



## **Productive Dowry and Women's Economic Empowerment and Their Influence on Marital Assets in Bandar Lampung**

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**Abstract:** This study investigates the correlation between dowry productivity and women's economic empowerment strategies, along with their influence on marital assets. This study is significant in altering women's perceptions regarding the imperative nature of effectively managing dowry in order to enhance the economy. This study employs empirical law methodologies that are studied via the lens of reinforcement theory. Information was gathered through the use of interviews, documents, and surveys. Interviews and surveys were conducted in the city of Bandar Lampung, namely instructors at the Religious Affairs Office (KUA), and productive dowry managers, as well as prospective brides and grooms, while document analysis included journal articles, books, and legal regulations. The research findings indicate that the approach to enhancing women's economic status through the utilization of dowries commences prior to the wedding and continues until the marriage ceremony, by offering favorable incentives to women. The initial phase is dissemination, specifically emphasizing the significance of a fruitful dowry to alter women's outlook when selecting enduring dowry items. Furthermore, there is a need to enhance the availability of resources to transform dowry assets into productive assets. Thirdly, aid in the administration of the dowry procedure as a means of acquiring company capital, and fourthly, safeguarding the wife's ownership of dowry items as her personal possessions from the moment of marriage. Implementing an effective technique for enhancing dowry production will bolster the presence of marital assets. All revenues derived from the creation and administration of the dowry are the shared duty and joint property of the husband and wife. The consequences of enhancing the economic status of women through productive dowries include achieving self-reliance and resilience in the household economy.

**Keywords:** Efficient dowry, financial empowerment, conjugal properties, Islamic family law

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**Abstrak:** Penelitian ini mengkaji dan menganalisis produktivitas mahar dan strategi penguatan ekonomi perempuan serta dampaknya terhadap harta perkawinan. Kajian ini penting untuk mengubah cara pandang perempuan tentang urgensi pengelolaan mahar untuk penguatan ekonomi. Penelitian ini menggunakan metode hukum empiris dianalisis dengan teori penguatan. Data dikumpulkan dengan cara wawancara, dokumentasi dan survey. Wawancara dan survey dilakukan di Kota Bandar Lampung yaitu Penyuluh pada Kantor Urusan Agama (KUA), dan pengelola mahar produktif, serta calon pengantin, sedangkan dokumen yang analisis adalah artikel jurnal, buku dan aturan hukum. Hasil penelitian menunjukkan bahwa strategi penguatan ekonomi perempuan yang berbasis pendayagunaan mahar dimulai sejak praperkawinan hingga berlangsungnya perkawinan, dengan memberikan stimulus positif kepada perempuan. Langkah-langkah yang dilakukan adalah, pertama, sosialisasi, yakni penanaman nilai pentingnya mahar produktif sehingga dapat mengubah cara pandang perempuan dalam memilih objek mahar berkelanjutan. Kedua, Perluasan akses untuk mengelola asset mahar menjadi harta yang produktif. Ketiga, Pendampingan dalam proses pengelolaan mahar menjadi sumber modal usaha, dan Keempat, perlindungan kepemilikan objek mahar sebagai harta pribadi isteri sejak perkawinan dilangsungkan. Penerapan strategi yang tepat dalam produktivitas mahar akan menguatkan keberadaan harta perkawinan. Segala bentuk keuntungan yang didapat dari pengembangan dan pengelolaan mahar sepenuhnya menjadi tanggungjawab dan milik bersama suami-isteri. Implikasi dari penguatan ekonomi perempuan berbasis mahar produktif tersebut mewujudkan kemandirian dan ketahanan dalam ekonomi keluarga.

**Kata Kunci:** Mahar produktif, penguatan ekonomi, harta pernikahan, hukum keluarga Islam

## Introduction

Studies examining the effectiveness of marital dowries are often overlooked, as Muslim women in Indonesia still have limited comprehension of the role of dowries as long-term investments. There are nevertheless many individuals who comprehend that dowry items are solely confined to funds or consumer stuff. Evidence in the society indicates that a significant number of Muslim women in Indonesia have not fully recognized the potential of dowry as a means to ensure long-term prosperity and financial security.<sup>1</sup> Based on data collected from several respondents, this research indicates that the preferred sort of dowry in contemporary times is consumer goods and distinctive items, rather than ordinary commodities. Previous research on dowry have indicated that in

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<sup>1</sup> Atun Wardatun, The Social Practice of Mahr among Bimanese Muslims: Negotiating Rules, Bargaining Roles, in *Women and Property Rights in Islamic Legal Context*, Leiden: Brill, 2018. Mursyid Djawas, et.al., "The Integration Between Syara' and Ade' in Marriage Tradition Bugis Bone, South Sulawesi," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 18, No. 2 (2023).

certain areas, the dowry might consist of various objects such as reciting lines from short letters of the Qur'an,<sup>2</sup> prayer equipment,<sup>3</sup> beautiful money on figural frames, and gold jewelry.

However, these items are typically seen as savings or just ornamental. An enduring dowry ensures the well-being of women as it can be utilized as productive assets or a means of financial investment. Some potential brides have the innovative notion of selecting a dowry consisting of obsolete currency notes, which hold distinctive worthwhile being no longer legitimate.<sup>4</sup> The mentality of individuals who perceive dowries as mere consumer commodities must be shifted and transformed. A dowry with economic and sustainable worth serves as a means to bolster the family economy and enhance family resilience. Particularly when the husband is incapable of providing financial assistance for the family due to unforeseeable circumstances that could not have been anticipated prior to marriage. The dowry consists of productive assets that can be transformed into corporate capital, providing significant economic sustainability for women, as well as other family members.

The culture or practices of a region have a significant impact on the size and value of the marital dowry.<sup>5</sup> The dowry in various parts of Indonesia is determined according to the social hierarchy and the status of the potential bride.<sup>6</sup> For instance, in Karangsono, Pasuruan Regency, East Java, the dowry amount is influenced by the social status of the potential wife, namely whether she is a widow or an unmarried girl. The attractiveness, age, and level of excellence of women also contribute to their significance. The higher the beauty and qualifications of a lady, the greater the value of the dowry proposed by the potential bridegroom.<sup>7</sup>

Previous researchers have conducted thorough studies and analyses on the topic of dowry, which is a well-established subject in the field of family law literature in Indonesia. Nevertheless, there is a scarcity of research that investigates the presence of sustainable dowry or the efficiency of dowry and its

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<sup>2</sup> Bima Ahadi, "Menjaga Agama dan Akal Melalui Prosesi Perkawinan, Hafalan Ayat Al Qur'an Sebagai Mahar Perkawinan," *Al-Ahwal* 13, no. 2 (2020), p. 153–162.

<sup>3</sup> Hikmatul Karomah, "Seperangkat Alat Shalat Sebagai Mahar Pernikahan Perspektif Hadits," *El-Nubuwwah: Jurnal Ilmu Hadis* 1, No. 1, 2023, p. 44–59.

<sup>4</sup> Anggi Sastriadi, "Punya Uang Kuno, Ternyata Bisa dijadikan Mahar," *Radar Lampung online*, Accessed on September 2023.

<sup>5</sup> Aspandi, "Mahar Dalam Perkawinan Islam; Analisis Pelaksanaan Pembayaran Dan Pemegang Hak Mahar," *Al-Adalah: Jurnal Syariah dan Hukum Islam* 5, no. 2 (2020), p. 244–57.

<sup>6</sup> Efrinaldi, "Urf Review of The Practice of Gold Marriage Mahar in The Community of Tanjung Senang District Bandar Lampung," *Al-Istinbath: Jurnal Hukum Islam* 7, No 1 (2022), p. 288–309.

<sup>7</sup> Ahmad Arif et.al., "The Dowry Classing Concept Based on Women's Criteria at Karangsono, Wonorejo, Pasuruan; A Study of Berger and Luckmann's Social Construction," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 16, no. 1 (2021), p. 137–160.

consequences for marital assets. Previous research mostly examined dowry from a normative perspective, with a particular emphasis on analyzing factors such as the quantity, nature, and valuation of dowry. Dian Friantoro's research elucidates that when examining samples obtained from Javanese tribal tribes, the assessment of the dowry's worth is inherently intertwined with the socio-economic status and educational background of the groom.<sup>8</sup> Gunawan Widjaja's research on the Malaysian society determined that the act of giving a dowry serves as a representation of the husband's affection towards his wife, as well as providing socio-economic stability for the wife.<sup>9</sup> Noor Muhamad Kasim advocated for the practice of providing dowries based on the idea of simplicity.<sup>10</sup> Conversely, Endri Yenti argues that a low-price dowry, such as a collection of religious items, diminishes and undermines women's rights. Indeed, dowry serves as a financial resource for resolving economic matters in marriage, rather than only meeting commitments.<sup>11</sup>

Akhmad Mujanni's scientific study on the presence of assets in marriage, as per Islamic perspectives, emphasizes the nature of dowry<sup>12</sup>. Irdawati, S analyzes the practice of dowry in the traditional customs of the Tolaky tribe, namely in the Konawe district, using a normative-empirical approach. These two studies validate that the dowry serves as a valuable possession for the potential bride, as it remains her property for the entire period of the marriage.<sup>13</sup> Muhamad Nur Hady authored a study on the productive *mahr in ta'lili* reasoning, employing the ushuliyin approach. The paper emphasizes the need of developing the dowry in ta'lili for the betterment of household life.<sup>14</sup> Ita Musarrofa spoke on the practice of dowry in the modern day, when dowry items are offered in the form of Go-Pay balance, Google Adsense, and Hosting. The characteristics that facilitate the

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<sup>8</sup> 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), p. 323–38.

<sup>9</sup> Gunawan Widjaja and Firman Wijaya, "Sell and Buy Women in Wedding (Changes in The Dowry's Value in Wedding: Ethnographical Study)," *International Journal of Humanities, Literature & Arts* 4, no. 1 (2021), p. 1–5.

<sup>10</sup> Nor Mohammad 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, (2020), p. 540–548.

<sup>11</sup> 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), p. 17.

<sup>12</sup> Akhmad Mujani, et.al., "Kedudukan Harta Dalam Perkawinan Berdasarkan Perspektif Islam the Position of Wealth in Marriage Based on Islamic Perspectives," *Risalah: Jurnal Pendidikan dan Studi Islam* 5, no. 1 (2019), p. 149–161.

<sup>13</sup> Irdawati Saputri, "Mahar Perspektif Al-Qur'an dan Implementasinya pada Masyarakat Tolaki Kabupaten Konawe," Thesis: UIN Alauddin Makassar, 2017, p. 9.

<sup>14</sup> Mukhammad Nur Hadi, "Mahar Produktif Dalam Penalaran Ta'lili," *Qolamuna* 4, no. 2 (2019), p. 171–194.

targeting of dowry objects by potential brides and grooms in the online world are what make it easier for cyberspace users.<sup>15</sup>

A number of research investigations have revealed that the significance of dowry productivity and its management in marital relations is often overlooked. Previous research has primarily focused on aspects such as the purpose, type, function, terms, and conditions of dowry, which have been extensively studied in law-related research. However, the implementation of sustainability and management practices for productive dowries has not been extensively adopted. Hence, it is imperative to do studies and study on enhancing women's economies through dowry production, as no prior researchers have explored this area.

This study employs empirical law methodologies that are studied via the lens of reinforcement theory.<sup>16</sup> Information was gathered through the use of interviews, documents, and surveys. Interviews and surveys were conducted in the city of Bandar Lampung, namely instructors at the Religious Affairs Office (KUA), and productive dowry managers, as well as prospective brides and grooms, while document analysis included journal articles, books and legal regulations. The studied documents include of journal articles, publications, and legal rules. The analysis was conducted utilizing Reinforcement Theory as an analytical instrument. This research is a valuable contribution to the advancement of scientific knowledge in the field of Family Law in Indonesia, particularly in relation to the concept of productive dowries.

Implementing effective measures to enhance women's economic empowerment through dowry production might contribute to the accumulation of marital assets. Nevertheless, the administration and efficiency of the dowry will influence the shared assets. When a divorce takes place, complications arise in the process of identifying and dividing dowry items from shared assets, as the origin of these items is the wife's property. An intriguing subject to examine is the research question: what is the approach to enhance the economic status of women by leveraging dowry productivity, thereby transforming dowry items into sustainable assets.

## **Examining the Construction of Productive Dowry in the Context of the Islamic Family Law**

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<sup>15</sup> Ita Musarrofa, "Dowry Trends in the Digital Era (The Sociology of Islamic law Perspective About Use of Digital Dowry in The Cyber World Community)", *Jurnal Hukum Islam* 19, No. 1 (2021), p. 151–174.

<sup>16</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana, 2008. Fathul Lubabin Nuqul, "Teori Perkuatan (Reinforcement Theory)," *Journal of Chemical Information and Modeling*, 1953, p. 33–49.

Rasulullah PBUH established the practice of providing a fruitful dowry many decades ago. According to one historical account, when Rasulullah PBUH married Siti Khadijah RA, he provided her with a dowry consisting of 20 Bakrah, which are young female camels. If the price of one bakrah is IDR. 30 million, it is equal to 600 million.<sup>17</sup> This value is undeniably remarkable and truly ensures the well-being of the woman you choose to marry. The dowry practiced by Rasulullah PBUH can be classified as a productive dowry when effectively managed and utilized as a post-marriage source of income. Nevertheless, it is crucial to consider that the dowry is the exclusive entitlement of the lady being married, and it cannot be revoked or utilized by anyone without the explicit permission and approval of the woman. If the wife consents to utilizing the dowry assets as supplementary capital for her husband's business, then it is deemed lawful. If the husband is indebted with the dowry, it is obligatory for him to repay the borrowed dowry. QS an-Nisa' (4:4) explain that:

وَأْتُوا النِّسَاءَ صَدَقَاتِهِنَّ نِحْلَةً فَإِنْ طِبَّنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا;

Meaning: Give women 'you wed' their due dowries graciously. But if they waive some of it willingly, then you may enjoy it freely with a clear conscience.

The practice of productive dowry has been exemplified by the Prophet Muhammad PBUH:

أبي سلمة بن عبدالرحمن أنه قال : سألت عائشة زوج النبي صلى الله عليه وسلم كم كان صداق رسول الله صلى الله عليه وسلم ؟ قالت : كان صداقه لأزواجه اثنتي عشرة أوقية ونشا . قالت : أتدري مالنش ؟ قال : قلت : لا . قالت : نصف أوقية ، فتلك خمسمائة درهم ، فهذا صداق رسول الله صلى الله عليه وسلم لأزواجه . رواه مسلم

Meaning: it is explained that Aby Salamah bin Abdulrahman asked Aisyah RA, the wife of the Prophet PBUH, about the dowry given by the Prophet PBUH to his wives. Aisyah replied that the Messenger of Allah gave his wives a dowry of 12 'ûqiyah and 1 Nasy. Aisyah then asked if he knew the value of 1 nassy. When asked about the amount of dowry given by Rasulullah, I responded with "I don't know." Aisyah then clarified that it was half 'ûqiyah, which is equivalent to approximately 500 dirhams. This is how Rasulullah PBUH delivered his shadaqah to his wives (Narrated by Muslim).

Certain nations practice the custom of providing a dowry to the family of the bride. This practice creates the perception that the dowry serves as a form of

<sup>17</sup> Al-Imâm Abu Hasan Muslim bin al-Hajjaj al-Qusyairî Al-Nîsâbûrî, *Shahîh Muslim*, Beirut: Dâr al-Kutub Al- 'Ilmiyyah, 2010).

compensation from the potential groom to the bride's family.<sup>18</sup> Prior to the introduction of Islamic teachings, it was understood that the practice of providing dowry in the Arab society was meant for the woman's family, rather than for the future wife. In pre-Islamic Arabia, dowry served as a form of compensation to the bride's family for the expenses they had borne in providing for their daughter. This construction contradicts the principle of dowry in the Islamic Family Law. In Islam, dowry is understood as the provision of property to a woman upon marriage, serving as a means of ensuring economic stability for women upon marriage, in addition to other forms of security such as a place to live.<sup>19</sup>

During the 18<sup>th</sup> to 19<sup>th</sup> centuries, it was customary in Nablus, Palestine for women to be granted a dowry at the time of their marriage contract. This dowry, which was typically valued at around 15% to 20% of the entire assets owned by the prospective bride, was given to women from the lower middle class. In there is a lack of awareness in society regarding the rights related to dowry. As a result, around 65% of married women merely get promises from their husbands to pay the dowry at the marriage ceremony, but these promises are not fulfilled after the marriage.<sup>20</sup> Meanwhile, in Indonesia, particularly in South Aceh, it has been observed that the dowry amount is now governed by a distinct Regional Regulation. According to this regulation, the dowry for the bride must be neither less than nor exceeding two mayyam. *Mayam* is a unit of measurement used to determine the weight of gold. Specifically, 1 *mayyam* is equal to 3.3 gram of gold.<sup>21</sup>

Mahar, also known as "*Nihlah*," refers to a present given by a man to demonstrate his genuine intention and sincerity in marrying a lady and making her his wife, similar to other forms of gifts.<sup>22</sup> The Qur'an employs various terminology to describe the components of dowry, including *shaduqat*, *nihlah*, *faridhah*, *thawl*, *ujur*, *'uqur*, and *qinthaar*. The Hadith of the Prophet PBUH and the traditions of Arab society contain explicit references to dowry.<sup>23</sup> The word refers to an object that the groom gives to the bride as a legally required gift, with no restrictions on the number or quality of the gift.<sup>24</sup> In *Minnhajul Muslimyn*,

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<sup>18</sup> María del Mar Pastor Bravo, et.al., "Arranged Marriages: Women for Sale," *Procedia - Social and Behavioral Sciences* 132 (2014), p. 564–569.

<sup>19</sup> Jati Pamungkas, "Bentuk Pernikahan Arab Quraisy Pada Masa Jahiliyah dan Perubahan Bentuk Pernikahan Di Masa Awal Islam," *Empirisma* 31, no. 2 (2022): 205–228.

<sup>20</sup> J.E Tucker, *Women in Ninetennth Century Egypt* (Cambridge: Cambridge University, 1985).

<sup>21</sup> Burhanuddin A. Gani dan Ainun Hayati, "Pembatasan Jumlah Mahar Melalui Keputusan Musyawarah Adat Kluet Timur," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 1, no. 1 (2017), p. 174–204.

<sup>22</sup> Putra Halomoan, "Penetapan Mahar Terhadap Kelangsungan Pernikahan Ditinjau Menurut Hukum Islam," *JURIS (Jurnal Ilmiah Syariah)* 14, no. 2 (2016), p. 107.

<sup>23</sup> Umar Sulayman, *Ahkaam al-Zawwaj* (Yaman: Darl al Nafais, 2013).

<sup>24</sup> Benni Ahmad Sarbani, *Fiqh Munakahat I* (Bandung: Pustaka Setia, 2013).

dowry is defined as a tangible item presented by a man to a woman upon marriage to validate the union.<sup>25</sup> In Islamic teachings, dowry is regarded as a means of honoring a Muslim lady who enters into marriage with a man.<sup>26</sup> Ibn Ashuur elucidated that dowry serves as a potent means of distinguishing between the institution of marriage and the act of sexual intercourse. In the *jahiliyah* tradition, it is customary for the husband to provide the guardian with a sum of goods, money, or treasures known as *Hulwanan*. These assets are not intended for the wife, but rather for the wife's or guardian's family.<sup>27</sup>

In the jahiliyyah era, numerous women's rights concerning marriage and family were revoked, including their rights pertaining to the ownership of dowry. Women are prohibited from owning dowry items and are not allowed to negotiate marital dowries. The determination of this right is solely within the purview of the family, serving as a commendation for their diligent efforts in rearing their daughter. According to Al-Zamkhashyari, at the birth of a baby girl, the local community extends congratulations to the father, expressing the hope that the child will eventually bring prosperity to the family.<sup>28</sup>

The underlying rationale for the inclusion of a dowry in marriage is to cultivate a feeling of love and affection, as well as to establish a sense of mutual devotion between the husband and wife. Additionally, it serves as a tangible demonstration of the husband's genuine intention to treat his wife with wisdom and care.<sup>29</sup> In the Indonesian culture, the term "dowry" is used to describe the practice of giving jewelry or gold objects as part of the dowry in certain regions. Some individuals in some regions offer dowries in the form of Qur'an copies, teaching the wife the letters and reading of the Qur'an, or memorizing verses of the Qur'an. Essentially, dowry is a mandatory payment that males must provide upon marrying a woman. It serves as evidence of both parties' commitment to establishing a household as a husband and a wife, and as a demonstration of the husband's genuine intention to treat his wife with wisdom and care.<sup>30</sup>

Islam does not have established guidelines on the specific amount and quality of dowry. Nevertheless, Islamic legal authorities offer guidance on the matter of providing a dowry to a potential bride, ensuring that the dowry is both

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<sup>25</sup> Abu Bakr Jabir Al-Jazairy, *Ensiklopedi Muslim*, Translation by Fadhli Bahri (Jakarta, 2004).

<sup>26</sup> Mastorat Mastorat, "Aktualisasi Dowry Law Sadompo Uma Pada Perkawinan Suku Mbojo," *Jurnal Ilmiah Mandala Education* 8, no. 1 (2022), p. 562–68.

<sup>27</sup> Ibnu 'Ashur, "Tafsyr al Thahryr wa al-Tannwir," (Tunisia, 1997), p. 230.

<sup>28</sup> Abu Qasim Umar al-Zamkhashaari, *Al-Kashaaf*, II (Riyad: Maktabah al-Abikhan, 1998).

<sup>29</sup> Andi Rahman Giu, "Tradisi Mahar Dan Antar Harta Pada Perkawinan Masyarakat Muslim di Kota Manado (Suatu Tinjauan Sosial Kultural)," *Jurnal Dialog* 43, no. 1 (2020), p. 119–138.

<sup>30</sup> Andi Rahman Giu, "Tradisi Mahar Dan Antar Harta."



valued and suitable in accordance with local customs. Consensus among legal experts is that the dowry may consist of trade assets, currency, precious metals (such as gold or silver jewelry), or other mutually agreed-upon valued items. Caliph Umar bin Khathabb implemented a restriction on excessive dowries, setting a maximum limit of 400 dirhams. However, this decision was later challenged and corrected by a woman from the Quraysh community. As a result, Umar withdrew his initial opinion and allowed for dowries exceeding 400 dirhams, as long as they were not excessively extravagant. It is important to note that dowries are meant to be a means to facilitate marriage, rather than a burdensome requirement. Therefore, it is not advisable to make the dowry process difficult or overwhelming.<sup>31</sup>

Most people also give dowries in the form of valuable materials, such as money and jewelry. Because they adhere to the concept of fiqh scholars, such as Abu Hanifah and Imam Malik. According to these two concepts of fiqh scholars, the quantity of the dowry is matched with the assets obtained by a person who is subject to qisas punishment as a result of theft with the punishment of having their hands cut off. According to Imam Malik, the minimum quantity of stolen goods results in a qishash sanction of 3 (three) *dirhams*. According to Imam Abu Hanifah, the punishment for cutting off one's hand was because the item taken was worth up to 10 dirhams.<sup>32</sup>

Scholars from the Hanbali School, including Ibnu Qudamah, explained that the value of the dowry is based on propriety, but does not necessarily have to exist at the time the marriage contract takes place. The new husband is obliged to pay a dowry if he touches/has sex with his wife. In other words, the obligation to pay the dowry is not at the time the marriage contract takes place, but after the husband and wife relationship (*wathi'*) occurs. Shafi'iyah scholars stipulate that the dowry in a marriage is legally obligatory, but is not part of the marriage law. The existence of this obligation is due to the existence of a marriage contract which must be reciprocal with a gift from the husband to his wife. Scholars from the Hanbali School, including Ibnu Qudamah, explained that the value of the dowry is based on propriety, but does not necessarily have to exist at the time the marriage contract takes place. The new husband is obliged to pay a dowry if he touches/has sex with his wife. In other words, the obligation to pay the dowry is not at the time the marriage contract takes place, but after the husband and wife relationship (*wathi'*) occurs. Shafi'iyah scholars stipulate that the dowry in a marriage is legally obligatory, but is not part of the marriage law. The existence of this obligation is due to the existence of a marriage contract which must be

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<sup>31</sup> Ijtihad Umar, et.al., "Perspektif Kompilasi Hukum Islam Rafid Abbas," *Al-Hukama: The Indonesian Journal of Islamic Family Law* 04, no. 1 (2014).

<sup>32</sup> Al-Kamal ibn al-Himam Al-Hanafī, *Fath al-Qadir, Juz II, Cet. I* (Dimasyq: n.d.). p. 435.

reciprocal with a gift from the husband to his wife.<sup>33</sup> Thus, it can be understood that there are no standard restrictions in the Islamic family law regarding the type, quantity and form of marriage dowry objects. However, Islam only stipulates that it is the husband's obligation to provide a dowry during marriage.

KH. Maimun Zubair, a renowned religious figure in Indonesia, once offered guidance to his students preparing for marriage. He emphasized that the dowry for a potential wife should not merely consist of religious items, but should be substantial in amount. If you are lacking funds, it is advisable to prioritize seeking employment. The message suggests that, after getting married, it is advisable to seek permission from your wife to use the dowry as additional capital for business purposes".<sup>34</sup> The underlying idea is that the choice of dowry item can have practical benefits and serve as an investment to enhance the family's financial situation. A dowry with productive value holds sustainable economic potential when managed effectively. By utilizing the dowry wisely, it can generate growth and bring advantages to both the husband and wife. Additionally, in the Indonesian tradition, the wealth given to the bride-to-be includes not only a dowry but also assets in the form of items presented during the marriage proposal.

The development of this dowry object will be valuable if it is not just a savings or consumable item<sup>35</sup> It is advisable to provide a dowry that has productive value and can be utilized. There is even a possibility that the dowry object may shift from cash to digital currency (cryptocurrency).<sup>36</sup> Therefore, a dowry can be given to a prospective bride in the form of goods that have commodity value and can be used for buying, selling, and other commercial activities. These goods should not easily depreciate and should be agreed upon by both parties and within the financial means of the prospective husband

Dowry objects that have productive and sustainable value, such as goods that have sales value/commodities, are something that is highly recommended in the Islamic teachings. The assets given by the husband in the form of a dowry are actually objects/items that are useful for the wife. Therefore, the concept of dowry, which has so far been understood only to abort the obligation to enter into a marriage, needs to be reconstructed. Choosing a dowry object does not absolutely have to be expensive and luxurious, but determine a dowry that is sustainable and has commodity value that can be developed as capital in building

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<sup>33</sup> Mustafa al-Khin and Musthafa al-Bugha, *Al-Fiqh al-Manhaji 'ala Madzhab al-Imam al-Syâfi'i* (Surabaya: al-Fithhrah, n.d.), p. 60.

<sup>34</sup> Oke Zone, "Mbah Moen Ungkap Rahasia di Balik Mahar Nikah," Accessed on September 2023.

<sup>35</sup> Jayusman Jayusman, et.al., "Halal Certification for Micro and Small Businesses in Bandar Lampung, Indonesia: An Evaluation from the Maslahah Perspective," *As-Siyasi: Journal of Constitutional Law* 3, no. 1 (2023), p. 89–110.

<sup>36</sup> Boby Juliansjah Megah Miko, "Konsepsi Hukum Mahar Cryptocurrency dalam Perkawinan," *Jurnal Ilmiah Universitas Batanghari Jambi* 22, no. 1 (2022), p. 126.

a family. Dowry that has sustainable value and can be developed is: 1) Precious metal assets consisting of gold and silver; 2) Investment assets consisting of shares, bonds, securities, mutual funds; 3) Plantation/agricultural land in the form of paddy fields, farms; 4) Intangible assets, such as Intellectual Property Rights (Patents, copyrights, Brands, industrial designs, etc.); 5) Property Assets (Flats, Shops, etc.); 6) Livestock/fisheries assets such as ponds, livestock, etc.

Determining a productive dowry is not intended to make things difficult for prospective grooms. It needs to be considered that the results and profits obtained from dowry management can support the household economy. The dowry can be used as business capital, whether managed alone by the wife or managed jointly by the husband and wife. The dowry received by the wife can also function as a form of socio-economic security for the wife in marriage, especially socio-economic security when the household breaks up due to death or divorce.

According to the Islamic law, the principle of ownership applies to dowry objects that can be sustained and reproduced (*al-Tawalud min al-Amluk*) This means that anything that develops or grows from these assets belongs to the owner. This rule applies to property that produces something new or productive, such as chickens laying eggs, cows or goats breeding and producing milk, and fruit on a tree. The aim of the Islamic law is to make the dowry a beneficial and advantageous property for both parties involved. Therefore, it is important to implement useful and beneficial practices in the lives of Muslim families in Indonesia.

### **Enhancing the Economic Status of Women Through Productive Dowry**

Reinforcement refers to the provision of positive motivation or encouragement to enhance an individual's capacity to achieve their full potential.<sup>37</sup> Reinforcement theory is a well-known concept in the field of social psychology. It emphasizes that social behavior is influenced by external factors, in addition to internal factors. The core idea of this theory is that individuals are inclined to exhibit certain behaviors when they are followed by pleasurable events, and these behaviors will diminish when confronted with unfavorable circumstances. In other words, behavior is more likely to be repeated if it leads to pleasant outcomes, and conversely, it is likely to be disregarded or abandoned if it results in less desirable or unpleasant outcomes.

Research conducted by Verplanck, in 1955, revealed that all events and occurrences that can change or replace behavior are called stimuli.<sup>38</sup> Stimulus

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<sup>37</sup> Fathul Lubabin Nuqul, "Teori Perkuatan (Reinforcement Theory)," p. 33–49.

<sup>38</sup> William S Verplanck, "The control of the content of conversation: Reinforcement of statements of opinion," *The Journal of Abnormal and Social Psychology* 51, No. 3 (1955).

generates responses, namely changes in behavior that occur due to the stimulus.<sup>39</sup> Responses that are not reinforced will tend to decrease or even disappear completely and are not repeated. Reinforcement theory views that behavior is strongly influenced by external events, not internal factors. Related to this article, women's motivation to make dowry objects into commodities is driven by the desire to improve their economic quality after marriage. Furthermore, women will be motivated to open up wider business access if the stimulus is pleasant for them, such as support from partners, closest families and colleagues. Therefore, external encouragement from marriage counsellors, family and people closest to the prospective bride and groom can influence women's motivation in choosing a dowry in the form of commodity items that can be developed after marriage.

Reinforcement theory consists of two, namely positive and negative, both of which can change or regulate a person's behavior, depending on needs and situations and conditions. Positive reinforcement generally has characteristics related to primary things, such as food, physiological needs, and so on. This type of reinforcement will usually convince someone that the attitude they are taking is correct, for example stimulus that can be given to women who are getting married in determining the form of dowry. Stimulus can involve internal family parties or external parties who are directly related to marriage institutions such as the local Religious Affairs Office. Skinner added that someone will record anything that is actually good or not so good. It all depends on whether the reinforcement you have received is good or not good. Women have positive potential to receive external stimuli that are actually pleasant. Examined using reinforcement theory, women can hone their potential to continue to develop through positive stimuli that come from outside (external). If this effort can be carried out well, it will build in women a high sense of self-confidence because they have strong economic resilience. Have a sense of self-confidence because of their increasing share in strengthening the family economy.

The fundamental objectives of marriage, as outlined by Islamic law and the constitution, are to establish harmony and foster happiness.<sup>40</sup> Independence in economic and social dimensions is a key feature for fostering harmony and pleasure within a family. Economic independence is defined as the state of having an adequate supply of clothing, food, and shelter inside one's household.<sup>41</sup> The notion of family resilience relies on religious principles, which necessitate comprehension by all family members to achieve the objectives of marriage.

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<sup>39</sup> Nuqul, "Teori Perkuatan (Reinforcement Theory)."

<sup>40</sup> Gandi Liyorba Indra, et.al., "The Ideal Age for Marriage in The Compilation of Islamic Law (KHI) and Psychology," *Al-'Adalah* 20, no. 1 (2023), p. 1–18.

<sup>41</sup> Rizqi Maulida Amalia, et.al., "Ketahanan Keluarga dan Kontribusinya Bagi Penanggulangan Faktor Terjadinya Perceraian," *Jurnal Al-Azhar Indonesia Seri Humaniora* 4, no. 2 (2018), p. 129. Yunita Sari, et.al., "Sundanese Family Strength: A Preliminary Study," *Jurnal Ilmiah Peuradeun* 6, No. 3 (2020).

Family resilience refers to the preparedness and capacity of individuals and households to overcome challenges, unexpected events, and pressures in obtaining resources and resolving issues and stressors.<sup>42</sup> The resilience of a family significantly impacts the quality of a marriage. The higher the amount of resilience within a family, the higher the quality of the marital relationship between the husband and wife.<sup>43</sup>

To attain this goal, it is imperative to develop a strong economic foundation for the family, ensuring adequate provision of clothing, food, and shelter to fulfill both the basic and additional requirements of the family. In addition, a state of harmony within a family can be attained when the rights of each individual are satisfied and their societal responsibilities are performed. Household harmony cannot be achieved without the recognition and execution of these responsibilities.<sup>44</sup> Hence, it is imperative for the husband to offer a durable dowry that ensures the well-being of the woman he weds. Therefore, it is necessary to provide women with support in the form of encouragement or inspiration, in order to help them gain a proper understanding and awareness of the significance of transitioning from a consumerist dowry mentality to a more constructive and progressive dowry mindset.

### Strategies for Promoting Women's Economic Empowerment through Dowry Productivity

The level of comprehension of productive dowries among the bride and groom varies significantly. Based on a survey of 57 participants, it is evident that the majority of potential brides and grooms possess a solid understanding of productive and sustainable dowries.

**Table 2. Understanding of Prospective Brides Regarding Productive Dowry Distribution**

Level of Understanding	Frequency	Percentage
Good	36	62 %

<sup>42</sup> Elizabeth Kiewisch, "Looking Within the Household: A Study on Gender, Food Security, and Resilience in Cocoa-Growing Communities," *Gender and Development* 23, no. 3 (2015), p. 497–513. Ikhwanuddin Harahap, "Women's Position in Patriarchal Kinship System," *Jurnal Ilmiah Peuradeun* 8, No. 1 (2020).

<sup>43</sup> H. Puspitawati et.al., "Relasi Gender, Ketahanan Keluarga dan Kualitas Pernikahan pada Keluarga Nelayan dan Buruh Tani 'Brondol' Bawang Merah," *Jurnal Ilmu Keluarga dan Konsumen* 12, no. 1 (2019), p. 1–12.

<sup>44</sup> Mokhammad Samson Fajar dan Faris al Badr, "Kafâ'ah Contextualization in an Effort to Form Harmonious Family in the Modern Era: An Analysis of Fazlur Rahman's Double Movement," *Al-Adalah* 17, no. 2 (2020), p. 203–230.

Sufficient	12	21%
Lacking	9	17%
<b>Total</b>	57 Respondent	100%

A survey of 57 respondents of Prospective Brides (*Calon Pengantin/CATIN*) revealed that 62% of respondents had a clear understanding of the concept of productive dowry. 21% had a sufficient understanding, while 17% lacked understanding and had never received an explanation about productive dowries. Interviews conducted with Religious Counsellors at 6 Religious Affairs Offices in Bandar Lampung City (specifically KUA Tanjungkarang Tengah District, Labuan Ratu, Sukarame, Enggal, Teluk Betung Barat, and Kedaton) indicated that the most sought-after type of dowry currently includes consumer goods, prayer equipment, unique objects, gold, cash, motor vehicles, plots of land, and shares.<sup>45</sup> The desired forms of dowry by the 57 respondents are presented below:

**Table 3: Types of Dowry Preferred by Brides and Grooms**

Types of Dowry	Frequency	Percentage
Gold/Jewellery	24	42,20 %
Cash	6	10,55 %
Workshop Equipment	12	21,05 %
Land	1	1,7 %
Transportation	1	1,7 %
Workshop Equipment and Gold	10	17,54 %
Etc (No Response)	3	5,26 %
<b>Total</b>	57 people	100 %

Based on the aforementioned data, it is evident that gold/jewellery and workshop equipment are the most prevalent choices for dowries among CATIN (Prospective Bride and Grooms) couples in the 6 KUA (Offices of Religious Affairs). However, it is important to note that the dowry items are typically stored goods and not utilized as productive assets. Several factors contribute to this phenomenon, including: 1) Limited understanding of dowry among the population, particularly in terms of its significance; 2) The strong influence of community traditions that prioritize the selection of dowry items based on their perceived value; 3) The prevailing belief that women who receive extravagant dowries are more likely to remain unmarried; 4) Insufficient pre-marital socialization provided during the Prospective Bride Course (*Kursus Calon*

<sup>45</sup> Interview with "DA and Ishom, The Counsellor at Labohan sub-district Ratu dan Sukarame, Bandar Lampung, May 26, 2023.

*Pengantin/SUSCATIN*), which fails to emphasize the importance of selecting practical and sustainable dowry items.

Here are interviews with 6 individuals who were married within the past 5 years and have utilized dowry management as a tradeable asset, which they have grown through different forms of supplementary businesses:

**Table 4: The Productive Dowry Management Model**

No	Participants	The Benefits of the Dowry	The Dowry
1.	RH, Kedaton Bandar Lampung, May 20, 2023	I liquidated the marriage dowry in order to obtain supplementary funds for the restaurant enterprise that I independently oversee. I am capable of engaging in online trading. Currently, my business has experienced significant expansion. The outcomes are sufficient to enhance the financial condition of the family. <sup>46</sup>	25 gram of 24 carat gold
2.	(LD) Tj Karang Pusat, Bandar Lampung, May 23, 2023	I established a boutique specializing on Islamic attire. Due to my need for more capital, I decided to sell the marital dowry. Utilizing it is preferable over storing it. My business has expanded as a result of my decision to establish an internet store. I have reinvested the proceeds from this trade into gold in order to replenish the dowry that I previously sold. I am grateful that I have been able to assist my husband in fulfilling the requirements of school children. <sup>47</sup>	50 gram of 24 carat gold

<sup>46</sup> Interview with Ny. RH, Kedaton Bandar Lampung, May 20, 2023

<sup>47</sup> Interview with Ny. LD, Tj Karang Pusat, Bandar Lampung, May 23, 2023

3. (Suprapti) Sukarame, Bandar Lampung, May 24, 2023	I utilized the dowry to establish a home-based tofu production enterprise. We have been operating this business for almost three years. Recently, I had the privilege of participating in a training program focused on the management of tofu dregs, which was conducted at one of the campuses. My spouse and I oversee it, with the help of two staff. Sufficient to meet domestic requirements. <sup>48</sup>	Cash, IDR. 10.000.000, -
4. (Rubiana), Enggal, Bandar Lampung, May 27, 2023	I utilized my dowry as additional funds to augment the business capital for the purpose of acquiring a sewing machine. My husband and I started a firm specializing in clothing production and alterations. The proceeds from my firm enabled me to acquire additional gold to substitute for the dowry I had previously liquidated. However, my spouse and I ended our marriage by divorce after a duration of 4 years. During that period, our assets were split into two categories, one of which consisted of our inventory in the form of sewing equipment. <sup>49</sup>	25 gram of bar gold
5. (DW) Tb Barat, Bandar Lampung, May 30, 2023	I utilized my dowry as initial investment to engage in the trading of meatballs and chicken noodles at a nearby educational institution. The outcomes were favorable, and my business continues to operate until the present time. <sup>50</sup>	Cahs of IDR 12.500.000, -
6. (ZK), Lbn. Ratu, Bandar	I converted the dowry into capital in order to trade hijabs at the Labuan market, following my friend's suggestion instead of borrowing from	20 gram of 24

<sup>48</sup> Interview with Suprapti, Sukarame, Bandar Lampung, May 24, 2023

<sup>49</sup> Interview with Rubiana, Enggal, Bandar Lampung, May 27, 2023

<sup>50</sup> Interview with DW, Tb Barat, Bandar Lampung, May 30, 2023



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Lampung, 26 a mobile bank. Given the current carat  
 May 2023 favorable profitability, it is more gold  
 advantageous to allocate the gold  
 towards more capital rather than  
 preserving it. In the future, once I have  
 accumulated sufficient funds, I intend  
 to purchase additional quantities of  
 gold.<sup>51</sup>

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Based on the information provided by the six informants, it is evident that utilizing marriage dowry as business capital can have a positive impact on women's economic empowerment. The interviews reveal that using the dowry as supplementary business capital is a wise decision. This business venture is sufficient to alleviate financial burdens within the family, meet household expenses, and potentially enhance the overall economic status of the family. Despite the possibility of divorce in some cases, the dowry remains the rightful possession of the wife, and any profits generated from its management are distributed in accordance with the division of shared assets.

In order to strengthen the use of productive dowry, a strategy should be implemented that involves socialization and raising awareness among prospective brides and grooms regarding the significance of developing and managing dowries. Additionally, it is crucial to challenge the notion that a woman's status and dignity are enhanced by the usefulness and sustainability of the marriage dowry she sets. Both the husband and the wife are responsible for meeting the family's needs, therefore if the wife's dowry assets can be empowered and managed to contribute to the family's economy, she will generate passive income from her personal assets. For instance, the dowry assets can be transferred as savings or used as business capital or investment.

This enables wives to achieve financial autonomy. Women can enhance their contribution to the household by becoming mompreneurs,<sup>52</sup> through engaging in business activities that are closely aligned with women's interests: 1) These activities can be pursued individually or in collaboration with others, including their husbands. The underlying principles are professionalism and religious values, with the goal of maximizing their role within the family and household, fostering independence, and nurturing their potential. 2) This approach is highly applicable to the construction and regulations governing the establishment of harmonious and loving families in Indonesia.

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<sup>51</sup> Interview with ZK, Lbn. Ratu, Bandar Lampung, May 26, 2023.

<sup>52</sup> Sidik, "Muslimah Mompreneur dalam Majalah Keluarga Islam Hadila (Solusi Alternatif Dilema Peran Ekonomi Perempuan dalam Keluarga Sakinah)", *Jurnal Smart* 4, No. 2, (2018), p. 263–277.

The Islamic teachings emphasize the importance of every Muslim family to have a sustainable source of wealth and income. Therefore, it is necessary for the dowry chosen to have the commodity value, be economically viable, and have potential for development in the modern era. The prospective brides and grooms should make wise choices when selecting dowry items, rather than simply adhering to societal traditions and trends. It is crucial to develop the dowry into something productive. The active involvement of women in contributing to the family's economy will greatly influence decision-making within the household.

Indeed, the process of socialization, dissemination and evaluation should include religious authorities, the community, and institutions are responsible for conducting marriage ceremonies. Based on the aforementioned explanation, various approaches for enhancing women's economic status through the utilization of dowries can be proposed. The following strategies can be suggested:

1. Promoting awareness regarding the significance of selecting a dowry that offers enduring advantages
2. The increasing self-assurance of women enables them to unlock their full potential and pursue entrepreneurship
3. Providing spaces for wives to engage in self-development
4. Enhancing entrepreneurial skills and capabilities
5. Developing business network
6. Promoting the establishment and growth of profitable enterprises for women
7. Enhancing familial bonds through premarital counselling for potential brides and grooms
8. Offering training to each potential bride and groom on the significance of transforming dowry assets into productive assets
9. Offering guidance in selecting a type of dowry that facilitates its growth, and present the potential benefits and drawbacks.

Based on the given description and data, strategies for enhancing the women's economy through productive dowries can be categorized into two main groups. The first group consists of strategies implemented during the pre-marriage phase. The second group focuses on strategies implemented after the productive management of dowries has been established. To strengthen the economic status of women before marriage, socialization efforts are crucial, particularly for those who lack understanding of productive dowries. This can be achieved by raising awareness among women about selecting sustainable commodities as dowry objects. In addition, to further empower women economically through productive dowries, it is important to expand their access to independently manage dowry assets and transform them into sustainable assets.

The productivity of the dowry enhances the joint assets of the husband and the wife, as all profits derived from the development and management of the

dowry are their shared responsibilities and properties. This also provides legal assistance and protection for women, ensuring that the dowry objects remain their personal properties throughout the marriage. Therefore, it is crucial to prioritize women's access to a range of services and facilities, enabling them to expand their productive assets and establish sustainable businesses.

### **The Implications of a Productive Dowry on Joint Assets Are Significant**

The regulations governing assets in marriage are outlined in Indonesian laws. This set of rules, known as the Marital Property Law, is implicit in the Marriage Law (Number 1 of 1974) Article 35 and the Compilation of Islamic Law. Article 85 KHI acknowledges the existence of marital assets, which are categorized as inherited assets (belonging to each spouse individually) and joint assets (gono-gini).<sup>53</sup> Assets acquired during the marriage contract are considered joint assets, while assets owned by each spouse prior to the contract are referred to as inherited assets. The control and ownership of inherited assets are determined by the respective owner. Examples of inherited assets include inheritance from parents, rewards from the spouse's employer, gifts, or dowry.

Marital assets can be classified as joint assets according to various features, as outlined below:

1. Properties or assets acquired through a marriage's sale and purchase agreement, regardless of whether they are registered under the husband or wife's name, are considered joint assets. It does not matter if they were purchased using the husband or wife's salary. However, if the funds used for the purchase come from personal assets or solely from individual assets that existed before the marriage, or from inheritance, then these assets are not considered joint assets. Therefore, if the marriage ends, they cannot be divided equally but must be returned to their respective owners.
2. Assets gained or constructed after a divorce, using funds from joint assets, are considered joint assets.
3. Wealth refers to tangible assets acquired by both spouses during the course of their marriage.
4. Income or profits derived from inherited or acquired assets are considered as joint assets, known as "gono-gini". If personal assets are utilized to support the family's financial well-being, whether as business capital or in any other way, the joint property income generated from inherited assets is also considered as joint assets (gono-gini). However, the owner of the ownership rights to the capital assets remains the same, unless the parties explicitly agree to a change in a prenuptial or postnuptial agreement.

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<sup>53</sup> Tim Permata Press, *Tim Permata Press, Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan*, (Jakarta: Permata Press, 2015), p. 14.

Therefore, there is a significant difference in the categorization of personal assets and assets acquired through inheritance or acquisition.<sup>54</sup>

Joint property refers to the property that is jointly owned by a husband and a wife, acquired through their collaborative efforts from the time of their marriage until the termination of the marriage. Joint assets are solely derived from the hard work of both parties, excluding assets obtained through inheritance, gifts, or dowries.<sup>55</sup> According to both Islamic law and positive law, personal assets are not mixed with joint assets, unless both parties agree to do so. Consequently, in the event of divorce or death, joint assets (known as gono-gini) are divided equally, with 50% allocated to the husband and 50% to the wife.

Article 32 of the Compilation of Islamic Law explains that from the time of the marriage ceremony, the dowry becomes the property of the woman/wife. Therefore, dowry items or objects are not included in the group of joint assets (gono-gini), because the dowry is given before the marriage contract takes place or during the marriage contract procession. Or in other words, the gift occurs at the same time as the consent and receipt or the marriage ceremony between the guardian of the prospective wife and the prospective husband. The full use of dowry assets is a woman's right cannot be contested or withdrawn, unless there is a reason justified by the Sharia. If the husband wants to use it, it must be with the wife's consent.

The choice for the productive dowry is not intended to make things difficult for prospective grooms. It needs to be taken into account that the results and profits obtained from managing dowry items can support the household economy. The dowry can be used as business capital, whether managed alone by the wife or managed jointly by the husband and wife. That in working to fulfil their needs for husband and wife together in rubû al-mu'âmmalah as stated by Ismail Muhamad Syah, which is not specifically formulated in the Islamic law regarding the existence of joint property.

Islamic jurists and advocates of the Islamic law, primarily from the Middle East, follow the principle of segregating the assets owned by husbands and wives. The collaboration between spouses in generating marital assets falls under the category of Syirkah 'Abdan, a practice commonly observed in indigenous communities, particularly in Indonesia. Certain scholars argue that this income can be classified as cooperative assets or syirkah milk/syirkah amlak, with the distribution being determined through mutual agreement between the husband and wife.

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<sup>54</sup> Yahya Harahaap, *Kedudukan, Kewenangan, Dan Acara Peradilan Agama* (Jakarta: PT. Sinar Grafika, 2003).

<sup>55</sup> Nurnazli, "Transformasi Hukum Harta Bersama di Indonesia Melalui Putusan Mahkamah Agung," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 11, no. 2 (2018), p. 184–198.

Dowry assets are exclusively owned by the wife and cannot be accessed or utilized by anyone, including her husband, without her explicit permission and awareness. The wife's right to ownership of the dowry is absolute from the moment of marriage. If the husband desires to make use of the dowry, it is contingent upon the wife's consent, as the marital relationship is founded upon mutual pleasure, openness, and affection.<sup>56</sup>

What if joint assets are obtained from the management of the wife's dowry which is developed to produce quite large assets. The dowry is still considered personal property. Assets or property worth the dowry used as initial capital for the husband and wife's business activities remain the property of the wives' properties or commensurate with the dowry value. For example; If the dowry used as capital weighs 50 grams of gold, then the return of 50 grams of gold to the wife as the owner of the capital (productive dowry) is calculated first, the remainder is used as joint property. Care should be taken in setting boundaries between the assets obtained from the benefits of managing the dowry and the object of the dowry itself. It should be understood that it is not impossible that profits from managing dowry objects will cause problems that intersect with joint assets and marital assets. From this description, it can be understood that dowry productivity (from productive dowry) is very relevant in developing marital assets, improving the welfare of the wife, strengthening family resilience because it is very relevant to improving the family economy.

In a family relationship, the husband and wife act as partners who work together to create a physically and mentally prosperous household. According to Article 77 paragraph (1) of the Compilation of the Islamic Law, husbands and wives share equal responsibilities in maintaining a happy household, which is a crucial aspect of building a strong foundation for the smallest unit of the society.<sup>57</sup> There are no regulations that prohibit wives from using their dowry as capital for business ventures. However, it is important to carefully calculate the relationship between the dowry capital and the profits generated from its management. Both parties should have knowledge and consent regarding the use of the dowry as business capital.

Apart from that, it is important to have a clear agreement between the husband and wife regarding the determination of the sustainability of the assets and their distribution. For example: the wife as the manager of the dowry agrees to share the profits of the business with the husband, after deducting the value of the dowry which is used as capital or additional business capital, or vice versa. This is important to clarify clear divisions between the profit and the capital taken

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<sup>56</sup> Wahbah Al-Zuhailiy, *Fiqh Islam Wa Adillatuh* (Beirut: Dar al-Fikr, 2007), p. 6758.

<sup>57</sup> Direktorat Jenderal, Pembinaan Kelembagaan Agama Islam, *Intruksi Presiden RI No. 1 Tahun 1991 tentang Kompilasi Hukum Islam*. (Jakarta: Direktorat Jenderal Pembinaan Kelembagaan Agama Islam DEPAG RI, 2000).

from the dowry, since lacks of clarity in the management and separation of capital originating from the dowry will have implications for the emergence of problems regarding the distribution of joint assets in the future. If in the future a marriage breaks up, it will make it easier to calculate joint assets and the wife's personal assets which come from the productivity of the dowry. Because if there is no agreement regarding business profits or business results obtained during the marriage, they will be counted as joint assets, except for the dowry, which must be returned to the wife. Thus, it can be emphasized that unity between the husband and the wife in managing the dowry is one form of building family resilience. The barometer for family welfare is stability at the economic level, namely the provision of sufficient households' needs, in the form of clothing, food, education, shelter, and medical/health insurance for the family.

## **Conclusion**

Dowry productivity is an approach aimed at enhancing the economic status of women. It can be implemented through the following steps: first, the process of socialization involves imparting the significance of a productive dowry, with the aim of altering women's outlook on selecting sustainable dowry items. Socialization can be conducted with individuals who are considering marriage as well as with married couples. The process of socialization can be facilitated by engaging competent individuals, such as religious counsellors, parents, and religious leaders, who are skilled in planning weddings. Additionally, government organizations with the power to empower women can also play a role in this process. This study demonstrates that couples planning to marry in Bandar Lampung City are aware that the concept of productive dowries is unfamiliar to them. Over 50% of individuals still exhibit a proclivity towards selecting dowry in the form of consumer items. The majority of the research participants lacked comprehension regarding the presence and advantages of productive dowries. The main factor is the insufficient socialization of potential brides and grooms about the significance of handling possessions acquired from a second marriage dowry, and second, there is a need to transform dowry goods into sustainable assets. Third, the provision of aid in the administration of the dowry as a means of acquiring business capital, and fourth, safeguarding the ownership of the dowry as the wife's individual possession from the moment of marriage. A beneficial dowry might have consequences for the presence of marital assets, particularly shared assets. Prudent handling of dowry in the economic context is necessary. Given that the dowry belongs to the wife, its usage and management should be determined by the woman's consent and understanding. To prevent future

unpleasant outcomes, it is imperative for the husband and wife to establish an agreement outlining the technique and framework for distributing earnings derived from managing the dowry in their business. In the absence of an agreement, the distribution of joint assets follows the legal principles in Indonesia, which stipulate that the assets should be distributed in a fair and proportional manner. The dowry item utilized as company capital remains under the ownership of the wife.

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### **Interveiwis**

Interview with "DA and Ishom, The Counsellor at Labohan sub-district Ratu dan Sukarame, Bandar Lampung, May 26, 2023.

Interview with Ny. LD, Tj Karang Pusat, Bandar Lampung, May 23, 2023

Interview with Ny. RH, Kedaton Bandar Lampung, May 20, 2023

Interview with Suprapti, Sukarame, Bandar Lampung, May 24, 2023

Interview with Rubiana, Enggal, Bandar Lampung, May 27, 2023

Interview with DW, Tb Barat, Bandar Lampung, May 30, 2023.

Interview with ZK, Lbn. Ratu, Bandar Lampung, May 26, 2023.