

The Tradition of Marriage and Dowry Extension in Islamic Marriage: Between Legal Sharia and Local Culture of the Archipelago

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Received: 13-06-2026	Accepted: 07-07-2026	Published: 30-07-2026
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Abstract

This extensive and comprehensive study explores the dynamic intersection between Islamic marriage jurisprudence (Fiqh Munakahat) and local cultural practices in Indonesia, focusing deeply on the traditions of proposing (Khitbah), the rigorous pillars and conditions of marriage, the provision of dowry (Mahar), and the strict marriage prohibitions. Marriage in Islam is a sacred covenant aimed at building a harmonious family, governed by precise jurisprudential rules to ensure its legal, social, and theological validity. However, the implementation of these rules in Indonesia is heavily influenced by diverse customary practices ('Urf). The research aims to critically analyze how local traditions align or conflict with classical Islamic jurisprudence. Using a qualitative library research method integrated with a socio-legal approach, the study evaluates primary Islamic texts, the Indonesian Marriage Law, the Compilation of Islamic Law, and extensive ethnographic literature. The findings prominently reveal that while many local customs serve as valid customs ('Urf Shahih) that complement Islamic law by emphasizing social harmony and family integration, certain practices bordering on extravagance and excessive material demands create severe socio-economic burdens. The paper concludes that a harmonization approach is essential, ensuring that customary practices enrich the marital process without violating the fundamental principles of Islamic jurisprudence, specifically the principles of facilitation (taisir) and the preservation of human dignity.

Keywords: Khitbah, Mahar, Islamic Law, Local Culture, 'Urf

Abstract

Studi ekstensif dan komprehensif ini mengeksplorasi persinggungan dinamis antara yurisprudensi perkawinan Islam (Fiqh Munakahat) dan praktik budaya lokal di Indonesia, dengan fokus mendalam pada tradisi peminangan (Khitbah), rukun dan syarat perkawinan yang ketat, pemberian mahar, dan larangan perkawinan. Perkawinan dalam Islam adalah perjanjian suci yang bertujuan membangun keluarga harmonis, diatur oleh aturan yurisprudensi presisi untuk memastikan keabsahan hukum, sosial, dan teologisnya. Namun, implementasi aturan ini di Indonesia sangat dipengaruhi oleh praktik adat yang beragam ('Urf). Penelitian ini bertujuan untuk menganalisis secara kritis bagaimana tradisi lokal selaras atau bertentangan dengan fiqh Islam klasik. Menggunakan metode penelitian kepustakaan kualitatif yang diintegrasikan dengan pendekatan sosio-legal, studi ini mengevaluasi teks-teks Islam primer, Undang-Undang Perkawinan Indonesia, Kompilasi Hukum Islam, dan literatur etnografi yang luas. Temuan secara menonjol mengungkapkan bahwa meskipun banyak kebiasaan lokal berfungsi sebagai kebiasaan sah ('Urf Shahih) yang melengkapi hukum Islam dengan menekankan harmoni sosial dan integrasi keluarga, praktik tertentu yang mendekati pemborosan dan tuntutan materi yang berlebihan menciptakan beban sosial-ekonomi yang berat. Makalah ini menyimpulkan bahwa pendekatan harmonisasi sangat penting, memastikan bahwa praktik adat memperkaya proses perkawinan tanpa melanggar prinsip dasar yurisprudensi Islam, khususnya prinsip kemudahan (taisir) dan pelestarian martabat manusia.

Kata Kunci: Khitbah, Mahar, Hukum Islam, Budaya Lokal, 'Urf

INTRODUCTION

Marriage in Islam is an institution that is not only secular, but also has a strong theological and social dimension. From a shari'a perspective, marriage is seen as a mitsaqan ghalizhan (solid agreement) that aims to create a family that is sakinah, mawaddah, and rahmah. Therefore, each stage towards marriage, starting from the marriage (khitbah), the fulfillment of the pillars and conditions, the giving of dowry, to the regulation of the prohibition of marriage, has a clear legal basis in fiqh munakahat (Arjani et al. 2025). These provisions not only function to maintain the validity of the marriage contract, but also ensure the realization of benefits for individuals, families, and communities.

As the main foundation of social life, the family has a strategic role in shaping the quality of society. The quality of the family is greatly influenced by the couple's readiness to live a married life and their understanding of marital values. However, social realities show that marriage often faces various challenges, such as low mental readiness of the couple, increased domestic conflicts, and the tendency to view marriage as a mere administrative formality. This condition shows the importance of strengthening understanding of the principles of marriage fiqh so that the goals of marriage in Islam can be achieved optimally.

In Indonesia, the implementation of marriage law cannot be separated from the existence of local culture and traditions that develop in society. The various traditional processions that accompany the marriage, the determination of dowry, and the implementation of marriage show that there is a dynamic interaction between sharia norms and community customs. On the one

hand, local traditions can enrich the social meaning of marriage and strengthen family relationships. However, on the other hand, some customary practices have the potential to cause problems when they are contrary to the principles of sharia, especially related to high dowry demands, excessive marriage fees, and certain beliefs that have no basis in Islamic law. Research (Khairuddin 2024) shows that the value and form of dowry in contemporary Muslim society is greatly influenced by local culture, economic conditions, and social expectations, so it often goes beyond the principles of simplicity taught by Islam.

Studies on the relationship between Islamic law and local culture in marriage have been widely conducted in recent years. Research (Jinan et al. 2023) on the Banjar traditional marriage tradition shows that most traditional practices can be categorized as 'urf that are acceptable as long as they do not conflict with sharia principles. However, the study also found the presence of certain symbolic and beliefal elements that require evaluation based on Islamic law. Research (Anwar 2024) on the unique dowry phenomenon in Yogyakarta concluded that innovations in the form of dowry are acceptable as long as they do not contradict the goals of sharia (*maqashid al-shari'ah*) and do not cause harm to the parties.

Based on these conditions, this study seeks to answer questions about the concept of marriage, marriage harmony and conditions, dowry, and prohibition of marriage in *fiqh munakahat*; how these practices are implemented in the traditions of Indonesian society; and the extent to which local culture can be accommodated in Islamic law. This study aims to comprehensively analyze the basic concepts of *fiqh* of marriage as well as examine their relevance to local cultural practices that are developing in Indonesia.

To analyze this problem, this study uses the theory of 'urf (customary customs) as the main framework. In *ushul fiqh*, 'urf is understood as a habit that is alive and accepted by the community and can be used as a legal consideration as long as it does not contradict the Qur'an, hadith, or sharia principles. Through this theory, local marriage traditions can be categorized as 'urf saheeh if they contain benefits and support the goals of Islamic law. In addition, this study also uses the theory of *sadd al-dzari'ah* which functions to close the path to harm. This theory is relevant for assessing customary practices that have the potential to cause economic burdens, injustice, or deviations from the purpose of marriage in Islam. Using these two theoretical frameworks, this study departs from the assumption that harmonization between Islamic law and local culture can be realized as long as the developing customs remain within the corridor of benefit, justice, and the principle of convenience (*taisir*) which is the main character of Islamic law.

METHODS

This research uses a qualitative approach with a library research method combined with a socio-legal approach. The socio-legal approach was chosen because this study not only examines the norms of Islamic law contained in the munakahat fiqh literature, but also analyzes the relationship between these norms and the practice of marriage culture that develops in Indonesian society. Through this approach, Islamic law is understood not only as a set of normative rules, but also as a social phenomenon that interacts with local traditions and customs.

Data collection is carried out through documentation techniques by examining various relevant literature sources. Primary data sources include the Qur'an, hadiths related to marriage, munakahat fiqh books from various schools, Law Number 1 of 1974 concerning Marriage, and the Compilation of Islamic Law (KHI). The secondary data sources consist of books, scientific journal articles, and the results of previous research that discuss Islamic marriage law, marriage culture in Indonesia, and socio-legal studies on the relationship between law and customs.

The data that has been collected is analyzed using content analysis techniques and comparative analysis. Content analysis is used to examine the concepts of marriage fiqh which include marriage (khitbah), marriage harmony and conditions, dowry, and marriage prohibition. Meanwhile, comparative analysis is used to compare the provisions of fiqh with local cultural practices that develop in Indonesian society. The results of the analysis were then evaluated using the theoretical framework of 'urf (customary customs) and sadd al-dzari'ah to assess the extent to which local traditions are acceptable in Islamic law and their conformity with the purpose of sharia (maqashid al-sharia). Through these stages, this research seeks to provide a comprehensive understanding of the harmonization between fiqh munakahat and local culture in the marriage practice of Indonesian society.

RESULT AND DISCUSSION

This section extensively describes the findings and analytical discourse on the four main pillars of Islamic family fiqh: the concept of marriage (khitbah), the harmony and conditions of marriage, the significance and sociology of dowry, and the complex dimensions of the prohibition of marriage (mu'abbad and mu'aqqat). This discussion is directed to dismantle the tension and the meeting point between sharia doctrine and the construction of local culture.

Khitbah (marriage): philosophy, legal basis, and sociological dynamics

Marriage or khitbah is one of the central concepts in Islamic family law that not only has linguistic dimensions, but also theological, philosophical, social, and psychological dimensions that

are intertwined. To comprehensively understand this concept, a multidisciplinary approach is needed that is able to reveal the meaning of khitbah in more depth, beyond just technical terms in the discipline of jurisprudence.

Definition and legal basis of marriage

Etymologically, the word khitbah comes from the Arabic root "khataba", which generally means to speak, convey, or ask. In the context of marriage, this meaning transforms into the act of expressing the desire to marry to the woman or her guardian. In a terminological review, khitbah is defined as a statement of a man's will to marry a certain woman that is conveyed directly or through a trusted intermediary, while remaining bound by the corridor and propriety of the sharia. Khitbah is a manifestation of a noble intention (niyyah) in building a household. Sincere intentions will give birth to healthy processes, while distorted intentions can trigger relational breakdowns later in life.

The legal basis of legitimacy is strong in the Qur'an and Sunnah. In the Qur'an, QS. Al-Baqarah verse 235 provides the basis that there is no sin for a man to declare his desire to marry a woman, especially in the form of innuendo (ta'ridh) to a woman who is in the period of iddah dying. This verse gives a double message: first, it allows marriage as part of the sharia; Second, providing strict restrictions (limitations) not to openly propose to women who are in a period of psychological and legal transition (iddah). This reflects the wisdom of sharia in balancing individual rights and respect for social norms.

In addition, the Prophet PBUH explicitly forbade proposing to a woman who has been betrothed by his brother (another person), as he said: "Do not let any of you propose to his brother, until the first betrothed to him or allowed him." This preventive rule aims to close the gap between hostilities, unfair competition, and maintain fraternal cohesion in Islamic society (Hasibuan, Nelli, and Zulfahmi 2022).

Objectives, wisdom, and limits of interaction during khitbah

From the perspective of family psychology and sociology, marriage is a phase of exploration and the formation of initial commitment. The main goal is to provide an objective space for prospective couples to get to know each other in a directed way. Compatibility between husband and wife is a determining factor for the longevity of the relationship. This conformity includes aligning future visions, life principles, and managing emotional expectations. Without a mature introductory phase, marriages risk being built on erroneous assumptions that lead to disputes.

However, it is vital to understand that the legal status of khitbah itself is only a wa'ad (promise) to marry, and not an akad (binding contract). The logical consequence of this status is

that both sides retain the status of *ajnabi* (foreigner/non-mahram). The Shari'ah imposes strict rules in the form of the prohibition of *khalwat* (being alone in a closed space without a mahram) and the obligation to bow down to one's gaze. The cancellation of *khitbah* by one of the parties is legally *mubah* if there is a fundamental incompatibility, although morally it must be done *makruf* in order to minimize the inner wounds of the canceled party.

The dynamics of the proposal tradition in ethnic diversity in the archipelago and the analysis of 'urf

In contrast to the simplicity of *khitbah* in textual *fiqh*, the culture of the archipelago constructs the proposal procession into a complex and symbol-laden social orchestration. Communalist Indonesian society views marriage as the fusion of two large families, clans, or clans, not just a private affair of two individuals. This is in line with the fact that marriage is a very important event in the life of indigenous peoples, because it does not only concern the bride and groom, but also involves the parents of both parties, their siblings, and even their respective families (Nita 2021).

On the island of Java, the stages towards a sacred bond are initiated through *Nontoni* (secret exploration), followed by a formal proposal involving a delivery. The crucial point is *Peningset*, which is the handover of symbolic goods (jewelry, clothing) which means binding the woman so that she does not accept other proposals (Nurlita, Damayanti, and Putra 2025). In the Minangkabau matrilineal tradition, the initiative starts from the female family through the procession of *Maresek*, *Maminang*, to the culmination of *Batimbang Tando* (exchanging family heirlooms as a sign of binding). In the Bugis-Makassar community, the proposal known as *Madduta* involves diplomatic negotiations by traditional representatives (*To Macca*) to formulate the amount of dowry and dowry.

When dealing with this labyrinth of tradition, Islamic law uses the analytical knife 'Urf (Makki 2025). Kinship involvement, the exchange of souvenirs, and the formality of friendship are classified as 'Urf Saheeh (valid customs) because they resonate with the commands of *shilaturrahim* and glorify social bonds. The Prophet's hadith "*Tahaadau tahaabbu*" (Give each other gifts, surely you love each other) provides textual affirmation for the practice of *stretcher* or *batimbang tando*. However, the sharia is resistant and establishes it as 'Urf Fasid' when the tradition of proposal is infiltrated by clerical beliefs (*tathayyur*), extravagance that burdens the family economy (*israf*), and fatal violation of the limits of post-proposal sharia, where newly engaged couples are often justified by society to be free to live alone (*ikhtilat*) like husband and wife.

Marriage Principles and Conditions as the Absolute Foundation of Legal Validity

Marriage is a *mitsaqan ghalizhan* (a very solid agreement) whose legality is highly dependent on the fulfillment of the pillars and conditions (Adharsyah et al. 2024). *Rukun* is an essential element of forming a contract, while conditions are qualifications that complement the *rukun* so that it is valid according to sharia. The absence of one of the pillars has implications for the annulment (*fasid/bathil*) of a marriage.

The anatomy of the marriage pillar and its significance

1. Husband-to-be and Wi-Fi-to-be: The main subject in the contract. Both must meet the qualifications of Islam, have a definitive identity, not be in a mahram relationship, and be free from other marital obstacles. The most fundamental is the existence of willpower and agreement without coercion, which represents relational justice in Islam.
2. Guardian of the Marriage: The existence of a guardian for the bride is an absolute pillar ("*La nikaha illa bi waliyyin*" - It is not valid to marry except with a guardian). The guardian of the *nasab* (father, grandfather, brother, etc.) represents the function of protection (territory) for women, ensuring that the man who will be her life companion is an equal and responsible individual.
3. Two Witnesses: Islam requires the presence of at least two fair male witnesses (having moral integrity). The witness distinguishes a valid marriage from a veiled act of adultery. Their presence brings a dimension of publicity and legal certainty so as to minimize the space for defamation in the community.
4. *Ijab* and *Kabul* (*Sighat*): Verbal transactions that represent a transfer of responsibility. *Ijab* is pronounced by the female guardian, and *kabul* is pledged by the husband-to-be. This contract must take place in one assembly (unity of time and place) without interruptions that undermine the continuity of meaning, and be pronounced with clear and explicit words.

Integration of administrative requirements in Indonesian positive law

In addition to the sharia pillars, positive law in Indonesia through Law No. 1 of 1974 concerning Marriage formulates administrative obligations in the form of marriage registration at the Religious Affairs Office (KUA) for Muslims (Nurhadi 2018). This recording is not a pure *fiqh* pillar, but a formal requirement that leads to *maslahah mursalah* (the public good). The absence of registration (such as the practice of serial marriage) results in massive juridical vulnerability, where wives do not have the right to sue for alimony or *gono-gini* property, and children born have difficulty in obtaining citizenship identity (birth certificates) and legal inheritance rights (Agustina

and Nelli 2025). Thus, the fulfillment of administrative requirements is a manifestation of citizens' obedience in protecting family institutions holistically.

The significance and extensification of dowry in Islamic marriage

Islam revolutionized the ancient patriarchal civilization that reduced women as transactional objects whose exchange value was controlled by their fathers or relatives. Islam restores the dignity of women by declaring dowry as the absolute and exclusive right of women. Dowry is not just a material instrument, but a manifestation of respect (takrim) and proof of readiness to bear the burden of family maintenance.

Theological foundation and classification of dowry

The Qur'an straightforwardly affirms this obligation in Surah An-Nisa verse 4: "Give dowry to the woman (whom you marry) as a voluntary gift (nihlah)..." The use of this diction indicates that dowry is sincerity, not compensation like the price of commodities buying and selling. In terms of qualifications, dowry can be in the form of concrete objects that have an exchange rate (mutaqawwam) such as gold or property, and it can also be in the form of benefits/services. The Shari'ah does not set a maximum limit for dowry, but the Prophet PBUH repeatedly recommends simplicity (taisir) so that dowry does not become a barrier for youth to perfect their religion (Asrory, Khoir, and Naufal 2024).

Doctrinally, fiqh classifies dowry into two:

1. Mahar Musamma: An explicit and agreed dowry on the amount and type before or during the contract procession. This is the most ideal and definitive form.
2. Dowry Misl: A protective alternative if in the marriage contract the parties are negligent or forget to formulate the nominal dowry. In this scenario, the husband is charged with the obligation to pay a dowry that is equivalent (commensurate) to the dowry usually received by women from the wife's family, by calculating the variables of age, level, education, nasab, and social status (Asrory et al. 2024). Dowry is an innate justice mechanism in Islamic law that closes the gap of exploitation of women who marry without a dowry agreement at the beginning.

The sociology of traditional dowry in the archipelago and the impact of its commercialization

The discourse on dowry in Indonesia will not be complete without dissecting its intersection with the tradition of handing over customary property which often dominates the reception stage more than the sharia dowry itself. Various ethnicities have a distinctive

nomenclature for this institution: Uang Panai (Bugis-Makassar), Jujuran (Banjar), Sinamot (Batak), to Uang Bajapauk (Minangkabau - Padang Pariaman).

In the sociological landscape, these traditional treasures are used to fund the logistics of walimatul 'ursy which is massive communal, as well as as a marker of social strata (prestige). Panai money, for example, fluctuates extremely according to the educational capital of the prospective wife (S1, S2, Doctor strata have different rates), descendant class, and occupation. In fiqhiyyah, the Compilation of Islamic Law and the fatwa of contemporary scholars resolve this clash by separating the shari'i dowry (as the private right of the wife) from the customary money (as a Hibah bi Syartin or a gift for the family). This practice is basically permissible (Mubah) on the principle of real willingness and financial ability without giving birth to coercion (Kohar 2016).

However, the reality on the ground shows that the commodification and extensification of these traditional dowries often trigger destructive social inflation. The psychological and socio-economic impact is massive. Irrational customary demands trigger the phenomenon of forcible delayed marriage among productive youth. Furthermore, this economic impasse stimulates a surge in cases of elopement (such as silariang), promiscuity, and the practice of marriage without state registration.

On the economic side, in order to match the prestige of the family in meeting the standards of panai or honesty, the man's family is often led into the snare of high-interest loan sharks or liquidating productive assets. The burden of debt brought into the ark of marriage becomes a latent variable that explodes in the form of Domestic Violence (KDRT) and the high graph of divorce in the early years of marriage (Shuhufi 2015). In a situation that threatens the stability of the family and facilitates this disobedience, the scholars of ushul fiqh view that the burdensome tradition has shifted from 'Urf Saheeh to 'Urf Fasid, and its operationalization must be prevented through the instrument of the rule of Sadd al-Dzarai' (closing the path to destruction).

Extensification of Dowry in the Perspective of KHI and Local Culture of the Archipelago

The phenomenon of dowry extensification in Indonesia shows that dowry is no longer understood solely as a material gift in the form of money, gold, or goods of economic value, but also as a religious, cultural, and social symbol that has expanded its form and function in community practices. This development can be seen in the emergence of dowry in the form of Qur'an mushaf, a set of prayer tools, land, vehicles, business shares, education packages, to forms of benefits such as teaching the Qur'an and family education commitments. From the perspective of fiqh, the expansion of the form of dowry is in principle acceptable as long as the object used as a dowry has a valid benefit value according to sharia, is clearly known by the parties, and is agreed upon

voluntarily. The foundation of this flexibility is rooted in the practice of the Prophet Muhammad PBUH who allows the benefits of teaching the Qur'an to be used as dowry in marriage contracts (Asrory, Khoir, & Naufal, 2024; Anwar, 2024).

In the context of Islamic law in Indonesia, this flexibility is normatively strengthened through the Compilation of Islamic Law (KHI). Article 30 of the KHI emphasizes that the prospective groom is obliged to pay a dowry to the bride-to-be, the amount, form, and type of which is determined based on the agreement of both parties. This provision shows that KHI does not limit the form of dowry to certain types of objects, but rather provides space for the diversity of community practices as long as it does not conflict with sharia principles. In fact, Article 31 of the KHI adds that the determination of dowry must be based on the principles of simplicity and convenience. This principle is in line with the character of the sharia which prioritizes *taisir* (convenience) and prevents dowry from turning into a barrier to marriage (Afina Wardatur Rusyda 2024).

KHI also provides clear protection for women's rights to dowry. Article 32 of the KHI states that dowry is the wife's absolute personal right. This separation is important because in traditional practice there is often a mixing between sharia dowry and various forms of giving to the bride's family. From the perspective of KHI, dowry remains the exclusive right of the wife, while gifts to the family can be categorized as grants or gifts whose position is legally different. Thus, KHI functions as an instrument of harmonization between *fiqh* and local cultural practices, as well as preventing the shift of dowry rights from the bride to other parties (Putri Ayu Agustina 2025).

In the cultural reality of the archipelago, the extensification of dowry can be seen in various traditions such as *Uang Panai* in Bugis-Makassar, *Jujuran* in Banjar, *Sinamot* in Batak, and *Uang Bajapuk* in some Minangkabau communities. Although the terms and mechanisms are different, they generally serve as a symbol of respect for the bride's family, a marker of the future husband's economic readiness, and a means of strengthening kinship bonds. Through the theory of *'urf*, these practices can be seen as *'urf sahih* as long as they do not violate the postulates of *shari'i*, do not eliminate women's right to dowry, and do not cause real harm (Mahmud Huda n.d.).

The problem arises when the extensification of dowry shifts to become an instrument of competition for social status and family prestige. In a number of regions, the nominal dowry and customary costs are influenced by the level of education, occupation, descent, or social position of the bride so that it exceeds the real ability of the future husband. As a result, dowry no longer serves as a symbol of respect that facilitates marriage, but turns into a social stratification mechanism that can hinder marriage, encourage postponement of marriage, trigger family debt, and even encourage

the practice of unregistered marriage or eloquence (Khairuddin 2024). In the perspective of maqashid al-shari'ah, such a condition is contrary to the purpose of the shari'a to facilitate the formation of a legitimate and dignified family.

Therefore, the reading of the local dowry tradition needs to be done proportionately. KHI provides a normative framework that allows for cultural accommodation through the principles of agreement, simplicity, and protection of the rights of the wife. As long as the expansion of the form and function of dowry maintains benefits, does not contain coercion, and does not make dowry a tool of economic exploitation, then the practice can be accepted as a form of legal cultural adaptation in Islamic law. On the other hand, if the demands of dowry and customary fees develop excessively to hinder marriage or cause injustice, then the practice must be criticized and reconstructed in accordance with the principles of *taisir*, *maslahah*, and the protection of human dignity which is the spirit of *fiqh munakahat* (Zulaifi 2022)

Table 1. Comparative Analysis of Sharia and Local Culture in Marriage

No.	Aspect	Islamic Law (Fiqh)	Customary Practice (Adat)	Resolusi Hukum ('Urf & Maslahah)
1	Betrothal (<i>Khitbah</i>)	Conducted simply while maintaining privacy, prohibiting <i>kehalwah</i> (seclusion between unrelated men and women), and regarded merely as a <i>wa'd</i> (non-binding promise).	Public ceremonial event involving the exchange of heirlooms or gold as symbolic gifts, often used to justify broader social interaction between the couple.	The exchange of commemorative gifts is permissible as <i>'urf ṣaḥiḥ</i> (valid custom). However, using the engagement as justification for unrestricted intermingling (<i>ikhtilāṭ</i>) remains unequivocally prohibited
2	Dowry (<i>Mahr</i>) Philosophy	The <i>mahr</i> is the wife's exclusive private right and is based on the principle of <i>taisir</i> (facilitation and ease).	Customary payments are controlled by the extended family to finance prestigious wedding ceremonies.	Such payments are permissible as a <i>hibah</i> (voluntary gift) for the <i>walimah</i> (wedding feast), provided that the obligatory <i>shar'ī mahr</i> is separately given directly to the bride.
3	Limitations on the Amount	No maximum amount is prescribed, although the Prophet strongly encouraged	The amount is often rigid, exploitative, and hierarchical, determined by caste, lineage, or educational	Such practices constitute <i>'urf fāsid</i> (invalid custom) and become prohibited

No.	Aspect	Islamic Law (Fiqh)	Customary Practice (Adat)	Resolusi Hukum ('Urf & Maslahah)
		moderation and affordability.	status.	when they compel people into debt, involve <i>riba</i> (usury), or delay marriage..
4	Consequences of Cancellation	Cancellation is permissible (<i>mubah</i>) and carries no binding civil penalties that restrict personal freedom.	Cancellation is considered <i>siri'</i> (a source of extreme shame), often resulting in double financial penalties and social ostracism.	Confiscation of property or coercive financial penalties are prohibited because they constitute extortion; mediation and amicable settlement are encouraged instead.

Social protection system through marriage prohibition regulations

Islam not only facilitates the occurrence of marriage bonds, but also sets extra-strict regulations regarding the configuration of biological and social relations. The concept of prohibition of marriage is designed as a preventive shield to maintain family eugenics, prevent the mixing of nasab (hifzh al-nasl), and protect collective morality. This prohibition is based on the foundation of qath'i in QS. An-Nisa verse 23, and taxonomically it is divided into permanent prohibition (mu'abbad) and temporary prohibition (mu'aqqat).

Permanent prohibitions: nasab, lactation, and mushaharah

1. Prohibition due to Nasab (Blood) Relationship

This prohibition is the most fundamental prohibition. Includes mothers (upwards), daughters (downwards), sisters, aunts (from both father and mother), to nephews (Hermanto 2018). The rational arguments behind this ban are very multidimensional. From the perspective of modern genetic science, inbreeding doubles the probability of encountering mutant recessive genes that cause congenital disorders and deadly genetic diseases in offspring. Sociologically and psychologically, intermarriage will deconstruct the hierarchy and clarity of role stability in the household. A father who functions as an absolute protector will experience a role confusion that destroys the moral order if he transforms into a sexual partner for his biological child.

2. Prohibition due to Breastfeeding Relations (Radha'ah)

Islam has a unique but visionary approach to dairying. Babies who consume breast milk from other women in a certain quantity (the majority of scholars stipulate five

satisfying breastfeedings under the age of two) will be bound by the mahram with their nursing mother and her lineage, like siblings (Ahmad Yasir Sinulingga , Amar Adly 2024). Breast milk is not just a nutritional liquid; It injects antibodies, micro-cells, and hormones that fuse in the baby's biological growth, fostering a very deep natural psychological affinity. For this reason, lactation produces a permanent haram in honor of the essential affinity that has been formed.

3. Prohibition due to Sexual Relations (Mushaharah)

The marriage contract is not just a marriage unite, but a merger of two kinship matrices. As a consequence, a ban on mushaharah was formed to prevent social turbulence. This prohibition embraces mothers-in-law, daughters-in-law, and father's wives (stepmothers). Regarding stepsons, the prohibition is permanent if the husband has performed dukhul with the child's biological mother. The regulation of mushaharah locks the gap of jealousy and unhealthy competition between extended family members, as well as protects intergenerational respect.

Temporary prohibition and implementation in Indonesia's positive law

In contrast to the category of mu'abbad which cannot be dropped, the temporary prohibition (mu'aqqat) is dynamic depending on the existence of an obstructive cause. This barrier will fall by itself when the cause has been eliminated. The dominant category in mu'aqqat is the prohibition of marrying a woman who is undergoing the Iddah period (waiting time after divorce or death of her husband). Hikmah Iddah is centered on the certainty of the emptiness of the womb (bara'atur uhim) to ensure the authenticity of the baby's nasab that may be conceived, as well as to provide a break in psychosocial rehabilitation for the woman. In addition, Islam prohibits the absolute marriage of another person's wife, as well as prohibits the practice of polygyny that unites two sisters (or a woman with her aunt) in the same bed at the same time, as this is believed to trigger emotional conflicts that destroy genetic friendship.

In addition, the form of marriage prohibition that is a concern in Islamic law is interfaith marriage. The majority of scholars are of the opinion that Muslim women are not allowed to marry non-Muslim men, whether they belong to the Ahlul Kitab or others (Fitriyani 2023). This provision is based on a number of Qur'anic postulates, including QS. Al-Baqarah verse 221 which prohibits marriage with polytheists until they believe. The prohibition aims to maintain the integrity of the faith, family harmony, and ensure religious education for the generation that will be born from the marriage.

As for Muslim men who marry Ahlul Kitab women, the scholars have a different view. Some scholars allow it by referring to QS. Al-Ma'idah verse 5, while others view that in the context of modern society the practice has the potential to cause various religious and family problems so it should be avoided. In Indonesia, the prevailing views in Islamic law and positive law tend not to provide room for interfaith marriage.

In Indonesia's positive law, marriage must in principle be carried out in accordance with the respective religious law as stipulated in Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019. In addition, the Compilation of Islamic Law expressly states that the marriage of a Muslim to a partner of a different religion cannot take place (Andani 2026). Therefore, both from the perspective of fiqh and the regulations that apply in Indonesia, interfaith marriage is seen as a form of marriage that does not meet the provisions of Islamic law and cannot be carried out through the mechanism of Islamic marriage.

This provision shows that the prohibition of interfaith marriage is not solely related to formal legal aspects, but also related to efforts to maintain the sustainability of religious values, family stability, and religious education for descendants. Thus, marriage in Islam is not only seen as a bond between two individuals, but also as a means to build a family that has a unity of vision, belief, and purpose in life.

The legal system in Indonesia reflects the complete affinity between the sharia and the constitution in regulating this prohibition on marriage. Law Number 1 of 1974 Article 8 codifies prohibitions based on nasab, semenda, and dairy into state legislation. Likewise, the Compilation of Islamic Law (KHI) which details all the restrictions of fiqhiyyah as operational guidelines for the Religious Courts. This systematic adoption affirms the commitment of Indonesian civilization in maintaining the quality of population health and sowing a civilized family order.

CONCLUSION

The synthesis of this extensification of the study concludes that the fiqh of marriage in Islam provides a very precise and solid legal, moral, and sociological construction to maintain the dignity of the family institution. Starting from the khitbah instrument that prioritizes the ethics of respectable exploration without breaking through the walls of mahram, to the fulfillment of the five pillars and conditions of marriage that provide a guarantee of certainty and transparency of sacred bonds in front of religious entities and the state. The establishment of dowry as the absolute and exclusive right of women succeeded in breaking the dominance of ancient patriarchal culture, restoring financial respect in an honorable manner. Furthermore, the categorization of the strict

prohibition of marriage based on nasab, lactation, and mushaharah is proven to be not limited to theological dimensions, but rests on the scientific rationality of genetics and the protection of the integrity of social functions in the household.

When this munakahat fiqh is faced with the multicultural canvas of Indonesia, a complex cultural negotiation dynamic is born. Local customs in the proposal ceremony and the determination of dowry (such as the traditions of Peningset, Batimbang Tando, Uang Panai, Jujuran, and Sinamot) can be accommodated as 'Urf Saheeh as long as its footing is to enliven the walimah, maintain honor, and knit the web of kinship in proportion. However, if the tradition of prestige mutates into an instrument of economic exploitation that curbs the freedom of young people to marry, doubles the debt ratio of young families, and becomes an indirect trigger for moral deviations (adultery and estrangement), then it falls into the abyss of 'Urf Fasid which is haram to maintain.

Therefore, the social engineering and premarital literacy movement based on moderation fiqh that emphasizes flexibility (taisir) is very urgent and imperative to always be injected into the veins of the millennial generation. Thus, the institution of marriage in Indonesia is not only legally legal-formal, but also transforms into a stronghold of a cool, tough, and dignified civilization, in line with the divine vision of creating a family that is sakinah, mawaddah, wa rahmah.

REFERENCES

- Adharsyah, Malik, Muhammad Sidqi, Muhammad Aulia Rizki, and Azhari. 2024. "Pernikahan Dalam Perspektif Hukum Islam." *Jurnal Syariah Dan Ekonomi Islam* 2(1):44–53.
- Afina Wardatur Rusydah. 2024. "Batas Minimal Mahar Dan Konsekuensinya Dalam Kompilasi Hukum Islam , Madzhab Maliki , Dan Hanafi Perspektif Maq a` Shid Al-Syar i` Ah." *Journal Of Family Studies* 8(1):79–91.
- Agustina, Putri Ayu, and Jumni Nelli. 2025. "Perkawinan Dalam Hukum Islam Di Indonesia : Pengertian, Prinsip-Prinsip, Dasar-Dasar Dan Rukun Syarat Perkawinan Dalam UUP Dan KHI." *Jurnal Ilmiah Wahana Pendidikan* 11(November):96–108. doi: <https://jurnal.peneliti.net/index.php/JIWP/article/view/11966>.
- Ahmad Yasir Sinulingga , Amar Adly, Heri Firmasyah. 2024. "Larangan Menikah Sebab Persusuan Kajian Studi Naskah Kitab Fiqih Fathul Mu'in." 3:464–74.
- Andani, Dera. 2026. "Analisis Larangan Pernikahan Dalam Islam Berdasarkan Al-Quran Dan Hadist." *Jurnal Kajian Agama Dan Dakwah* 18(3).
- Anwar, M. . (2024). Mahar dalam Hukum Islam dan Maqasid Syariah: Studi Fenomena Mahar Unik

- Di Yogyakarta. Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyyah, 7(2), 781–797. <https://doi.org/10.58824/mediasas.v7i2.262>
- Arjani, Nabil Hukama Zulhaiba, Dominick Pinky Hoki, Adisty Puji Nurjayanti, Hanifah Hafshoh, and Wismanto. 2025. “Pernikahan Dalam Islam Membina Keluarga Yang Sakinah Mawaddah Dan Rahmah.” *Iktiblas : Jurnal Ilmiah Pendidikan Islam* 2(1):140–50.
- Asrory, As'ad Faqih, Afuza Muhammad Mulkan Khoir, and Fawaz Naufal. 2024. “Konsep Mahar Perkawinan Dalam Perspektif Empat Mazhab Dan Relevansinya Pada Era Kontemporer Di Indonesia.” *Jurnal Prudentia: Jurnal Hukum Ekselen* 6(2):12–24.
- Fitriyani, Siska. 2023. “Larangan Perkawinan Antar Agama Menurut Undang-Undang Perkawinan Dan Perspektif Hukum Islam.” 09(02):74–88.
- Hasibuan, Samsinar, Jumni Nelli, and Zulfahmi. 2022. “Konsep Khitbah (Melihat Pinangan) Dalam Hadis Rasulullah Saw.” *Journal of Islamic Law El Madani* 1:61–68.
- Hermanto, Agus. 2018. “Larangan Perkawinan Perspektif Fikih Dan Relevansinya Dengan Hukum Perkawinan Di Indonesia.” *Jurnal Asas* 10(2):125–52.
- Jinan, M. S., Hidayah, M., & Wardah, S. (2023). ‘Urf Dalam Pernikahan Adat Banjar Perspektif Abdul Wahab Khallaf: ‘Urf In Banjar Custom Marriage Perspective Abdul Wahab Khallaf. Mitsaqan Ghalizan, 3(1), 45–59. <https://doi.org/10.33084/mg.v3i1.5452>
- Khairuddin. 2024. “Mahar Dalam Islam : Hukum , Tuntutan , Dan Realitas Sosial.” *Journal Of Dual Legal Systems* 1(2):87–102. doi: 10.58824/jdls.v1i2.222.
- Kohar, Abd. 2016. “Kedudukan Dan Hikmah Mahar Dalam Perkawinan.” *ASAS : Jurnal Hukum Ekonomi Syariah [The ASAS Journal of Sharia Economic Law]* 8(2):42–50.
- Mahmud Huda, Nova Evanti. n.d. “Uang Panaik Dalam Perkawinan Adat Bugis Perspektif ‘ Urf (Studi Kasus Di Kelurahan Batu Besar Kecamatan Nongsa Kota Batam).” 3.
- Makki, Ali. 2025. “Pernikahan Perspektif Tradisi Dalam Hukum Islam.” *Hukagi: Jurnal Hukum Keluarga Islam* 1(I):82–94.
- Nita, Mesta Wahyu. 2021. *Hukum Perkawinan Di Indonesia*. 1st ed. edited by C. L. ALIFATAMA. Lampung.
- Nurhadi. 2018. “Undang-Undang No. 1 Tahun 1974 Tentang Pernikahan (Perkawinan) Di Tinjau Dari Maqashid Syariah.” 02(1).
- Nurlita, Divani 'Aina, Elvira Damayanti, and Daffa Arjuna Arya Putra. 2025. “Perkawinan Dalam Perspektif Hukum Adat Indonesia : Ragam Sistem , Tradisi , Dan Tantangan Modern.” *TARUNALAW: Journal of Law and Syariah* 03(02):99–116.
- Putri Ayu Agustina, Jumni Nelli. 2025. “Perkawinan Dalam Hukum Islam Di Indonesia :

Pengertian, Prinsip-Prinsip, Dasar-Dasar Dan Rukun Syarat Perkawinan Dalam UUP Dan KHI.” *Jurnal Ilmiah Wahana Pendidikan* 11(November):96–108.

Shuhufi, Muhammad. 2015. “Mahar Dan Problematikanya (Sebuah Telaah Menurut Syari ’ at Islam).” *Jurnal Hukum Diktum* 13(2):121–28.

Zulaifi. 2022. “Konsep Mahar Menurut Pemikiran Ulama Empat Mazhab Dan Relevansinya Di Era Kontemporer.” *Journal For Gender Mainstreaming* 16(2):105–20. doi: 10.20414/qawwam.v16i2.5348.