event of divorce or marital breakdown.

METHOD

The method used is normative-empirical, with a Normative Research approach, namely the study of the main sources of law (the Qur'an, hadith), laws and regulations such as the Compilation of Islamic Law (KHI), fatwas of the National Sharia Council (DSN-MUI), and the opinions of scholars from the Hanafi, Maliki, Syafi'i, and Hambali schools. Analysis of legal documents, classical and contemporary Islamic fiqh literature, and religious court jurisprudence is an important part. With empirical research studies, namely case studies and observations of religious courts, interviews with religious judges, mediation services, and real cases concerning dowry rescue, as well as journal reviews and field reports related to the application of dowry in

[4] Muhammad Ikhsan, Husnaini Hasbi, and Abdullah Ishak, "Gold Dowry in Acehnese Traditional Marriage: Das Sein and Das Sollen in Pidie Community Practices," *Al-Hiwalah: Journal Syariah Economic Law* 4, no. 1 (2025): 39–52, https://doi.org/10.47766/al-hiwalah.v4i1.4793.

[5] Zulaifi, "Konsep Mahar Menurut Pemikiran Ulama Empat Mazhab Dan Relevansinya Di Era Kontemporer."

[6] Khairuddin, "Mahar Dalam Islam : Hukum , Tuntutan , Dan Realitas Sosial."

Indonesian society. Primary and secondary data are analyzed using qualitative descriptive techniques to describe the position and legal treatment of dowry in a social and cultural context.

RESULTS AND DISCUSSION

Legal Basis of Dowry in Islam and Indonesian National Law

The dowry is a mandatory gift from the prospective husband to the prospective wife which is given during the marriage contract, as required in the Qur'an, Surah An-Nisa verse 4: "Give to the women (whom you marry) their dowries as a voluntary gift..." (QS An-Nisa: 4) which emphasizes that the dowry is the absolute right of the wife which must be fulfilled voluntarily without pressure.[7]

The hadith of the Prophet Muhammad SAW teaches that the dowry should not be a burden on the prospective husband and should not put pressure on the ease of marriage, as is recommended in the history of giving a simple dowry in the form of an iron ring to increase happiness and ease for less fortunate couples.[8]

In Indonesia, the Compilation of Islamic Law (KHI) Articles 30 to 38 regulate dowry in detail, including:

- The dowry must be given by the prospective husband (Article 30).
- The form, value and method of payment of the dowry must be mutually agreed upon (Articles 31-33).

[7] Muhammad Ridwan, "Kedudukan Mahar Dalam Perkawinan," *Jurnal Perspektif* 13, no. 1 (2020): 43–51, https://doi.org/10.53746/perspektif.v13i1.9.

[8] Misbah Mrd, "Konsep Mahar Dalam Al-Qur'an Dan Relevansinya Dalam Masa Ke Kinian," *Al FAWATIH:Jurnal Kajian Al Quran Dan Hadis* 5, no. 1 (2024): 123–33, https://doi.org/10.24952/alfawatih.v5i1.11441.

- The dowry is the wife's absolute right and cannot be withdrawn except with the wife's consent (Article 32).
- The dowry is not a pillar of marriage, but the wife has the right to demand payment of the dowry (Article 34).
- If a divorce occurs before the husband and wife have sexual relations, only part of the dowry must be paid (Article 35).[9]

These provisions form part of the broader modernization of Islamic law in Indonesia, in which the KHI itself grew out of decades of Islamic legal reform led by Indonesian Muslim jurists who sought to adapt classical fiqh to the national context[10].

Philosophy and Function of Dowry

The dowry in Islam has a very important and profound function. First, it serves as a symbol of a husband's respect and affection for his wife, demonstrating his seriousness and sincerity in building a household.[11] Dowry is also a form of economic protection for the wife, which provides financial security and guarantees the wife's rights[12], especially in times of separation or family difficulties. Furthermore, the dowry serves as a binding marriage contract that, according to Islamic law and sharia, solidifies the official bond between husband and wife, making the marriage valid and

[9] Zulaifi, "Konsep Mahar Menurut Pemikiran Ulama Empat Mazhab Dan Relevansinya Di Era Kontemporer."

[10] Zulhamdi, "Pembaharuan Hukum Islam Di Indonesia Dan Tokoh-Tokohnya," *Jurnal Ilmiah Islam Futura* 19, no. 2 (2019): 239–258, https://doi.org/10.22373/jiif.v19i2.4414.

[11] Rudi Hartono et al., "Urgensi Mahar Sebagai Bentuk Komitmen Dalam Ikatan Pernikahan Islam," *Reflection: Islamic Education Journal* 2, no. 2 (2025): 240–55.

[12] Ikhsan, Hasbi, and Ishak, "Gold Dowry in Acehnese Traditional Marriage: Das Sein and Das Sollen in Pidie Community Practices."

responsible[13] Furthermore, the dowry is a reflection of justice in Islamic family relationships, because the amount of the dowry is adjusted to the husband's ability, so that balance and mutual respect are created between the two parties. Thus, the dowry is not just a material obligation, but a real manifestation of commitment and appreciation in an Islamic family[14].

The dowry in Islam has a very important function and deep meaning. First, the dowry serves as a symbol of respect and affection from a husband to his wife, showing how serious and sincere he is in building a household. The dowry is also a form of economic protection for the wife, which provides financial security and guarantees her rights, especially in the event of separation or family difficulties. In addition, the dowry serves as a binding marriage contract that, according to Islamic law and sharia, strengthens the official bond between husband and wife, so that the marriage is valid and full of responsibility. Furthermore, the dowry is a reflection of the justice of Islamic family relationships, because the amount of the dowry is adjusted to the husband's ability, thus creating balance and mutual respect between both parties. Thus, the dowry is not just a material obligation, but a tangible manifestation of commitment and appreciation in an Islamic family. Continue and Add more content about the above issues.

The dowry in Islam has profound and multi-faceted meaning within the context of marriage. In addition to the functions already mentioned, here are several additional aspects of the dowry that need to be understood:

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[13] Abd Kohar, "Kedudukan Dan Hikmah Mahar Dalam Perkawinan," *ASAS : Jurnal Hukum Ekonomi Syariah* 8, no. 2 (2016): 42–50.

[14] Khusnul Asma, Ita Yunita, and Ali Machrus, "Mahar Dalam Pernikahan Sebagai Hak Ekonomi Perempuan: Kajian Tradisi Keagamaan," *Al-Rasīkh: Jurnal Hukum Islam* 13, no. 1 (2024): 67–84, https://doi.org/10.38073/rasikh.v13i1.1705.

1. Dowry as a Form of Respect for Women's Rights The dowry demonstrates respect for women's rights in marriage. With the dowry, women are no longer viewed merely as objects or burdens on the family, but as individuals with economic and social rights that must be protected[15].
2. The dowry serves as encouragement and motivation for the husband The dowry also serves as motivation for the husband to take responsibility in the marriage. Because the dowry is given directly to the wife, the husband is reminded of his obligation to provide care, protection, and provide for the family's needs[16].
3. Dowry as an Instrument of Protection in Divorce In the context of divorce or divorce, the dowry serves as a guarantee and form of compensation for the wife who may be responsible for her family's livelihood. The dowry paid becomes the wife's absolute right and cannot be withdrawn by the husband, thus providing legal and moral protection for women[17].
4. Dowry as a Medium of Education and Social Learning. Determining a dowry that is appropriate to the husband's means and mutually agreed upon becomes a learning process for both parties to communicate effectively and negotiate honestly. In this regard, the dowry also teaches the values of honesty, openness, and mutual respect within the family.
5. The Flexibility of Dowries in Modern Society: Dowries are not only material in the form of money or valuables, but can also be in other forms

[15] Mrd, "Konsep Mahar Dalam Al-Qur'an Dan Relevansinya Dalam Masa Ke Kinian."

[16] Mrd.

[17] Heru Kuswandito, Muhammad Musa, and Chandra Gunawan, "Hukum Melamar Dan Mahar Dalam Islam: Perspektif Ekonomi Atas Hak Dan Kewajiban Finansial Dalam Pernikahan," *El-Arbah: Jurnal Ekonomi, Bisnis Dan Perbankan Syariah* IX, no. I (2025): 1–13, https://doi.org/10.34005/elarbah.v9i1.4570.

of value, such as education, skills, time, or services useful to the wife. This adapts to current developments without losing the essence of the dowry.

6. Dowry and Socio-Economic Balance: Determining a proportional and fair dowry also helps avoid social inequality in society. A dowry that does not burden the husband and still provides the wife's rights can improve family economic stability while maintaining social harmony.

Form and Value of Dowry

The form and value of a dowry in Islam vary widely and are tailored to the circumstances and agreement between husband and wife. A dowry can be in the form of valuable property, such as gold, silver, cash, jewelry, land, or other valuables deemed permissible and acceptable by society. It can also be non-material, such as services or services beneficial to the wife, such as teaching the Quran, religious knowledge, or providing the opportunity to perform the Hajj or Umrah pilgrimage. This demonstrates that a dowry is not limited to material values, but also includes benefits and devotion[18].

This economic-protection function of the dowry echoes a broader principle in Islamic economic law, namely that a contract between two parties should distribute benefit and risk equitably, a principle likewise examined in studies of Islamic partnership (syirkah) contracts[19].

[18] Fadilah Awaliyah, Jumni Nelli, and Hendri Sayuti, "Studi Analisis Pergeseran Nilai Mahar Perkawinan Menurut Wahbah Al-Zuhaili," *Jurnal Syntax Admiration* 5, no. 7 (2024): 2811–24, https://doi.org/10.46799/jsa.v5i7.1391.

[19] Athailah Junaidy, Muhammad Ikbal, and Zulhamdi Zulhamdi, "The Concept of Profit in Syirkah Al-'Inān Islamic Economic Perspective: Study at People's Banks Ipoh, Perak Malaysia," *Al-Hiwalah: Journal Syariah Economic Law* 2, no. 2 (2023): 167–90, https://doi.org/10.47766/alhiwalah.v2i2.1948.

In Islamic jurisprudence, two main types of dowry are recognized: the musamma dowry and the mitsil dowry. The musamma dowry is a dowry whose amount and type are clearly determined before the marriage contract, thus becoming part of the marriage contract itself. Meanwhile, the mitsil dowry is a dowry whose amount and form are not agreed upon during the marriage contract and are usually determined by a judge based on local customs and the prospective wife's social status. These two types are reflected in the determination of dowry according to social and cultural conditions[20].

The dowry value in Islam does not have an absolute universal minimum limit, but is adjusted to the agreement of both parties and the value deemed appropriate by society. Scholars such as Imam Syafi'i, Hambali, and Imamiyah allow everything that can be a price in buying and selling to be used as dowry, even if the value is small. However, according to Imam Hanafi and Maliki, there is a minimum value, such as ten dirhams or three dirhams, to ensure that the dowry still has symbolic and economic value. This assertion aims to ensure that the dowry remains meaningful and is not just a formality without real value[21].

In addition to its flexible form and value, the dowry can also be given in simple forms, even inexpensive items such as a pair of sandals or an iron ring, as exemplified by the Prophet Muhammad (peace be upon him). The dowry should not be burdensome to the husband, but should still provide a sense of protection and safeguard the wife's economic and social rights. The

[20] Muhammad Shuhufi, Kata Kunci, and : Mahar, "Mahar Dan Problematikanya (Sebuah Telaah Menurut Syari'at Islam)," n.d.

[21] Shuhufi, Kunci, and Mahar.

main principles in determining the dowry are fairness, convenience, and suitability to the husband's means, so that the dowry's purpose as a symbol of respect, responsibility, and guarantee of well-being can be optimally achieved.

Differently, according to the Hanafi school of thought, the minimum limit is 10 dirhams, the Maliki school of thought is 3 dirhams, while the Syafi'i and Hambali schools of thought do not set a minimum value, the important thing is that the dowry has economic value and benefits.[22] KHI promotes the principle of convenience so that the dowry does not burden the prospective husband, adapting to socio-economic conditions[23].

Thus, the form and value of dowry in Islam are very diverse and adapt to concrete conditions, while still prioritizing the principles of justice, halal, and not burdening both parties in the marriage.

Legal Status and Rights of a Wife to a Dowry

The dowry is a wife's absolute right, which must be fulfilled immediately after the marriage contract. It cannot be reclaimed without the wife's consent. If it has not been paid, the wife can demand its repayment through a religious court, where the unpaid dowry is considered the husband's deb[24].

If the dowry has not been paid after the marriage contract, the wife has the right to demand its repayment. Under Indonesia's Islamic legal system, the wife can file a lawsuit through a religious court. The religious court will process the claim and rule that the unpaid dowry is considered a

[22] Zulaifi, "Konsep Mahar Menurut Pemikiran Ulama Empat Mazhab Dan Relevansinya Di Era Kontemporer."
[23] Zulaifi.
[24] Zulaifi.

debt owed by the husband. Therefore, the husband remains obligated to pay the dowry as part of his marital responsibilities, guaranteeing his wife's legal and moral rights[25].

The affirmation that the dowry debt must be repaid by the husband is also regulated in various Islamic fatwas and qanuns, which place the dowry as a wife's inalienable right. This principle emphasizes the importance of the dowry as an instrument for protecting women's rights in Muslim families, and its function as a form of social and economic justice. Thus, the dowry is not only a religious obligation but also a legal obligation that must be implemented with the utmost fairness[26].

Practical Problems and Dowry Disputes

There are various problems in practice, such as excessive dowry demands that contradict the principle of convenience, false dowries that deceive wives, and recovering dowries in divorces that are qobla al dukhul (before the marriage takes place). Cases in the Religious Courts and the Sharia Courts demonstrate the importance of legal protection for wives' rights[27].

Another frequently occurring issue is the provision of a false dowry, or a dowry that is merely promised but not actually given to the wife. This case of a false dowry results in losses for the wife because her inherent rights are not fulfilled. However, according to Islamic law in Indonesia, as stipulated in

[25] Ikhsan, Hasbi, and Ishak, "Gold Dowry in Acehnese Traditional Marriage: Das Sein and Das Sollen in Pidie Community Practices."

[26] Muhammad Amin Pohan, "Ukuran Mahar Dalam Pernikah Menurut Hukum Islam," *Journal of Islamic Law El Madani* 2, no. 1 (2022): 33–40, https://doi.org/10.55438/jile.v2i1.124.

[27] Mrd, "Konsep Mahar Dalam Al-Qur'an Dan Relevansinya Dalam Masa Ke Kinian."

the Compilation of Islamic Law (KHI), the marriage remains valid as long as the pillars and conditions are met, and the wife has the right to demand reimbursement of the dowry or even to file for annulment if she feels materially disadvantaged[28]. Legal protection of wives' rights in the context of dowry is increasingly important so that women's rights are not ignored.

Furthermore, there are also issues related to the return of the dowry in a divorce based on qobla al dukhul, a divorce that occurs before the husband and wife have sexual intercourse. In these cases, disputes often arise over whether the dowry should be returned to the husband. Various decisions by the Religious Courts and the Sharia Courts attempt to provide solutions to this problem by considering the circumstances of the divorce victims and the purpose of the dowry as a form of respect and responsibility of the husband to his wife. These dowry disputes demonstrate the importance of protecting the wife's rights through fair and clear legal mechanisms[29].

The cases of dowry settlement brought before the Religious Courts and Sharia Courts demonstrate how crucial legal protection is for a wife's rights regarding dowry. The courts have the authority to resolve these matters based on Articles 30, 33, and 37 of the Compilation of Islamic Law (KHI), taking into account the available evidence, such as excerpts from the marriage certificate specifying the type and amount of dowry. The court can also issue the fairest possible decision to ensure the wife's rights are fulfilled without

[28] Dwi Anisa Handayani and Yusup Hidayat, "Pemberian Mahar Palsu Dalam Perkawinan Perspektif Hukum Islam Indonesia," *UNES Law Review* 7, no. 3 (2025): 980–88, https://doi.org/10.31933/unesrev.v7i3.2402.

[29] Nur Rahma Asjaksan and Ilham Abbas, "Analisis Hukum Sengketa Mahar Setelah Perceraian," *Journal of Lex Philosophy (JLP)* 5, no. 1 (2024): 83–96.

unduly burdening the husband, thereby achieving a balance between rights and obligations in marriage according to Islamic law in Indonesia[30].

The Influence of Culture and Social Dynamics

In Indonesia, dowry (mahar) is influenced by diverse cultures, resulting in variations in form and value, ranging from symbolic dowries to those of high material worth. The unique national phenomenon of dowry and the social media pressure for high dowries present a challenge to remain aligned with the principles of sharia and law that emphasize ease and justice[31].

This unique phenomenon sometimes creates new challenges within modern society, especially with the rapid influence of social media and globalization. Social media often becomes a platform for exposure and competition to showcase high and flashy dowries as symbols of social status, causing social pressure on prospective husbands. This can lead to financial burdens and stress that ultimately result in household disharmony. In fact, the fundamental principle in Islam is ease (taysir) and justice, so excessively high dowries that are disproportionate actually contradict religious teachings and pose a risk of family conflicts[32].

In this context, it is important to have effective education and socialization about the concept of mahar in Islam, which emphasizes the values of ease and respect without sacrificing justice. Islamic scholars, legal

[30] Asjaksan and Abbas.

[31] Ismatul Maula, "Mahar, Perjanjian Perkawinan Dan Walimah Dalam Islam," *Khuluqiyya: Jurnal Kajian Hukum Dan Studi Islam*, 2019, 1–17, https://doi.org/10.56593/khuluqiyya.v1i1.16.

[32] Ahmad Arif Masdar Hilmy, "Fenomena Mahar (Studi Konstruksi Masyarakat Dalam Perkawinan Di Desa Karangsono Kecamatan Wonorejo Kabupaten Pasuruan)," *Tesis*, 2020, 1–170.

practitioners, and religious institutions continuously strive to strengthen public understanding that mahar is not a material competition, but a wife's right that must be given according to the husband's ability. This educational approach should involve the media, religious leaders, and families to restore the true meaning of mahar in accordance with sharia principles and eliminate the misconception that mahar is a display of wealth[33].

Moreover, the Religious Courts in Indonesia also play an important role in mediating dowry (mahar) settlements that arise due to cultural differences and social pressures. The courts strive to uphold the principles of justice and ease by considering the socio-cultural conditions without disregarding the legal provisions and Islamic law. Mediation and counseling for prospective brides and grooms are also preventive measures undertaken to ensure that the understanding of mahar remains relevant and fair. With this approach, it is hoped that the practice of mahar in Indonesia can remain harmonious, not burdensome, and in accordance with both religious requirements and the social realities of the community.

The authority of religious courts in this area also extends to related matters, such as the confirmation (isbat) of unregistered marriages, a function that likewise helps secure a wife's legal rights, including those concerning the dowry, once the marriage is judicially recognized[34].

Protection of Wives' Rights in Indonesian Islamic Law

[33] Ikhsan, Hasbi, and Ishak, "Gold Dowry in Acehnese Traditional Marriage: Das Sein and Das Sollen in Pidie Community Practices."

[34] Mustajabah Khoirun Nisa'Muna Afifah et al., "Judicial Considerations in Isbat Nikah for Unregistered Marriages at Sukoharjo Religious Court: A Study of Religious Court Decision Number 16/Pdt. P/2025/PA. Skh," *Al-Hiwalah: Journal of Sharia Economic Law* 5, no. 1 (2026): 133–49, https://doi.org/10.47766/al-hiwalah.v5i1.7613.

Legal protection for dowries in Indonesia is expressly regulated in the Compilation of Islamic Law (KHI) and enforced by religious law. The KHI clarifies that a dowry is an absolute right of a wife, which must be fulfilled by her husband from the time the marriage contract is concluded. If the dowry is not or has not been provided, the wife has the right to demand it through legal proceedings in the Religious Court, where the unpaid dowry is considered a debt owed by the husband to the wife. This provision guarantees strong legal protection for the wife, ensuring that her economic rights and honor are maintained within the marriage[35].

In resolving dowry disputes, religious courts actively participate by prioritizing mediation mechanisms as a preventative and solution-oriented measure. Mediation is conducted before the case proceeds to a conference, in order to reach a peaceful agreement between husband and wife and prevent conflict escalation. Furthermore, religious courts routinely provide legal education to the parties, especially prospective brides and grooms, so they understand their respective rights and obligations regarding dowry. This step aims to minimize the potential for escalation and strengthen the wife's legal position in receiving her rights[36].

Legal proceedings in Religious Courts are based on valid evidence, such as a marriage certificate that lists the value and form of the dowry. Court decisions not only uphold the wife's rights but also consider principles of justice and the husband's economic capacity—in line with Islamic law and

[35] Ismatul Maula, "Mahar, Perjanjian Perkawinan Dan Walimah Dalam Islam."

[36] Raja Alamsyah Hasibuan, "Penyelesaian Sengketa Mahar Menurut Kompilasi Hukum Islam (Tinjauan Putusan Pengadilan Agama Nomor 162/Pdt. G/2011/PA Sgm.)." (Universitas Islam Negeri Sumatera Utara, 2019).

local culture. With the involvement of mediation and legal education institutions, protection of dowries is increasingly optimal, providing certainty and a sense of security for women who are wives in Indonesian Muslim families.

CONCLUSION

Dowry (mahar) in Islam is a very important and meaningful obligation, serving as a symbol of respect, responsibility, and economic protection for the wife, which must be voluntarily fulfilled by the husband at the marriage contract (akad nikah), as emphasized in the Qur'an, hadith, and detailed in the Compilation of Islamic Law (KHI) in Indonesia. The function of mahar is not merely material but also acts as a marital bond, a medium for social education, and a reflection of justice tailored to the husband's ability and the diverse socio-cultural realities. On the other hand, legal protection of the wife's rights to mahar is guaranteed through mechanisms within the Religious Courts, employing mediation and educational approaches to resolve disputes and prevent burdensome or unfair dowries. Real challenges arise from social and cultural dynamics, including social media pressures that can trigger expectations for high dowries; therefore, education and understanding of sharia principles that prioritize ease and justice are essential to ensure the practice of mahar in Indonesia remains harmonious, in accordance with Islamic law, and protective of women's rights within the household.

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