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The Determination of Mahar by Customary Institutions in Batang Masumai District, Merangin Regency, from the Perspective of Islamic Law

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Abstract

The determination of *mahar* by customary institutions remains significant because customary norms may intersect with the rights and autonomy of prospective spouses as well as the principles of Islamic family law. This study aims to analyze the customary determination of *mahar* in Batang Masumai District, Merangin Regency, and assess its conformity with Islamic law. The study employed a qualitative approach with an empirical legal research design. Data were collected through observation, interviews, and documentation involving customary leaders (*ninik mamak*), religious officers, KUA marriage officials, prospective married couples, and Islamic scholars. The findings indicate that customary institutions prescribe one *mayam* of gold (3.3 grams) for a bride who has never been married and 0.5 *mayam* of gold for a widow, based on considerations of equality, social balance, and customary continuity. However, several marriages did not comply with these provisions because of jurisdictional differences, limited knowledge of customary rules, or deliberate deviations associated with considerations of prestige and honor. The findings demonstrate that customary determination of *mahar* may function as a mechanism for maintaining social harmony and equality when its application is voluntary, fair, proportional, and consistent with Islamic legal principles. The study concludes that customary regulation of *mahar* should not undermine the rights and autonomy of prospective spouses. Accordingly, customary institutions should strengthen socialization and coordination with the KUA to ensure greater consistency between customary practices and Islamic family law. This study contributes to Islamic family law scholarship by clarifying the

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conditions under which customary *mahar* arrangements can coexist with Islamic legal principles while preserving individual marital rights.

Keywords: *Mahar*; Customary Law; Islamic Family Law; Marital Rights; Customary Institutions

INTRODUCTION

Every marriage entered into by a person who professes Islam requires the prospective husband to give *mahar* (dowry) to his prospective wife. The *mahar* may take the form of jewelry (gold), money, or other valuable assets (Ardil & Luayyin, 2026; Aspandi, 2020).

Mahar is not merely a symbol demonstrating the truthfulness and sincerity of the husband's intention to marry and assume responsibility for his wife's livelihood; beyond that, *mahar* represents a promise not to disclose the secrets of married life, particularly the most intimate secrets that a wife would reveal only to her husband (Sari, 2024; Rahman, 2026; Ahmatnijar, 2020).

The term *mahar* derives from the Arabic word *ṣadaq*, meaning dowry (Ridwan, 2020). *Mahar* also has several other synonymous terms, namely *nihlah, farīḍah, ajr,* and *uqr*. The word *ṣadaq* is derived from *ṣidq*, which means honesty and seriousness, serving as evidence of a sincere intention to enter into marriage (Putra, 2021). Meanwhile, *nihlah* means a voluntary gift, although it can also be interpreted as an obligation. Furthermore, *farīḍah* is derived from the word *faraḍa*, meaning an obligation. The term *ajr* originates from *ijārah*, meaning remuneration or compensation, while *uqr* refers to the dowry given as a form of respect for the humanity and dignity of women (Zuhri, 2018).

The amount of *mahar* is determined based on the mutual agreement of both parties, as the giving of *mahar* must be carried out sincerely and willingly (Ridwan, 2020; Sodli, 2026). In Islam, *mahar* cannot be reclaimed in the event of divorce; it is paid whenever a valid marriage takes place, even when the divorce occurs due to the wife's fault, unless the wife voluntarily returns the *mahar* to her husband (Raman, 2024; Wahab et al., 2021). *Mahar* constitutes a sum of money or other property that the husband promises to pay or give to his wife by virtue of the marital bond (Mutawali & Murtdha, 2020; Ardli & Luayyin, 2026).

Regarding the amount of mahr (dower), the fuqaha' (Islamic jurists) have unanimously agreed that there is no upper limit to the amount of mahr. However, they have differed in their opinions concerning its minimum amount. Imam al-Shafi'i, Ahmad, Ishaq, Abu Thawr, and the jurists of Medina among the tabi'in maintained that there is no minimum limit for mahr. Anything of value that can be exchanged or regarded as valuable to another person may serve as mahr. This opinion was also expressed by Ibn Wahab among the followers of Imam Malik. Other jurists, however, held the view that mahr has a minimum limit. Imam Malik and his followers stated that the minimum amount of mahr is one-quarter of a pure gold dinar, or three dirhams of silver, or an item equivalent in value to the aforementioned amount of gold or silver. Imam Abu Hanifah held that the minimum amount of mahr is ten dirhams. Another narration states that the minimum is five dirhams, while another opinion sets it at forty dirhams.

An adat institution is generally defined as an established pattern of human behavior consisting of structured social interactions within a relevant framework of values (Hasanah et al., 2025; Azwar et al., 2018). The existence of an institution is constrained by two elements: first, the element of human beliefs and ideals; and second, the structural element, which refers to a system of relationships regulated by an institution. Within the adat institution in Batang Masumai Subdistrict, Merangin Regency, the traditional institution is referred to as nenek mamak. One of the duties and roles of the ninik mamak is to "untangle what is tangled, clarify what is unclear, guide what has deviated, resolve completely, and make a final decision on matters that cannot be resolved by the tuo tengganai." In carrying out their duties to create harmony in community life, they are always guided by deliberation and consensus, as expressed in the adat maxim: "bulat air dek pembuluh, berkat kato dek mufakat" (water becomes united through the vessel, while words become harmonious through consensus).

The role of the nenek mamak is to serve as "kayu gedang dalam negeri, rimbun tempat berteduh, gedang tempat bersandar, peri tempat betanyo, balik tempat bebeito"—that is, as a great tree within the community, providing shade as a place of refuge, a strong support upon which people may rely, a source of guidance when questions arise, and a place to return for information and advice. They are also responsible for creating harmony in community life within the village or urban village through arah ajum, resolving tangled matters through mutual adjustment, and clarifying disputes in accordance with the authority vested in them, namely, "berkato dulu sepatah, berjalan dulu selangkah, memakan habis, memancung putus." All of these processes are consistently based on deliberation and

consensus. All decisions are founded upon deliberation and consensus, as expressed in the adat maxim: "bulat air dipembuluh, bulat kato dek mufakat" (water becomes united through the vessel, and words become united through consensus). Once consensus has been achieved, it is followed by implementation, as expressed in the adat maxim: "kok bulat lah boleh digolekkan, kok pipih lah boleh dilayang" (once something has been agreed upon, it may be put into practice).

Batang Masumai Subdistrict, Merangin Regency, has a customary institution that is officially appointed and inaugurated by the government. Structurally, this institution is accountable to the regent and higher-ranking officials. Not only at the subdistrict level, but also at the village level, each village in Batang Masumai Subdistrict, Merangin Regency, has its own customary institution, whose duties and functions are in accordance with those mentioned above. One of the regulations established by the customary institutions in Batang Masumai Subdistrict, Merangin Regency, concerns the amount of the marriage dowry (mahar).

Batang Masumai Subdistrict, Merangin Regency, consists of 10 (ten) villages, namely Salam Buku Village, Titian Teras Village, Tambang Besi Village, Nibung Village, Pelangki Village, Lubuk Gaung Village, Rantau Alai Village, Kederasan Panjang Village, Pulau Baru Village, and Pulau Layang Village. These ten villages have established a customary provision regarding the amount of the marriage dowry, namely 1 mayam of gold (3.3 grams of gold) for a marriage in which the prospective bride is a virgin (has never been married), and 0.5 (half) mayam of gold for a widow. This provision must be followed by all members of the community in Batang Masumai Subdistrict, Merangin Regency. If it is not implemented, customary sanctions applicable in each respective village will be imposed.

In the development of contemporary Islamic family law studies, mahar is understood as the exclusive right of the prospective wife, which must be provided by the prospective husband as a form of respect, responsibility, and sincerity in building marital life. Islamic law does not prescribe a clearly defined maximum limit for mahar; therefore, its form and amount may be adjusted according to mutual agreement, the prospective husband's financial capacity, and the social conditions of the community, provided that it has value, is lawful (halal), clearly specified, and does not contradict the principle of facilitation in Islam. Recent developments in scholarship also indicate that the determination of mahar within customary communities may be accepted as part of social practice when such customs contain public

benefit (maslahah) and do not deprive the prospective wife of her rights, are not imposed coercively, and do not transform mahar into an instrument for burdening the prospective husband or measuring a person's social status. Accordingly, the involvement of customary institutions in determining mahar needs to be analyzed based on their position as entities performing social and cultural functions, rather than as parties that take over the rights of the prospective bride and groom to determine the mahar. The determination of mahar by customary institutions may be regarded as consistent with Islamic law when it produces an agreement that is fair, voluntary, proportional, and does not conflict with the objectives of marriage. Conversely, if the authority exercised by customary institutions results in coercion or the determination of an excessive and burdensome amount of mahar, such a practice needs to be evaluated based on the principles of justice, public benefit (maslahah), and facilitation, which constitute the fundamental principles of Islamic family law.

Research on the determination of mahar (dowry) based on customary practices and the perspective of Islamic law has been conducted by several researchers. The study by Itmam Huda Z. (2017), entitled Determination of Mahar in Jambi Traditional Marriage from the Perspective of Islamic Law, shows that the determination of the amount of mahar in the Jambi customary community is carried out by considering the conditions and social status of the community and does not contradict Islamic law, as Islamic law does not stipulate a specific amount of mahar. Furthermore, the study by Muhammad Salim Mahmudi et al. (2023), concerning Determination of the Amount of Mahar by Traditional Leaders from the Perspective of Islamic Law, demonstrates the role of traditional leaders in determining mahar by considering the traditions and social conditions of the community, although such determination must still take into account the principles of simplicity and should not impose a burden on the prospective bride and groom. In addition, Nurlaili Asro et al. also found that the determination of the amount of mahar based on community traditions can be justified as long as it is carried out on the basis of mutual agreement and does not contradict the principles of Islamic law.

The purpose of this study is to analyze and examine, from the perspective of Islamic law, the determination of mahar by the customary institution in Batang Masumai District, Merangin Regency.

METHODS

This study employed qualitative research with an empirical legal research design to examine the determination and implementation of mahar by customary institutions in Batang Masumai District, Merangin Regency. The participants consisted of customary institution leaders (ninik mamak), religious officers (pegawai syarak), marriage officials at the Religious Affairs Office (KUA), prospective married couples, and Islamic scholars who were considered relevant to the research problem. The selection of informants was based on their relevance and competence in providing information concerning the determination of mahar. Data were collected using the researcher as the main instrument through observation, interviews, and documentation. Observation focused on marriage ceremonies and the delivery of mahar, interviews were conducted with relevant informants regarding the basis and process of determining mahar, while documentation was used to obtain supporting data from institutional records and other relevant documents. The trustworthiness of the data was supported by comparing information obtained from different informants with observations and documentary records, particularly KUA marriage records concerning the realization of mahar. Data were analyzed qualitatively through data selection and classification, categorization and interpretation, and inductive conclusion drawing, whereby specific findings were used to formulate general conclusions. The research was conducted in Batang Masumai District, Merangin Regency, Jambi, Indonesia, with field data collection conducted mainly from September to October 2025. The thesis does not explicitly report formal ethical approval or an institutional ethics procedure; therefore, no additional ethical procedure is stated beyond the researcher's direct engagement with the relevant informants.

RESULTS

Determination of Marriage Dowry (*Mahar*) in Batang Masumai District, Merangin Regency

1. One (1) Mayam of Gold

Based on several interviews with the heads of customary institutions in each village within Batang Masumai District, it was found that the mahar that must be given by a groom marrying a woman who is still unmarried or has never been married before in Batang Masumai District is one (1) Mayam of gold. This amount of one (1) Mayam of gold is the result of a determination made by the customary institutions with the aim of creating equality

between members of the community from lower socioeconomic backgrounds and those who possess greater financial resources.

2. 0.5 (Half) Mayam of Gold

Based on the research conducted by the author through interviews with several heads of customary institutions in their respective villages throughout Batang Masumai District, the findings indicate that there are only two amounts of mahar that must be given by the groom to the bride when entering into marriage, namely one (1) Mayam of gold for a bride who is still unmarried or a virgin, and 0.5 (half) Mayam of gold for a bride who has previously been married or is a widow.

After obtaining data through interviews with the heads of customary institutions, the author subsequently examined the actual implementation of these provisions to determine whether there was consistency between the customary institutions' stipulated provisions and the mahar actually given in marriages. Based on the research data obtained from the Religious Affairs Office (Kantor Urusan Agama/KUA) of Batang Masumai, there was consistency between the statements provided by the Batang Masumai District Customary Institution through the interviews described above and the data obtained from the Batang Masumai KUA. Specifically, almost all marriages conducted from 2023 to mid-2025 involving a woman who was still unmarried or a virgin involved a mahar of one (1) Mayam of gold, whereas marriages involving a woman who was a widow involved a mahar of 0.5 (half) Mayam of gold.

However, several marriages involved mahar amounts that exceeded or fell below the amounts stipulated by the customary institutions. For example, some marriages involved a mahar exceeding one (1) Mayam of gold, while others involved only a set of prayer equipment and several hundred thousand rupiahs in cash. Based on the data obtained from the Religious Affairs Office (Kantor Urusan Agama/KUA), several couples who married in Batang Masumai District from 2023 to August 2025 did not all provide mahar in accordance with the amount stipulated by the Customary Institution of Batang Masumai District. Some couples provided an amount exceeding the customary stipulation, while others provided less than the stipulated amount. For example, a marriage involving a woman who was still unmarried or a virgin should have involved a mahar of 1 (one) mayam of gold; however, in practice, there were also marriages in which the mahar was less than one mayam. Similarly,

the stipulated mahar for a marriage involving a woman who was a widow or divorced was 0.5 (half) mayam of gold, yet in some cases more than 0.5 (half) mayam of gold was given.

The data obtained from the Religious Affairs Office of Batang Masumai for the period from 2023 to August 2025 were subsequently examined further by tracing several marriages in which the mahar differed from the amount stipulated by the Customary Institution of Batang Masumai District. One such marriage involved Meisiska Saputra Melayu and Yeni Letria Tanjung, who resided in Salam Buku Village and whose marriage was solemnized with a mahar consisting of a set of prayer equipment. Both were unmarried at the time of marriage (bachelor and virgin). Interviews with the couple revealed that their marriage took place at the Marriage Hall of the Religious Affairs Office of Batang Masumai District. They explained that the reason for determining the mahar as a set of prayer equipment was that it was considered inexpensive and simple.

The findings from the interviews above indicate that not all marriages conducted in Batang Masumai District involve mahar in accordance with the provisions and stipulations of the customary institution. Some marriages differ from the stipulated amount, with some involving a higher amount and others a lower amount. The reasons for discrepancies between the amount of mahar and the stipulations of the customary institution are as follows:

Outside the jurisdiction of the Batang Masumai Customary Institution. Some marriages take place outside the jurisdiction of the Batang Masumai Customary Institution. This occurs, for example, in Salam Buku Village, which has a relatively extensive territory and encompasses several residential areas that are actually developments resulting from population expansion from Bangko District. Consequently, within the customary structure, these communities do not follow the customary practices of Salam Buku Village but instead follow the customary practices of Bangko District, which does not stipulate a specific amount of mahar. (b). Lack of knowledge among the bride and groom.

In several marriages, the mahar given by the groom to the bride differed from the amount stipulated by the customary institution. This was caused by the groom's lack of knowledge concerning the existence of the mahar provisions established by the customary institution. The findings indicate that, in such cases, the groom originated from a village or region outside Batang Masumai District. (c). Deliberate violation of customary provisions. Several marriages involving a mahar exceeding the amount stipulated by the customary institution were deliberately conducted in violation of the customary provisions. This was

motivated by considerations of prestige and honor. In some cases, the bride's family was among the wealthier families in the village, while the prospective bride was beautiful and highly educated. Consequently, there was a deliberate intention to deviate from the customary rules as a manifestation of prestige.

Based on the aforementioned interview findings, the determination of *mahar* by the customary institution in Batang Masumai District is grounded in the principles of equality and parity within customary practices that have been transmitted from generation to generation. This value emphasizes that all members of the community, regardless of their economic status or social position, possess equal rights and obligations in observing customary marriage practices. Through customary deliberations involving various elements of community leadership, the customary institution ensures that the *mahar* is determined uniformly and does not become a symbol of luxury or social status. The purpose of this approach is to maintain social harmony and prevent the emergence of social jealousy and inequality within the community.

DISCUSSION

The findings indicate that the determination of mahar by the customary institution in Batang Masumai District is fundamentally based on the principles of equality, social balance, and customary continuity. The customary institution determines one mayam of gold for a prospective bride who is still unmarried and 0.5 mayam of gold for a widow. This determination is intended to create equality among community members regardless of differences in economic capacity and social position. The uniformity of the customary provision demonstrates that mahar is not positioned as a representation of wealth, prestige, or social status, but rather as a customary instrument for maintaining social harmony and preventing jealousy and social inequality. This practice is also consistent with the role of ninik mamak as a customary institution whose decisions are based on deliberation and consensus in maintaining harmony within the community.

From an Islamic legal perspective, this finding can be understood within the principle that Islamic law does not establish a specific maximum amount of mahar, while its form and amount may be adjusted according to mutual agreement, the prospective husband's financial capacity, and the social conditions of the community. Mahar is essentially the exclusive right of the prospective wife and represents respect, responsibility, and sincerity in marriage.

Therefore, customary determination may be accommodated within Islamic law as long as it does not deprive the prospective bride of her rights, is not coercive, and does not transform mahar into a burden or a measure of social status. In this context, the Batang Masumai practice demonstrates an effort to adapt customary norms to social conditions while maintaining the substantive values of justice and social benefit (maslahah).

The finding is in line with previous research. Itmam Huda Z. (2017) found that the determination of mahar in Jambi customary marriage considers the social conditions and status of the community and does not contradict Islamic law because Islamic law does not prescribe a specific amount of mahar. Similarly, Muhammad Salim Mahmudi et al. (2023) demonstrated that traditional leaders may participate in determining mahar by considering community traditions and social conditions, provided that the determination maintains simplicity and does not burden the prospective bride and groom. Nurlaili Asro et al. likewise found that the determination of mahar based on community traditions can be justified when it is based on mutual agreement and does not contradict Islamic principles. The present findings extend these studies by demonstrating that in Batang Masumai, customary standardization of mahar functions not only as a cultural inheritance but also as a mechanism for maintaining social equality among community members.

Nevertheless, the research also reveals an important empirical discrepancy between customary provisions and their actual implementation. Although the customary institution stipulates one mayam of gold for a virgin and 0.5 mayam for a widow, KUA records show that some marriages involved amounts either higher or lower than these provisions. Almost all marriages generally followed the customary stipulation, but several cases deviated from it. Some couples gave more than the stipulated amount, while others gave less, including a marriage in which the mahar consisted only of a set of prayer equipment. This discrepancy indicates that customary rules do not operate in an entirely uniform manner in practice. Rather, their implementation is influenced by jurisdictional boundaries, the prospective bride and groom's knowledge of customary provisions, and deliberate decisions to deviate from customary rules because of prestige or family honor.

This finding is significant when examined through the principle of mutual consent in determining mahar. The existence of a customary standard does not necessarily eliminate the agency of the prospective bride and groom. The cases of deviation demonstrate that actual marriage practices may differ from the customary standard, particularly when the

parties have different social, economic, or personal considerations. Therefore, the role of customary institutions should be understood primarily as providing social and cultural guidance rather than completely replacing the rights of the prospective bride and groom to determine the mahar. This interpretation is consistent with the Islamic legal principle that the determination of mahar should ultimately remain fair, voluntary, proportional, and consistent with the objectives of marriage.

Scientifically, this study contributes to the discussion of Islamic family law and customary law by demonstrating how a customary institution can function as a mechanism for maintaining social equality while simultaneously interacting with Islamic legal principles. Practically, the findings suggest that customary institutions should continue to preserve the values of equality and social harmony embedded in the determination of mahar, while ensuring that customary provisions are communicated clearly to prospective brides and grooms. The KUA and customary institutions can also strengthen coordination and public understanding so that differences between customary provisions and actual marriage practices do not arise merely because of lack of information. From a policy perspective, customary regulation should remain oriented toward maslahah, proportionality, and the prevention of excessive economic burdens, rather than becoming a compulsory instrument for determining the social value of a marriage.

The study, however, has several limitations. First, the research is geographically limited to Batang Masumai District, Merangin Regency, so the findings cannot automatically be generalized to other customary communities with different traditions and social structures. Second, the study uses a qualitative empirical legal approach, meaning that the findings primarily reflect the experiences, explanations, and practices identified through field research rather than statistical generalization. Third, although KUA records were used to compare customary provisions with actual marriage practices, the study identified only several cases in which the stipulated mahar was not followed. Further research could therefore examine a larger range of marriage cases and compare the implementation of mahar across different customary communities in Jambi to obtain a broader understanding of the relationship between customary law, social equality, and Islamic family law.

CONCLUSION

This study concludes that the determination of mahar by the customary institution in Batang Masumai District, Merangin Regency, is based on the principles of equality, social balance, and customary practices that have been transmitted from generation to generation. The customary provision establishes one mayam of gold (3.3 grams) for a bride who has never been married and 0.5 mayam of gold for a widow, with the determination intended to maintain equality among community members regardless of their economic or social status. In practice, however, several marriages did not fully conform to the customary provisions, either because they occurred outside the jurisdiction of the customary institution, the bride and groom lacked knowledge of the customary rules, or the provisions were deliberately exceeded for reasons of prestige and honor.

The findings contribute to knowledge by demonstrating that customary institutions in Batang Masumai play an important social role in regulating mahar through deliberation and consensus, particularly as an effort to maintain social harmony, equality, and prevent jealousy and social inequality. The study therefore provides an empirical understanding of how customary regulation of mahar operates within the local marriage system and how its implementation may vary in practice. For practice, customary institutions are recommended to strengthen socialization and communication regarding the customary provisions of mahar, particularly among prospective brides and grooms from outside Batang Masumai, to minimize differences between customary rules and their implementation.

Future research should further examine the relationship between customary authority, the autonomy of prospective spouses in determining mahar, and the principles of justice, social benefit (maslahah), and facilitation in Islamic family law.

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