

Mahr as Wife's Fundamental Right in Four Mazhab and Maqasid Al-Shari'ah Perspective

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Abstract

This research aims to reconceptualize mahr (mahr) as a fundamental right of wives by synthesizing comparative juristic perspectives from the four Islamic schools of thought (Hanafi, Maliki, Shafi'i, and Hanbali) with maqasid al-shari'ah analysis. The study employs bibliographic review and comparative methodology to examine classical and contemporary fiqh literature. The analysis reveals that despite technical variations in determining minimum thresholds and acceptable forms, all four madhahib unanimously affirm mahr as an essential, non-negotiable entitlement for wives, reflecting principles of dignity, equity, and women's financial autonomy. Contemporary applications demonstrate mahr's adaptability through modern instruments such as educational opportunities, financial assets, and wealth protection mechanisms, provided these align with consent and justice principles. While challenges including mahr commodification and socio-economic disparities persist, applying maqasid al-shari'ah foundations enables more humane and contextually relevant interpretations. This study contributes to Islamic family law discourse by positioning mahr beyond mere legal formality, demonstrating its enduring function as both an ethical and economic safeguard for women within evolving Muslim communities. While issues like mahr commodification and economic inequalities persist, applying maqasid al-shari'ah principles enables more compassionate and flexible Islamic legal interpretations. This work examines mahr's enduring function as both ethical and economic safeguard for women within evolving Muslim communities, maintaining its comprehensive shariah framework.

Keywords: *mahr, fundamental rights of wives, Islamic jurisprudence, Islamic marriage law, Islamic economics*

Pendahuluan

Within Islamic tradition, marriage constitutes a holy covenant encompassing spiritual, communal, and juridical elements, establishing the groundwork for familial and societal well-being. In this framework, *mahr* (mahar) occupies a pivotal position as among the fundamental requirements of matrimony (*arkan an-nikah*). It signifies more than a simple material exchange, embodying instead the principles of honor, accountability, and equity directed toward women. The Qur'an unambiguously prescribes the presentation of *saduqat* (*mahr*) with genuine intent (Q.S. An-Nisa': 4), demonstrating Islam's acknowledgment of women's financial and ethical entitlements centuries prior to contemporary human rights discussions (Al-Kasani, 1986; Asy-Syafi'i, 2014).

Within traditional Islamic jurisprudence, the four principal madhhab Hanafi, Maliki, Shafi'i, and Hanbali concur regarding *mahr*'s mandatory status as the wife's entitlement, although they vary in establishing its lowest threshold, acceptable formats, and juridical consequences (Qudamah & Muhammad, 1968; Rusyd, 1985). Apart from these juristic distinctions, *mahr* operates both symbolically and economically as a demonstration of the husband's dedication and a protection of the wife's honor (*ta'zim li al-mar'ah*). Nevertheless, in current applications, discrepancies frequently arise: certain societies reduce *mahr* to a token gesture lacking substantial significance, whereas others inflate it excessively, creating financial strain on prospective grooms. These opposing tendencies expose friction between traditional fiqh principles and present-day socio-economic circumstances (Hudzaifah & Burhanuddin, 2025; Ramadhan & Balqis, 2020).

Earlier research has predominantly investigated *mahr* through statutory law or applied fiqh frameworks, concentrating on its monetary value, manifestation, or representational significance (Syandri & Zulfikar, 2022; Zulaifi, 2022). Nevertheless, limited scholarship has examined *mahr* as women's inherent entitlement utilizing a comparative fiqh methodology integrated with *maqasid al-shari'ah* examination. This scholarly deficit constrains comprehension of *mahr* as a mechanism for justice and advancement consonant with Islamic law's overarching purposes, especially safeguarding wealth (*hifz al-mal*), progeny (*hifz al-nasl*), and reputation (*hifz al-'ird*).

This investigation endeavors to reconceptualize mahr by synthesizing comparative juristic viewpoints with *maqasid* centered interpretation. It aspires to illustrate how traditional Islamic legal thought may be adapted to confront present-day gender equity and communal welfare challenges. Unlike previous studies that focus primarily on technical fiqh aspects or symbolic value, this research integrates maqasid al-shari'ah analysis with cross-madhahib comparison to position mahr as a dynamic instrument of women's economic empowerment and dignity protection, thereby contributing fresh perspectives to contemporary Islamic family law discourse. The outcomes are anticipated to advance the formulation of a more just and compassionate Islamic family law paradigm, wherein mahr functions beyond mere legal duty, serving additionally as an ethical and financial tool that reinforces women's entitlements and fortifies familial stability in contemporary Muslim communities.

Tinjauan Pustaka

Across centuries of Islamic scholarship, from classical jurists to present-day scholars, *mahr* or *sadaq* has remained a central subject of legal discourse. Within normative frameworks, mahr stands as the wife's legitimate claim, mandating husbands to provide it as a marker of dignity, moral obligation, and economic support throughout the marriage. This perspective is confirmed in the Al-Qur'an surah An-Nisa' verse 4:

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

“And give the women (whom you marry) a mahr as a gift willingly.”

This verse establishes the principle that the *mahr* is an obligation inherent in the marriage contract and not merely a social tradition.

Imams from the four schools of thought have a relatively unified view in affirming the wife's absolute right to the *mahr*, although they differ in technical and implementation aspects. The Abu Hanifa school, as explained by Al-Kasani in *Bada'i' al-Sana'i' fi Tartib al-Syara'i'*, asserts that the *mahr* is an obligation that arises from the marriage contract and constitutes the wife's full economic right (Al-Kasani, 1986). Ibn Rushd, in *Bidayat al-Mujtahid*, explained the Maliki school of thought, emphasizing the importance of balancing the husband's means and the wife's circumstances in determining the *mahr* (Rusyd, 1985). Meanwhile, Imam Ash-Shafi'i, in *Al-Umm*, emphasized the importance of clarity regarding the amount and type of *mahr* to avoid legal disputes (Asy-Shafi'i, 2014). The Hanbali school, through Ibn Qudamah's view in *Al-Mughni*, allows for flexibility in the form of *mahr* as long as it has a clear economic value (Qudamah & Muhammad, 1968).

Contemporary studies show that the topic of *mahr* continues to evolve from merely a study of positive law to encompassing social and economic meanings. Zulaifi (2022) in *Qawwam: Journal for Gender Mainstreaming* examines the concept of *mahr* according to the thoughts of scholars from four schools of thought, but his focus remains limited to the nominal value and form of *mahr*. Syandri & Zulfikar (2022) in *Bustanul Fuqaha* examine the validity of *mahr* in the form of services from the perspective of four schools of thought, but do not yet relate it to the legal protection of wives in the modern era. Beddu's (2024) research positions *mahr* as an instrument for protecting women's rights in Islamic marriage, but does not provide a comparative analysis between schools of thought.

On the other hand, several recent studies have attempted to link the concept of *mahr* to the socio-economic dynamics of modern Muslim society. Friantoro & Susanto (2021), through an IFLS-based analysis, showed that economic factors such as asset ownership and education level significantly influence the amount of *mahr*, so that the practice of determining *Mahr* tends to be influenced by the couple's socio-economic conditions and regional context. This aligns with the findings of qualitative studies that note a shift in the meaning of *mahr* in contemporary practice, from a symbol of appreciation to forms related to social status or a productive economic instrument. Hartono et al. (2025) in *Reflection: Islamic Education Journal* highlight the urgency of *mahr* as a form of spiritual commitment in marriage, but have not yet examined its legal implications and *maqasid* in depth.

Furthermore, national legal studies, as contained in *Article 30 of Presidential Instruction of the Republic of Indonesia Number 1 of 1991* concerning the Compilation of Islamic Law (KHI), specifically Articles 30–38, affirm the wife's right to a *mahr* and the flexibility of its form according to the agreement of the parties (Abdurrahman, 1992). Maimun (2023) contextualizes these KHI articles within a *maqasid al-shari'ah* perspective, identifying *mahr* as a protective instrument for wealth (*hifz al-mal*) and women's dignity (*hifz al-'ird*).

Based on this review, it can be concluded that although previous studies have extensively discussed the *mahr*, most have focused on the practical aspects of *fiqh* (Islamic jurisprudence), legal technicalities, or its symbolic value. Studies linking the *mahr* as a fundamental right of the wife from a comparative perspective across schools of thought using the *maqasid al-shari'ah* approach are still rare. Therefore, this study attempts to fill this gap by offering a comprehensive analysis that positions *mahr* as an instrument for protecting women's rights that is spiritually, socially, and economically relevant in the context of contemporary Muslim society.

Metode Penelitian

This study uses a qualitative approach through library research with a comparative analysis approach. This study systematically examines and compares the laws of the four major schools of Islamic jurisprudence (*fiqh*) regarding *mahr*, while contextualizing them within the framework of the *maqasid al-shari'ah* (objectives of Islamic law). Primary data sources include classical *fiqh* books from the four schools of Islamic jurisprudence, such as *Al-Mabsuth* by as-Sarakhsi, *Al-Mudawwanah* by Sahnun, *Al-Umm* by Imam Syafi'i, and *Al-Mughni* by Ibn Qudamah. Secondary sources are obtained from contemporary Islamic legal studies, scientific journals, books, and recent research results relevant to Islamic marriage law and the *maqasid al-shari'ah*. The analytical process involves three systematic stages: first, identifying and extracting *mahr* concepts from each madhhab's classical texts; second, conducting comparative analysis across legal aspects (obligatory status, acceptable forms, minimum thresholds, and juridical implications); and third, evaluating findings through *maqasid* indicators including justice, protection of rights (*hifz al-huquq*), and public welfare (*maslahah*). This tripartite framework enables both horizontal comparison among madhahib and vertical assessment against shari'ah's higher objectives.

Hasil dan Pembahasan

Comparative Views of the Four Madhhabs on Mahr

The four main Islamic Comparative Views of thought agree in principle that the *mahr* is the wife's full right, which the husband must fulfill after the marriage contract (Kamali, 2021). Although there are differences in the mechanisms for determining the amount, form, and timing of its payment, all views are rooted in the principle of respect for the woman's dignity (*ta'zim li al-mar'ah*) and efforts to maintain justice in the marriage contract.

The Hanafi school emphasizes the principle of *taradi* (consent) in determining the value of the *mahr*, allowing for varying amounts according to the husband's ability and the agreement of both parties (Na'imah et al., 2023). The minimum *mahr* limit according to the Hanafi school is 10 silver dirhams, based on a hadith narrated by Jabir r.a. from the Prophet Muhammad SAW (Zuhaili, 2011). This aligns with broader Hanafi principles of contractual flexibility (El-Awa, 1993; Kamali, 2008). This framework harmonizes with the *tasamuh* (tolerance) concept in Islamic jurisprudence, which accentuates the well-being and socio-economic security of the couple.

The Maliki school places greater emphasis on the moral and fair dimensions of the *mahr*, rejecting setting a value that is too low because it can demean a

woman's honor, and rejecting excessive values because they can burden the marriage contract, reflecting the Maliki emphasis on *maslahah* and social justice (Ramadhan & Balqis, 2020). The Shafi'i school, as expounded in *Al-Umm*, necessitates explicit definition (*ta'yin*) of the *mahr* object to avert prospective disputes (Asy-Syafi'i, 2014).

Meanwhile, the Hanbali school allows flexibility in the form of the *mahr* as long as it has a legitimate economic value according to sharia. It requires the *mahr* to be something of monetary value (*mutaqawwim*) but rejects setting a minimum value (Nasution et al., 2025).

These differences demonstrate the breadth of Islamic law in adapting sharia provisions to diverse social conditions. All four depart from the same goals: protecting women's rights, preserving honor, and ensuring justice in the institution of marriage. These objectives align with contemporary Islamic feminist discourse on women's economic rights (Hassan, 2023). This aligns with contemporary research that finds that Islamic law has the ability to adapt to social developments without losing its substantial value (Nasohah, 2024).

Mahr through the Lens of Maqasid al-Shari'ah

Mahr through the Lens of *maqasid al-shari'ah*, the *mahr* serves as a means to achieve three main objectives rooted in classical *maqasid* theory (Al-Kubaysi, 2022):

1. *hifz al-mal* (protection of property),
2. *hifz al-'ird* (protection of honor), and
3. *hifz al-nasl* (protection of offspring).

The function of *hifz al-mal* is evident in the guarantee of ownership of the *mahr*, which fully belongs to the wife after the marriage contract. This provision is emphasized in Surah an-Nisa' [4]: 4, which mandates that *saduqat* (*mahr*) be given willingly. This principle aligns with al-Ghazali's view in *al-Mustashfa*, which states that the transfer of ownership rights in a contract is a form of protection of individual property as part of the objectives of sharia (Harahap et al., 2023). This economic dimension of *mahr* aligns with broader Islamic economics principles that prioritize wealth distribution and women's financial autonomy (Zulkhibri & Ismail, 2024).

From the perspective of *hifz al-'ird*, the *mahr* symbolizes respect for women's dignity. In Islamic tradition, respect for women is manifested through the granting of independent economic rights. Ibn 'Ashur in *Maqasid al-shari'ah al-Islamiyyah*, explains that every legal obligation has a social dimension to safeguard honor (*'ird*) and the welfare of society (Ashur, 2012).

Furthermore, in the context of *hifz al-nasl*, the *mahr* serves as moral legitimacy for a legitimate, responsible marital relationship. Thus, the *mahr* not only has

material significance but also functions as a spiritual and social contract that maintains the Islamic family order (Maimun, 2023). Contemporary family law scholarship recognizes mahr as a stabilizing mechanism in marriage formation (Shaham, 2022).

Modern studies reinforce this perspective. For example, research by Beddu, Mas'ari, and Yanti (2024) in *Al-Mutharahah* asserts that the *mahr* not only has symbolic religious value but also functions as a moral and economic instrument that protects women from inequality in marital relations and strengthens the wife's position within the Muslim household structure. Meanwhile, Maimun (2023) highlights that the *maqasid al-shari'ah* in *mahr* provision demands distributive justice and the husband's economic responsibility towards his wife. This maqasid-based approach to family law reform reflects broader trends in contemporary Islamic legal thought (Kamali, 2023; Tohari & Kholish, 2020).

Contemporary Socioeconomic Dynamics of Mahr

In the modern context, the value and practice of *mahr* have undergone dynamics in line with social and economic changes in Muslim societies. Research based on the *Indonesian Family Life Survey* (IFLS) found that economic factors, education, and social status significantly influence the size of the *mahr* in Indonesia (Friantoro & Susanto, 2021). These findings are consistent with broader sociological studies on marriage economics in Muslim societies (Stiles, 2023). This phenomenon indicates that the *mahr* is no longer understood solely as a ritual, but also as a reflection of economic status and a symbol of social prestige.

However, this practice gives rise to two extreme tendencies: (1) very low *mahr* without considering symbolic value and justice; and (2) the *mahr* is too high which hinders marriage (Kasim, 2023). These two practices are not in line with the principle of *wasatiyyah* (balance) in Islam.

A recurring contemporary phenomenon is the use of very low symbolic dowries, sometimes as simple as a set of prayer utensils, a copy of the Quran, or even a nominal amount such as 100 rupiah. Proponents argue that this reflects Islamic values of simplicity and removes obstacles to marriage (Umeir Hudzaifah & Anas Burhanuddin, 2025). Detractors maintain that this diminishes women's rights and contradicts the *mahr*'s security-providing function.

From a school of thought (*mazhab*), this practice finds partial support in the Maliki and Shafi'i views, which reject fixed minimum requirements. However, other differences lie in its intention and context. If a symbolic *mahr* reflects the genuine choice of a financially secure wife seeking to facilitate the marriage, it

aligns with the principles of consent (*rida*) and the removal of hardship (*raf' al-haraj*). However, when a symbolic *mahr* arises from social pressure, economic desperation, or ignorance of rights, it contradicts the maqasid of protection (*hifz*) and dignity (*karamah*).

Articles 30–38 of the Compilation of Islamic Law (KHI) provide flexibility in determining the *mahr* based on the couple's agreement, in line with the maqasid (objectives of protection) of the common good and the avoidance of hardship (*raf' al-haraj*) (Mangunsong & Arfa, 2023). This approach is reinforced by Tohari & Kholish (2020), who interpret the KHI through the lens of *maqasid al-shari'ah* as an effort to contextualize the value of justice in Islamic family law in Indonesia.

Furthermore, the shift in *mahr* values is also related to women's economic roles. An increasing phenomenon, notably among educated urban Muslims, entails *mahr* being provided as productive wealth: business ownership, investment instruments, insurance products, or educational expenditures. For example, a husband might provide shares in a halal investment fund, fund his wife's postgraduate education, or establish a business in her name. These innovations demonstrate the adaptive capacity of Islamic law to accommodate contemporary financial instruments while maintaining fiqh principles (Abdullah & Hassan, 2023). Studies by Nurnazli (2024) and Nurcahyo (2022) show that productive *mahr* practices, such as providing savings, investments, or business capital, can be an instrument for women's economic empowerment and strengthening household welfare. This viewpoint aligns with present-day Islamic economic thought, which positions *mahr* as part of a wealth allocation apparatus rooted in ethical responsibility.

From the Hanafi and Hanbali perspectives, crucial factors are the determinant value and transfer of ownership. Investment accounts with current valuations meet these criteria, even if future values fluctuate (Mustakim et al., 2024). Within the framework of the *maqasid al-shari'ah* (the principles of Islamic law), reinterpreting *mahr* as a woman's economic right also strengthens the function of justice and social welfare (*al-'adl wa al-maslahah*). Majid's (2025) research concludes that the application of *maqasid* in modern family law can bridge the gap between normative texts and societal needs.

A significant challenge in countries like Indonesia is unregistered marriages, where disputes over dowries arise but no official documentation exists. The court must determine whether the *mahr* was agreed upon, its amount, and whether payment was made. The rules of evidence of the various schools of thought are crucial here. The Hanafi and Hanbali procedural rules, which prioritize the wife's testimony, provide stronger protection. The Maliki school's use of the *mahr mithl* (customary *mahr*) offers an objective standard

when the agreement is unclear. Contemporary Islamic family law in Indonesia has responded by requiring marriage registration and encouraging written *mahr* agreements. The Compilation of Islamic Law (KHI) (Articles 33-34) requires specifying the *mahr* in the marriage contract and establishes the *mahr mithl* as the standard. Indonesia's approach through KHI represents an important model of contextual Islamic law reform that could inform similar efforts in other Muslim-majority countries (Nurlaelawati, 2024).

Legal and Institutional Implications for Islamic Family Law

From this analysis, it can be concluded that the legal status of the *mahr* in Islam is not limited to a husband's formal obligation to his wife, but rather an instrument of social and economic justice that supports family well-being. The application of the principle of *maqasid al-shari'ah* to the concept of *mahr* broadens the understanding that Islamic law is dynamic and adaptive to social change. This understanding calls for institutional reforms in Islamic family law that center women's rights and agency (Nurlaelawati & Salim, 2023; Nasohah, 2024)

Therefore, reactualizing the concept of *mahr* through a comparative approach of schools of thought and *maqasid* is relevant for strengthening the family law system in Indonesia. In this context, *mahr* serves not only as a religious symbol but also as a mechanism for economic justice, respect for women's dignity, and strengthening the welfare of Muslim families in the modern era (Hudzaifah & Burhanuddin, 2025).

Kesimpulan

This research ascertains that *mahr* represents a foundational right of the wife, recognized by the four major madhahib of Islamic jurisprudence (Hanafi, Maliki, Shafi'i, and Hanbali), despite technical distinctions in determining nominal quantities and manifestation. Through the *maqasid al-shari'ah* lens, *mahr* functions beyond simply a legal requirement, operating equally as an apparatus for preserving assets (*hifz al-mal*), honor (*hifz al-'ird*), and progeny (*hifz al-nasl*), bolstering women's economic status and dignity within Islamic marriage frameworks.

In today's landscape, *mahr*'s spiritual and societal values exhibit flexibility, enabling its actualization via modern asset categories such as educational provisions, investment instruments, or financial safeguards, contingent upon adherence to voluntariness and fairness principles. While challenges including *mahr* commercialization and socio-economic disparities endure, applying *maqasid al-shari'ah* foundations facilitates more humane and adaptive

reformulation of Islamic law aligned with contemporary Muslim society's evolution.

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