



Reinterpreting the Philosophy of *Mahr* in Islamic Family Law: A *Maqāṣid al-Sharī'ah* Analysis of Women's Economic Protection within the Banjar *Jujuran* Tradition

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Article	Abstract
<p>Keywords: <i>Mahr</i>; <i>Maqāṣid al-Sharī'ah</i>; Women's Economic Protection; <i>Fiqh al-Munakahāt</i>; Islamic Family Law</p> <p>How to cite: Yulianti, & Abdullah, A. (2026). Reinterpreting the philosophy of <i>mahr</i> in Islamic family law: A <i>Maqāṣid al-Sharī'ah</i> analysis of women's economic protection within the Banjar <i>jujuran</i> tradition. <i>Mitsaqan Ghalizān</i> 6 (1), 2026: 1–14. https://doi.org/10.33084/mg.v6i1.12637</p>	<p>In classical <i>fiqh</i> discourse, <i>mahr</i> is often situated within the framework of the <i>mu'āwāḍah</i> (exchange) contract, which, epistemologically, tends to reduce women's human value to legal objects. In the era of economic disruption, interpreting <i>mahr</i> as merely an administrative formality or a religious symbol undermines its protective function against a wife's economic vulnerability. This study aims to conduct a philosophical reinterpretation of <i>mahr</i> by shifting the paradigm from the mere symbolism of <i>istimā'</i> toward the sovereignty of absolute <i>milkiyyah</i> (ownership) for women. This study is normative legal research employing statutory, conceptual, and comparative approaches. The analysis is conducted using the <i>Maqāṣid al-Sharī'ah</i> framework to examine the dimensions of the benefits of <i>mahr</i> within the structure of Indonesian family law. The findings reveal that <i>mahr</i> should be recontextualised as a <i>ḍarūriyyāt</i> (necessity) instrument functioning as a social safety net for women. The reinterpretation of <i>mahr</i> through the principles of <i>ḥifẓ al-māl</i> (protection of property) and <i>ḥifẓ al-nafs</i> (protection of life) requires its functionalization as productive assets with sustainable value. In the Indonesian context, particularly in regions where the <i>jujuran</i> tradition entails high marriage costs, there is a need to shift financial allocations from ceremonial expenditures toward strengthening sovereign <i>mahr</i>. In conclusion, this reinterpretation reinforces financial responsibility (<i>qanwāmah</i>) based on justice while offering a solution to women's economic vulnerability within the contemporary family law framework.</p>



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INTRODUCTION

Marriage in Islamic legal discourse is not merely a civil contract; rather, it constitutes a sacred bond with theological and transcendental dimensions, as the

Qur'an refers to it as *mithāqan ghalizān*.¹ Within the framework of this solemn covenant, *mahr* (*ṣadāq*) occupies a fundamental position as a legal instrument symbolising a man's commitment, sincerity, and respect toward a woman. In classical fiqh tradition, particularly within the Shāfi'ī school, which has long served as the dominant legal tradition in the Indonesian archipelago, *mahr* is regarded as a material obligation arising from the marriage contract. Its primary function is to legitimise the marital relationship between the spouses and to affirm the legal rights and obligations established through marriage.² This construction establishes a paradigm in which *mahr* functions as a symbol of the transfer of authority while simultaneously signifying the commencement of the husband's financial responsibility toward his wife. Accordingly, *mahr* is not merely understood as a ceremonial requirement of marriage but also as a legal mechanism that marks the transition of rights and obligations within the marital relationship, particularly concerning the husband's duty to provide maintenance (*nafaqah*) and economic support for the family.³

From a historical and epistemological perspective, the provision of *mahr* has often been understood within the framework of a *mu'āwāḍah* (exchange) contract, in which *mahr* is positioned as a form of "consideration" for *istimtā'* (marital enjoyment). However, more contemporary and critical readings suggest that reducing *mahr* to a purely transactional category has diminished women's human dignity by treating them as objects of legal exchange. During the time of Muhammad, *mahr* served as an instrument of social emancipation, granting women their first form of financial sovereignty within a deeply entrenched patriarchal culture that had previously denied them independent rights of ownership and control over property. In this context, *mahr* was not merely a legal consequence of marriage but also a mechanism for recognising women's economic agency and affirming their status as autonomous legal subjects entitled to possess, manage, and benefit from their own assets.⁴ In this context, *mahr* represented a legal revolution that laid the foundation for women's economic independence within the family institution.⁵

Contemporary social realities indicate that the function of *mahr* in marriage practices has undergone a significant shift in meaning. In various marriage practices in Indonesia, *mahr* is often positioned as a religious symbol or an administrative complement that no longer reflects its economic function. The phenomenon of *mahr* taking the form of a set of prayer equipment, money with symbolic nominal value, or other ceremonial objects demonstrates that its orientation is directed more toward

¹ Usep Saepullah, "The Inter-Religious Marriage in Islamic and Indonesian Law Perspective," *Jurnal Ilmiah Peuradeun* 7, no. 1 (2019): 43–58.

² Asman Asman, "Comparative Analysis of the Istinbath Methods of the Shafi'i and Hanafi Schools Regarding the Role of the Wali Mujbir in Marriage Law," *Al-Abkam: Jurnal Ilmu Syariah Dan Hukum* 9, no. 1 (2024): 29–46.

³ Arshi Showkat, "The Principle and Practice of Mahr in Muslim Marriages," *Feminist Theology* 31, no. 2 (2023): 197–209.

⁴ Wael B Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (Columbia University Press, 2012).

⁵ Siti Nurjanah et al., "Mitigating the Digital Age Impact: Collaborative Strategies of State and Religious Institutions for Family Harmony in Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (2024): 713–41.

symbolic aspects than toward the economic protection of women. At the same time, in several customary communities, including the Banjar community in South Kalimantan, greater attention is often given to the amount of *jujuran*, which carries social and prestige value, than to *mahr*, which, according to Islamic law, constitutes the exclusive right of the prospective wife.⁶ This condition has increasingly marginalised the role of *mahr* as an economic protection instrument and an initial financial safeguard for women.

This shift has become increasingly relevant to examine amid the growing economic vulnerability of women following divorce. Data from Statistics Indonesia indicate that divorced women constitute a group vulnerable to declining economic well-being due to the loss of family income.⁷ Under such circumstances, the existence of assets belonging exclusively to women from the outset of marriage becomes crucial for mitigating economic risks. Therefore, interpreting *mahr* merely as an administrative formality has the potential to undermine the protective objectives genuinely intended by the Shari‘ah.

However, as social structures transform toward increasingly complex modern societies, the institution of *mahr* faces serious challenges of recontextualization. In Indonesia, particularly within the Banjar community, where the tradition of *jujuran* remains deeply embedded, *mahr* often shifts in meaning from an economic protection instrument to a matter of social prestige or merely an administrative requirement for marriage registration. This tension becomes evident when the *mahr* provided lacks significant economic value (such as consisting only of a set of prayer equipment) or, conversely, is excessively high and ultimately exhausted on ceremonial expenses, thereby failing to fulfil its original function as a safeguard for women. Studies have shown that the failure to comprehend the philosophical foundations of *mahr* fully contributes to the weakening of women's bargaining position when confronted with economic shocks or marital breakdown.⁸

Methodologically, the failure to reinterpret the value of *mahr* is not merely a matter of its nominal amount; rather, it results in the neglect of women's fundamental economic rights. In the absence of substantial economic value and independent management by the wife, *mahr* loses its protective capacity. From the perspective of positive law, as stipulated in Articles 30–38 of the *Compilation of Islamic Law (Kompilasi Hukum Islam)*, *mahr* is explicitly recognised as the exclusive right of the wife.⁹ However, without an interpretation that goes beyond the textual formulations of medieval fiqh, this provision often remains a dead letter, producing little or no tangible impact on women's welfare.

⁶ Fauziah Hayati, Nadiyah Seff, and Anwar Hafidzi, “Reconstructing Islamic Jurisprudence in Local Marriage Practices: A Legal-Ethnographic Study of Jujuran in Banjar Society,” *El-Qist: Journal of Islamic Economics and Business (JIEB)* 15, no. 1 (2025): 14–31.

⁷ Khairul Amri, Muhammad Adnan, and Cut Dian Fitri, “Does Poverty Affect Divorce Rates? The Role of Women’s Income as Moderating Variable,” *Cogent Social Sciences* 8, no. 1 (2022): 2069908.

⁸ Leila Salarpour Goodarzi, “Mahr and Divorce: An Islamic Marriage Concept and Its Effects on Intrahousehold Bargaining Power of Couples,” *Binghamton University*, 2018.

⁹ Ahmet Eksi and A H M Uddin, “Comparing Dowry System and Mahr: Cultural Practices Versus Ottoman Law in Turkish Matrimonial Traditions,” *Islamiyyat-The International Journal Of Islamic Studies*, no. 2 (2024).

In this context, the use of the *Maqāṣid al-Sharī'ah* paradigm as an analytical framework is highly relevant.¹⁰ *Maqāṣid al-Sharī'ah*, which aims to realise public welfare (*taḥqīq al-maṣlahah*) and prevent harm (*dar' al-mafāsīd*), requires that *mahr* be understood not merely through a textual-literal (*ḥarfīyyah*) approach but also through a teleological and functional perspective as an instrument of economic protection. The reinterpretation of *mahr* in the contemporary context constitutes a concrete manifestation of *ḥifẓ al-māl* (protection of property) and *ḥifẓ al-nafs* (protection of life and dignity), both of which form integral components of *al-kullīyyāt al-khams* (the five essential objectives of the Sharī'ah).

Scholars from various perspectives have conducted studies on *mahr* in Islamic law. Siti Musdah Mulia discusses *mahr* from a gender-justice perspective, framing it as an instrument of respect for women. Meanwhile, Khoiruddin Nasution relates *mahr* to women's empowerment within the structure of the modern Muslim family.¹¹ Other studies have primarily focused on the normative aspects of *mahr* as a legal requirement for marriage, its legal status within the *Compilation of Islamic Law* (*Kompilasi Hukum Islam*), and its relevance to the principles of gender equality within the family.¹²

Nevertheless, previous studies have generally concentrated on the normative, juridical, and gender dimensions of *mahr* without specifically examining its philosophical reinterpretation through the framework of *Maqāṣid al-Sharī'ah* as an instrument for protecting women's economic rights. Furthermore, research linking the function of *mahr* to the concepts of *ḥifẓ al-māl* and *ḥifẓ al-nafs* in the context of contemporary women's economic vulnerability remains relatively limited. Existing studies have also paid little attention to the relationship between the function of *mahr* and local cultural realities, particularly the *jujuran* tradition within Banjar society, which often influences financial orientations in marriage.

Building upon this research gap, the present study offers a new perspective by reinterpreting the philosophy of *mahr* not merely as a religious symbol or an administrative requirement of marriage, but as an instrument of women's economic protection grounded in *Maqāṣid al-Sharī'ah*. The novelty of this study lies in its effort to conceptualise *mahr* as a *ḍarūrīyyāt* instrument that serves as a social safety net for women by integrating *Maqāṣid al-Sharī'ah* theory, economic protection concepts, and the local cultural context of Banjar society.

Accordingly, the originality of this research lies in its reinterpretation of *mahr* as an instrument of women's economic protection, grounded in *Maqāṣid al-Sharī'ah*, and analysed in relation to the local cultural practice of *jujuran*. *This aspect* has not been a primary focus of previous studies.

¹⁰ Ulul Umami and Abdul Ghofur, "Human Rights in Maqāṣid Al-Sharī'ah Al-Āmmah: A Perspective of Ibn 'Āshūr," *Al-Abkam* 32, no. 1 (2022): 87–108.

¹¹ Khoiruddin Nasution, "Perlindungan Terhadap Anak Dalam Hukum Keluarga Islam Indonesia," *Al-Adalah* 13, no. 1 (2016): 1–10.

¹² Mohamad Sar'an et al., "Implementation of Harmonious Family in the Concept of Proportionality of Obligations and Rights of Husband and Wife Relations: A Perspective on the Compilation of Islamic Law," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (2024): 695–712.

This study positions *mahr* as the primary object of analysis because it constitutes a legal institution explicitly regulated under both Islamic law and the *Compilation of Islamic Law (Kompilasi Hukum Islam)* as an exclusive right of women. In contrast, the *jujuran* tradition within Banjar society is not treated as the principal object of inquiry; rather, it serves as a socio-cultural context through which the influence of financial orientations in marriage on the economic function of *mahr* can be examined. Accordingly, the discussion of *jujuran* in this article is intended as an empirical illustration of shifting financial priorities within marriage rather than as the study's central focus.

METHOD

This study employs a normative legal research approach, focusing on the examination of Islamic legal norms concerning *mahr*, the principles of gender justice within the family, and the philosophical synchronisation between classical legal texts and contemporary demands for economic protection.¹³ Epistemologically, the normative approach is chosen because the primary objects of analysis in this study are authoritative legal texts, including those derived from revelation (the Qur'an and the Hadith), the interpretations of jurists within the discourse of classical fiqh (particularly the Shāfi'ī school), and positive legal regulations embodied in the *Compilation of Islamic Law (Kompilasi Hukum Islam)*. This study does not seek to measure the sociological effectiveness of the nominal value of *mahr* in practice; rather, it aims to identify the coherence between the values of justice embedded in the Shari'ah and efforts to protect the financial rights of women as legal subjects.¹⁴

To analyse the complexity of the topic "Reinterpreting the Philosophy of *Mahr* in *Fiqh al-Munakahāt*," this study employs three approaches: the statutory, conceptual, and comparative approaches.¹⁵ The statutory approach examines Indonesian family law regulations, particularly Articles 30–38 of the *Compilation of Islamic Law (Kompilasi Hukum Islam)*, to assess the legal position of *mahr* as an exclusive right of the wife. The conceptual approach utilises the framework of *Maqāsid al-Shari'ah*, focusing on *ḥifẓ al-māl* and *ḥifẓ al-nafs*, to evaluate the function of *mahr* as an instrument of economic protection and to reinterpret its value through the concept of *al-māl al-mutaqawwim*. The comparative approach contrasts classical fiqh conceptions of *mahr* with contemporary legal perspectives that emphasise women's empowerment and economic security.

The study relies on library research, drawing upon primary, secondary, and tertiary legal materials. Primary sources include the Qur'an, Hadith, Law No. 1 of 1974 on Marriage, and the *Compilation of Islamic Law (KHI)*. Secondary sources consist of classical fiqh works and contemporary scholarly publications on Islamic family law, gender, and economic justice. Tertiary sources include legal encyclopedias, fiqh

¹³ Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Prenada Media, 2017).

¹⁴ Soerjono Soekanto and Sri Mamudji, "Penelitian Hukum Normatif Suatu Tinjauan Singkat Cet XVII," *Rajawali Pers, Jakarta*, 2015.

¹⁵ Muhammad Wahdini, "Pengantar Metodologi Penelitian Hukum," *Yogyakarta: Penerbit K-Media*, 2022.

dictionaries, and digital databases. Data were collected through documentary study and analysed qualitatively using descriptive-analytical and deductive methods. The analysis applies a theological-functional interpretation to formulate a legal synthesis that bridges classical fiqh principles with contemporary demands for the economic protection of women.

RESULTS AND DISCUSSION

Deconstructing the Meaning of *Mahr*

In dominant classical fiqh discourse, *mahr* is often reduced to a *mu'āwadhah* (exchange or compensation) contract. Theoretically, jurists (*fuqahā'*) frequently conceptualised *mahr* as an *'iwadh* (consideration or compensation) for the right of *istimta'* (marital enjoyment) acquired by the husband following the conclusion of the marriage contract.¹⁶ This legal construction, although intended to guarantee women's rights, is epistemologically vulnerable to being trapped within a transactional logic that positions female sexuality as a juridical commodity. However, when examined through a philosophical deconstruction of the Qur'anic text, the term *nihlah* as mentioned in Qur'an 4:4 (*Q.S. al-Nisā'* [4]: 4) indicates a form of gratuity, a sincere gift given without expectation of return. At the same time, it constitutes a declaration of women's absolute sovereignty of ownership (*milkiyyah*) over the property granted to them.¹⁷

This reinterpretation demands a fundamental paradigmatic shift: from *mahr* as a “symbolic dowry” to *mahr* as an “emancipatory instrument.” Historically, Islam revolutionised the legal status of property ownership: whereas *mahr* in the pre-Islamic period was often controlled by a woman's guardian (father or male relative), the Shari'ah restored it as the exclusive personal property of the wife. In this sense, *mahr* represents the first financial capital (*initial capital*) in a woman's life cycle, intended to break the chain of hegemonic economic dependence on male figures, whether guardians or husbands.¹⁸

Epistemologically, this reinterpretation is crucial in shifting the stigma surrounding *mahr*, which Orientalist scholars and secular feminists have often misunderstood as a form of “bride price.” From the perspective of progressive Islamic law, *mahr* constitutes an absolute financial right that cannot be interfered with by any party. In contemporary societies characterised by economic uncertainty and fluctuation, *mahr* should be understood as a strategic instrument that provides women with bargaining power and economic protection within the domestic sphere.¹⁹ This right to private ownership constitutes the foundational basis of

¹⁶ Wahbah Al-Zuhayli, *Al-Fiqh Al-Islami Wa-Adillatuh* (Dar Al-Fikr Al-Mouaser, 1989).

¹⁷ Ibn Asyur, “Maqashid Al-Syari'ah Al-Islamiyah,” *Yordania: Dar Al-Nafais*, 2001.

¹⁸ Rashed Jahangir and Mehmet Bulut, “Rejuvenating the Practice of Mahr for Muslim Women's Financial Empowerment through an Interest-Free Savings-Based Finance Model,” *Journal of Islamic Accounting and Business Research* 16, no. 3 (2025): 506–32.

¹⁹ Muhammad Baqi ur Rehman, “An Analytical Study of Mahr with Reference to the Prophet's Wives (Azwa'j Al-Muṭahharāt),” *AL-HAYAT Research Journal (AHRJ)* 2, no. 2 (2025): 103–10.

women's economic independence guaranteed by the Shari'ah. Chronologically, such recognition emerged long before Western civil law systems acknowledged the full property rights of married women through the Married Women's Property Acts of the nineteenth century.²⁰

Furthermore, the sovereignty of *milkiyyah* over *mahr* encompasses a dimension of human rights protection. When *mahr* is provided in a substantial amount and has significant economic value, it is transformed from a mere legal requirement of marriage into a form of social security. The Shari'ah's firm stipulation that *mahr* belongs exclusively to the wife with no right for the husband to reclaim it except with her voluntary consent demonstrates that Islam, from its inception, established a preventive mechanism against women's economic vulnerability. Accordingly, this deconstruction not only reinforces the theological dimension of marriage as *mīthāqan ghalīẓan* but also affirms the principle of distributive justice within the institution of Islamic family law.

Mahr from the Perspective of Maqāṣid al-Shari'ah

The *Maqāṣid al-Shari'ah* approach moves Islamic legal discourse beyond the trap of textual formalism toward a teleological understanding that every legal injunction is intended to realise public welfare (*taḥqīq al-maṣlahah*).²¹ In the context of *Fiqh al-Munakahāt*, *mahr* should not be viewed merely as an administrative obligation arising from the marriage contract; rather, it must be understood through the lens of *al-kulliyāt al-khams* as a fundamental instrument for protecting women's rights.²² This reinterpretation requires the functionalization of *mahr* in two principal domains:

1. Protection of Property (*Hifẓ al-Māl*) and Financial Resilience

Traditionally, *mahr* has often been reduced to a mere ceremonial dowry or religious symbol lacking real economic value in the marketplace (*al-māl al-mutaqawwim*). From the perspective of contemporary *Maqāṣid al-Shari'ah*, *mahr* must be restored to its function as an economic buffer. When provided in the form of productive assets, investment instruments, or precious metals that possess hedging value, *mahr* is automatically transformed into an emergency fund under the exclusive control of the wife.²³

The protection of property in this context does not imply the commercialisation of marriage; rather, it represents an effort to mitigate risks arising

²⁰ Lana Sirri, *Islamic Feminism: Discourses on Gender and Sexuality in Contemporary Islam* (Routledge, 2020).

²¹ Edi Kurniawan et al., "Recent Studies on the Maqāṣid Al-Shari'ah of Abū Ishāq Al-Shāṭibī: A Systematic Literature Review," *AJIS: Academic Journal of Islamic Studies* 10, no. 1 (2025): 1–26.

²² Abu Ishaq al-Syathibi, *Al-Munafaqat fi Ushul al-Syari'ah*, Juz 2 (Kairo: Dar al-Hadits, 2006), h. 10-15

²³ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought (IIIT), 2008).

from future uncertainties, such as the death of a husband or divorce. By possessing independent assets, women are protected from the risk of structural impoverishment that often results from the loss of a primary source of financial support. This is consistent with the principle of *maṣlahah* advanced by Muhammad al-Tahir ibn Ashur, according to which Islamic law seeks to establish a stable social order by strengthening individual economic capacity.²⁴

2. Protection of Life and Dignity (*Hifz al-Nafs*) and Power Relations

The reinterpretation of *mabr* also has direct implications for protecting women's lives and dignity. Psychologically and sociologically, *mabr* with substantial economic value alters women's bargaining position within domestic relationships; they are no longer perceived as subordinates or as an "economic burden" on the husband's family, but rather as equal partners who possess financial capital from the outset of marriage.²⁵

Economic power imbalances often constitute one of the primary factors contributing to domestic violence. Through economic sovereignty derived from *mabr*, a system of balance and accountability (*checks and balances*) can be established within the household. In this context, the protection of life extends beyond safeguarding women from physical violence; it also encompasses the protection of their mental well-being and dignity from exploitation and degrading dependence. *Mabr* thus serves as concrete evidence that Islam honours women by granting them full authority over their property without interference from their husbands.²⁶

3. *Mabr* as a *Ḍarūriyyāt* Institution in Modern Family Law

Within the framework of Indonesian family law, it is time for the paradigm of *mabr* to shift from the category of *taḥsīniyyāt* (complementary or embellishing needs) to that of *ḍarūriyyāt* (essential necessities) in the protection of civil rights. Without a functional *mabr*, one of the fundamental mechanisms for preventing economic harm (*dar' al-mafāsīd*) to women becomes significantly weakened.²⁷

The application of *Maqāṣid al-Sharī'ah* to the reinterpretation of *mabr* represents a manifestation of Islamic law as a living law that remains responsive to social change. *Mabr* should therefore be positioned as a pillar of social resilience beginning with the economic protection of individual women, thereby contributing to the realization of harmonious (*sakinah*) families free from severe financial vulnerability.

²⁴ Asyur, "Maqashid Al-Syari'ah Al-Islamiah."

²⁵ Rizal Darwis et al., "Negotiating Sharia, Customary Law, and Gender: Feminist Legal Pluralism in the Lero Tradition of Marriage in the Bintauna Community, Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 11, no. 1 (2026): 436–58.

²⁶ Christine Hughes et al., "Women's Economic Inequality and Domestic Violence: Exploring the Links and Empowering Women," *Gender & Development* 23, no. 2 (2015): 279–97.

²⁷ Lenny Guspidawati and Jumni Nelli, "Reconstructing Marriage Agreements in Islamic Family Law: An Integrative Analysis of Fiqh, Maqāṣid Al-Syari'ah, and Indonesian Positive Law," *Jurnal Ushuluddin* 33, no. 2 (2025): 635–52.

Formalization and Functionalization of *Mahr*

Within Indonesia's positive legal system, *mahr* has obtained juridical legitimacy through Presidential Instruction No. 1 of 1991 concerning the *Compilation of Islamic Law (Kompilasi Hukum Islam)*. Article 30 of the KHI expressly stipulates that *mahr* is an obligation imposed upon the prospective husband as a gift to the prospective wife.²⁸ However, the fundamental issue in contemporary Islamic family law discourse is no longer the existence of *mahr* itself, but rather how it can be functionalized so that it does not remain trapped within mere administrative formalism. Transforming *mahr* from a mere legal formality into an instrument of welfare requires progressive legal *ijtihad*.

In the modern era, *mahr* should be directed toward possessing sustainable value. The common practice in Indonesia of providing *mahr* in the form of small cash sums or prayer equipment has, in substantive terms, not fully reflected its economic protective function. In several contemporary legal interpretations, *mahr* in the form of crypto assets, shares, land, or productive business capital is increasingly recognised as a more adaptive form of economic protection. These instruments offer greater resilience against inflation and possess the potential for value appreciation over time, thereby enabling *mahr* to function more effectively as a financial safety net for women than fluctuating monetary values alone.

Methodologically, the functionalization of *mahr* is closely aligned with the principle of *sadd al-dharā'i'* (blocking the means to harm). By constructing *mahr* with substantial economic value, the Shari'ah effectively seeks to prevent the risk of systemic impoverishment among women following the dissolution of marriage, whether through divorce or widowhood.²⁹ Within the Indonesian socio-legal context, economic dependence often discourages women from asserting their legal rights. A functional *mahr*, therefore, serves as a pillar of independence, ensuring that changes in a woman's social status are not accompanied by a decline in her quality of life.

Furthermore, the formalization of a substantial *mahr* is not intended to burden men or make marriage more difficult (*ta'sir al-nikah*). Rather, it seeks to reaffirm the concept of *qanwāmab* (leadership and responsibility) grounded in principles of justice and partnership rather than patriarchal domination. A valuable *mahr* reflects sincerity (*ṣadāq*) as well as a man's financial responsibility and preparedness to establish a stable family foundation.

The implementation of this functionalization in Indonesia requires support from relevant stakeholders, including marriage registrars and religious counsellors at the Office of Religious Affairs (*Kantor Urusan Agama*), through premarital education

²⁸ Dewani Romli and Abdul Qodir Zaelani, "Counter Legal Drafting of the Islamic Law Compilation, A Gender Perspective," in *1st Raden Intan International Conference on Muslim Societies and Social Sciences (RIICMuSSS 2019)* (Atlantis Press, 2020), 331–37.

²⁹ Salah Eldin Ragab Semida et al., "From Remedial to Preventive Justice: A Contemporary Reframing of Civil Liability in Islamic and Comparative Law," *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): 722–52.

on the importance of a productive *mahr*. By integrating the normative values of fiqh with contemporary economic realities, Islamic family law in Indonesia can evolve into a legal system that is not only theologically grounded but also sociologically responsive in protecting women's rights.³⁰

Reinterpreting *Mahr* in the Context of the Banjar *Jujuran* Tradition

As an institution of Islamic law, *mahr* serves a normative function distinct from that of *jujuran*, which has developed within the marriage traditions of Banjar society. *Mahr* constitutes the exclusive right of the prospective wife and is granted as a consequence of the marriage contract. In contrast, *jujuran* is a customary practice generally associated with the social and ceremonial needs of marriage.³¹ Nevertheless, in practice, these two financial instruments often interact and influence the economic orientation of marriage. Accordingly, the *jujuran* tradition may serve as an analytical context for understanding the extent to which the economic protective function of *mahr* can be maintained in contemporary society.³²

Conceptually, *mahr* and *jujuran* represent two distinct institutions. *Mahr* derives its normative basis from the Qur'an and the Sunnah and constitutes the wife's exclusive property, which cannot be reclaimed without her consent. In contrast, *jujuran* is a product of local culture within Banjar society and does not determine the validity of marriage under Islamic law. This fundamental distinction must be emphasized to avoid conflating Shari'ah-based obligations with customary practices in the construction of Islamic family law.³³

From a philosophical perspective, a paradigm shift is required in the practice of granting women financial rights. Contemporary Islamic family law discourse encourages that substantial financial allocations from the husband be directed primarily toward *mahr*, which belongs exclusively to the wife, rather than toward *jujuran*, which is generally oriented toward temporary social prestige and ceremonial purposes. If *jujuran* is regarded as a customary obligation serving social interests, then *mahr* should be positioned as a theological right serving the personal interests of the wife. By reallocating a greater portion of *jujuran* into *mahr* in the form of investment assets such as gold bullion, land, or other Shari'ah-compliant financial instruments, *mahr* may be transformed from a mere legal requirement into a long-term investment for women.

The integration of the theological values of *mahr* with the principles of modern Islamic economics can yield a holistic model for protecting women. Within

³⁰ Euis Nurlaelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts*, vol. 4 (Amsterdam University Press, 2010).

³¹ Anwar Hafidzi, "Deliberating Marriage Payment through *Jujuran* within Banjarese Community," *Ayy-Syir'ab: Jurnal Ilmu Syari'ah Dan Hukum* 54, no. 2 (2020): 277–98.

³² Fathurrahman Azhari and Muhammad Rifqi Hidayat, "Giving *Jujuran* in Socio-Cultural Marriage of Banjar Community," *Kasetsart Journal of Social Sciences* 45, no. 1 (2024): 215–24.

³³ Bahruddin Umar Yakub et al., "Living Qur'an, Gender, and Sibaliparriq, in Mandar, Indonesia: Cultural Construction in the Perspective of Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 1219–42.

the religiously oriented Banjar community, greater emphasis should be placed on educating prospective spouses about the advantages of productive *mabr*. Such efforts aim to ensure that women possess not only the legal status of wives but also “capital sovereignty” that may be utilised for self-development or as economic security in the event of household instability. This transformation is consistent with the concept of empowerment envisioned by Islamic law through the institution of *nihlah*.

Mabr is a highly visionary institution within the Shari‘ah. When properly reinterpreted and contextualised within the local wisdom of Banjar society, it can serve as a fundamental solution to women’s economic vulnerability within Indonesia’s family law framework. In this way, marriage functions not only as a sacred union between two individuals within the framework of worship but also as a mechanism for distributing economic justice that upholds the dignity of women amid the complexities of modern civilisation. Such reinterpretation constitutes a form of *ihyā’* (revitalisation) of the spirit of *Maqāṣid al-Shari‘ah* in responding to the challenges of poverty and economic inequality at the domestic level.

CONCLUSION

Conclusion

Based on the foregoing analysis, this study arrives at several fundamental conclusions regarding the reinterpretation of the philosophy of *mabr* within the framework of *Maqāṣid al-Shari‘ah*. First, there is an urgent need to deconstruct the prevailing understanding of *mabr*, which has long been confined within the transactional logic of *mu‘āwaḍah*, and to shift toward a paradigm of absolute ownership sovereignty (*milkiyyah*). *Mabr* should not be viewed merely as a form of compensation for the lawful enjoyment of marital relations; rather, it represents the Shari‘ah’s recognition and elevation of women as legal subjects possessing financial autonomy from the very beginning of marriage. Second, through the analytical lens of *Maqāṣid al-Shari‘ah*, *mabr* is transformed from a merely formal requirement belonging to the realm of *tahsīniyyāt* into a primary (*darūriyyāt*) instrument for protecting property (*hifz al-māl*) and life and dignity (*hifz al-nafs*). The functionalization of *mabr* as a productive asset or long-term investment is a highly relevant risk-mitigation strategy amid economic uncertainty in the era of disruption. By possessing *mabr* with tangible economic value, women are provided with a social safety net that safeguards their dignity from financial vulnerability following divorce or the death of a spouse. Third, within the context of family law in Indonesia, particularly in religious communities such as those of Martapura, there is a need to harmonise positive law (KHI) with local wisdom. This reinterpretation encourages a shift in financial priorities from consumptive customary expenditures, such as *jujuran*, which is ultimately spent on wedding ceremonies, toward strengthening the value of productive *mabr*. The integration of the theological values of *mabr* with the principles

of modern Islamic economics will not only enhance family economic resilience but also position Islamic law as a living, progressive legal system capable of providing substantive legal protection for women.

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