

The Burial Shroud as Dowry: Discrimination Against Women in the Reality of Minangkabau Custom

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Abstract

In Nagari Padang Laweh, a dowry in the form of a burial shroud (kain kafan) is determined by customary law. This provision applies to every woman who marries, whether a maiden or a widow. The tradition aims to promote social equality and prevent jealousy among community members. However, from the perspective of Islamic law, women are granted the right to determine their own dowry as a form of respect, appreciation, and protection, as emphasized in Qur'an Surah An-Nisa (4):4. This study aims to analyze the social and legal meanings of the dowry tradition involving a burial shroud in Nagari Padang Laweh, and to examine its compatibility with the principles of dowry (mahr) in Islamic law. The research employs a qualitative approach with normative-descriptive analysis. Data were collected through interviews with customary leaders, religious scholars, and married couples, as well as a review of classical Islamic jurisprudence literature. The findings reveal that although the dowry tradition in the form of a burial shroud is intended to promote social equality, it effectively nullifies women's rights and neglects their protection, even appearing discriminatory. In Islamic law, the dowry is prescribed as something possessing economic value and utility, symbolizing honor and recognition of a woman, and she is granted the right to determine its form. Therefore, the dowry tradition involving a burial shroud is categorized as an 'urf fasid (corrupt custom) because it contradicts the objectives of Islamic law in upholding the rights and dignity of women within marriage.

Keywords: dowry; burial shroud; women's protection; Islamic law; Minangkabau customary law.

Introduction

In Islam, the marital dowry (mahr) is an obligation of the husband and serves as a symbol of sincerity and respect from a man toward a woman. It is not merely symbolic in value but also embodies a form of protection and security

for women.¹ As emphasized in Surah An-Nisa (4:4): “And give the women [upon marriage] their

¹ Firman Arifandi, *Serial Hadis Nikah 4: Mahar Sebuah Tanda Cinta Terindah*, 1st ed. (Jakarta: Rumah Fiqih Publishing, 2018); Subhan, “Nalar Kesetaraan Mahar Dalam Perspektif Syariah Islam,” *AT-TURAS: Jurnal Studi Keislaman* 4, no. 1 (2017): 1–16; Mohd Winario, “Esensi

dowries as a free gift, with full willingness.” (QS. an-Nisa’ [4]: 4).

Besides the Qur’anic command regarding mahr, historical records indicate that the Prophet Muhammad also provided dowries to his wives in the form of valuable assets such as gold, silver, livestock and other properties that had economic value. This practice was likewise followed by his Companions. The Prophet’s example illustrates that the dowry functions both as a form of respect and as a guarantee of security and protection for women.²

However, in Nagari Padang Laweh, Padang Laweh District, Dharmasraya Regency, there exists a customary tradition that stipulates the dowry must be in the form of a burial shroud (kain kafan) for every couple entering into marriage, whether the bride is a maiden or a widow. This tradition is believed to promote social equality within the community of Nagari Padang Laweh, as all who marry provide the same form of dowry, a burial shroud.³ It is therefore believed that giving the same dowry to every member of the community who marries will prevent social jealousy.

Dan Standarisasi Mahar Perspektif Maqashid Syariah,” *Jurnal Al-Himayah* 4, no. 1 (2020): 69–89; Nur Avita, Ahmad Rusyaid Idris, and Frina Oktalita, “Integration of Tradition and Sharia: Dowry and Dui Menre in the Marriage of the Bugis Community in Bone Regency,” *El-Mashlahah* 12, no. 2 (2022): 124–38, <https://doi.org/10.23971/elma.v12i2.4712>; Syafaat Akbar and Sainun, “The Existence of Dowry in Marriage: Between Symbol of Social Status and Religious Obligation,” *Intizar* 30, no. 1 (2024): 33–40, <https://doi.org/10.19109/intizar.v30i1.22709>.

² Dri Santoso et al., “Harmony of Religion and Culture: Fiqh Munakahat Perspective on the Gayo Marriage Custom,” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (2022): 199–218, <https://doi.org/10.18326/ijtihad.v22i2.199-218>; Diana Khotibi, “Kritik Al-Qur’an Terhadap Tradisi Mahar: Analisis Penafsiran QS. Al-Nisa’ Ayat 4,” *Kaca (Karunia Cahaya Allah): Jurnal Dialogis Ilmu Ushuluddin* 13, no. 1 (2023): 73–88, <https://doi.org/10.36781/kaca.v13i1.348>; Hasiyah et al., “Pemberian Mahar Di Era Digital: Pandangan Ekonomi Dan Perspektif Al-Qur’an,” *Al-Fawatih: Jurnal Kajian Al-Qur’an Dan Hadis* 6, no. 2 (2025): 277–91.

³ “Wawancara Dengan Beberapa Tokoh Nagari Padang Laweh Mei 2024,” n.d.

Although well-intentioned, this tradition raises problems when examined from the perspective of Islamic law. In this custom, women appear to have no right to determine their own dowry, as it is restricted to the burial shroud (kain kafan) prescribed by tradition. Moreover, the shroud does not even become the woman’s personal property.

From both economic and practical perspectives, the burial shroud has no financial or utilitarian value for the woman. In Islam, however, the dowry also carries a protective dimension, serving as a form of financial security for women, particularly in cases of divorce or the husband’s death. When the dowry lacks economic value, this protective function is effectively lost.

This research is significant because it brings together two realities: Minangkabau customary law, which emphasizes social equality, and Islamic law, which focuses on the protection of women’s rights. Through this study, it is hoped that a meeting point can be found between custom and Islamic law, allowing the tradition to be preserved without neglecting the principles of justice and the protection of women.

Studies on dowry (mahr) within the context of Islamic law and Indonesian culture have been widely conducted, particularly from four major perspectives. The first is the normative–fiqh (jurisprudential) aspect, as discussed by Rinda Setiyowati et al⁴ and Muhammad Suhufi.⁵ The second is the socio-cultural and ‘urf (customary practice) aspect, as examined by Efrinaldi et al,⁶

⁴ Rinda Setiyowati and Bomin Permata Abadi, “Konsep Mahar Dalam Perspektif Imam Syafi’i Dan Kompilasi Hukum Islam,” *Istidal: Jurnal Studi Hukum* 7, no. 1 (2020): 1–15, <https://doi.org/10.34001/istidal.v7i1.2110>.

⁵ Muhammad Shuhufi, “Mahar Dan Problematikanya (Sebuah Telaah Menurut Syari’at Islam),” *DIKTUM: Jurnal Syariah Dan Hukum* 13, no. 2 (2015): 121–28.

⁶ Nurfatati Efrinaldi, Jayusman, shafra, “Urf Review of The Practice of Gold Marriage Mahar in The Community of Tanjung Senag District Bandar Lampung,” *Al-Istinbath Jurnal Hukum Islam* 7, no. 1 (2022): 277–316; Jayusman et al., “Tradisi Mahar Berupa Emas Pada Perkawinan Masyarakat Kecamatan Tanjung Senang

Asrul Hamid et al.,⁷ Nur Mohamad Kasim⁸ and Endri Yenti et al.⁹ The third is the economic and symbolic aspect, as explored by Tuti Harwati et al.¹⁰ The fourth is the gender and women's rights aspect, as discussed by Yasna Zaidah¹¹ and Endri Yenti.¹² Studies that address the gender dimension remain relatively limited.

From the review of existing literature, several gaps can be identified in previous studies on dowry, particularly in the contextual analysis of Minangkabau 'urf. Most studies on 'urf are general in nature and do not specifically examine the Minangkabau cultural context, which is characterized by a matrilineal system. Moreover, there is a lack of research that analyzes issues of discrimination and human rights. Existing studies tend to emphasize the cultural normality of the practice rather than evaluating it from the perspective of justice and equality, which are core principles in Islamic law.

This study employs a qualitative approach with thematic analysis combined with normative and sosio cultural approaches. The thematic approach is used to identify and analyze key issues related to the practice of dowry in the form of a

burial shroud within Minangkabau custom (*urf*) and its implications for women. Furthermore, the normative approach is applied to assess this practice from the perspective of Islamic law, particularly based on the principles of justice and *urf*. Meanwhile the socio cultural approach help to understand this practice as a lived reality within society, thereby revealing the interconnection between customary norms, religious values, and evolving social constructions. The research was conducted in Nagari Padang Laweh, Padang Laweh District, Dharmasraya Regency, West Sumatra, an area that still preserves the tradition of using a burial shroud as part of its customary marriage practices. Primary data were collected through in depth interviews with customary leaders, religious scholars, married couples, clan chiefs (*penghulu*), and community members directly involved in the implementation of marriage customs. Secondary data were obtained from Islamic jurisprudence (*fiqh*) literature, as well as academic journals and legal articles related to the concept of *mahr* in Islamic law. The data were analyzed through a descriptive analytical method grounded in the theory of *urf* (custom) and Islamic legal principles on dowry. The analytical procedure involved three main stages : reducing the data, presenting the data, and drawing conclusion.

This research carries both strong academic and social urgency, as it offers a new perspective that bridges Islamic law, local custom ('urf), and gender justice. It expands the understanding that Islamic law does not merely assess the validity of *mahr* (dowry), but also considers aspects of justice and the protection of women's rights. By examining the Minangkabau 'urf, this study has the potential to serve as a model for how local wisdom can be evaluated through a Sharia-based lens, preserving cultural values without perpetuating injustice. The study provides an academic foundation for the reform of family law to be more gender-sensitive and equitable, aligning with the direction of national legal policy and international human rights principles. This

Perspektif Hukum Islam Dan Hukum Positif," *Muqaranab* 8, no. 1 (2024): 1–16.

⁷ Asrul Hamid et al., "Pergeseran Makna Mahar Dalam Tradisi Perkawinan Adat Mandailing: Perspektif Hukum Islam Dan Nilai Sosial," *FAMILIA: Jurnal Hukum Keluarga* 6, no. 1 (2025): 22–41, <https://doi.org/10.24239/familia.v6i1.298>.

⁸ Nur Mohamad Kasim, "The Implementation of Modest and Simple Principle to Mahr As a Contribution to The Indonesian Marriage Law," *Jurnal Hukum Dan Pembangunan* 50, no. 2 (2023): 540–48.

⁹ Endri Yenti et al., "A Set of Prayer Outfits as a Mahar? Discrimination Against Women in the 'Urf Reality of the Archipelago's Fiqh," *Al-Risalah* 20, no. 1 (2020): 17–30, <https://doi.org/10.30631/al-risalah.v20i1.567>.

¹⁰ Tuti Harwati, Atun Wardatun, and Nunung Susfita, *Fiqh An-Nisa'* (Mataram Nusa Tenggara Barat: Kencana PrenadaMedia Group, 2019).

¹¹ Yusna Zaidah, Syahrin Ramadhan, and Anwar Hafidzi, "Bitcoin as a Wedding Dowry : A Case of Marriage With a Dowry Currency Is Not Clear," *Al Hurriyah: Jurnal Hukum Islam* 8, no. 2 (2023): 83–93, <https://doi.org/10.30983/al-hurriyah.v8i2.5683>.

¹² Yenti et al., "A Set of Prayer Outfits as a Mahar? Discrimination Against Women in the 'Urf Reality of the Archipelago's Fiqh."

article will enrich the literature with empirical data on the practice of mahr kain kafan (shroud dowry) in Minangkabau, while also offering a new conceptual analysis of symbolic discrimination against women in customary religious practices. Rather than rejecting tradition, this research seeks to demonstrate how customary symbols can be recontextualized to remain consistent with the values of equality and respect for women's dignity.

Result and Discussion

Protection of Women in the Dowry (Mahr)

In the Qur'an, several terms are used to refer to mahr (dowry), including *sadukat*, which means sincerity, goodness, and honesty (Qur'an, An-Nisa': 4); *ajr*, which means recompense or compensation (Qur'an, An-Nisa': 24–25); *faridah*, which denotes an obligation (Qur'an, Al-Baqarah: 236–237); *nihlah*, which means a voluntary gift (Qur'an, An-Nisa': 4); and *qintar*, which signifies a great amount of wealth (Qur'an, An-Nisa': 20).¹³ These various terms for mahr convey the meaning that the giving of mahr is a mandatory act performed sincerely by the husband for his wife, symbolizing the husband's responsibility, as well as his respect and protection toward the woman.

As a form of respect toward women, mahr should ideally possess economic value. The practice of giving mahr with economic worth as an expression of protection and honor for women can be observed in the mahr given by the Prophet Muhammad (peace be upon him) to his wives.¹⁴ For instance, Khadijah bint Khuwaylid was given a mahr consisting of twenty camels. This substantial amount presented by the Prophet SAW to Khadijah reflected his deep respect for

her. Aishah bint Abi Bakr, when married to the Prophet, received a mahr of five hundred dirhams, an amount consistent with the customary dowry among the people of Madinah at that time. This also indicates that the Prophet provided a mahr with tangible economic value. Likewise, Sawdah bint Zam'ah was given a mahr of four hundred dirhams, as were Zaynab bint Jahsh and Hafsa bint Umar ibn al-Khattab. Umm Habibah (Ramlah binti Abi Sufyan) received a mahr of four hundred dirhams, which was granted on behalf of the Prophet SAW by King Najashi.¹⁵ The amount was considered very large at that time. Upon examination, it becomes evident that the marital dowry given by the Prophet SAW to his marital partners carried significant economic value.

In the pre-Islamic (Jahiliyyah) era, Arab society did not give mahr directly to women; instead, it was received by their fathers or guardians. Then came verse 4 of Surah an-Nisa', which was revealed to correct this injustice and to establish that the mahr rightfully belongs to women themselves.¹⁶ In Jahiliyyah society, when a man married a woman, the mahr given by the prospective husband was not granted to the woman herself but was taken by her father or guardian as a form of "payment" or "price" for his daughter's marriage.¹⁷ Thus, women had no

¹⁵ Imam Al-Nawawi, *Syarab Shabih Muslim* (Jakarta: Dar al-Sunnah, 2013); Mukhammad Nur Hadi, "Mahar Produktif Dalam Penalaran Ta'limi," *Qolamuna* 4, no. 2 (2019): 171–94, <https://ejournal.stismu.ac.id/ojs/index.php/qolamuna/article/view/134>.

¹⁶ Rabith Madah Khulaili Harsya and Umdah Aulia Rohmah, "Konsep Mahar Pekawinan Dalam Fiqh Kontemporer Analisis Mubadalah," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (2022): 495–504, <https://doi.org/10.37680/almanhaj.v4i2.1973>; Dian Friantoro and Akhmad Akbar Susanto, "The Determinants of the Value of Mahr in Muslim Societies: Evidence from the Indonesian Family Life Surveys," *Jurnal Ekonomi & Studi Pembangunan* 22, no. 2 (2021): 323–39, <https://doi.org/10.18196/jesp.v22i2.11918>.

¹⁷ Khairuddin, "Mahar Dalam Islam: Hukum, Tuntutan, Dan Realitas Sosial," *Journal of Dual Legal Systems* 1, no. 2 (2024): 87–102, <https://doi.org/10.58824/jdls.v1i2.222>.

¹³ Putra Halomoan, "Penetapan Mahar Terhadap Kelangsungan Pernikahan Ditinjau Menurut Hukum Islam," *JURIS* 14, no. 2 (2015): 107–19.

¹⁴ Zulaifi, "Konsep Mahar Menurut Pemikiran Ulama Empat Mazhab Dan Relevansinya Di Era Kontemporer," *Qawwam: Journal for Gender Mainstreaming* 16, no. 2 (2022): 105–20, <https://doi.org/10.20414/qawwam.v16i2.5348>.

rights over the mahr at all, and their position was reduced to that of an object of transaction in the marriage contract.

Such a practice illustrates how the social system of the Jahiliyyah era positioned women not as subjects with rights, but as part of the family's assets that could be "exchanged."

It was in this context that Islam emerged, bringing a profound social reform concerning women's rights, including their right to receive and own the mahr. Allah affirms in Surah An-Nisa' [4]:4: "And give the women (whom you marry) their dowries as a free gift (given) with goodwill."

This verse establishes two fundamental principles: first, that the mahr is the absolute right of the woman, and second, that it must be given sincerely. The phrase "saduqatihinna" signifies that the mahr belongs solely to the woman herself.¹⁸ Through this verse, Allah revoked the right of the guardian or the woman's family to take possession of the mahr.

The mahr is not compensation to the bride's family but a form of honor and respect for the woman being married. The term *niḥlah* in the verse signifies a sincere and voluntary gift, something given willingly, not under compulsion, nor to be reclaimed after marriage.

Ibn Kathir, in his *Tafsīr al-Qur'an al-ʿAzīm*, explains that this verse signifies a major transformation in the social structure of Arab society. Previously, women had no authority over the mahr property; however, after the revelation of this verse, Islam established the mahr as a form of appreciation, respect, and economic protection for women.¹⁹ The mahr is not a "price" for the woman but rather a symbol of sincerity and responsibility on the part of the husband toward his future wife.

According to al-Qurṭubi, the use of the term *saduqat* (derived from the root word *ṣidq*, meaning "truthfulness" carries deep moral

significance, it reflects the husband's honesty and genuine intention in building a marital relationship.²⁰ Thus, the mahr is not merely a material obligation but also a symbol of sincerity and spiritual commitment.

From the social and Islamic legal perspective, the institution of mahr provides both economic and moral protection for women. First, women have full ownership rights over the mahr, which cannot be contested or taken away, thereby granting them a basic level of financial security both during marriage and in the event of divorce. Second, the mahr serves as a form of recognition of a woman's dignity as an autonomous individual, rather than merely a complement within the institution of marriage.

Thus, the revelation of the verse on mahr was not merely an administrative directive, but a moral and social revolution in the treatment of women. Islam upholds justice and respect for women through the mahr system, which essentially embodies *al-ʿadl* (justice) and *al-ikrām* (honor) as the fundamental principles of marriage law in Islam.

The Dowry Tradition of Burial Shrouds in Nagari Padang Laweh

Nagari Padang Laweh in Dharmasraya is a region that forms part of the Minangkabau area, deeply rooted in the philosophy of Adat Basandi Syarak, Syarak Basandi Kitabullah, meaning that every customary practice must be grounded in Islamic moral and religious values. In practice, however, certain variations and local adaptations have emerged over time. Women in Minangkabau society are recognized and respected as honorable individuals.²¹ Regarding the marriage mahr in this Nagari, there exists a traditional practice that has

²⁰ Muhammad bin Ahmad bin Abi Bakr Al-Qurṭubi, *Al-Jami' Al-Abkam Al-Qur'an* (Beirut: Al Resalah, 2006).

²¹ Miswardi et al., "Gender Dynamics in Minangkabau Customs: Women's Role in Safeguarding and Preserving High Heirlooms Introduction Minangkabau," *HUMANISMA: Journal of Gender Studies* 8, no. 2 (2024): 165–79, <https://doi.org/10.30983/humanisma.v8i2.9158>.

¹⁸ Abu al-Fida' Ismail bin Umar bin Katsir, *Tafsīr Al-Quran Al-ʿAdzīm* (Beirut: Dar Ibn Hazm, 2000).

¹⁹ Katsir.

long existed in which the dowry is given in the form of a burial shroud (*kain kafan*). This custom has been passed down from generation to generation. As stated by a Dubalang (traditional leader or *ninik mamak*) of Padang Laweh²² every member of the community who marries is required to provide a burial shroud (*kain kafan*) as the mahr. This practice has existed for so long that, according to him, no one can recall exactly when the tradition of giving a burial shroud as dowry was first established.

According to the account of a traditional leader, Datuk Penghulu Mudo Judin, the origin of the burial shroud (*kain kafan*) as mahr dates back to a time of economic hardship and limited transportation. During that period, the *ninik mamak* (customary elders) agreed to establish the burial shroud as the standard dowry, considering it easier to obtain under those circumstances.²³ A similar view was also expressed by a Dubalang, one of the *ninik mamak* (customary elders) of Padang Laweh²⁴ He stated that the burial shroud (*kain kafan*) was easier to obtain as a mahr compared to other items, since the community's economic condition at that time was generally underprivileged. Therefore, the *ninik mamak* (customary elders) made an adat agreement stipulating that for their descendants who marry, the mahr should be in the form of a burial shroud. This view is also supported by Angku Syukri, a religious scholar from Nagari Padang Laweh.²⁵ From the accounts of the figures mentioned above, it is evident that the tradition of giving a burial shroud (*kain kafan*) as mahr originated from the social and economic realities of the past. In earlier times, people lived in hardship with relatively low economic conditions, so providing a dowry in the form of valuable

assets such as gold, money, or other precious items was considered impractical and could potentially create social jealousy among families.

Furthermore, Datuk Penghulu Mudo added that the establishment of the burial shroud (*kain kafan*) as the mahr aimed to prevent difficulties in marriage. At that time, the community faced severe economic hardship, and this measure was also intended to avoid social jealousy.²⁶ Thus, it is evident that the primary purpose of giving a burial shroud (*kain kafan*) as mahr was to maintain social equality and prevent jealousy among community members.

Furthermore, Datuk Penghulu Mudo explained that in practice, the number of burial shrouds (*kain kafan*) given as mahr varies depending on the marital status of the bride. If the bride is a virgin, the mahr consists of five pieces of burial shroud; if she is a widow, the mahr consists of six pieces.²⁷ The local Office of Religious Affairs (Kantor Urusan Agama or KUA) also confirmed that the mahr in the form of a burial shroud (*kain kafan*) in Padang Laweh is a long-standing tradition that has been practiced by the community, particularly by those entering into marriage.²⁸ Halima, a woman from Nagari Padang Laweh, also confirmed this tradition. She stated that when she got married in 2023, she was given a mahr consisting of five pieces of burial shroud (*kain kafan*).²⁹ Widya stated that she was given six pieces of burial shroud (*kain kafan*) as her mahr because she was a widow.³⁰

In addition, the choice of a burial shroud (*kain kafan*) also carries a symbolic and spiritual meaning. It serves as a reminder that all human beings will ultimately return to Allah in the same state, wrapped only in a burial shroud. This

²⁶ "Datuk Penghulu Mudo, Wawancara Juni 2025," n.d.

²⁷ "Datuk Penghulu Mudo, Wawancara Juni 2025."

²⁸ "Jamalus Penyuluh KUA Padang Laweh, Wawancara Juni 2024," n.d.

²⁹ "Halima, Warga Nagari Padang Laweh, Wawancara Mei 2024," n.d.

³⁰ "Widya, Warga Nagari Padang Laweh, Wawancara Juni 2024," n.d.

²² "Dubalang Ninik Mamak Nagari Padang Laweh, Wawancara Mei 2024," n.d.

²³ "Datuk Penghulu Mudo Judin, Wawancara Mei 2024," n.d.

²⁴ "Dubalang Ninik Mamak Nagari Padang Laweh, Wawancara Mei 2024."

²⁵ "Angku Syukri Ulama/Dai, Wawancara Mei 2024," n.d.

symbolism conveys a moral message of simplicity and purity of intention in marriage, emphasizing that marriage is not a display of wealth but a sacred act of worship. This interpretation was conveyed by Angku Datuk Marajo and Angku Sukri.³¹

From the interviews with various local figures mentioned above, it is evident that the burial shroud (*kain kafan*) is established by custom as a symbolic mahr that must be given by the groom to his bride, whether she is a virgin or a widow. The choice of the burial shroud as mahr is considered socially and religiously neutral, symbolizing the awareness of death that unites all human beings regardless of social status.

In the Minangkabau community of Nagari Padang Laweh, which highly values togetherness, giving mahr of differing amounts is considered potentially unfair and could disrupt social harmony within the community. Therefore, the *kain kafan* dowry is regulated as a customary standard that applies to all members of society, regardless of social, economic, or family status. In this way, both the rich and the poor offer the same mahr, a burial shroud (*kain kafan*).

From a historical perspective, this tradition also reflects the community's way of managing social equality and collective morality, where extravagance in mahr was seen as a potential threat to social harmony among families. Therefore, the Padang Laweh customary system seeks to establish a uniform and simple standard for dowries.

Nevertheless, from the perspective of Islamic law, this pursuit of equality requires reconsideration, as the mahr is not determined by custom or community elders, and it is not merely symbolic. Rather, it represents an economic right and a form of protection for women, as emphasized in Surah An-Nisa' (4:4). When the mahr is too small or lacks economic value, its protective function for women is lost and may even appear discriminatory.

³¹ "Angku Datuk Marajo, Wawancara Juni 2024," n.d.; "Angku Syukri Ulama/Dai, Wawancara Mei 2024."

Urf as a Source of Islamic Law

Etymologically, the term *urf* (العرف) means something that is known and considered good by people. Meanwhile, terminologically (according to scholars of *usul al-fiqh*), *urf* refers to anything that has become a customary practice within a community, is accepted by sound reason, does not contradict the Sharia, and is repeatedly performed by many people.³² In other words, *urf* is a custom that exists within society and is regarded as normal, good, and influential in determining legal rulings, as long as it does not contradict the *nass* (the Qur'an and the Sunnah).

Scholars accept *urf* as a secondary source of Islamic law (legal evidence) after the Qur'an, the Sunnah, *Ijma'*, and *Qiyas*. This legitimacy is based on Surah al-A'raf (7): 199.

خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِينَ

"Be gracious, enjoin what is right (*ma'ruf / urf*), and turn away from the ignorant." (QS. Al-A'raf [7]: 199)

This verse indicates that *urf* or good custom may serve as a guideline in behavior and in the formulation of legal rulings. Furthermore, the Prophet's hadith narrated by Ahmad and al-Bayhaqi states: "Whatever the Muslims deem good is also good in the sight of Allah." (Narrated by Ahmad and al-Bayhaqi).³³

This hadith indicates that social customs regarded as good and consistent with Islamic values may serve as a basis for establishing legal rulings. In addition to the Qur'anic verse and the hadith, there is also a well-known *fiqh* maxim

³² Darnela Putri, "Konsep 'Urf Sebagai Sumber Hukum Dalam Islam," *El-Mashlahab* 10, no. 2 (2020): 14–25, <https://doi.org/10.23971/maslahah.v10i2.1911>; Ismail et al., "The Contribution of 'Urf to the Reform of Islamic Inheritance Law In Indonesia," *Al-Risalah Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 2 (2022): 165–78, <https://doi.org/10.30631/alrisalah.v22i2.1243>.

³³ Al-Syaukani, *Irsyad Al-Fuḥul Ila Tabḥiq Al-Haq Min Ilm Al-Ushul* (Mesir: Idarah al-Thiba'ah al-Muniriyyah, n.d.); Efrinaldi, Jayusman, shafra, "Urf Review of The Practice of Gold Marriage Mahar in The Community of Tanjung Senag District Bandar Lampung"; Ismail et al., "The Contribution of 'Urf to the Reform of Islamic Inheritance Law In Indonesia."

المعروف عرفاً كالمشروط شرطاً : “Something that is recognized by custom (*urf*) holds the same status as a condition explicitly stipulated in a contract.”

This legal maxim affirms that well-established customs within a community can serve as binding legal grounds in social relations and contractual transactions. Not all societal customs can serve as the basis for legal rulings. A custom (*urf*) can only be considered a valid legal source if it meets certain conditions: it must be widespread and continuously practiced within the community (not incidental), must not contradict the textual sources of Sharia (the Qur’an and Sunnah), must have existed prior to the legal event in question (not fabricated afterward), must not nullify any explicit legal ruling (*qat’i*), and must align with the objectives of Sharia (*maqasid al-shari’ah*), such as justice, public welfare, and ease.³⁴

In the science of *usul al-fiqh*, *urf* (customary practices of the community) is recognized as one of the sources of Islamic law that may serve as a legal basis, in accordance with the legal maxim: *العَادَةُ مَحْكَمَةٌ* (*al-‘adah muhakkamah*) “Custom may serve as a basis for legal judgment.”

Custom (*urf*) may serve as a basis for legal judgment, provided that it does not contradict the *shar’i* texts (the Qur’an and the Sunnah).

³⁴ Muhammad Furqan and Syahrial Syahrial, “Kedudukan ‘Urf Sebagai Sumber Hukum Dalam Mazhab Syaifi’i,” *Jurnal Al-Nadhair* 1, no. 2 (2022): 68–118, <https://doi.org/10.61433/alnadhair.v1i2.9>; Nofiardi, “The ‘Urf Perspective of Maanta Barih Pasaran: Reinforcing the Kinship System through a Local Wisdom in Nagari Balingka,” *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (2022): 75–92, <https://doi.org/10.29240/jhi.v7i1.4132>; Efrinaldi, Jayusman, shafra, “Urf Review of The Practice of Gold Marriage Mahar in The Community of Tanjung Senag District Bandar Lampung”; Jayusman, Efrinaldi, and Shafra, “Local Wisdom Equality in Marriage of Gold Entrepreneurs in Kasui Pasar Village,” *Journal Ilmiah Al-Syirab* 21, no. 1 (2023): 104–19; Usman Al Farisi et al., “Negotiation Between Customary Law and Islamic Law: The Practice of Palang Pintu in The Traditional Marriage in The Betawi Muslim Community,” *De Jure: Jurnal Hukum Dan Syaria* 15, no. 2 (2023): 268–85, <https://doi.org/10.18860/j-fsh.v15i2.21241>; Putri, “Konsep ‘Urf Sebagai Sumber Hukum Dalam Islam.”

Scholars of *usul al-fiqh* classify *urf* into two main categories:³⁵

a. *Sahih Urf* (valid custom) refers to customary practices that do not contradict the *shar’i* evidences, bring about benefit (*maslahah*), are rationally acceptable and in accordance with human nature (*fitrah*), and do not contain elements of injustice, discrimination, or degradation of human dignity.

b. *Fasid Urf* (corrupt custom) refers to customs that contradict Islamic law, such as those involving injustice, causing harm to one party (especially women or children), neglecting rights established by the *shari’ah*, or permitting what is forbidden and forbidding what is lawful.

Islamic Legal Analysis of the *Kain Kafan Dowry*

There is no *nash* (explicit textual provision) that specifies in detail the form, amount, or conditions of the *mahr* (dowry) to be given to a woman. Islamic law does not set a fixed type, size, or value for the *mahr*. This flexibility is intended to accommodate the varying economic capacities of men, as each individual’s financial situation differs. Therefore, the giving of *mahr* is based on the husband’s ability and the bride’s willingness, both of which determine its form, amount, and value.

Although there is no *nash* (explicit textual evidence) detailing the form, amount, or value of the *mahr*, the practice of the Prophet in giving *mahr* to his wives reflects that it possessed clear economic value. It is reported that Umar ibn al-Khattab once set an upper limit for *mahr*, stipulating that it should not exceed 400 dirhams. However, this regulation by Umar was later challenged by a woman³⁶ by using a textual

³⁵ Nofiardi, “The ‘Urf Perspective of Maanta Barih Pasaran: Reinforcing the Kinship System through a Local Wisdom in Nagari Balingka.”

³⁶ Lafal *qinbar* yang terdapat di dalam ayat senilai 1200 *uqiyah* emas. Al-Shan’ani, *Subul Al-Salam*, Juz ke-3 (Bandung: Maktabah Dahlan, n.d.); Santoso et al., “Harmony of Religion and Culture: Fiqh Munakahat Perspective on the Gayo Marriage Custom.”

argument (dalil) from the Qur'an an-Nisa' (4) ayat 20. *واتيم احدهن قنطارا*.
 "...And you have given one of them (your wives) a great amount of dowry..."

Upon hearing the woman's explanation, Umar eventually revoked his decree limiting the mahr to 400 dirhams and acknowledged the correctness of her opinion. This story illustrates that the mahr is strongly encouraged to take the form of property or wealth of real economic value, except in cases of financial incapacity. This is further exemplified by the story of a Companion of the Prophet who, having no possessions, was advised by the Prophet to offer as his mahr the verses of the Qur'an he had memorized. Both narratives demonstrate that the preferred form of mahr is something material and valuable, while a mahr of low economic worth is only acceptable in exceptional circumstances, such as that of the impoverished Companion whose mahr consisted of teaching the Qur'an.

On this basis, the jurists (fuqaha') established several criteria for property that may be designated as mahr: it must be something that can be owned, lawful to trade, clearly defined in type and quantity, free from elements of deception, and beneficial in nature.³⁷ As for the minimum amount of mahr, according to the Maliki school it is equivalent to three dirhams or one-quarter of a dinar (approximately 1.125 grams of gold). The Hanafi school further emphasizes that, although there is no explicit nass (text) specifying the amount of mahr,³⁸ it does not mean that the mahr can be given arbitrarily according to the husband's wishes. The minimum mahr, according to the Hanafi school, is valued at ten dirhams. A different opinion is expressed by the Shafi'i and Hanbali scholars, who maintain that anything may serve as mahr as long as it has

monetary value and is legally permissible for trade.³⁹

From the perspective of the juristic opinions of the fuqaha', it can be seen that a mahr in the form of a burial shroud (*kain kafan*), although it may be considered property and can be traded, possesses minimal economic value. Therefore, a mahr consisting of a burial shroud is legally valid in a formal sense but morally and socially inadequate in fulfilling the objectives of shari'ah, namely, to honor, respect, and provide economic protection for women, as exemplified by the Prophet Muhammad (peace be upon him). A mahr in the form of a burial shroud does not reflect genuine respect toward women and lacks financial value.

In Islamic law, the mahr is the exclusive right of the woman; therefore, it may not be taken, reduced, or controlled by the husband, guardian (wali), or any other family member without the wife's full consent.⁴⁰ The mahr is not determined by the father but rather through mutual agreement between the husband and wife, as affirmed in the Qur'an (Surah An-Nisa' [4]: 4). Meanwhile, the *kain kafan* (shroud) mahr tradition in Nagari Padang Laweh is established by customary law (adat), not by the marrying couple. Women, in this context, have no right to determine the mahr they desire, since the requirement of the *kain kafan* as mahr has become a binding customary rule that cannot be contested.

Next, regarding the function of the burial shroud (*kain kafan*) as a dowry, in the tradition of Nagari Padang Laweh, the shroud is not utilized

³⁹ Firman Arifandi, *Serial Hadis Nikah 4: Mahar Sebuah Tanda Cinta Terindah*; Setiyowati and Abadi, "Konsep Mahar Dalam Perspektif Imam Syafi'i Dan Kompilasi Hukum Islam."

⁴⁰ Khairuddin, "Mahar Dalam Islam: HUKUM, Tuntutan, Dan Realitas Sosial"; Arshi Showkat, "The Principle and Practice of Mahr in Muslim Marriage," *Feminist Theology* 31, no. 2 (2022): 197–209, <https://doi.org/10.1177/09667350221134992>; Refni Handini Listani et al., "Hegemonic Masculinity in The Tradition of Women Proposing Marriage," *HUMANISMA: Journal of Gender Studies* 8, no. 2 (2024): 180–95.

³⁷ Wahbah Al-Zuhaili, *Fiqh Islam Wa Adillatuhu* (Depok: Gema Insani Press, 2011).

³⁸ Sayid Sabiq, *Fikih Al-Sunnah*, Jilid ke-2 (Kairo: Maktabah Dar al-Turas, 2005); Abdurrahman Al-Jaziri, *Al-Fiqh Ala Mazahib Al-Arba'ah*, Jilid ke-4 (Beirut: Dar al-Kutub al-Ilmiyah, 1990).

by the woman herself, but rather reserved for her descendants in case of disputes, as explained by Angku Datuk Marajo.⁴¹ In fact, according to the concept of Islamic law, the mahr (dowry) is the full property of the woman, allowing her to use it as she wishes. This ownership and benefit of the mahr by the woman reflect recognition and respect for her as an acknowledged individual. A woman is not merely a complement in marriage; she is an individual who is honored within it.

This is what al-Qurṭubi explains in his work, that this verse was revealed to correct the pre-Islamic (Jahiliyyah) practice of not granting mahr to women.⁴² This verse portrays women as recognized individuals whose rights are also acknowledged, including the right to mahr, as a symbol of respect, appreciation, and protection for women. Thus, the verse was revealed to break the chain of injustice and to affirm that women have full ownership rights over their mahr.

Meanwhile, in the tradition of using burial shrouds (*kain kafan*) as mahr in Nagari Padang Laweh, the mahr is determined by custom. Women in Nagari Padang Laweh are not given the freedom to choose what they desire as mahr. In fact, the burial shroud given as mahr is considered to have little or even no practical value for them. This tradition appears to contradict the principles of Islamic law, which grant women the right to determine their mahr. Islam not only gives women the right to choose their mahr but also allows them to use it as they wish. The right to mahr reflects respect and honor toward women. Conversely, the tradition of giving burial shrouds as mahr in Nagari Padang Laweh does not reflect such respect for women.

In Islam, the mahr is not merely symbolic but is strongly encouraged to have a substantial economic dimension. It serves as a form of

financial security for women,⁴³ both during marriage and after divorce. In this context, Islam anticipates the potential economic vulnerability that women may face if the marriage comes to an end. The fuqaha' (Islamic jurists) affirm that mahr is a financial right (*ḥaqq mali*) belonging to the wife from the moment the marriage contract is valid. Although no specific Qur'anic verse or hadith prescribes the exact value of the mahr, the practice of the Prophet Muhammad (peace be upon him) and his companions, who often gave mahr of considerable value, is viewed as a form of economic protection for women as well as an expression of respect and honor toward them.

Therefore, giving mahr in the form of items with economic value, such as gold, money, land, or other movable assets, is in accordance with the principles of shari'ah in protecting women's financial rights. As Endri Yenti stated in her writing, the mahr plays an important role in supporting women's economic and financial well-being and should not be a means of discrediting them.⁴⁴ A similar view is also expressed by Mukhammad Nur Hadi.⁴⁵

In the context of the Nagari Padang Laweh community, the tradition of giving mahr in the form of a burial shroud (*kain kafan*) is intended to create social equality and prevent economic jealousy between families. All couples, whether brides or widows, receive the same mahr, namely a burial shroud. Culturally, this tradition carries

⁴³ Harwati, Wardatun, and Susfita, *Fiqh An-Nisa'*; Ali Maskur et al., "Enkulturasasi Hukum: Pemberian Mahar Hewan Kerbau Dalam Perkawinan," *Iqtisad: Reconstruction of Justice and Welfare for Indonesia* 9, no. 2 (2022): 145–65, <https://doi.org/10.31942/iq.v9i2.7270>; M. Husen MR, Hamdani, and Ratri Candrasari, "Tradisi Dan Status Sosial Dalam Penetapan Mahar Perkawinan Di Gampong Mamplam Aceh Utara," *Jurnal Ilmu Sosial Dan Ilmu Politik Malikussaleh (JSPM)* 3, no. 1 (2022): 32–41.

⁴⁴ Yenti et al., "A Set of Prayer Outfits as a Mahar? Discrimination Against Women in the 'Urf Reality of the Archipelago's Fiqh."

⁴⁵ Mukhammad Nur Hadi et al., "Wage-Based Dowry Legal Paradigm: Perspectives of Muslim Generation Z in Surabaya," *Al-Ahkam* 33, no. 2 (2023): 157–82, <https://doi.org/10.21580/ahkam.2023.33.2.17591>.

⁴¹ "Angku Datuk Marajo, Wawancara Juni 2024."

⁴² Al-Qurṭubi, Juz 5, *Al-Jami' Al-Ahkam Al-Qur'an*, 99.

symbolic meaning, serving as a reminder of death and human humility.

However, from a social and Islamic legal perspective, this practice has negative implications for women's economic position, as the mahr loses its economic function and its role as financial protection for women. The burial shroud cannot be directly utilized by the wife to improve her well-being, either during marriage or after divorce. In cases of divorce or the husband's death, women are left without economic assets to support their livelihood. In the long run, this may reinforce women's economic dependence on their extended families.

The mahr in the form of a burial shroud thus becomes symbolic rather than substantive. This tradition forces women to accept a uniform mahr without considering socioeconomic conditions or personal agreements, thereby diminishing women's autonomy in marriage. Within this custom, women lose the opportunity to obtain adequate financial security and, consequently, their right to negotiation.

The giving of a burial shroud as mahr emphasizes the symbolic spiritual aspect (death) more than economic protection or social honor. This stands in contrast to the Islamic concept of *ta'zim wa takrim al-mar'ah* (honoring and dignifying women) in the mahr institution. The custom standardizes mahr without considering each couple's economic and social context, whereas Islam teaches the principle of proportional justice (*al-'adl al-muwazan*), not mere formal uniformity.

In line with this, Endri Yenti's research concludes that mahr practices lacking real economic value risk "undermining the protective meaning of mahr for women and reducing them to mere symbols of custom, rather than legal subjects with economic rights." Thus, it becomes evident that the mahr in the form of a burial shroud within the Padang Laweh customary context can be understood as a structurally discriminatory practice, even though its original intention was to maintain social equality. The

discriminatory aspects are reflected in the reduction of women's economic rights, the imposition of uniformity that negates substantive justice, the symbolic form that overlooks the objectives of shari'ah, and the potential long-term violation of women's rights. Therefore, although the Padang Laweh custom seeks to preserve social harmony, in substance it does not align with the Islamic legal principles of women's protection, which regard mahr as an instrument of respect, financial security, and legal protection for women.

Thus, the mahr in the form of a burial shroud, although legally valid since it constitutes a tangible object with minimal utility, is not ideal from either a shari'ah or social perspective, as it eliminates the mahr's economic function and has the potential to create discrimination against women. In the context of Nagari Padang Laweh, the tradition of giving a burial shroud as mahr is intended to promote social equality and prevent economic jealousy among families. This goal is socially positive, as it helps maintain community harmony. However, when evaluated from the perspective of Islamic law, the practice appears discriminatory toward women. Therefore, any customary practice that discriminates against women is categorized as *'urf fasid* (a corrupt or invalid custom).

Conclusion

This Study concludes that its primary objective is to analyze the practice of dowry in the form of a burial shroud within Minangkabau custom (*urf*) and its implications for women from the perspective of Islamic law. It also examines whether this practice can be classified as a valid *urf* or whether it contradicts the fundamental principles of the shari'ah, particularly justice toward women. The findings indicate that the practice is not merely symbolic but also has the potential to reproduce gender inequality and contain elements of discrimination against women. From a normative perspective this practice tends to conflict with the principle of

justice in Islam, as a dowry should represent respect and meaningful provision for women. Therefore it is more appropriately categorized as *urf fasid*. The contribution of this study lies in integrating customary practices, Islamic legal analysis, and gender justice perspectives in understanding dowry contextually. It enriches the discourse on Islamic family law and encourages the reinterpretation of local customs to align with justice and public welfare. However, this study is limited by its relatively narrow data scope and predominantly qualitative approach. Future research is recommended to adopt broader empirical methods to strengthen and expand these findings.

Suggestion

To harmonize the tradition of using *kain kafan* (shroud cloth) as a dowry with Islamic law, reconciliation is needed so that cultural values are preserved while remaining in line with the shari'ah. For instance, the custom could be maintained by adding another form of dowry that has economic value, such as money, gold, or other useful items, so that the tradition continues to live on, but with a broader, more Islamic, and gender equitable meaning. This implies that the customary rule regarding the *kain kafan* dowry should be reviewed to ensure uniformity of dowry practices within the community. The *kain kafan* may remain as a symbolic customary dowry (an additional mahar), while the principal dowry should possess economic value. Naturally, this requires deliberation with traditional leaders (*ninik mamak*) and the involvement of relevant stakeholders, such as the Office of Religious Affairs (KUA).

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