



The Influence of the Hisbah Council on Dowry Policy in Islamic Law in the Southeast Asian Region

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Abstract

This study aims to analyze the role and influence of the Hisbah Council on dowry policy in the context of Islamic law in the Southeast Asian region. The Hisbah Council as a religious institution has the authority to provide fatwas and guidance to Muslims. Using a descriptive qualitative research method, this article explores the dynamics of the Hisbah Council's decision-making, its policy implementation, and its impact on dowry practices in several countries in Southeast Asia such as Indonesia, Malaysia, and Brunei Darussalam. The results of the study show that the Hisbah Council contributes significantly in shaping public perceptions and practices related to dowry, both in its nominal and philosophical aspects. However, the role of the Hisbah Council is also faced with the challenges of modernity and cultural diversity in the region.

Keywords: Hisbah Hall; Bride price; Islamic Law; Southeast Asia.

Abstrak

Penelitian ini bertujuan untuk menganalisis peran dan pengaruh Dewan Hisbah terhadap kebijakan mahar dalam konteks hukum Islam di kawasan Asia Tenggara. Dewan Hisbah sebagai lembaga keagamaan memiliki otoritas untuk memberikan fatwa dan panduan kepada umat Islam. Dengan metode penelitian kualitatif deskriptif, artikel ini mengeksplorasi dinamika pengambilan keputusan Dewan Hisbah, implementasi kebijakannya, dan dampaknya terhadap praktik mahar di beberapa negara di Asia Tenggara seperti Indonesia, Malaysia, dan Brunei Darussalam. Hasil penelitian menunjukkan bahwa Dewan Hisbah berkontribusi secara signifikan dalam membentuk persepsi dan praktik masyarakat terkait mahar, baik dalam aspek nominal maupun filosofisnya. Namun, peran Dewan Hisbah juga dihadapkan pada tantangan modernitas dan keragaman budaya di kawasan tersebut.

Kata Kunci: Dewan Hisbah; Mahar; Hukum Islam; Asia Tenggara.

Introduction

In practice, dowry policies in the Southeast Asian region often face the problem of imbalance between Islamic legal norms and socio-cultural realities.¹ For example, in some countries such as Indonesia and Malaysia, dowry should be seen as a simple symbolic obligation according to the guidance of sharia. However, in reality, dowry is often used as

¹ Muhamad Ismail dkk., "Marriage and Divorce in Islamic Law: Sociological Implications for Modern Muslim Societies," *Journal of Islamic Law El Madani* 4, no. 1 (2024): 25–37.

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a place of social prestige and is excessive so that it burdens men.² The role of institutions similar to the hisbah council—whether in the form of official state institutions, religious assemblies, or fatwa bodies—has not been fully effective in controlling and providing guidance for the community to comply with sharia provisions that emphasize simplicity.³ In addition, there are differences in the interpretation of dowry policies in various Southeast Asian countries. In Malaysia, for example, there is a minimum "dowry" policy determined by the state government, while in Brunei Darussalam the dowry amount is more loose and left to the family. These differences in regulations pose a problem when cross-border communities or Muslim migrant communities have to adjust to different rules. Hisbah or similar institutions often do not have the transnational authority to equate these policies, resulting in legal confusion.

Furthermore, in some minority Muslim communities in Southern Thailand and the Southern Philippines, the practice of dowry is often mixed with local customary traditions that demand high payments or in the form of valuables.⁴ This poses a dilemma, because although the hisbah council or local religious body tries to emphasize the teachings of simplicity, cultural pressure makes their policies difficult to implement. As a result, there is a phenomenon of marriage delays, an increase in serial marriages, or even interfaith marriages due to economic factors.

Dowry is one of the important elements in a marriage contract which is specifically regulated in Islamic Law.⁵ As a form of giving from the groom to the bride, dowry not only has material dimensions, but also spiritual, social, and cultural dimensions. In practice, the determination and implementation of dowry is often influenced by local traditions, economic conditions, and religious views that develop in a region. In the Southeast Asian region, with a considerable diversity of Muslim communities, the issue of dowry is often a topic of discussion in the realm of Islamic law.

The Hisbah Council, as one of the authoritative institutions that plays a role in providing fatwas and recommendations of Islamic law, has a significant influence on

² Shalu Nigam, *Dowry is a Serious Economic Violence: Rethinking Dowry Law in India* (Cambridge Scholars Publishing, 2024).

³ Hossam Sabry Othman, *Collective Ijtihad: Regulating Fatwa in Postnormal Times* (International Institute of Islamic Thought (IIIT), 2024).

⁴ Isabel Brigitte Lambrecht dkk., "'It doesn't matter at all—we are family': Titling and joint property rights in Myanmar," *Land Use Policy* 139 (2024): 107089.

⁵ Syed Hasnat Ahmad Shah Gillani dan Asmara Farzand, "Laws Regarding Family Inclusive of Marriage, Dowry, Custody, Divorce, Maintenance and Inheritance," *AL-IDRAK JOURNAL* 4, no. 1 (2024): 91–106.

policies related to dowry.⁶ This institution not only serves as a guardian of the implementation of Islamic law, but also as a mediator between religious texts and the social context of society. In the context of Southeast Asia, the role of the Hisbah Council is very important given that this region has a unique diversity of cultures, customs, and religious interpretations.⁷ The study of the influence of the Hisbah Council on dowry policy becomes relevant to understand how Islamic law is adapted and applied in the local context. This research aims to analyze the role of the Hisbah Council in shaping dowry policies, both through fatwas and through interaction with religious institutions and local governments. In addition, this study also aims to explore how the decisions taken by the Hisbah Council affect the social practices of Muslim communities in Southeast Asia, particularly in the context of marriage.⁸ Thus, this research is expected to make an important contribution to the development of Islamic law studies, especially in understanding the dynamics between normative Islamic law and local practice in the Southeast Asian region. Through an in-depth analysis, this research is also expected to provide insight into how religious institutions such as the Hisbah Council can play a role in creating harmony between Islamic traditions and the needs of modern society.

Method

This study uses a qualitative research method with a descriptive-analytical approach. This approach aims to describe the role of the Hisbah Council in influencing dowry policy in Islamic law in the Southeast Asian region and to analyze its impact on Muslim communities. This research uses a juridical-normative and sociological approach. Reviewing Islamic legal documents, fatwas of the Hisbah Council, and regulations related to dowry policies in various countries in Southeast Asia. Analyze the implementation of such policies in Muslim communities by paying attention to local cultural and social values. The data used in this study consisted of related literature such as fiqh books, decisions of the Hisbah Council, Islamic legal regulations in Southeast Asian countries, journals, books,

⁶ Transcendent Islamic Law as a New dan A. Case, *Rethinking the Conundrum of Law and Morality: Islamic Law between Popular Sovereignty and God's Sovereignty*, HeinOnline, t.t., diakses 24 September 2025, https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/jispil20§ion=3.

⁷ R. Michael Feener, "Islamic jurisprudence and adat in Southeast Asia," dalam *Southeast Asian Islam* (Routledge India, 2024), <https://www.taylorfrancis.com/chapters/edit/10.4324/9781032702902-5/islamic-jurisprudence-adat-southeast-asia-michael-feener>.

⁸ Mohd Basir dkk., "The Narratives of Muslim Converts on Their Conversion Experiences through the Perkampungan Baru Islam Project (PBI) in Rural Sarawak," *Proceedings of the UPY-ICCCM International Conference on Education and Social Science (UPINCESS 2024)* 895 (2024): 159.

and scientific articles. Search for official documents of the Hisbah Council, Islamic legal regulations on dowry, and related literature. Use semi-structured interviews to obtain views from competent interviewees. Observing the practice of implementing dowry policies in Muslim communities in several Southeast Asian countries.⁹

The data is analyzed using the content analysis method to understand the meaning, context, and implications of fatwas or policies issued by the Hisbah Council. The analysis process includes simplifying the data to focus on the relevance of the influence of the Hisbah Council on dowry policy. The research was conducted in several countries in the Southeast Asian region, such as Indonesia, Malaysia, and Brunei Darussalam, with a focus on Muslim communities directly affected by dowry policies. The subject of the research is the Hisbah Council in each country, government, and local community.¹⁰

Results and Discussion

Prospects of the Hisbah Council in Southeast Asia on Dowry

With more intensive religious education and counseling, the Hisbah Council can help the community understand the concept of dowry in accordance with sharia, so as to be able to reduce conflicts between customs and religions. Countries in Southeast Asia can strengthen cooperation between the Hisbah Council or similar institutions to develop guidelines that are uniform and relevant to the needs of the region's Muslim community. By utilizing digital technology, the Hisbah Council can disseminate fatwas and guidelines on dowry more widely and easily accessible to the public, including through social media or sharia-based applications. The Hisbah Council can provide more flexible and contextual fatwas related to dowry, such as considering the economic capabilities of the spouse, without abandoning basic Islamic values.

In the guidance related to dowry, the Hisbah Council can encourage the principle of gender justice, for example by emphasizing dowry as a form of respect, not a burden or tool of social status.¹¹ With the support of the government and religious institutions, the fatwa of the Hisbah Council on dowry can be implemented more effectively, including through socialization at the local and national levels. By overcoming these challenges, the Hisbah Council has a great opportunity to become a relevant institution and contribute to building

⁹ Sugiyono, *Metode penelitian pendidikan: (pendekatan kuantitatif, kualitatif dan R & D)* (Alfabeta, 2008).

¹⁰ John W. Creswell dan Cheryl N. Poth, *Qualitative inquiry and research design: Choosing among five approaches* (Sage publications, 2016).

¹¹ Nasir al-Din Shah, "Policing and Punishments through Farmans, Codes, and Regulations," *Private Sins, Public Crimes: Policing, Punishment, and Authority in Iran*, Yale University Press, 2024, 93.

a more harmonious Muslim society in Southeast Asia in managing aspects of life in accordance with sharia, including dowry. This research shows that the Hisbah Council in the Southeast Asian region plays a significant role in regulating dowry policies in Islamic law. Despite the challenges in implementing consistent policies, the influence of the Hisbah Council helps ensure that the dowry policy remains within the framework of Islamic law, which emphasizes justice and simplicity. Therefore, the role of the Hisbah Council is very important in creating policies that are fair and in accordance with Islamic values in marriage.

The Function of Dowry in Islam

Dowry is a form of respect for the future wife and her extended family. This shows the seriousness of the future husband in going through marriage. In Islam, dowry is the full right of the wife. No one, including the husband, has the right to take it without his wife's permission. Dowry can be an economic protection for the wife, especially in the event of a separation. The dowry becomes the full property of the wife. Even if there is a divorce before the conjugal relationship is established, the wife is still entitled to half of the dowry (Surah Al-Baqarah 2:237). "If you divorce them before you touch them, even though you have determined their dowry, then (pay) half of what you have determined, unless they or those who have the authority to marry (husband or guardian) release them. Your liberation is closer to piety. Do not forget the goodness among you. Indeed, Allah is All-Seeing of what you do."

In Islamic law, dowry serves to maintain a balance between rights and responsibilities in marriage. It reflects social justice and the protection of women's rights. Dowry in Islamic law is not just a material obligation, but has a deep symbolic, social, and legal meaning. Dowry reflects respect, protection, and seriousness in building a strong household. In its implementation, dowry is recommended to be simple so as not to be burdensome and not an obstacle to marriage. Dowry is defined as a mandatory gift from the prospective husband to the future wife in the marriage process. In the Qur'an, dowry is mentioned in Surah An-Nisa: 4 as a form of respect for women. The historical and sociological context of dowry differs in each Islamic community, including in Southeast Asia.

The Role of the Hisbah Council in Policy Making

The Hisbah Council is an institution or body that usually functions as an advisor in policy-making related to Islamic law within certain Islamic organizations, such as Muhammadiyah, Nahdlatul Ulama (NU), or similar institutions in Muslim-majority

countries.¹² In the context of policy-making related to dowry issues, the Hisbah Council plays a strategic role to ensure that the decisions taken are in accordance with sharia principles and can be applied in people's lives. The Hisbah Council examines the issue of dowry by referring to the Qur'an, Hadith, Ijma', and Qiyas. In the context of dowry, they determine policies that are in accordance with Islamic teachings, such as Dowry is a woman's right that must be given by her future husband as part of the marriage contract. There is no minimum or maximum limit for dowry, but it should be tailored to the ability of the male party and the Mutual Agreement.

The Hisbah Council is in charge of issuing fatwas or guidelines related to the issue of dowry, such as whether it is permissible to give dowry in the form of certain items (for example, jewelry or education). How to arrange a dowry if the groom has economic limitations. This fatwa will help people understand Islamic law practically and avoid conflicts. If there is a difference of opinion between the bride's family regarding the amount of dowry, the Hisbah Council can function as a mediator to provide a fair solution. They will consider the social, cultural, and economic context to create harmony between the disputing parties. In the modern world, the Hisbah Council has an important role in accommodating social change without violating Islamic principles such as agreeing on dowries based on non-material values (e.g., teaching the Qur'an, education, or other services of value to the bride). Emphasizing that dowry should not burden men, in accordance with the hadith of the Prophet PBUH: _"The best dowry is the lightest"_ (HR. Ahmad and Hakim).

The Hisbah Council not only provides guidance, but also oversees its implementation in the community. They provide counseling to the public about the importance of viewing dowry as a symbol of responsibility, not a measure of wealth. The Hisbah Council ensures that dowry is not a cause of gender injustice or economic exploitation, for example, encouraging awareness that dowry is not a tool to trade women, but a form of respect for women, keeping dowry from being used as an excessive burden for men. The role of the Hisbah Council is very significant in the issue of dowry because they are tasked with bridging the gap between sharia principles and the reality of society. The policies taken by the Hisbah Council aim to maintain the blessings of marriage, prevent conflicts, and create justice and harmony in family life. With a flexible yet sharia-based approach, the Hisbah

¹² David Kloos, "The Salience of Gender: Female Islamic Authority in Aceh, Indonesia," *Asian Studies Review* 40, no. 4 (2016): 527–44, <https://doi.org/10.1080/10357823.2016.1225669>.

Council helps the community understand and apply Islamic law in a relevant and wise way.

Dynamics of Dowry Policy in Southeast Asia Indonesia

The dynamics of the dowry policy discussed by the Hisbah Council in Indonesia reflect the social, economic, and cultural changes that are developing in Muslim society.¹³ The Hisbah Council as a fatwa and deliberation institution within Islamic organizations often formulates policies based on the community situation and Islamic sharia principles. The Hisbah Council in Indonesia, especially within the scope of organizations such as the Islamic Union (Persis), Nahdlatul Ulama (NU), or Muhammadiyah, has the responsibility to provide direction on matters related to Islamic law, including dowry. Whether the dowry must be determined in nominal or adjusted to the ability of the prospective groom. The Hisbah Council usually emphasizes the principles of moderation and affordability. The type of dowry can be in the form of property, gold, cash, or other valuables. Dowry can also be a service or something that is considered valuable to the bride, according to mutual agreement. In some societies, high dowry is often an obstacle to marriage. The Hisbah Council usually calls for dowry not to be used as a tool of extortion, but still as a symbol of respect.

The dynamics of dowry policies in Indonesia reflect the cultural, religious, and legal complexities that affect the practice of dowry giving in marriage. Dowry (or dowry) is something that must be given by the groom to the bride as a condition for the validity of marriage in Islam. However, its implementation and regulation in Indonesia continues to evolve over time. The practice of dowry in Indonesia is greatly influenced by local customs. For example, in Minangkabau the tradition of pianing money or japuik money is known, while in Bugis, dowry is often in the form of significant amounts of panaik money. In some areas, dowry is not only an object of economic value, but also a symbol of social status or respect for the bride's family.

The Office of Religious Affairs (KUA) often provides education to brides-to-be about dowry that is proportionate and not burdensome.¹⁴ Some communities and community

¹³ Saskia Wieringa, *A political biography of the Indonesian Lesbian, bisexual and trans movement* (Bloomsbury Publishing, 2024).

¹⁴ Irwan M. Hidayana dkk., "Factors influencing child marriage, teenage pregnancy and female genital mutilation/circumcision in Lombok Barat and Sukabumi Districts, Indonesia," *Indonesia. Res. Yes I Do Programme* 10 (2016).

leaders are pushing for simple marriage movements to reduce financial burdens, including setting reasonable dowries. In the digital era, some couples choose dowry in the form of electronic money, digital assets, or investments such as gold. The younger generation tends to be more open to the simplicity of dowry, leaving aside the materialistic aspect. A debate has arisen over whether dowry policies or practices create gender inequality. Some parties propose a more egalitarian approach, such as sharing responsibilities between the two parties.

Dowry in Indonesia is a reflection of the diversity of cultures, religions, and social aspirations. The dynamics of its policies demonstrate the need for a balanced approach between respecting tradition and responding to modern challenges. Collaboration between the government, religious leaders, and the community is essential to ensure that dowry practices remain relevant, fair, and not burdensome. Social Context The dowry policy is often influenced by changes in the culture of society. In traditional societies, a high dowry is often considered a symbol of social status. However, the Hisbah Council encourages that the tradition does not contradict Islamic principles. In difficult economic situations, the Hisbah Council can issue a recommendation that the dowry be determined by considering the ability of the groom-to-be, without compromising the essence of respect for women. Fatwas related to dowry may be updated, especially when new problems arise such as inflation, changes in currency values, or types of non-material dowries.

The Hisbah Council recommends that the family of the bride-to-be do not ask for a dowry that is too high in order to maintain the blessings and continuity of the household.¹⁵ In local culture, the dowry value is often adjusted to local customs, but it must still be based on agreement. If the bride-to-be wants a symbolic dowry, such as memorizing the Qur'an or certain prayers, this is permissible as long as it does not conflict with the sharia. Dowry must be clearly stated in the marriage contract. If it is not mentioned, the marriage is still valid, but the dowry must be given in accordance with the *mitsil* dowry (dowry that is in accordance with the habits of women of the same kind in her family or society). If the dowry has not been paid at the time of the contract, the husband is obliged to pay it at the agreed time. This is a debt that must be repaid by the husband to his wife. If there is a dispute regarding dowry, then the settlement can be done through family dialogue or through Islamic arbitration institutions. This policy is designed to maintain simplicity in

¹⁵ Antonio Natal, *Marriage And Family Among The Akambas*, Tangaza University College, 2003, <https://repository.tangaza.ac.ke/handle/20.500.12342/1164>.

marriage according to Islamic principles while respecting the customs that apply in society. The implementation of the policy can vary depending on the fatwa institution and the social conditions of the local community.

Malaysia

The dynamics of dowry policy in Malaysia are closely related to the cultural, religious, and Islamic legal context that underlies the life of the country's people. Dowry (or "dowry") in Islamic law is an obligatory gift from the husband to his wife in marriage as a sign of respect and appreciation. In Islamic law, dowry is a valid condition for marriage. The amount of dowry is usually agreed upon by both parties, but it must still be in accordance with the ability of the prospective husband. Malaysia is made up of 13 states and each state has the authority to set sharia policies, including dowry. Therefore, there are variations in dowry standards in different regions. Some states, such as Selangor and Kuala Lumpur, set a relatively affordable dowry standard amount, e.g. RM 300–500 for Malaysian citizens.¹⁶

In some communities, in addition to dowry, there is a tradition of giving "hantaran money," which is often larger than a dowry. The dowry is more symbolic and reflects the social status and financial ability of the groom's family. High remittances are sometimes considered a sign of honor, but they also create a financial burden on men, which is a sensitive issue in society. The rising cost of living in Malaysia is affecting the ability of young couples to meet the high demands of dowry and remittances. This can delay the marriage or spark arguments in the family. There is a shift in views among Malaysia's younger generation who are more focused on simplicity in marriage, with affordable dowries and reducing or even eliminating remittances. The government and religious institutions in Malaysia often campaign for simple marriages to reduce the financial burden. For example, some institutions offer marriage subsidy programs or provide guidance on reasonable dowries. Religious affairs offices in each state often hold seminars and premarital courses to educate couples on the importance of dowry, including how to set the amount according to ability.

The dynamics of the dowry policy in Malaysia must always be within the framework of sharia law. There was a discussion on how to ensure that the dowry rules do not burden

¹⁶ Rahimah Ibrahim dkk., "Cultural, demographic, socio-economic background and care relations in Malaysia," dalam *Care Relations in Southeast Asia* (Brill, 2018), <https://brill.com/downloadpdf/display/book/edcoll/9789004384330/BP000003.pdf>.

one party but still comply with the sharia. Some parties criticized the practice of "money hantaran" which is considered to violate the essence of dowry in Islam, which is to give sincere and unburdensome gifts. The dynamics of dowry policy in Malaysia show the complex interplay between Islamic law, local traditions, and modern economic challenges. Although dowry is essentially a religious obligation, the practice of its implementation is often influenced by culture and social norms, which can complicate wedding planning. However, efforts continue to be made to promote simpler and more affordable marriages, in line with Islamic values and the needs of modern society.

Brunei Darussalam

The Hisbah Council in Brunei Darussalam is a body that plays an important role in providing advice and guidance on sharia issues, including dowry policies. Dowry is a mandatory gift from a husband to his wife as part of a marriage contract, which is regulated by Islamic law. The Hisbah Council helps determine the reasonable value of the dowry based on the social, economic, and cultural conditions of the Bruneian people. This aims to ensure that the dowry does not become a burdensome burden on the man's side, but remains in accordance with the dignity and respect of the wife-to-be. The Hisbah Council provides fatwas or views on Islamic law regarding specific issues regarding dowry, such as the permissibility of the form of dowry (money, goods, or services) and the limitation of the minimum or maximum amount. This helps the public understand the provisions of dowry according to sharia. Through guidance and education, the Hisbah Council increases public understanding of the importance of dowry in Islamic marriage, including its spiritual value, not just material aspects. This supports the creation of harmony in the household based on Islamic principles. As a sharia supervisory body, the Hisbah Council ensures that dowry is given in accordance with Islamic law. They work closely with marriage institutions and religious officials to monitor and resolve disputes related to dowry.

In the formation of official policies related to marriage in Brunei, such as the guidelines issued by the Ministry of Religious Affairs, the Hisbah Council has an advisory role to ensure that the policy is in accordance with sharia law. Overall, the influence of the Hisbah Council makes the dowry policy in Brunei Darussalam more in line with the principles of justice, sharia, and social reality, thereby strengthening the institution of marriage in society.

Conclusion

This research shows that the Hisbah Council plays a strategic role in shaping dowry policies and practices in the Southeast Asian region. The fatwas and guidelines issued by the Hisbah Council not only influenced public perception but also helped to create a balance between Islamic tradition and the needs of modernity. However, to increase its effectiveness, the Hisbah Council needs to strengthen cross-border cooperation and leverage technology to reach more Muslims.

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