

BITCOIN AS A WEDDING DOWRY : A CASE OF MARRIAGE WITH A DOWRY WHOSE CURRENCY IS NOT CLEAR



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Abstract

Wedding dowries are typically given as gifts or assets of a specified value, such as money, gold, real estate, houses, automobiles, or other commodities. Couples are now creating bitcoin as a wedding dowry, in keeping with the times. The use of bitcoin as a dowry in marriage raises an interesting issue because it cannot be regarded as an object because it lacks a physical form and cannot be regarded as legal tender because it is not issued by the appropriate government. A literature review was the approach employed in this investigation. This study found that there are two opinions on the permissibility of bitcoin as a dowry, firstly bitcoin should not be used as a dowry in a marriage because of the element of gharar in bitcoin. The second opinion is that bitcoin can be used as a wedding dowry because there is regulation by the government, but it is an asset or commodity like gold that can be traded, and this bitcoin has a useful value according to the legal terms of the dowry.

Mahar pernikahan pada umumnya berbentuk barang atau harta denominas tertentu, seperti uang tunai, emas, tanah, apartemen, mobil, atau barang berharga lainnya. Seiring dengan perkembangan zaman, terdapat pasangan yang menjadikan bitcoin sebagai mahar pernikahan. Bitcoin tidak dapat dikatakan sebagai barang karena tidak mempunyai bentuk fisik serta tidak bisa dikatakan sebagai uang yang sah karena tidak diterbitkan oleh otoritas yang berwenang, sehingga menjadi pertanyaan menarik terhadap penggunaan bitcoin sebagai mahar dalam pernikahan. Metode yang digunakan dalam penelitian ini adalah kajian pustaka. Penelitian ini menemukan bahwa ada dua pendapat kebolehan bitcoin sebagai mahar, pertama bitcoin tidak boleh digunakan sebagai mahar dalam pernikahan karena adanya unsur harar dalam bitcoin. Pendapat kedua, bitcoin ini boleh digunakan sebagai mahar pernikahan karena sudah ada regulasi oleh pemerintah, namun sebagai aset atau komoditi layaknya emas yang dapat diperdagangkan, dan bitcoin ini memiliki nilai manfaat sesuai dengan syarat sah mahar.

INTRODUCTION

Glorifying women in the form of giving dowry rights including virtues in Islam, this has been stated in QS an-Nisa/4: 4. Meaning: "Give a dowry to a woman (whom you marry) as a gift of willingness. Then, if they give you some of it with pleasure, accept and enjoy the gift with pleasure. "The word of Allah SWT above clearly reveals that the dowry is one of the components that must be fulfilled in a marriage. This is reaffirmed in QS an-Nisa/4:24:

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ كِتَابَ اللَّهِ عَلَيْكُمْ وَأُحِلَّ لَكُمْ مَّا وَّرَاءَ ذٰلِكُمْ اَنْ تَبْتَغُوْا بِاَمْوَالِكُمْ
مُّحْصِنِيْنَ غَيْرِ مُسَافِحِيْنَ فَمَا اسْتَمْتَعْتُمْ بِهٖ مِنْهُنَّ فَاتُوْهُنَّ اُجُوْرَهُنَّ فَرِيْضَةً وَّلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهٖ مِنْ
بَعْدِ الْفَرِيْضَةِ اِنَّ اللّٰهَ كَانَ عَلِيْمًا حَكِيْمًا



Meaning: "...you have as a decree of Allah to you. And it is lawful for you other than that if you try with your own wealth to marry her not for adultery. So because of the pleasure you receive from them, then give them their dowry, as an obligation. But it's okay if it turns out that the two of you have let go of each other, once it's settled. Verily, Allah is All-Knowing, All-Wise."

In Indonesia, dowry is usually measured based on the value of the currency, because dowry is property that is given as a form of giving willingly, not just a symbol. As QS anNisa/4: 4.

وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً

Meaning: "Give a dowry (dowry) to the woman (whom you marry) as a gift with great pleasure."

Women can ask for a dowry in the form of a certain denomination of property, such as cash, gold, land, apartments, cars, or other valuables. Dowry can also be done using the Qur'anic manuscripts and various prayer tools. Islam allows men to give dowry in any form (iron ring or merit).¹ However, not all items can be used as a wedding dowry. Items that can be used as dowry according to Sheikh Abdurrahman Al-Juzairi in his book of Fiqh of the Four Madzhab are not *ghasab*, but property or goods that have a price and can be used sacredly, and the condition of the goods must be clear.²

Today, along with the development of the times, technology and science, the form of dowry has also undergone many developments, which are generally in the form of dowry in the form of money or a set of prayer tools that can be seen and touched physically, now also starting to shift to electronic form or digital.³ One of the facts is the emergence of a dowry in the form of *Cryptocurrency* that has been applied by a married couple named BTE who comes from Bulukumba, South Sulawesi with a man named Raja MH April 2021 yesterday, who used a dowry of 2 (two) bitcoins.⁴ The use of dowry in the form of bitcoin is actually not the first time this has been done. In 2017, a married couple named IFW and DMW also used 1 (one) bitcoin as a dowry in their marriage, and this married couple was the first couple to use *cryptocurrency* as a wedding dowry.

The idea of using bitcoin as a wedding dowry, according to IFW, was inspired by other unique bridal ideas. For example, making stock as a wedding dowry. On the other hand, the wife herself also asked for this bitcoin to be used as a wedding dowry. Bitcoin itself was created in 2009 and is one of the many *cryptocurrencies* or digital currencies introduced by Satoshi Nakamoto as digital currency. Bitcoin, or in general a part of *cryptocurrency* is a digital currency that is used to transact on the Internet virtually. This digital currency is effectively decentralized unlike traditional currencies where there are middlemen in transactions. Digital currency payments are made from sender to recipient or commonly referred to as *peer-to-peer payments*.⁵

¹Catherine Guirking, Jérémie Gross, and Jean-Philippe Platteau, "Are Women Emancipating? Evidence from Marriage, Divorce and Remarriage in Rural Northern Burkina Faso", *World Development* 146 (October 1, 2021): 105512, <https://doi.org/10.1016/j.worlddev.2021.105512>.

²Syahrin Ramadhana, "Bitcoin Sebagai Mahar Pernikahan Menurut Pandangan Ulama Kota Banjarmasin," 2022.

³Mukhammad Nur Hadi, "Mahar Produktif Dalam Penalaran Ta'lili," *Qolamuna: Jurnal Studi Islam* 4, no. 2 (2019): 175.

⁴Ramadhana, "Bitcoin Sebagai Mahar Pernikahan Menurut Pandangan Ulama Kota Banjarmasin."

⁵Ita Musarrofa, "Dowry Trends in the Digital Age (Sociology of Law Review of the Use of Digital Dowry in the Cyber World Community)," *JURNAL HUKUM ISLAM* 19, no. 1 (2021): 151; Bobby Juliansjah Megah Miko, "Konsepsi Hukum Mahar Cryptocurrency Dalam Perkawinan," *Jurnal Ilmiah Universitas Batanghari Jambi* 22, no. 1 (2022): 126.

Basically, the dowry in the form of money in a marriage is justified by looking at the function of money as a medium of exchange, because the nature of the medium of exchange itself is a valuable asset. The possibility of receiving a dowry in cash is regulated in Article 1 letter d of the KHI which stipulates that the dowry can be in the form of goods, money, or services that do not violate Islamic law. However, then it became a separate question when the dowry used in the marriage was using bitcoin. Bitcoin cannot be said to be goods because it does not have a physical form, and cannot be said to be legal money because it is decentralized or not issued by the competent authority in a country.⁶From the series of explanations above, the issue of bitcoin being used as a wedding dowry is certainly interesting, because there is no clear law regarding bitcoin being used as a dowry in a marriage. Therefore, the author is interested in conducting an in – depth study of this matter.

METHODS

The research method using literature studies is descriptive – qualitative. The primary data source consists of; articles, websites, journals in related print and electronic media, and secondary data consist of; Books of fiqh, tafsir and books relevant to this study. The results of this study were concluded from the analysis in an inductive approach. This research will be elaborated starting from the development of Bitcoin, the concept of currency in Islamic law and the discourse of Islamic legal experts through religious organizations in Indonesia about Bitcoin.

RESULT AND DISCUSSION

The significance of "Mahar" in Islamic Marriage

Mahar, a term laden with meaning and value, has become an inseparable part of the marriage tradition in Islam. More than just a material gift, mahar represents appreciation, respect, and a husband's commitment to his wife. In Arabic, mahar is referred to as "mahr," meaning "payment" or "gift." Generally, mahar is defined as the obligatory gift from the husband to his wife as one of the conditions for a valid marriage in Islam.

The amount of mahar is not standardized in Islamic law. However, generally, it is adjusted based on the husband's financial capability and mutual agreement between both families. In practice, mahar can take various forms such as money, jewelry, land, or other valuable items. However, the essence of mahar is not solely in its material value but in the meaning and values it embodies. Mahar serves several essential functions and purposes in Islamic marriage, including:

1. Symbol of Appreciation and Respect from Husband to Wife

Mahar becomes tangible proof that the husband values and respects his wife as his life partner. Giving mahar demonstrates the husband's willingness to provide for and meet the needs of his wife, both materially and emotionally.

2. Protection and Assurance for the Wife

Mahar functions as a form of financial security for the wife in the event of divorce or the husband's demise. Mahar can serve as a provision for the wife to start anew or meet her daily living needs.

⁶Firman Surya Putra, "Urgensi Dan Kedudukan Shodaq (Mahar) Dalam Pernikahan," *Jurnal An-Nahl* 8, no. 2 (2021): 78; Miko, "Konsep Hukum Mahar Cryptocurrency Dalam Perkawinan," 130; Dika Prasetyo, "Mahar Perkawinan Dengan Uang Elektronik Dalam Perspektif Hukum Islam" (PhD Thesis, UIN SMH BANTEN, 2022).

3. Strengthening the Bond of Marriage

Mahar plays a role in strengthening the marital bond and fostering trust between husband and wife. The act of giving mahar symbolizes the husband's commitment to fulfilling his responsibilities as the head of the household.

4. Upholding the Dignity of Families

Mahar helps uphold the dignity of both the husband's and wife's families. The amount of mahar is not the primary measure; rather, mutual agreement and suitability are prioritized.

When selecting the form and amount of mahar, the husband should consider several factors:

1. Financial Capability of the Husband

Mahar should align with the husband's financial capacity without causing undue strain. The husband should not feel pressured to give an amount beyond his means.

2. Mutual Agreement

The amount of mahar should be determined through mutual agreement between the husband, wife, and both families. Effective communication and mutual respect are key in deciding on the mahar amount.

3. Tradition and Culture

In various regions, there are traditions and cultural aspects related to mahar. The husband can consider these values while adhering to Islamic principles.

Mahar is not merely a formality or tradition; it holds deep meaning and value in Islamic marriage. It symbolizes appreciation, respect, commitment, and protection for the wife. Therefore, every Muslim couple should understand and fulfill the obligation of mahar with consciousness and responsibility.

The dowry, known as "Mahar," is a crucial requirement for a valid marriage in Islam. It represents the wealth given by the groom or his family to the bride or her family during the marriage. The determination of the Mahar amount is based on the social status at the time of marriage and is typically agreed upon by the bride's side. The significance of Mahar is multifaceted:

1. **Demonstrates Seriousness:** In Islam, Mahar signifies the groom's commitment to marriage. By giving Mahar, the groom showcases seriousness and readiness to fulfill the responsibilities of a husband.
2. **Respect for Women:** It serves as a form of respect towards women. In Islam, women have rights equal to men, including the right to receive Mahar. The act of giving Mahar signifies respect and fair treatment towards women.
3. **Financial Assistance for New Families:** Mahar can aid the finances of a new family. In some cases, it helps in funding the wedding and starting a new life together.
4. **Prevents Divorce:** Mahar can act as a deterrent to divorce. It serves as a guarantee for the marriage to proceed well. In case of divorce, the bride has the right to retain Mahar as compensation for any losses incurred.

Mahar is a pivotal requirement for Islamic marriage with significant importance. It displays the groom's seriousness, respects women, assists in starting a new family financially, and acts as a deterrent to divorce. Hence, Mahar should be fulfilled and not

overlooked in marriage. In Islamic teachings, Mahar holds various crucial roles in marriage, including:

1. Mahar differentiates marriage from pre-Islamic practices, where brides received nothing. Its presence dignifies and safeguards marriage.
2. Mahar is an exclusive right of the bride that cannot be claimed by the husband or others. Giving Mahar reflects honor and respect for the bride.
3. A Requirement for Valid Marriage. It stands as one of the prerequisites for a valid Islamic marriage. Therefore, a marriage is not considered valid without Mahar.
4. Mahar can prevent divorce by acting as an assurance for a well-functioning marriage. In case of divorce, the bride has the right to retain Mahar as compensation for any losses.
5. Mahar signifies the groom's seriousness about marriage and serves as a form of respect for the bride.

Therefore, Mahar plays a significant role in marriage according to Islamic teachings. It is not merely a tradition but holds deep values and principles that should be upheld in marriage.

Excessive dowry in Islam refers to an amount that burdens or exceeds the capability of the prospective husband. This can diminish the blessings of marriage and contradicts the Islamic teaching of advocating simplicity. Some sources mention that excessive dowry may deter young people from marriage and from performing the recommended marital rituals. Prophet Muhammad emphasized the importance of facilitating dowry in marriage. Hence, excessive dowry is discouraged in Islam as it can complicate marriage and may lack blessings.

In Islam, Mahar constitutes a valid requirement for marriage and can be categorized into two types: "Mahar Musamma" and "Mahar Mitsil." These differ in value and method of provision:

1. Mahar *Musamma*: It is a clearly defined and agreed-upon dowry amount at the time of the marriage contract.
2. Mahar *Mitsil*: It is a dowry adjusted to the customary value and form acceptable to the family. The groom must present valuable items as dowry that are estimated to be willingly accepted by the bride, matching her family's lineage and characteristics.

Dowry in Islamic marriage can also be tangible items like gold, silver, or wheat, or items beneficial to the prospective bride's life, such as Quranic memorization and other valuable assets. In this context, the dowry is the responsibility of the prospective husband and should align with the desires and life of the prospective wife.

Determining a proper dowry in Islam involves essential considerations. Some guidelines and examples for dowries in Islam include:

1. Ease and Lightness: Prophet Muhammad encouraged requesting a dowry that isn't excessive, as it can burden the prospective husband. The best dowry is the simplest and lightest.
2. Based on Agreement: The dowry should be deliberated from the start and chosen within the means of the groom. It should be discussed and agreed upon by both parties, whether abundant or minimal.

3. Beneficial: The dowry should be something beneficial, both in worldly and religious terms. For example, gold, silver, prayer tools, Quranic memorization, or religious teaching services.
4. Not Excessive: The dowry should not be excessive, burdensome, forbidden, or without value. A good dowry alleviates the burden on both parties.

By considering these guidelines, prospective couples can determine a suitable dowry in line with Islamic teachings and principles of fairness and simplicity. In Islam, there are several types of dowry that can be given by the groom in marriage:

1. Money: Dowry in the form of money is a common and convenient option. Scholars have also provided guidelines regarding giving dowry in the form of money.
2. Gold or Silver: Dowry in the form of gold or silver is also commonly given in marriage. Gold or silver is considered valuable and can be an investment.
3. Valuable Items: Dowry can also be valuable items like jewelry, household furniture, or vehicles. These items can aid in starting a new life together.
4. Quranic Memorization: Dowry in the form of Quranic memorization can also be given. Quranic memorization is considered a valuable asset that can help strengthen faith and belief.
5. Services: Services or assistance that can benefit the wife can also be considered as dowry. For example, providing free labor for the wife or family.

These various forms of dowry provide flexibility and options for the groom to fulfill this obligation according to Islamic teachings and the preferences of the bride and her family.

Bitcoin is one of the many cryptocurrencies or generally known as digital currency that is used to transact on the Internet virtually.⁷ This digital currency is effectively decentralized unlike traditional currencies which have intermediaries in their transactions. Digital currency payments are made from sender to recipient or commonly referred to as peer-to-peer payments.⁸ Bitcoin can be said to be a pioneer in *Cryptocurrency*. Bitcoin was created by someone who calls himself Satoshi Nakamoto, who to this day no one knows who this real Satoshi Nakamoto is. Satoshi laid out the basic principles of *cryptocurrency* through his whitepaper entitled "*Bitcoin: A Peer-to-Peer Electronic Cash System*". Although bitcoin is not the only *cryptocurrency* in the world, it is still number one in selling value compared to *cryptocurrencies*.⁹

Bitcoin was created by Satoshi to eliminate the need for a central controller to control the entire financial system. Some of the concepts used are the existence of a database called blockchain. It is a publicly viewable ledger that allows anyone to view and validate financial transactions made on the blockchain. This ledger keeps track of all transactions that occur and makes it easy to see the flow of transactions. *Blockchain*, or block chain in Indonesian, is an arrangement of blocks that are connected to each other.¹⁰

Many people are attracted to bitcoin for a variety of reasons. It could be for reasons of interest in the technology, in its functionality, or in the opportunity to profit from the

⁷Tiara Dhana Danella, "Bitcoin Sebagai Alat Pembayaran Yang Legal Dalam Transaksi Online" (PhD Thesis, Brawijaya University, 2015).

⁸Raden Muhammad Arvy Ilyasa, "Legalitas Bitcoin Dalam Transaksi Bisnis Di Indonesia," *Lex Scientia Law Review* 3, no. 2 (2019): 115.

⁹Keisya Naomi Natalia Nababan, "Tinjauan Legalitas Transaksi Bitcoin Di Indonesia," *Jurist-Diction* 2, no. 5 (2019): 1745.

¹⁰Ashish Singh, Abhinav Kumar, and Zahid Akhtar, "Bitcoin Price Prediction: A Deep Learning Approach," in *2021 8th International Conference on Signal Processing and Integrated Networks (SPIN)* (IEEE, 2021), 1053–58.

difference in market prices. Bitcoin offers solutions to problems in the financial sector by using technology that is inexpensive and easy to implement and integrate into existing systems. Bitcoin is actually money.¹¹ However, not like money in general. Bitcoin has a very different way of working. If we recognize the existence of Bank Indonesia as the central bank that manages the circulation of rupiah currency, we will not find any central bank in the bitcoin system that manages the circulation of bitcoins. Bitcoin is also not issued by any country or any party in this world.

Bitcoin has nothing or anyone to back it up, and it is the community of bitcoin users who agree to use it as money. As an illustration, when we were little, we must have played with cooking and used broken house tiles or small stones as a medium of exchange. We as a community agree to accept the shards of tiles or stones as a medium of exchange and turn it into money. Likewise with bitcoin, starting from a small community in cyberspace, bitcoin began to be accepted by more communities because they agreed to accept bitcoin as a medium of exchange.

As previously explained, in Indonesia, generally, the dowry used is measured by the value of a currency, whether it be cash, gold, land, houses or others, because dowry is a treasure, not just a symbol. Along with the development of the times, technology and science, the forms of dowry began to undergo many changes. Which is generally in the form of a dowry in the form of money or a set of prayer tools that can be seen and touched physically, currently starting to shift to digital forms, one of which is bitcoin.

Bitcoin is basically money. However, not like money in general. Bitcoin has a very different way of working as we discussed earlier.¹² If we recognize the existence of Bank Indonesia as the central bank that manages the circulation of rupiah currency, we will not find any central bank in the bitcoin system that manages the circulation of bitcoins. Bitcoin is also not issued by any country or any party in this world.

Basically, dowry in the form of money is justified by looking at the function of money as a medium of exchange, because the nature of the medium of exchange itself is a valuable asset. The possibility of receiving a dowry in cash has been regulated in Article 1 letter d of the KHI which stipulates that the dowry can be in the form of goods, money, or services that do not violate Islamic law.¹³ However, then it became a separate question when the dowry used in the marriage was using bitcoin. Bitcoin cannot be said to be goods because it does not have a physical form, and cannot be said to be legal money because it is *decentralized* or not issued by the competent authority in a country.

Various opinions have emerged in answering this question, the MUI has issued a fatwa at the Ijtima Ulama Forum held in Jakarta which says that bitcoin is forbidden to use because it contains elements of *gharar*. With the evidence of a hadith, it is stated that transactions which include *gharar* (fraud) are prohibited by Islam.¹⁴ *Gharar* in question, if reflected in the study of Islamic law, means *al-khat'rand at-taqrir*, which means a doubt, deception or action aimed at harming others. And if we return to the view of Ibn Taymiyya who has classified *gharar* into three types, namely:¹⁵

¹¹Ilyasa, "Legalitas Bitcoin Dalam Transaksi Bisnis Di Indonesia," 127.

¹²Ferry Mulyanto, "Pemanfaatan Cryptocurrency Sebagai Penerapan Mata Uang Rupiah Kedalam Bentuk Digital Menggunakan Teknologi Bitcoin," *Indonesian Journal on Networking and Security* 4, no. 4 (2015): 2302.

¹³Putra, "Urgensi Dan Kedudukan Shodaq (Mahar) Dalam Pernikahan," 78 – 80.

¹⁴Nadrattuzaman Hosen, "Analisis Bentuk Gharar Dalam Transaksi Ekonomi," 2009; Muh Fudhail Rahman, "Hakekat Dan Batasan – Batasan Gharar Dalam Transaksi Maliyah," *SALAM; Jurnal Sosial & Budaya Syar-I* 5, no. 3 (2018): 255.

¹⁵Evan Hamzah Muchtar, "Muamalah Terlarang: Maysir Dan Gharar," *Jurnal Asy-Syukriyyah* 18, no. 1 (2017): 82; Rahman, "Hakekat Dan Batasan – Batasan Gharar Dalam Transaksi Maliyah," 255 – 56.

1. *Bai' al-Ma'dum*, namely buying and selling fictitious, or goods that are not certain whether or not there. Like buying and selling animal fetuses that are still in the mother's stomach.
2. *Bai' al-Ma'juz 'an Taslimih*, namely buying and selling goods that are difficult to hand over to buyers. Such as buying and selling motorbikes that have just been stolen, buying and selling loose birds, fish that are still in the ocean and so on.
3. *Bai' al-Majhul*, namely buying and selling goods whose characteristics, size and specifications are not clear.

Abdul Wahab in his book *Gharar* in Modern Transactions also adds that what is included in *gharar* is buying and selling goods that do not exist or are of unclear type and nature or are uncertain whether they can be delivered or not.¹⁶ So when viewed from the substance, this bitcoin does not have a very volatile form and price, then this becomes *gharar* in essence, and this bitcoin should not be used as a dowry in a marriage. Although basically *gharar* is prohibited, there are certain conditions that *gharar* can be allowed. One of them is if *gharar* in a contract it is small and not taken into account, then *gharar* is not a problem (not haram).

This is in accordance with the narrative of Ibn al-Qayyim:¹⁷

"Not every *gharar* causes forbidden (*haram*). *Gharar* if little or unavoidable, does not cause will be invalid. In contrast to *gharar*, which is numerous and can be avoided, namely the types of buying and selling prohibited by the Prophet Muhammad or similar practices, this is what destroys the validity of a contract." So, *gharar* That bit is *gharar* which is understandable in a market tradition. Where people consider it a normal thing and no one feels harmed. A simple example is buying and selling mobile phones which are still sealed in a box and cannot be opened unless paid for. Here there is *gharar* that occurs, because the buyer cannot see the contents in the box, whether it is really the cellphone in question or not, whether there is a defect or not. However, *gharar* is not disputed and is understandable.¹⁸

Likewise with the use of bitcoin as a wedding dowry, it must also be clearly stated how many bitcoins are used as the dowry. The concept used by bitcoin is also clear, namely in the form of a *block chain* or "ledger" that can be seen by everyone, so that everyone can see and validate financial transactions carried out on the *block chain*. This ledger records all transactions that occur, so that the flow of transactions can be seen easily. So, when this bitcoin is considered something *gharar*, this is no longer relevant because actually bitcoin is clear and transparent and can be seen by everyone. It's just that, maybe its use is still unknown to many people. This Bitcoin has been regulated by the government even though its use is no longer as a currency as it should be, but this bitcoin can still be used as an asset or commodity like gold. So, it can be said that Bitcoin has value in it.

¹⁶Rudi Arahman and Siti Lamusiah, "Transaksi Yang Mengandung Unsur Riba, Maysir, Dan Gharar Dalam Kajian Tindak Tutur," *Jurnal Ilmiah Telaah* 5, no. 2 (2020): 28.

¹⁷Arahman and Lamusiah, "Transaksi Yang Mengandung Unsur Riba, Maysir, Dan Gharar Dalam Kajian Tindak Tutur."

¹⁸Efa Rodiah Nur, "Riba Dan Gharar: Suatu Tinjauan Hukum Dan Etika Dalam Transaksi Bisnis Modern," *Al-'Adalah* 12, no. 1 (2015): 647; Angga Syahputra and Yoesrizal M. Yoesoef, "Praktek Gharar Pada Endorsement Produk Di Media Sosial Instagram," *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Syariah* 5, no. 2 (2020): 117–26.

This can be seen with the issuance of the Regulation of the Minister of Trade Number 99 of 2018 concerning General Policy for the Implementation of Crypto Asset Futures Trading[36] and the Regulation of the Commodity Futures Trading Supervisory Agency (CoFTRA) Number 7 of 2020 concerning the Establishment of a List of Crypto Assets that can be Traded in Crypto Asset Market which states that *cryptocurrencies* such as bitcoin are officially declared as crypto assets that have been registered as legal goods that can be traded as commodities in Indonesia. This is in accordance with the proposition of QS an Nisa/4: 4, With this regulation, this guarantees that the crypto currency (*cryptocurrency*) that we know today is not recognized as a legal tender in Indonesia, but as a crypto asset that can be traded on the Crypto Asset Market. So that if it is used as a dowry in a marriage, it is perfectly legal in his opinion, considering that the dowry is a valuable item and can be used.

However, it is hoped that the wife who will receive bitcoin as a dowry must also understand how to use the bitcoin. So that the dowry received is not something in vain, and is not considered a mere symbol of marriage.

CONCLUSION

From the previous review, the author can conclude that there are two opinions on the permissibility of bitcoin as a dowry, firstly, bitcoin should not be used as a dowry in marriage because of the element of *gharar* in bitcoin. As a marriage dowry because there is already a regulation by the government, but as an asset or commodity like gold that can be traded, so that it is in accordance with existing fiqh rules and it can be said that bitcoin has a useful value in accordance with the legal terms of the dowry.

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