

## Normative and Sociological Review of the Selangor Majlis Fatwa Decree on Dowry

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**Abstract:** *The determination of the minimum level of dowry issued by Majlis Fatwa should contain elements of benefit for both the husband and the wife. The determination of the level of dowry is considered with various aspects such as customs and maslahat for the people in the State of Selangor. This study aims to find out the provisions of the minimum level of dowry in Islamic law, the legal basis of Majlis Fatwa State of Selangor in determining the minimum level of dowry of RM 300 and the relevance of Majlis Fatwa State of Selangor in determining the minimum level of dowry of RM 300 to the community. This research is field research located in Selangor. The data sources used by the author are primary data sources, namely data obtained directly from interviews and secondary data sources obtained from various documents related to this research. The results showed that the provision of the minimum level of dowry in Islamic law is not specifically determined about the level of dowry for marriage. Islam only orders to lighten the dowry and facilitate marriage. The legal basis of Majlis Fatwa State of Selangor in determining the minimum level of dowry of RM 300, based on the hadith from Aisha, from the Prophet SAW, who said: (The women whose blessings are great are the women who facilitate the financing of their marriages). This hadith is seen as still not fulfilling the main purpose and objective for the people living today, because the people of the State of Selangor still feel the burden of financing marriage. This also protects the right of dowry so that the determination of the dowry rate does not apply arbitrarily and complicate marriage. The relevance of Majlis Fatwa State of Selangor in determining the minimum level of dowry of RM 300 to the community is still not appropriate, because what is set only the minimum limit. Majlis Fatwa should also determine the maximum level which will be good between the man and the woman.*

**Keywords:** Majlis Fatwa, Selangor, Dowry.

**Abstrak:** *Penetapan kadar minimal mahar yang dikeluarkan Majlis Fatwa semestinya mengandung unsur kemaslahatan yang baik di pihak suami dan pihak isteri. Penetapan kadar mahar ini, dipertimbangkan dengan berbagai aspek seperti adat kebiasaan dan maslahat bagi masyarakat di Negeri Selangor. Penelitian ini bertujuan untuk mengetahui ketentuan kadar minimal mahar dalam hukum Islam, dasar hukum Majlis Fatwa Negeri Selangor dalam menetapkan kadar minimal mahar RM 300 dan relevansi Majlis Fatwa Negeri Selangor dalam menetapkan kadar minimal mahar RM 300 terhadap masyarakat. Penelitian ini merupakan penelitian lapangan (field research) yang berlokasi di Selangor. Sumber data penulis gunakan adalah sumber data primer yaitu data yang diperoleh langsung dari hasil wawancara dan sumber data sekunder diperoleh dari berbagai dokumen yang berkaitan penelitian ini. Hasil penelitian menunjukkan bahwa, Ketentuan kadar minimal mahar dalam hukum Islam tidak ditetapkan secara khusus tentang kadar pemberian mahar untuk perkawinan. Islam hanya menyuruh agar meringankan mahar dan memudahkan perkawinan. Dasar hukum Majlis Fatwa Negeri Selangor dalam menetapkan kadar minimal mahar RM 300, berdasarkan hadis dari Aisyah, dari Nabi SAW, yang bersabda: (wanita-wanita*

yang besar keberkahannya adalah wanita yang mempermudah pembiayaan pernikahannya). Hadis ini dilihat masih belum memenuhi maksud dan tujuan utama untuk masyarakat yang hidup zaman sekarang, karena masyarakat Negeri Selangor masih merasakan beban dengan pembiayaan perkawinan, ini juga menjaga hak mahar supaya tidak berlaku penetapan kadar mahar secara suka hati dan mempersulit perkawinan. Relevansi Majlis Fatwa Negeri Selangor dalam menetapkan kadar minimal mahar RM 300 terhadap masyarakat masih belum sesuai, karena yang ditetapkan hanyalah batas minimal. Seharusnya Majlis Fatwa juga menentukan kadar maksimal yang mana akan menjadi kebaikan antara pihak laki-laki dan wanita.

**Kata Kunci:** Majlis Fatwa, Selangor, Mahar.

## Introduction

Islamic law does not stipulate the amount and limit of dowry for a woman. The dowry depends on the circumstances and environment of a particular community. Islam recommends that we take the middle path of not setting the dowry too high and not too low. The dowry given is a tribute to the prospective husband to raise the dignity of the prospective wife and as a sign of seriousness to marry and love a woman, to be used as best as possible according to the needs of the owner of the right.<sup>1</sup> Islam recommends that the dowry be given by the prospective husband to the prospective wife in the form of a valuable object that does not have to be expensive, because in essence the dowry is an obligatory gift from the prospective husband to the prospective wife as a sincere heart to generate love and affection for a wife to a husband.<sup>2</sup> Dowry is an obligatory gift given by the prospective husband to the prospective wife, symbolizing his sincere intentions to foster love between them.<sup>3</sup> In fiqh terms, in addition to the word “mahar”, the words *shidâq*, *nihlah*, and *farîdhah* are also used in Indonesian with the word “*mas kawin*”.<sup>4</sup> *Mahar* etymologically means dowry. In terminology, dowry is an obligatory gift from the prospective husband. Marriage is not the buying and selling of women, hence there is no fixed size or amount of dowry.<sup>5</sup> The amount of dowry, its type, and its form should be guided by simplicity and convenience, as in Islamic law. The dowry may take any form as long as it can be owned and exchanged. This is because the dowry is a substitute for starting the relationship between husband and wife, and the size of the substitute given to him is like the payment of benefits.<sup>6</sup>

Dowry is an obligation on the part of the husband to be given to the wife as soon as the marriage contract is legally executed as well as mentioned or recorded in the contract.<sup>7</sup> Islam has outlined some guidelines and ethics for forming a happy family and earning the pleasure of Allah by outlining certain rights in domestic life. These rights involve the rights of the husband, the rights of the wife and the rights of the couple.

<sup>1</sup> Abdul Rahman Ghazali, *Fiqh Munakahat*, (Jakarta: Kencana Prenada Media Group, 2010), p. 85.

<sup>2</sup> Slamet Riadi, *Hukum Islam Indonesia*, (Jakarta: Raja Grafindo Persada, 1993), p. 101.

<sup>3</sup> Abdul Rahman Ghazali, *Fiqh Munakahat*, (Jakarta: Kencana Prenada Media Group, 2010), p. 84.

<sup>4</sup> Wahbah Zuhaili, *Fiqh Islam Wa Adillatuhu*, (Jakarta: Gema Insani, 2007), p. 97.

<sup>5</sup> Firman Arifandi, *Serial Hadis Nikah 4 Mahar Sebuah Tanda Cinta Terindah*, (Jakarta Selatan: Rumah Fiqh Publishing, 2018), p.8.

<sup>6</sup> Wahbah Zuhaili, *Fiqh Islam Wa Adillatuhu*, (Jakarta: Gema Insani, 2007), p. 236.

<sup>7</sup> *Ibid.*, p. 247.

Among the rights of the wife is to receive the dowry from her husband based on the words of Allah in Surah an-Nisa' verse 4:

وَأَتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيئًا

Meaning: "Give women their dowry gift upon marriage, though if they are happy to give up some of it for you, you may enjoy it with a clear conscience".<sup>8</sup>

In the state of Selangor, the mahar rate is different according to the state and has been determined by the respective State Islamic Religious Department. In Selangor, the initial rate of mahar set in 1968 was RM 80 for a virgin and RM 40 for a widow, later raised to RM 300 (one million three hundred rupiah) which was implemented on 1 January 2010.<sup>9</sup> Selangor Islamic Religious Department announced on 1 January 2010, the mas kahwin for women in the state of Selangor was raised to RM 300 (one million three hundred rupiahs) after being approved by the Sultan of Selangor, Sultan Sharafuddin Idris Shah. The Selangor Islamic Religious Department's Family Law, he explained in general terms, was the basis for legal efforts made to set the new rate for the state, which took less than six months before its implementation. His representative (Chief Director of Selangor Islamic Religious Department), Datuk Mohamed Kushrin Munawi explained, Approving this Jawatan Kuasa Fatwa through its Mufti on November 1, 2009 has decided that the level of dowry in the State of Selangor for girls and widows is RM 300 (one million three hundred rupiah) at the minimum level and no longer engagement gifts, but the money will become the couple's "*maskawin pernikahan*". The reason why the widow's mahr was raised from RM 40 to RM 300 was due to the bad thinking of the people who treated widows as secondhand goods, and there were people making comparisons of which country had a cheaper value for widows. This has gone beyond the basic purpose of giving dowry in Islam, which is preserving the dignity of women both maidens and widows.<sup>10</sup> He said that the new rate was implemented after studying several developments, including the uniform amount of dowry for women regardless of their status as before.

Determination of the minimum level of mahar above issued by Majlis Fatwa State of Selangor should contain elements of kemaslahatan and good virtue on the wife's side. Seksyen 47 Enakmen Pentadbiran Agama Islam (State of Selangor) 2003, Fatwa authority for State of Selangor, upon the order of "*Duli Yang Maha Mulia Sultan*" provides fatwa stated in the schedule and broadcast according to subsection 48 (6) This enakmen shall be deemed to have come into force on 1 January 2010. "Setting a minimum limit on the value of dowry of RM 300.00 for virgins or widows with no maximum limit. If there are engagement gifts from the man's side, they are considered as dowry".<sup>11</sup>

Regarding the minimum rate of dowry, scholars agree that there is no limit in giving dowry. Imam Syafi'i thinks there is no minimum limit on dowry. But valid with anything that has value as material. Either a little or a lot. There is no minimum limit on dowry, it can be paid with anything, either in the form of material goods or something useful. This is the most correct opinion, which is gathered from all arguments and is in

<sup>8</sup> Departemen Agama RI, *Al-Qur'an Dan Terjemahannya*, (Bandung: Syamil Qur'an), p. 77.

<sup>9</sup> Kadar Mas Kahwin: Masyarakat Perlu Bezakan Antara 'Adat Dan Ibadat', <http://mstar.com.my>, 12 Desember 2009

<sup>10</sup> Wawancara Bersama Ustaz Amir Bin Abdul Aziz, Pegawai Hal Ehwal Islam Jabatan Agama Islam Negeri Selangor, Bahagian Undang-undang Kekeluargaan Islam, 4 oktober 2023.

<sup>11</sup> Enakmen Pentadbiran Agama Islam Negeri Selangor, 4 Febuari, 2010.

accordance with the argument that dowry is prescribed. Because the purpose of dowry is not just to pay for property, but it is a symbol of desire and honesty of intention to be together. The thought that afflicts some of the community so that it increases in giving dowry is not a characteristic of Islamic teachings.

In addition, the problem is that the amount of dowry determined makes young people in the State of Selangor not get married and cancel their marriages because the dowry request is too expensive, and many of them choose partners from other provinces according to the level of dowry they can afford. For example, the case of youth or people living in the State of Selangor in Malaysia where the dowry is given as much as RM 15 thousand (32 million rupiah). The results of the interview with Ahmad Badrul were that the value of the dowry placed by the female party was RM 8 thousand (23 million rupiah).<sup>12</sup> In the province of Klang, Selangor, the interview with Muhammad Najwan revealed that the dowry that needs to be paid is RM 10 thousand (28 million).<sup>13</sup> With several cases or research results made which with this situation became a very hot conversation said by the community or the people in the State of Selangor who felt it was a burden on the determination of the dowry rate that was too high.

The study of dowry in Islam has been widely discussed in previous research, both in terms of normative and contemporary policies. A number of previous studies can be used as important references that are relevant to this discussion. The first research was written by Shaharuddin & Fatimah with the title “*Hukum Penetapan Mahar Oleh Sultan Selangor di Tinjau dari Hukum Islam*”.<sup>14</sup> This study examines the perspective of Islamic law on the minimum dowry level set by the Sultan of Selangor. It was found that the fuqaha agreed that there is no maximum limit on the amount of dowry, but on the minimum limit the fuqaha differed in their opinions on it. Although both of them raise the theme of dowry, there are differences with this article, which has a different approach because it focuses more on the policy and institutional aspects, namely by examining the role of Majlis Fatwa State of Selangor as the official authority in setting the minimum level of dowry of RM 300.

Furthermore, Akhmad Maimun's article is entitled “*Maqoshid al-Syari'ah dalam Hukum Mahar Perkawinan*”. Maimun explains that dowry is an integral part of marriage in Islam that has more dimensions than just a symbolic obligation. Through the *maqāsid al-sharī'ah* approach, he explains that dowry plays a role in maintaining the welfare of women, both in the form of economic protection (*hifz al-māl*), security of the soul (*hifz al-nafs*), and the continuation of offspring (*hifz al-nasl*).<sup>15</sup> This study is close to the theme of dowry, but there are significant differences in its approach. Maimun's article is normative in nature and focuses on understanding the *shar'i* arguments, whereas this article addresses the institutional aspects and implementation of Majlis Fatwa Selangor's policy, including its impact on society.

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<sup>12</sup> Wawancara Bersama Ahmad Badrul, seorang pemuda yang merupakan masyarakat di Negeri Selangor, 13 Juni 2023.

<sup>13</sup> Wawancara Bersama Muhammad Najwan, seorang pemuda yang menetap di provinsi klang Negeri Selangor, 18 Juni 2023

<sup>14</sup> Muhammad Hatim Bin Shaharuddin dan Fatimah. “Hukum Penetapan Mahar Oleh Sultan Selangor Di Tinjau Dari Hukum Islam”, *UNES Law Review*, Vol. 6, No. 2, (2024), p.7693-02.

<sup>15</sup> Akhmad Maimun, “Maqoshid Al Syari'ah Dalam Hukum Mahar Perkawinan”, *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora*, vol. 1, no. 2, (2023), p. 133-143, doi:10.59246/aladalah.v1i2.197.

The next article discussing dowry was written by Zulaifi entitled “*Konsep Mahar Menurut Pemikiran Ulama Empat Mazhab dan Relevansinya di Era Kontemporer*”. This article comprehensively explores the views of the Hanafiyah, Malikiyah, Shafi'iyah, and Hanabilah schools of thought regarding dowry. Differences of opinion on the lowest value of dowry, such as the Hanafi school set 10 dirhams as the lowest limit, which is equivalent to IDR 417,000. Mazhab Malik set 3 dirhams which is equivalent to IDR 125,000. The Shafi'i and Hambali schools do not set a lower limit. However, there are some people who misunderstand the concept of dowry and go out of existence, such as giving a dowry in the form of flip flops, cooking oil, and so on.<sup>16</sup> It is different from the article in that the author of the study focuses on the policy of Majlis Fatwa State of Selangor to set a minimum level of dowry of RM 300.

From the description above, it can be seen that Islamic law in determining the dowry recommends that the value of the dowry be adjusted to the ability of the bride and groom sufficiently and lighten the value of the amount of dowry, while the determination of dowry in the community of Selangor state has a value of the amount of dowry that is quite large or expensive. Based on the theoretical description and empirical context previously stated, it can be concluded that the main focus of this research is rooted in three main problem formulations. First, it is important to understand how the provisions regarding the minimum level of dowry are viewed in the perspective of Islamic law itself. This refers to the basic principles of sharia that do not explicitly set a minimum or maximum limit on the amount of dowry but still advocate simplicity and justice in its implementation. Secondly, this study seeks to identify the legal basis used by the Majlis Fatwa state of Selangor in determining the minimum dowry of RM 300. In this regard, the relevance of the use of shar'i arguments as well as the administrative basis based on the fatwa authority in the region is the main point of analysis. Third, this study also critically examines the relevance and impact of the stipulation of the minimum dowry level on society, both in terms of social benefit, public perception, and implications for marriage practices in Muslim communities in Selangor. These three aspects become the conceptual and operational basis for analyzing the issues raised in this study.

## Method

The type of this research is empirical normative jurisprudence with the statutory approach method and legal sociology, namely research that focuses on the rules that apply to activities to identify, document, and know with in-depth interpretation of the symptoms of values, meanings, beliefs, thoughts, and general characteristics of a person or group of people about life events.<sup>17</sup> The research location is the place that is used as the research location, so the researcher took place in the Islamic Religious Department of Selangor, Malaysia. The reason the author made the research there was because there was a source for the author to study the determination of the level of dowry in marriage. The interview conducted was an interview with the community and the jawatan authority in the Selangor Islamic Religious Department. The documentation method is a method used to trace historical data. This qualitative research uses the documentation method to complement interview data. The data in the form of valid data will be obtained directly with the interview process in the field by researchers related to the relevance of the Majlis Fatwa

<sup>16</sup> Zulaifi, “Konsep Mahar Menurut Pemikiran Ulama Empat Mazhab Dan Relevansinya Di Era Kontemporer”, *QAWWAM: Journal for Gender Mainstreaming*, vol. 16, no. 2, (2022).

<sup>17</sup> Sugiyono, *Memahami Penelitian Kualitatif*, (Bandung: Alfabeta, 2013), p. 30.

in determining the minimum level of dowry in the state of Selangor. Literature study in this research is an activity to collect information that is relevant to the topic or problem that is the object of research. The information can be obtained from books, scientific works, theses, dissertations, encyclopedias, the internet, and other sources.

## Discussion

### A. Minimum Dowry Level in Islamic Law

Judging from the provisions of the minimum level of dowry in Islamic law, Islamic law never determines or puts a minimum limit or maximum limit on the level of dowry because everyone has a different stage in daily life because of the difference between the rich and the poor. So Islam leaves the issue of dowry based on each person's ability. The dowry is not to judge women but rather as proof that the prospective husband actually loves his prospective wife so that he willingly and willingly sacrifices his property to be handed over to his wife as a sign of love as a prelude to the husband continuing to provide for his wife as a husband's obligation to his wife.

Islamic law does not prescribe a minimum or maximum dowry because each individual has different abilities. However, there are many proofs of guidance to measure the dowry as recommended by Islamic law. Therefore, the dowry is not determined by how much it is, but it is enough with a sign of love of the heart. A man who does not pay the dowry is proof that he does not love his wife even a little.<sup>18</sup> Islam does not provide a minimum or maximum size of dowry for every human being so that everyone can fulfill their dowry according to their abilities, economic conditions and family customs. The dowry in Islam according to the scholars are: Imam Shafi'i, says there is no minimum limit for the dowry, the validity of the dowry is not determined by something. Therefore, it is valid if the dowry is a little or a lot of property. The limitation is, everything that is valid for sale or that has value is valid to be a dowry. If it has no value, then it cannot be used as a dowry, so long as it does not reach the limit of what cannot be valued. The Hambali school of thought is of the opinion that there is no minimum amount of dowry.<sup>19</sup> Anyone is allowed to give whatever dowry he or she wants as long as the woman agrees to it. The principle for Imam Hanbali is that anything that is tradable and valuable can be used as a dowry. Abu Tsaur, Ahmad, Ishaq, and the Tabai'in say that there is no lower limit for the dowry. Anything that has value can be used as a dowry.<sup>20</sup>

It can be understood that regarding the minimum and maximum limits, all scholars agree that there is no limit on the dowry given by the groom to his wife. Islam does not set a minimum or maximum amount of dowry. This is due to the different levels of human ability to give it.<sup>21</sup> A rich man has the ability to give a larger dowry to his future wife. Conversely, there are poor people who can hardly afford to give it, therefore, giving the dowry is left to the ability of the person concerned, with the willingness and agreement of each party to be married to determine the amount. As found in the word of Allah SWT, Surat An-Nisaa' verse 25:

<sup>18</sup> Mahmud Yunus, *Hukum Perkahwinan dalam Islam*, (Jakarta: Hidakarya Agung, 1993), p. 83.

<sup>19</sup> Umi Hani, "Analisis Perbandingan Empat Mazhab Tentang Pernikahan Dalam Islam", *Jurnal Komukasi Bisnis Dan Manajemen*, Vol. 6, No. 1, (2019), p. 22.

<sup>20</sup> Abdul Rahman Ghazali, *Fiqh munakahat...* p. 88-89.

<sup>21</sup> Kamal Muhktar, *Asas-Asas Hukum Islam tentang Perkawinan*, (Jakarta: Bulan Bintang, 1994), p. 82.

وَأَتَوْهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ

Meaning: And give them their dowry as they see fit.

Mukhtar Kamal said that the inability to pay the dowry because of its size should not be a barrier to marriage, in accordance with the words of the Prophet:

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَزَوَّجْ وَلَوْ بِخَاتِمٍ مِنْ حَدِيدٍ (رواه البخارى)

Meaning: Marry you even with a dowry of a ring of iron. (HR. Bukhari).<sup>22</sup>

From this hadith it can be seen that paying a dowry is a necessity in marriage, even if it is only a small amount, but it is circumscribed for a woman not to be excessive in asking for a dowry, based on the hadith:

عَنْ أَبِي الْعَجْفَاءِ، قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ: أَلَا لَا تَعْلُوا صُدُقَ النِّسَاءِ، فَإِنَّهُ لَوْ كَانَ مَكْرُمَةً فِي الدُّنْيَا، أَوْ تَقْوَى عِنْدَ اللَّهِ عَزَّ وَجَلَّ كَانَ أَوْلَاكُمْ بِهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، مَا أَصْدَقَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ امْرَأَةً مِنْ نِسَائِهِ، وَلَا أَصْدَقَتْ امْرَأَةً مِنْ بَنَاتِهِ أَكْثَرَ مِنْ ثِنْتَيْ عَشْرَةَ أُوقِيَةً

Meaning: Do not be extravagant in the dowry of women, because if the dowry is a source of honor in this world or piety in the sight of Allah, then the most deserving person is the Prophet (peace and blessings of Allah be upon him). The Prophet (peace and blessings of Allah be upon him) never gave a dowry to any of his wives, nor did any of his daughters give a dowry of more than twelve ounces.<sup>23</sup>

Based on the above, it can be understood that the Prophet (peace and blessings of Allah be upon him) instructed to give a dowry in the form of clothes, an iron ring, and recitation of the Qur'an. Likewise, it is stipulated that the dowry must be in a form and useful regardless of whether it is small or large, because it can be in the form of an iron ring. The amount and form of the dowry should always be guided by the nature of simplicity and the teachings of convenience recommended by Islam so that the amount and form of the dowry do not burden the prospective groom.<sup>24</sup> If the dowry is the right of a woman (wife) then a good wife is one who does not complicate or inflate the dowry. Expanding the dowry is something that is hated by Islam because it will complicate marital relations between people.

Islam does not like excessive dowries (women who set too expensive dowries), on the contrary, it says that whenever the dowry is cheaper, it will certainly bring blessings to the life of the husband and wife (household), and a cheap dowry is a sign of the woman's generosity, not a means of lowering her self-esteem. A large dowry is not makrooh as long as it is not for boasting and exaggeration, and the woman should look at the situation and conditions of the prospective groom in determining the amount of dowry so as not to burden the man. So that the marriage process will run smoothly.

After researching using Islamic law related to the provisions of the minimum level of dowry in Islamic law for this marriage, he can refer back to the Qur'an surah An-Nisa verse 24, which in that verse says:

<sup>22</sup> Syaikh Muhammad Nashiruddin al-Albani, *Ringkasan Shahih Bukhari*, (Kairo: Pustaka Sunnah, 1983), p. 364.

<sup>23</sup> Abdurrahman Umairah, *Wanita-Wanita dalam Al-Qur'an* (Jakarta: Pustaka Al-Kautsar, 2020), p. 54.

<sup>24</sup> Djaman Nur, *Fiqih Munakahat*, (Semarang: Dina Utama Semarang DIMAS, 1993), p. 81.

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ ۚ كَتَبَ اللَّهُ عَلَيْكُمْ ۚ وَاحِلَ لَكُمْ مَّا وَرَاءَ ذَٰلِكُمْ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ  
مُحْصِنِينَ غَيْرِ مُسْلِفِينَ ۖ فَمَا اسْتَمْتَعْتُمْ بِهِ ۖ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً ۚ وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا تَرَاضَيْتُمْ بِهِ ۖ  
مِنْ بَعْدِ الْفَرِيضَةِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

Meaning: And (it is also forbidden for you to marry) women who have husbands, except for female slaves (prisoners of war) whom you own as a decree of Allah upon you. "And whichever of the women you enjoy mixing with (after they become your wives), then give them their dowry (in full), as a statute (required by Allah), and there is no sin on you concerning any agreement that you have reached together after the dowry has been fixed (as to the manner and rate of payment). Verily, Allah is All-Knowing, All-Wise".

In this verse, the dowry is mentioned as a gift. If there is a discrepancy between the amount of dowry promised and what is given, then there is nothing wrong with the wife giving up some of the dowry. Allah knows the good intentions in each other's hearts. So give them the agreed-upon dowry willingly. The dowry must be paid before the marriage contract or before intercourse. This verse is used in Surah An-Nisa, verse 24, which has been said or called (you) which means you or you are returned only to the husband because the husband is giving the dowry to the wife. It can be seen that the verse says there is nothing wrong if it turns out that you mutually agree on this verse. If it is translated or understood properly, it can be said that you are not sinful regarding an agreement that has been reached together by you after determining the value of the dowry.

With this, it is clear that the value of the dowry in Islamic law is not burdensome, and there is no minimum or maximum limit. Based on a hadith in Sunan Abu Daud, An-Nasa'i and Al Mustadrak Al Hakim he considered it saheeh from Abu Al Ajfa'i As- Sahmi, he said, Umar bin Khaththab addressed us and said:<sup>25</sup>

قَالَ عُمَرُ بْنُ الْخَطَّابِ لَا تُعَالُوا صَدَاقَ النِّسَاءِ فَإِنَّهَا لَوْ كَانَتْ مَكْرُمَةً فِي الدُّنْيَا أَوْ تَقْوَىٰ عِنْدَ اللَّهِ كَانَ أَوْلَاكُمْ  
وَأَحَقُّكُمْ بِهَا مُحَمَّدٌ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَا أَصْدَقَ امْرَأَةً مِنْ نِسَائِهِ وَلَا أَصْدَقَتْ امْرَأَةً مِنْ بَنَاتِهِ أَكْثَرَ مِنْ اثْنَتَيْ  
عَشْرَةَ أَوْقِيَّةً

Meaning: "Umar bin Khattab said: Do not overdo it in giving dowries to women, because if the dowry is glory in the world or a sign of piety in the sight of Allah, then the person most entitled to receive it is Muhammad saw. He never gave a dowry to his wives, nor to his daughters who were given a dowry of more than twelve ounces".

While the Sunnah of the Prophet SAW says to look for what is of value and can be used as a dowry, then this is the action and command of the Prophet SAW, as the Prophet said:

وَعَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: زَوَّجَ النَّبِيُّ ﷺ رَجُلًا امْرَأَةً بِحَتَمٍ مِنْ حَدِيدٍ. أَخْرَجَهُ الْحَاكِمُ، وَهُوَ طَرَفٌ مِنَ  
الْحَدِيثِ الطَّوِيلِ الْمُتَقَدِّمِ فِي أَوَائِلِ النِّكَاحِ.

<sup>25</sup> Abdullah Bin Abdurrahman Al Bassam, *Syarah Bulughul Maram jilid 5*, (Jakarta: Pustaka Azzam, 2006), p. 487-489.



Meaning: “Sahal Ibn Saad *radhiyallaahu 'anhu* said: The Prophet SAW once married a man to a woman with a dowry of an iron ring. Narrated by Hakim. This is a fragment of a long hadith that has passed at the beginning of the chapter on marriage.”<sup>26</sup>

As for the scholars, they agree to explain the application of dowry reminding in the Qur'an in it. Dowry is a qiyas demand, dowry is also a must to be used for a marriage. We can see that Allah SWT does not give a maximum and minimum limit, only what is said is only to ease the dowry based on the words of the Prophet SAW:

فقد روي عن عائشة ، عن النبي صلى الله عليه وسلم قال: (أَعْظَمُ النِّسَاءِ بَرَكََةً أَيْسَرُهُنَّ مَوْئِدَةً)

Meaning: Narrated from Aisyah, from the Prophet Muhammad SAW, who said: (women whose blessings are greatest are women who make it easier to finance their marriage).<sup>27</sup>

The above hadith tells us that the Prophet's sunnah is to look for what is valuable and can be used as a marriage dowry. In addition, a dowry that is not made with a high value and expensive dowry will be blessed. The sincerity of the dowry will eliminate any suspicion of covetousness from their life dictionary.<sup>28</sup> In addition, it can be said that the use of Quranic verses clearly explains that Islamic law does not determine the level or amount of an object that will become a dowry. During the time of Saidina Umar r.a, When it was narrated from Sa'id bin Manshur and Abu Ya'la, that Umar once made a speech on the pulpit at the time of his caliphate at that time had said or set the level of dowry value to women, if Saidina Umar wanted to use his quota as a caliph in setting the dowry to facilitate the affairs for the enactment of marriage, When Saidina Umar wanted to use his power as a caliph in setting the dowry for facilitating the affairs for the enactment of marriage, he was indirectly reprimanded by a woman, who was a commoner of the country by saying ‘the dowry is the right of women’ with the woman firmly speaking out and at the same time Saidina Umar he tolerated and accepted the woman's reprimand and directly withdrew the decision that he wanted to issue.<sup>29</sup>

The above hadith illustrates that dowry is very important in a marriage, with this the male party is obliged to provide dowry with his ability. The above hadith also says that the teachings of Islam are very lenient and not burdensome in providing dowry. It can be said that the Prophet never gave a minimum or maximum limit in determining the level of dowry itself. Another hadith which includes:

وعن جابر (أن رسول الله صلى الله عليه وآله وسلم قال لو أن رجلاً أعطى امرأة صداقاً ملء يديه طعاماً كانت له حلالاً). رواه أحمد وأبو داود بمعناه.

Meaning: “From Jabir r.a. that the Prophet SAW said: If a man gave a handful of food to a woman as a dowry, she would be permissible for him.” Narrated by Ahmad and Abu Dawud with the same meaning.<sup>30</sup>

<sup>26</sup> Al-Hafiz Ibnu Hajar Al-Asqalani, *Bulughul Maram*, (Jakarta: Pustaka Imam Adz Dzahabi, 2007), p. 510.

<sup>27</sup> Abdullah Bin Abdurrahman Al Bassam, *Syarah Bulughul Maram jilid 5*, (Jakarta: Pustaka Azzam, 2006), p. 461.

<sup>28</sup> Diakses melalui situs <https://muftiwp.gov.my/ms/artikel/bayan-linnas/1777-bayan-linnas-siri-56-isu-mahar-penyelesaiannya> pada tanggal 8 September 2023.

<sup>29</sup> Rafid Abbas, Ijtihad Umar bin Khattab tentang Hukum Perkawinan, *Al-Hukama The Indonesian Journal of Islamic Family Law*, Vol. 04, No. 02, (2014), p. 489.

<sup>30</sup> Muhammad Imam al-Syaukani, *Nail al-Author*, (Jakarta: Pustaka Azzam, 2006) p. 487.

Based on the above hadith, it can be said that in Islamic law the dowry is the right of women, Allah has ordered it as a compensation or reward for preserving women's honor, chastity, and dignity and honoring the position of women. Here we can see that the determination of the limit of the dowry or the value of the dowry should be left to both parties, the man and the woman, where it will be something easy so that it may be given as a dowry in the form of property or something of value. If seen in Islamic law itself, which in Islam itself does not place the minimum and maximum levels of dowry, it also gives women the right to hold affairs, including maintaining the right to dowry. This is an Islamic effort to maintain women's rights, women's dignity, and women's degrees in marriage itself. In addition, it is used to protect women's rights so that they are not used in vain, so that the guardian does not use the dowry improperly. Islam came to remove the problem of women being given the right to a dowry when the husband is only obliged to give the dowry, not the father or guardian.<sup>31</sup>

### **B. The Legal Basis of Majlis Fatwa State of Selangor in Determining the Minimum Dowry Level of RM 300**

Majlis Fatwa State of Selangor is clear that it was originally one of the departments of the Selangor Islamic Religious Department, specifically the Fatwa Department. Majlis Fatwa is linguistically derived from the word *ifta'* which originated from the word *aftha* which means to clarify and explain the law on matters relating to religion. Fatwa has many different definitions, including the explanation of syarak rulings by a mufti in a religious matter based on syarak arguments as an answer to anyone who asks questions individually or in groups and the process of responding to a mufti or congregation by a Fatwa committee or Majlis Fatwa. It means answering mysterious questions, such as someone saying, "Ask him for a fatwa," and then he will give you a fatwa, and its terminology is a message regarding a certain sharia law based on istinbat done by a mufti who has the authority in Islam to give an answer to a question.

The determination of the minimum level of dowry was set by Majlis Fatwa which was during the time of the Selangor Sultan, the late Sultan Salahuddin Abdul Aziz Shah, who at that time wanted to put a new provision in this dowry rate as a guideline for the people in the State of Selangor regarding this dowry itself. At first the dowry rate was only set at RM 80 for women who were virgins, and for widowed women the minimum rate was only RM 40. This was the result of a meeting between Majlis Fatwa and the Religious Department of Selangor, and the decree was issued in 1968. The initial level of dowry set in 1968 was RM 80 for virgins and RM 40 for widows, later raised to RM 300 (one million three hundred rupiah) which was implemented on 1 January 2010.<sup>32</sup> The Selangor Islamic Religious Department announced on 1 January 2010 that the dowry for women in the State of Selangor was raised to RM300 (one million three hundred rupiahs) after being approved by the Sultan of Selangor, Sultan Sharafuddin Idris Shah. This new rate was implemented for the reason that Majlis Fatwa wanted to maintain the dignity of women and maintain the good name of the dowry itself without any problems and conflicts among the people in the State of Selangor. This provision was issued as a result of the Majlis Fatwa meeting in determining the minimum level of dowry, the main factor

<sup>31</sup> Halimah B. Konsep Mahar Dalam Tafsiran Kontemporer, *Al Daulah Jurnal Hukum Pidana dan Ketatanegaraan*, Vol. 6, No. 2, (2017).

<sup>32</sup> Kadar Mas Kahwin: Masyarakat Perlu Bezakan Antara 'Adat Dan Ibadat', <http://mstar.com.my>, 12 Desember 2009

in determining the minimum level of dowry being due to maintaining the rights of women and the rights of the dowry itself in a marriage. In addition, so that the level of dowry is not placed at will and there are no problems with the community, especially the parents of the prospective wife in setting a high or low amount of dowry that might burden the prospective husband in the process of marriage, it can be seen that the dignity of ordinary women can be measured by the high or low dowry by the people in State of Selangor itself.

The results of the interview with Ustadz Amir Selangor State Islamic Affairs Officer from the family section at the Selangor Islamic Religious Department.<sup>33</sup> The legal basis used by the Majlis Fatwa itself in issuing the fatwa on the minimum level of dowry is based on the hadith narrated from Aisha, which has been mentioned in the previous discussion. The hadith shows that it still does not fulfill the main goals and objectives for the people in the State of Selangor itself to live in this day and age. This is because the people in the State of Selangor still feel a very high burden with the walimah costs that are always set by the woman's party, which are too high based on educational factors, family status, and the work of the prospective woman herself, which is very burdensome for the people in the State of Selangor itself. Another reason is that the fall in the value of the currency is very low, which will add more burden to the marriage process.

The results of the Majlis Fatwa meeting showed that the dowry rate itself was still not used properly by the people in the State of Selangor itself, where the community placed the dowry rate very high and very low, which had caused difficulties in the process of determining the dowry in the marriage itself. Besides that, the Majlis Fatwa itself saw that most of the people in the State of Selangor placed the dowry value level in a marriage at will, which would cause a bad impact on the meaning of dowry and the right of dowry itself in Islam. In addition, there are cases where the wife asks to set the amount of dowry, but the husband refuses to set the amount because it is too high, and there is a misunderstanding, and there are cases where the husband and wife fail to set the amount of dowry or cannot set the amount properly. With this it can be said that the community, residents or parents who live in the State of Selangor will not understand the purpose or main purpose of giving dowry in marriage according to Islamic law itself because the determination of dowry can be high or low levels of dowry value. This will cause a negative impact or impression on the culture of the people in the State of Selangor in determining the level of dowry in marriage, and in the future, it will give the impression and misunderstanding in determining the level of dowry. This is likely to have a negative impact on the minds of the people living in the State of Selangor in the future.

The result of the determination of the minimum dowry rate of RM300 issued by Majlis Fatwa aims to protect the right of dowry and wants to raise the dignity of women and the purpose of the dowry itself. In addition, with the determination of the minimum dowry rate of RM300, it is also intended that there will be no more neglect of the right to dowry and no more voluntary determination of the value of the dowry, which will cause problems in the marriage process. The determination of the minimum dowry rate will also facilitate the process of determining the dowry rate that will take place in the community in the State of Selangor. In addition, with the determination of the minimum level of dowry issued by Majlis Fatwa itself, it will reduce the occurrence of problems or conflicts between the male and female parties to carry out marriage, and the determination of the

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<sup>33</sup> Wawancara Bersama Ustadz Amir bin Abdul Aziz, Pegawai Hal Ehwal Islam Jabatan Agama Islam Negeri Selangor, Bahagian Undang-undang Kekeluargaan Islam, 4 Oktober 2023.

minimum level of dowry is also to guard the community, especially the parents or family of the female party, from placing the value of the dowry that is not appropriate in the State of Selangor itself. With the determination of the minimum level of dowry, this will give a good impression to the community in the State of Selangor itself.

### **C. Relevance of Majlis Fatwa State of Selangor in Determining the Minimum Dowry of RM 300 to the Community**

After dowry is something that must be paid by a man to a woman who wants to marry, this is because he wants to protect and elevate the dignity of the woman herself. In Malaysia, where a state in Selangor Islamic law can be applied with two situations or two conditions, which occur in the state of fatwa and apply in the state of written law, or it is called "*enakmen-enakmen syarak law*," for example, such as "*enakmen Islamic family*" and "*enakmen jenayah syariah procedure*."<sup>34</sup> In the state of Selangor, there is a Majlis Fatwa that has been gazetted in the government gazette, which will bind Muslims within the State of Selangor itself.<sup>35</sup> It will become a religious teaching and has become an obligation to follow and become a guideline with the Fatwa ruling itself, unless it is justified by a law that deviates from the Fatwa ruling itself.

The relevance of the Majlis Fatwa in setting the minimum rate of dowry can be said to be still not appropriate or suitable, which will only solve problems in a marriage in determining the value of dowry, which often causes problems, such as some women not determining the dowry and some setting the dowry price at will, which has affected the meaning or understanding of dowry itself in Islam.

With this, there will be a ruling that has been determined by the government and the Majlis Fatwa itself, which is said to be the value of the dowry that has been set or has been decided by the Majlis Fatwa in the State of Selangor is RM 300 for virgins and widows themselves. This fatwa has set the dowry rate at RM 300 for virgins and widows without a maximum limit, only a minimum limit. The reason for setting the dowry amount of RM 300 for virgins and widows is to protect the dignity of women, at the same time, the Majlis Fatwa itself explains other reasons such as so that the dowry value is not set at will. In the meantime, other factors such as economic development in the State of Selangor itself make the rate of setting the dowry value higher compared to other states, the reason being to protect the dignity of women and provide socio-economic protection.<sup>36</sup>

It can be seen that Majlis Fatwa only issued a minimum level of dowry without a maximum limit, this will result in the amount of dowry that will be high which will burden the male party in the amount of dowry determination in the State of Selangor itself.<sup>37</sup> High or low dowry or the type and form should be guided by the nature of simplicity and ease, which has been taught in Islam. Islam itself does not stipulate the amount of dowry, but it should be adjusted to the ability of the men without them feeling the burden of the

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<sup>34</sup> Hasnan Kasan, Prosuder Mengeluarkan dan Menguatkuasa Fatwa di Semenanjung Malaysia, *Jurnal Undang-Undang dan Masyarakat*, No. 10, (2006).

<sup>35</sup> Zaini Nasohah, Undang-undang Penguatkuasa Fatwa di Malaysia, *Jurnal Islamiyyat*, Vol. 27, No. 1, (2005).

<sup>36</sup> Musyaffa Amin Ash Shabah "*Implementasi Pemberian Mahar Dalam Perkawinan Masyarakat Aceh-Indonesia Dan Selangor-Malaysia*" (Tesis tidak dipublikasikan) (Jakarta: UIN Syarif Hidayatullah, 2019), p. 90.

<sup>37</sup> Jabatan Mufti Negeri Selangor, *Garis Panduan Majlis Perkahwinan*, (Selangor: Jabatan Mufti Negeri Selangor, 2023), p. 2.

dowry itself. It can be seen that the value of the dowry is agreed upon by fiqh scholars, there is no determination of the dowry itself. It is clear here that Islam itself never imposes a process in marriage. In addition, the results of the interview with Ustaz Ramli, a very famous Quran teacher in Selangor State, where he said the new result of the decision issued by the Selangor State Fatwa Majlis itself regarding the value of the dowry in which the Fatwa Majlis set the minimum limit, He also argued that this level of determination will only add to the social problems among the youth to marry and at the same time will lead to an increase in the cost of marriage. He also said that it should only take steps to submit the value of the dowry or the determination of the dowry by mutual agreement of the couple who want to establish a household, that is best without any third party interference.<sup>38</sup>

Islam itself says the dowry given to the prospective wife must be a valuable object that is not too expensive. This is because the gift of the dowry itself is a gift that is obligatory for the husband as a sign of love and affection, as contained in the Quranic verse in Surah An-Nisa' verse 4.<sup>39</sup> It can be concluded that the verse of the Koran in Islam itself does not clearly state the amount of the large or small dowry, but it should be adjusted properly and safely with full willingness. The Prophet himself taught us to give the dowry in a reasonable manner that does not impose and does not apply hostility in giving the dowry.<sup>40</sup>

The determination made by the Majlis Fatwa is only based on a minimum and does not set a maximum. Most people in the State of Selangor themselves set the value of the dowry higher than the determination issued by the Majlis Fatwa itself, this is because there is no maximum limit, only a minimum limit. The results of an interview with the people in the State of Selangor, including Ahmad Badrul Al-Hafiz himself, show that most of the dowries set by women are very high, which will burden the men. This is also because there is no maximum determination, only a minimum. This has burdened the men in the marriage process.<sup>41</sup>

If seen from the other side, the influence on the determination of the dowry rate is due to the fact that there is no maximum dowry rate, which can be high, which will be one of the obstacles to a bond in marriage itself. This will be one of the problematic factors and a heavy influence on the male party towards the high dowry because there is no maximum limit. It can be said that the economy in the State of Selangor is very good, but the burden itself is the fall in the value of the currency which is very low.

After an interview with Muhammad Najwan, who is a resident of the State of Selangor, he said that most men in the State of Selangor do not have a permanent job and a fixed salary, this is due to the few and difficult job opportunities.<sup>42</sup> He further said that due to the low value of the currency, it is a factor for men that causes them difficulty in the process of paying the dowry itself in marriage. The principle of making things easier rather than more complicated is very important to apply, including in marriage.<sup>43</sup> Based on the word of Allah SWT in Surah Al-Baqarah verse 185:

<sup>38</sup> Wawancara Bersama Ustaz Ramli, seorang guru di Provinsi Negeri Selangor, 19 Agustus 2023.

<sup>39</sup> Slamet Riadi, *Hukum Islam Indonesia*, (Jakarta: Raja Grafindo Persada, 1993), p. 101.

<sup>40</sup> Muhammad Nasrudin Albani, *Shahih Sunan Nasâ'i*, (Jakarta: Pustaka Azzam, 2006), p. 718.

<sup>41</sup> Wawancara Bersama Ahmad Badrul Al-Hafiz pemuda di Negeri Selangor, 25 Agustus 2023.

<sup>42</sup> Wawancara Bersama Muhammad Najwan yang merupakan penduduk yang tinggal di Negeri Selangor, 29 Juni 2023

<sup>43</sup> Diakses melalui situs <https://muftiwp.gov.my/ms/artikel/bayan-linnas/1777-bayan-linnas-siri-56-isu-mahar-penyelesaiannya> pada tanggal 9 September 2023.

يُرِيدُ اللَّهُ بِكُمْ الْيُسْرَ وَلَا يُرِيدُ بِكُمْ الْعُسْرَ

Meaning: “Allah wants you to have ease, and He does not want you to endure hardship.”

Thus, because there is no maximum dowry determination rate, the amount of dowry can even reach a very high number and is unaffordable and will make it a debt, which has become a burden for the man himself. This is also because the determination of the dowry value set by the Majlis Fatwa is not yet appropriate because the prices of goods and everything else have skyrocketed and will make the community feel burdened, and there will be very difficult problems in marriage because there is no maximum limit in the determination of the dowry itself.

We can see for ourselves that Islamic law does not set a minimum and maximum rate in determining the dowry itself, this is due to the degree of human beings or people being poor or rich in life. It can be said that every individual has advantages and disadvantages in the process of daily life. Here we can see that every person or community in the State of Selangor itself has a difference in living standards so that there is no certain limit that causes each community to be able to pay something based on their own economic standard of living. With this, it is best to let the male and female candidates determine the amount of dowry themselves, which will be better and easier. This is also based on an agreement between both sides of the family, which can be considered based on their ability and financial circumstances, which will not burden the other party. In addition, the most important thing is that the dowry should be taken for clear benefits and for the good without any party being burdened in carrying out the marriage.

In addition, in terms of determining the minimum level of dowry in the State of Selangor, this is an issue that is burdensome for men in marrying. Most of the young men who marry in other countries do so because in the State of Selangor, the value of dowry set by Majlis Fatwa is very high compared to other countries, which only say there is a minimum limit without a maximum limit, which means that the value of dowry can increase to a high figure, which will burden the male party in marrying. The dowry is not the price or value of the woman herself, which is why there should be no maximum limit on the value of the dowry, which will be a problem in marriage.

It is better to facilitate and minimize all matters in dowry so as not to burden any party. Precisely that in determining the level of dowry value determined or issued by Majlis Fatwa in determining the minimum level of dowry of RM 300 is still not appropriate because there is no maximum determination, which will cause the level of dowry itself to soar high in a marriage in the State of Selangor and will be a burden for the community in the State of Selangor, especially for the male party. It is better to give a dowry that is too high and burdensome for the other party, which is strictly prohibited in Islam itself based on the above hadith where the dowry can be said to be easy and light. With this, it will not cause problems for young people in the State of Selangor in getting married well and easily. Something that is difficult in marriage can happen that brings bad things, and there will be many problems such as immorality and seclusion, which are widespread among the people in the State of Selangor itself. In the story of Umar bin Khattab himself, he once told that there was a man who wanted to get married. At that time, he was given or told to give a dowry that was so high and expensive that he became angry and hated the woman and the woman herself. There are also cases where the guardian put a dowry that was so high that it burdened the man, this can be linked to how the determination has been set by the Selangor State Majlis Fatwa which only puts a minimum rate without a maximum limit.

The determination of dowry in marriage is not only symbolic, but also a reflection of justice, prosperity, and harmony between the two parties who will build a household. In the context of the State of Selangor, the Fatwa Council has set a minimum dowry rate as a guideline to prevent conflicts between men and women, protect women's dignity, guarantee dowry rights, and as a step to avoid immorality before marriage.

However, the absence of a maximum rate in the guidelines has created a new dilemma. When the dowry value has no upper limit, the phenomenon of increasing demand for dowry that is too high appears, so that it becomes a heavy burden especially for men with low incomes, no permanent jobs, or low salaries. This situation not only has the potential to delay or prevent marriage, but can also open up space for promiscuity and immorality due to difficulties in legally concluding a contract.

Not infrequently, men from the State of Selangor choose to marry in other states with more affordable dowry conditions, in order to avoid the financial burden that is involved. This phenomenon shows the need for the Fatwa Council to consider setting a maximum rate as a complement to existing policies. With the existence of lower and upper limits, not only can women's dignity continue to be protected, but also the balance and sustainability of the institution of marriage in Selangor can be achieved in a more inclusive and fair manner.

## Conclusion

Based on the data exposure and research results previously described, it can be concluded that several important things are related to the determination of the minimum level of dowry in Islamic law and its relevance in the State of Selangor. First, in the provisions of Islamic law, there is no text that explicitly stipulates the minimum or maximum limit of dowry. This shows that the determination of the mahr is basically an agreement between the two parties, namely the prospective husband and the prospective wife, taking into account the convenience and fair agreement between them. Islam gives freedom in the form and amount of dowry, whether in the form of property or something of symbolic value, as long as it does not conflict with sharia principles. This freedom reflects Islam's justice in protecting women's rights, dignity, and honor, as well as an effort to facilitate the path to marriage.

Secondly, in the context of local policy, the Majlis Fatwa State of Selangor set a minimum dowry of RM 300. This determination is based on the hadith of the Prophet Muhammad SAW narrated from Aisha, that the woman with the most blessings is the easiest to finance marriage. However, this policy has not fully addressed the socio-economic reality of the people in Selangor. This is due to the tendency of the community, especially on the part of women, to continue to set high dowries based on factors such as education level, family social status, and employment background. As a result, the economic burden shouldered by the prospective husband remains high, so the main purpose of setting a minimum dowry as a form of convenience has not been optimally achieved. In addition, the setting of the RM 300 figure was also done without setting a maximum limit, thus still allowing for a very high and burdensome dowry value.

Thirdly, in terms of its relevance to society, the determination of the minimum level of dowry by Majlis Fatwa State of Selangor still requires further evaluation. This policy only sets a lower limit without setting an upper limit, which in practice is often ignored because people continue to set dowries far above the minimum figure. As a result, the fatwa's objective of controlling the phenomenon of too high or too low dowries is not

fully achieved. Setting a minimum limit without being balanced with a maximum limit opens up space for inequality in the practice of giving dowries, which indirectly burdens men. Therefore, it would be more proportional if the Majlis Fatwa also considered setting a maximum limit as a preventive measure in maintaining a balance between the symbolic value and financial responsibility of the dowry. This is in line with the Islamic principle of not setting a fixed amount in dowry because it respects the different social levels and financial capabilities of each individual but still prioritizes the principles of justice, simplicity, and benefit.

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