

Masks in the Form of Memorization of the Qur'an: An Analysis of the Fatwa of Al-Lajnah Ad-Dā'imah Li Al-Buhūṣ Al-'Ilmiyyah wa Al-Iftā' Perspective of Norm Enhancement Theory

Ridwan Muntaha,¹ Ahmad Ahda Sabila²

^{1,2}UIN Sunan Kalijaga Yogyakarta, Indonesia

Corresponding author: *ridwanmuntaha02@gmail.com

Abstract

The practice of handing over the mascot in the form of memorizing the Qur'an in a marriage contract has given rise to an interesting legal discourse in the realm of contemporary fiqh. One of the religious authorities that has responded to this phenomenon is *Al-Lajnah Ad-Dā'imah Li Al-Buhūṣ Al-'Ilmiyyah wa Al-Iftā'*, a leading fatwa institution in Saudi Arabia. This study aims to examine in depth the fatwa issued by the institution regarding the validity of memorizing the Qur'an as a form of mascot, by tracing the basics of legal *istinbāṭ*, the relevance of the sharia postulates used, and the socio-religious context behind this view. The method used in this study is a qualitative approach with normative and descriptive analysis. This study concludes that the mascot in the form of memorization or teaching of the Qur'an is permissible in Islamic law, as affirmed in the fatwa of Al-Lajnah Ad-Dā'imah number 6029. This fatwa allows the form of non-material mascot in conditions of financial incapacity. However, from the perspective of *ushul fiqh*, the fatwa approach is considered too textual (monotext) and does not reflect the integration between partial postulates, general principles of sharia, and basic Islamic values. Thus, non-material monogamy such as the teaching of the Qur'an is not only legally valid, but also reflects the spirituality, simplicity, and principle of agreement in marriage, as long as it is understood within the framework of intact and contextual sharia norms.

Keywords: Mascot, Memorization Of The Qur'an, Fatwa, Al-Lajnah Ad-Dā'imah, Islamic Law.

Abstrak

Praktik penyerahan maskawin berupa hafalan Al-Qur'an dalam akad perkawinan telah memunculkan diskursus hukum yang menarik dalam ranah fikih kontemporer. Salah satu otoritas keagamaan yang turut merespons fenomena ini adalah *Al-Lajnah Ad-Dā'imah Li Al-Buhūṣ Al-'Ilmiyyah wa Al-Iftā'*, sebuah lembaga fatwa terkemuka di Arab Saudi. Penelitian ini bertujuan untuk mengkaji secara mendalam fatwa yang dikeluarkan oleh lembaga tersebut terkait keabsahan hafalan Al-Qur'an sebagai bentuk maskawin, dengan menelusuri dasar-dasar *istinbāṭ* hukum, relevansi dalil-dalil syar'i yang digunakan, serta konteks sosial-keagamaan yang melatarbelakangi pandangan tersebut. Metode yang digunakan dalam penelitian ini adalah pendekatan kualitatif dengan analisis normatif dan deskriptif. Penelitian ini menyimpulkan bahwa maskawin berupa hafalan atau pengajaran Al-Qur'an dibolehkan dalam hukum Islam, sebagaimana ditegaskan dalam fatwa Al-Lajnah Ad-Dā'imah nomor 6029. Fatwa ini memperbolehkan bentuk maskawin non-materi dalam kondisi ketidakmampuan finansial. Namun, dari perspektif *ushul fikih*, pendekatan fatwa tersebut dinilai terlalu tekstual (monoteks) dan belum mencerminkan integrasi antara dalil parsial, asas-asas umum syariat, dan nilai-nilai dasar Islam. Dengan demikian, maskawin non-materi seperti

pengajaran Al-Qur'an tidak hanya sah secara hukum, tetapi juga mencerminkan spiritualitas, kesederhanaan, dan asas kesepakatan dalam pernikahan, asalkan dipahami dalam kerangka norma syariat yang utuh dan kontekstual.

Kata Kunci: Maskawin, Hafalan Al-Qur'an, Fatwa, Al-Lajnah Ad-Dā'imah, Hukum Islam.

Introduction

Marriage is a noble and holy bond between a man and a woman that is ratified before Allah SWT.¹ This bond is not just a formal relationship between two people, but a great covenant (*mītsāqan ghalīẓhan*) that contains spiritual, moral, and social values.² In Islam, marriage is interpreted as a means to maintain honor, foster affection, and build a harmonious domestic life, *sakinah, mawaddah, and rahmah*.³

Therefore, marriage is not only aimed at meeting biological needs, but also to create peace of mind, strengthen commitment to family life, and carry out social functions in society.⁴ God's blessing and pleasure are the main basis in building a household, so every aspect of marriage must be based on high values of faith and responsibility.⁵

Marriage according to the Compilation of Islamic Law (KHI) is listed in Article 2 paragraph (1), which states that:⁶ "Marriage according to Islamic law is a very strong contract or *mītsāqan ghalīẓhan* to obey Allah's commands and carry them out is worship.⁷ Islam advocates marriage, this is in accordance with the advice of the Prophet Muhammad in his words:

حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ بْنُ غِيَاثٍ، حَدَّثَنَا أَبِي، حَدَّثَنَا الْأَعْمَشُ، قَالَ حَدَّثَنِي عُمَارَةُ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدٍ، قَالَ دَخَلْتُ مَعَ عَلْقَمَةَ وَالْأَسْوَدِ عَلَى عَبْدِ اللَّهِ فَقَالَ عَبْدُ اللَّهِ كُنَّا مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ شَبَابًا لَا نَجِدُ شَيْئًا فَقَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ

¹ Halil Khusairi, 'Kompleksitas Kawin Siri: Antara Hukum Islam Dan Undang-Undang Perkawinan Di Indonesia', *Istinbath* 21, no. 1 (2022): 165–88. <https://doi.org/10.20414/ijhi.v21i1.492>

² Yuni Harlina, 'Tinjauan Usia Perkawinan Menurut Hukum Islam (Studi UU No. 16 Tahun 2019 Perubahan Atas UU No. 1 Tahun 1974 Tentang Perkawinan)', *Hukum Islam* 20, no. 2 (2020): 219–38. <http://dx.doi.org/10.24014/jhi.v20i2.9786>

³ Abd Sattaril Haq, 'Islam Dan Adat Dalam Tradisi Perkawinan Masyarakat Suku Bugis: Analisis Interaksionisme Simbolik', *Al-Hukama': The Indonesian Journal of Islamic Family Law* 10, no. 2 (2020): 349–71. <https://doi.org/10.15642/alhukama.2020.10.2.349-371>

⁴ Eko Setiawan, 'Larangan Pernikahan Weton Geyeng Dalam Adat Jawa', *Journal of Urban Sociology* 5, no. 2 (2022): 81–90. <http://dx.doi.org/10.30742/jus.v5i2.2431>

⁵ Wahbah Az-Zuhaili, *al-Fiqh al-Islami wa Adillatuh*, alih bahasa Abdul Hayyie al-Kattani, (Jakarta: Gema Insani, 2010). IX: 39.

⁶ Kompilasi Hukum Islam tentang Perkawinan, Pasal 2. Direktorat Jenderal Bimbingan Islam, *Kompilasi Hukum Islam di Indonesia*, (Jakarta: Kementerian Agama RI, 2018), hlm. 5.

⁷ Ahmad Yajid Baidowi, 'Analysis of the Regulation of the Iddah Period for Men in the Counter Legal Draft of the Compilation of Islamic Law (CLD-KHI) Article 8 Paragraph 1 of the Prefecture of Islamic Fiqih', *El-Ahli: Journal of Islamic Family Law* 3, no. 2 (2022): 161–80. <https://doi.org/10.56874/el-ahli.v3i2.959>

عليه وسلم " يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغَضُّ لِلْبَصَرِ، وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وَجَاءٌ".⁸

Meaning: Abdullah said: We were with the Prophet as a young man who had nothing, and he said to us: O young men, whoever among you is able to marry, then marry. Because getting married can hold the gaze more and maintain the genitals more. And whoever is not able to do so, let him fast; Because fasting can suppress his orgasm (as a shield).

The thing that Islam does not fail to pay attention to in the process of marriage is the matter of dowry or maskawin.⁹ The groom must give the bride a mascot in a mutually agreed form. This must of course be based on the values of Islamic teachings. Mascots are often interpreted as a gift, the simplest is the best and does not cause distress for the prospective spouse.¹⁰

The maskawin is not part of the marriage pillar, meaning that as long as the bride and groom agree to give the maskawin, either in the form of cash, even if it is only partial, or still owed, as long as they agree, then the marriage remains valid. Remembering that the real marital life is after marriage.¹¹ The fukaha agree that the mascot is a valid condition for marriage.¹² This is based on the word of Allah:

وَأَتُوا النِّسَاءَ صَدُقَتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا¹³

Meaning: Give a mascot to the woman (whom you marry) as a gift willingly. Then if they give you a portion of the mascot gladly, then eat (take) the gift (as food) which is delicious and good as a result.

A mascot should be an object of a meter so that it can be used by the wife in the future, just as a wedding ring used as a mascot can be used as jewelry to make it look attractive to her husband. Masks with a set of prayer tools that can be used when performing worship.¹⁴ Thus, the Prophet practiced it in the implementation of marriage by giving a mascot in the form of property, which

⁸ Muh}ammad bin Isma}il al-Bukha}ri>, *S}ab}ih} al-Bukha}ri>*, (Beirut: Da}r ibn Kas}i>r, 2002), hlm. 310, hadis nomor 1283, "Kita>b an-Nika>h>," "Ba>b Man Lam Yastat}i' al-Ba>'ata Falyas}um." Hadis dari 'Umar ibn H}af} Ibn Giya>s | | \, dari Abi>, dari al-A'masy, dari 'Uma>rah, dari 'Abd ar-Rah}man Ibn Yazi>d, dari Abdullah. Hadis ini sahih

⁹ Muhammad Ridwan, 'Kedudukan Mahar Dalam Perkawinan', *Jurnal Perspektif* 13, no. 1 (2020): 43–51.

¹⁰ Leo Perkasa Maki, 'Kedudukan Dan Hikmah Mahar Dalam Perkawinan', *Syakhshiyah Jurnal Hukum Keluarga Islam* 2, no. 2 (2022): 137–49. <https://doi.org/10.32332/syakhshiyah.v2i2.6138>

¹¹ Umar Haris Sanjaya and Aunur Rahim Faqih, *Islamic Marriage Law in Indonesia*, (Yogyakarta: Gama Media, 2017), hlm. 45.

¹² Muh}ammad Ibn Ah}mad Ibn Rusyd, *Bida>yab al-Mujtahid wa Niha>yab al-Muqtas}id*, translated by Imam Ghazali Said and Achmad Zaidun, (Jakarta: Pustaka Amani, 2007), II: 432.

¹³ An-Nisā' (4): 4.

¹⁴ Lili Rasyidi, *Hukum Perkawinan dan Perceraian di Malaysia dan Indonesia*, (Bandung: PT. Remaja Rosdakarya, 1991), hlm. 51.

could be harvested by the bride in the future. The Prophet's marriage mascot as conveyed by Aisha is:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النَّفِيلِيُّ، حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ، حَدَّثَنَا يَزِيدُ بْنُ الْهَادِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ، قَالَ سَأَلْتُ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - عَنْ صَدَاقِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَتْ ثِنْتَا عَشْرَةَ أُوقِيَّةً وَنَشْ . فَقُلْتُ وَمَا نَشْ قَالَتْ نِصْفُ أُوقِيَّةٍ.¹⁵

Artinya: Abi> Salamah bertanya kepada A<'isyah tentang maskawin perkawinan Nabi, maka A<'isyah menjawab: dua belas u>qiyyah dan satu nasysy. Abi> Salamah berkata: apakah nasysy itu? Aisyah berkata: setengah u>qiyyah.

The phenomenon that is developing in society today is the giving of a mascot in the form of memorizing the Qur'an. This tradition shows a new trend in the practice of marriage, where spiritual and symbolic values are more emphasized than material aspects. Masks in the form of memorization of the Qur'an are seen as a form of respect for religious teachings and as a manifestation of the knowledge and piety of the groom.¹⁶

However, this phenomenon also raises debates among the community and scholars, especially regarding the legality or not of non-material mascots from the perspective of fiqh. Although Islam does not limit the form of the mascot as long as it has value and is agreed upon by both parties, it is important to study it more deeply through the review of Islamic law and authoritative fatwas to ensure that praktik ini tetap berada dalam koridor syar'i serta tidak disalahartikan sebagai pengganti dari kewajiban materi yang lazim dalam mahar.¹⁷

Masks in the form of memorizing the Qur'an are not new to the Islamic society today. This practice actually happened in the time of the Prophet Muhammad PBUH. Once, a man who wanted to marry a woman but did not have enough wealth, faced the Prophet. In this situation, the Prophet Muhammad PBUH provided a solution by allowing him to marry the woman with a mascot in the form of memorizing the Qur'an.¹⁸

¹⁵ Abu> Da>wud Sulaima>n Ibn al-Asy'as\ As-Sijista>ni>, *Suna>n Abi> Da>wud*, (Riyadh: Maktabah al-Ma'a>rif, 1424 H), hlm. 365. "Kita>b an-Nika>h}, " "Ba>b as-S>ada>q." Hadis dari 'Abdullah Ibn Muh}ammad an-Nufaili>, dari 'Abd al-'Azi>z Ibn Muh}ammad, dari Yazid Ibn al-Ha>d, dari Muh}ammad Ibn Ibra>hi>m, dari Abi> Salamah. Hadis ini sahih.

¹⁶ Ibnu Irawan, Jayusman Jayusman, and Agus Hermanto, 'Studi Fatwa Al-Lajnah Al-Daimah Li Al-Buhus Al-Ilmiyah Wa Al-Ifta': Kritik Atas Larangan Mahar Pernikahan Berupa Hafalan Al-Qur'an', *Kodifikasi* 13, no. 2 (2019): 299–320. <https://doi.org/10.21154/kodifikasi.v13i2.1834>

¹⁷ Nadia Ananda Putri et al., 'Kedudukan Uang Panaik Sebagai Syarat Perkawinan Dalam Adat Suku Bugis Menurut Hukum Islam', *Bhirawa Law Journal* 2, no. 1 (2021): 33–44. <https://doi.org/10.26905/blj.v2i1.5852>

¹⁸ Muhammad Jafar, *Hukum Hafalan Al-Qur'an Dan Hadis Sebagai Mahar Nikah* (Yayasan Penerbit Muhammad Zaini, 2022).

This is recorded in a hadith narrated by Abu Dawud and others, which shows that the Prophet PBUH not only received a mascot in the form of objects or treasures, but could also receive something more spiritually valuable, such as memorizing the Qur'an. This confirms that the mascot has flexibility in Islam, as long as both parties agree and the mascot still has an important meaning and value, both in terms of religion and culture. This practice shows how much Islam values religious knowledge and spiritual values, and underscores the importance of a deep understanding of Islamic law in every aspect of life, including marriage.¹⁹

In response to the phenomenon that is developing in society, especially regarding the giving of a mascot in the form of memorization of the Qur'an, the fatwa institution Al-Lajnah Dā'imah li al-Buhūs al-'Ilmiyyah wa al-Iftā' in the Kingdom of Saudi Arabia issued an affirmation regarding this matter. This institution prohibits the practice of giving a mascot in the form of memorizing the Qur'an. Some argue that although memorizing the Qur'an is a very noble thing and has high spiritual value, making it a mascot can cause several problems, both in terms of interpretation and implementation. Alternatively, the institute advocated that the mascot be given in the form of teaching the Qur'an to women, which was considered more appropriate for the purpose of education and a deeper understanding of religion. In this view, the mascot given in the form of teaching is more of a long-term benefit, both for the woman herself and for the family that is formed.²⁰

By teaching the Qur'an, women not only gain wealth in the form of material, but also knowledge that will give them wisdom in family life and in carrying out religious obligations. This

¹⁹ Lihat hadis Sahl Ibn Sa'd as-Sa>'idi>:

حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ، حَدَّثَنَا سُفْيَانُ، سَمِعْتُ أَبَا حَازِمٍ، يَقُولُ سَمِعْتُ سَهْلَ بْنَ سَعْدٍ السَّاعِدِيِّ، يَقُولُ لِي لَقِيَ الْقَوْمَ عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذْ قَامَتِ امْرَأَةٌ فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّمَا قَدْ وَهَبْتُ نَفْسَهَا لَكَ فَزَ فِيهَا رَأْيُكَ فَلَمْ يُجِبْهَا شَيْئًا ثُمَّ قَامَتِ الثَّالِثَةُ فَقَالَتْ إِنَّمَا قَدْ وَهَبْتُ نَفْسَهَا لَكَ فَزَ فِيهَا رَأْيُكَ فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّمَا قَدْ وَهَبْتُ نَفْسَهَا لَكَ فَزَ فِيهَا رَأْيُكَ فَلَمْ يُجِبْهَا شَيْئًا ثُمَّ قَامَتِ الرَّابِعَةُ فَقَالَتْ إِنَّمَا قَدْ وَهَبْتُ نَفْسَهَا لَكَ فَزَ فِيهَا رَأْيُكَ فَقَالَ يَا رَسُولَ اللَّهِ أَنْكِحِيهَا. قَالَ " هَلْ عِنْدَكَ مِنْ شَيْءٍ ". قَالَ لَا. قَالَ " اذْهَبْ فَاطْلُبْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ ". فَذَهَبَ فَطَلَبَ ثُمَّ جَاءَ فَقَالَ مَا وَجَدْتُ شَيْئًا وَلَا خَاتَمًا مِنْ حَدِيدٍ. فَقَالَ " هَلْ مَعَكَ مِنَ الْقُرْآنِ شَيْءٌ ". قَالَ مَعِيَ سُورَةٌ كَذَا وَسُورَةٌ كَذَا. قَالَ " اذْهَبْ فَقَدْ أَنْكِحْتُكَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ ".

Dari Sahl Ibn Sa'd as-Sa>'idi> bahwasannya Nabi didatangi seorang wanita yang berkata, wahai Rasulullah kuserahkan diriku untukmu, Wanita itu berdiri lama lalu berdirilah seorang laki-laki yang berkata: wahai Rasulullah nikahkanlah dengan aku saja jika engkau tidak ingin menikahinya. Rasulullah berkata: Punyakah kamu sesuatu untuk dijadikan maskawin? dia berkata, Tidak kecuali hanya sarungku ini, Rasulullah menjawab: bila kau berikan sarungmu itu maka kau tidak akan punya sarung lagi, carilah sesuatu. Dia berkata, aku tidak mendapatkan sesuatupun. Rasulullah berkata, "Carilah walau cincin yang terbuat dari bahan besi." Dia mencarinya lagi dan tidak juga mendapatkan apa-apa. kemudian Rasulullah berkata lagi: apakah kamu memiliki hafalan Alquran?. Dia menjawab: ya, surat ini dan itu (seraya menyebutkan beberapa surat yang telah dihafal). Rasulullah bersabda: "aku telah menikahkan kalian berdua dengan maskawin hafalan Alquranmu." Muh}ammad bin Isma>'i>l al-Bukha>ri>, *S}ab}ib} al-Bukha>ri>*, (Beirut: Da>r ibn Kas}>r, 2002), hlm. 1312-1313, hadis nomor 5149, "Kita>b an-Nika>h>," "Ba>b at-Tazwi>j ala> al-Qur'a>n wa Bigairi S}ada>q>." Hadis dari 'Ali> Ibn Abdillah, dari Sufya>n, dari Aba> H}a>zim, dari Sahl Ibn Sa'd as-Sa>'idi>. Hadis ini sahih.

²⁰ Salman Al Farisi and Siti Maqfiroh, 'Pendangan Penghulu Terhadap Pemberian Mahar Berupa Hafalan Al-Qur'an Perspektif Hukum Islam (Studi Kasus KUA Di Surabaya)', *MAQASID* 11, no. 2 (2022): 94–103.

opinion underlines that in Islam, the mascot is a means of showing respect and responsibility, and should be given in a manner that is consistent with broader religious principles, including in terms of religious education and teaching.

To find out the existence of this research, it is considered necessary to elaborate on several previous researches, including: The research of Ibn Irawan and Jayusman²¹ with the title "Dowry Memorization of the Qur'an Perspective of Islamic Law" in 2019 is to examine the phenomenon of giving dowry in the form of memorization of the Qur'an in the context of Islamic law. This research shows that dowry is a gift from the groom to the woman which is usually in the form of materials, such as prayer tools, rings, money, or other valuables. But lately, memorizing the Qur'an is also often used as a wedding dowry for various reasons, such as lightening the dowry, following trends, and personal desires. This phenomenon is not the same as the case that occurred in the time of the Prophet, as experienced by Sahl bin Said al-Sa'idi. In the review of Islamic law, the theory *of maqasid al-shariyah* (shari'a goals) is used to determine the legal certainty associated with this practice.

The research conducted by Bima Ahadi and Siti Djazimah²² with the topic *"Maintaining Religion and Reason Through Marriage Procession: Memorization of Qur'an Verses as Marriage Dowry"* in 2020 is to examine the giving of dowry in the form of memorization of Qur'anic verses in marriage from the perspective of maqâṣid asy-shari'ah. This study argues that the giving of dowry in the form of memorization of Qur'an verses contains benefits related to two main aspects, namely the protection of religion and the protection of reason. By referring to the principle of maqâṣid asy-shari'ah, which aims to maintain the five main elements in Islamic law, namely religion, intellect, soul, descent, and property. Therefore, this study concludes that the giving of dowry in the form of memorization of the Qur'an not only has spiritual value, but also supports the protection of the religious and intellectual aspects of married couples.

Meanwhile, research conducted by Ratna Komala and Misbah Khusur²³ with the title *"A Review of Islamic Law on the Implementation of Dowry in the Form of Ta'lim Verses of the Qur'an"* in 2022 shows that in madzhab Shafi'i, the giving of dowry in the form of ta'lim verses of the Qur'an is

²¹ Ibn Irawan and Jayusman Jayusman, 'Mahar Memorization of the Qur'an and Islamic Law Perspective', *Palita: Journal of Social Religion Research* 4, no. 2 (2019): 121–36. <https://doi.org/10.24256/pal.v4i2.804>

²² Bima Ahadi and Siti Djazimah, 'Safeguarding Religion and Reason Through Marriage Procession: Memorization of Qur'anic Verses as a Marriage Dowry', *Al-Ahwal: Islamic Family Law Journal* 13, no. 2 (2020): 153–62. <https://doi.org/10.14421/ahwal.2020.13205>

²³ Ratna Komala and Misbah Khusurur, 'A Review of Islamic Law on the Implementation of Dowry Giving in the Form of Ta'lim Ayat Al-Qur'an', *Al-Wasith Journal: Journal of Islamic Law Studies* 7, no. 2 (2022): 1–15. <https://doi.org/10.52802/wst.v7i2.753>

permissible (mubah). This dowry is considered valid because it is a form of service that can be hired, so the law is valid to be used as a dowry in marriage. This study also describes the implementation or practice of giving dowry in the form of ta'lim verses of the Qur'an. The process begins with the headman asking the groom-to-be questions about the dowry to be given. If the groom chooses the ta'lim of the Qur'an verse as a dowry, then the handover of the dowry in the form of ta'lim of the Qur'an verse is carried out which is witnessed by the crowd. After that, the process of ijab qobul is continued and closed with prayer.

The three studies substantially discuss the giving of dowry in the form of memorization or ta'lim of the Qur'an by focusing on its role and position in marriage according to Islamic law. The three use a normative juridical approach based on sharia principles to evaluate the validity and legitimacy of the practice. Although each study highlights a different aspect, namely the historical perspective as raised by Ibn Irawan and Jayusman, the approach of maqâṣid asy-syarī'ah by Bima Ahadi and Siti Djazimah, as well as the views of madzhab Shafi'i in the research of Ratna Komala and Misbah Khusur, all have the same common thread in assessing that the giving of dowry in the form of memorization of the Qur'an is still valid according to Islamic law. The three studies have made a significant contribution to enriching the academic discourse on the transformation of the form of dowry in the contemporary context. However, in contrast to the postulate of this research, there is an element of novelty from the three. This lies in the analytical deepening of the social, spiritual, and juridical dimensions of the giving of this non-material dowry, as well as its relationship with the fatwa of Al-Lajnah Ad-Dā'imah which hints at the need for a review of the practice in the midst of the times.

The fatwa is an interesting object of study to be studied further because it discusses a phenomenon that is quite widely practiced in contemporary Muslim society, namely the giving of a mascot in the form of memorizing the Qur'an. This practice gives rise to various views, both those that support and those that question its normative validity. Therefore, the author feels the need to examine the fatwa more deeply, especially in the context of religious authority and the validity of Islamic law.

Research Methods

The research method used in this study is a normative descriptive method with a *library research* approach.²⁴ Normative legal research positions law as a normative system that includes

²⁴ Zainuddin Ali, *Legal Research Methods* (Sinar Grafika, 2021). hlm. 2-30.

principles, norms, legal rules, court decisions, treaties, and doctrines.²⁵ Father Mahmud Marzuki explained that normative legal research is a process to find legal rules and principles to answer various legal problems, as well as produce new arguments, theories, or concepts as prescriptions for the problems being studied.²⁶ In the context of Islamic law, normative research focuses on the study of Islamic laws and sources of law, with the aim of analyzing and interpreting the principles of Islamic law in a systematic and methodological manner.²⁷ This approach focuses on a legal-formal analysis of Islamic phenomena. The descriptive method is used to explain the thoughts that are the object of research, namely by explaining and carefully connecting various data, opinions, and formulations related to the fatwa of *Al-Lajnah ad-Dā'imah li al-Buhūṣ al-'Ilmiyyah wa al-Iftā'* regarding the mascot in the form of memorization of the Qur'an.²⁸ The data was obtained entirely from literature sources, especially related fatwas, as well as other supporting literature. The data analysis technique used is *content analysis* with the Theory of Norm Enhancement approach in Ushul Fiqh, in order to examine and provide a comprehensive and in-depth understanding of the fatwa in the context of contemporary Islamic law.²⁹

Research and Discussion Results

Theory of Norm Enhancement in Ushul Fiqh as a Framework for Fatwa Analysis on the Memorization of the Qur'an

Norms are a benchmark, guideline, or measure for behaving or behaving in a life together.³⁰ While legal norms are rules made by the authorities that are aimed at the nature of human birth or acts of human birth and are coercive in nature,³¹ the improvement of norms or norm hierarchy is a theory put forward by Hens Kelsen. Hens Kelsen argues that legal norms are tiered and layered in a hierarchy which means that a lower norm applies, is sourced and based on a higher norm (*Stufentheori*).³²

Meanwhile, usul fiqh is a word composed of two words, namely usul (*us}{ul*) and fiqh (*fiqh*). The word *us}{ul* is the plural form of the word *as}{l*, which etymologically means something that is

²⁵ Derita Prapti Rahayu, M SH, and Session Ke, 'Legal Research Methods', *Yogyakarta: Thafa Media*, 2020. hlm. 1-15.

²⁶ Soejono Soekanto, 'Legal Research Methods', 2003. hlm. 1-34.

²⁷ David Tan, 'Legal Research Methods: Exploring and Reviewing Methodology in Conducting Legal Research', *Nusantara: Journal of Social Sciences* 8, no. 8 (2021): 246-378.

²⁸ Nurul Qamar and Farah Syah Rezah, *Legal Research Methods: Doctrinal and Non-Doctrinal* (CV. Social Political Genius (SIGn), 2020). hlm. 2-12.

²⁹ Budi Julardi et al., *Metode Penelitian Hukum* (CV. Gita Lentera, 2023). hlm. 1-33.

³⁰ Budi Ruhiatudin, *Introduction to Law*, (Yogyakarta: Cakrawala Media, 2013). hlm. 8.

³¹ *Ibid.* hlm. 11.

³² Maria Farida Indrati, *Ilmu Per-Undangan*, (Yogyakarta: Kanisius, 2007), hlm. 41.

the basis or foundation for something else, such as a tree seed and a foundation. Fiqh etymologically means understanding. In the dictionary *al-Mis* } *bāb* } *al-Munir* states that *fiqh* (fiqh) is understanding something. Ibn Faris said, every understanding of something is included in fiqh.³³ In terminology, the proposal of fiqh is a set of rules and discussions that are a means to take the postulates of the sharia laws regarding human actions from detailed postulates.³⁴

The improvement of norms in the proposal of fiqh is a concept of Syamsul Anwar's thought which contains levels of basic provisions that are useful for understanding a problem. The following are the levels found in the theory of hierarchy of norms in fiqh proposals:³⁵

1. Concrete Legal Norms (*al-Furū'*, *al-Ab* } *kām al-Far'iyah*)

The norms of concrete law (*al-furū'*, *al-ab* } *kām al-far'iyah*) are the provisions of *taklifi* and *wad* } *'i* such as obligatory, haram, mandub, makruh, mubah, causes, conditions and obstacles. These concrete provisions directly prescribe or authorize the behavior of the subject of the law, such as eating usury is haram, fulfilling the agreement is mandatory, the condition for obligatory zakat is the achievement of nisab on the wealth owned and so on.

2. General Principles (*al-Us* } *ūl al-Kulliyah*)

The general principle is the higher and more abstract norms that are the general principles of Islamic law, such as the principle that all muamalat is permissible except that which is specifically forbidden, the principle that one is only responsible for his own actions (except in certain cases), and various other principles of Islamic law. Some of these principles have been formulated in jurisprudential formulations called *qawā'id al-fiqhiyyah* (the principles of Islamic law) and some have not been formulated which are commonly called *an-naẓariyyah al-fiqhiyyah* (principles of Islamic law).

3. Basic Principles (*al-Mabādi' al-Asāsiyyah*) or Basic Values (*al-Qiyām al-Asāsiyyah*)

Basic principles or basic values are the universal principles of Islam which underlie Islamic law itself such as benefit, justice, equality, freedom, morality, sisterhood and others which are taught as universal values by Islam itself. Thus, these basic principles or values are universal provisions of Islamic law, and are the most abstract of general

³³ Mus } t } afa } Sa' i } d al-Khin, *Abh* } a } s } H } aula Us } u } l al-Fiqh al-Islami } , Ta } ri } b } ubu wa Tat } annurubu, (Damascus: Da } r al-Kalam at-T } ayyib, 1420 H), hlm. 56.

³⁴ Abdul Wahhab Khallaf, *Ilmu Ushul Fiqh*, alih bahasa Moh. Zuhri dan Ahmad Qarib, (Semarang: Dina Utama, 1994), hlm. 2.

³⁵ Syamsul Anwar, "Teori Peningkatan Norma dalam Usul Fikih", *Ayy-Syir'Ab Jurnal Ilmu Syari'ah Dan Hukum*, Vol. 50:1, (Juni 2016), hlm. 160-161. Diakses pada 7 Mei 2023. <https://doi.org/10.14421/ajish.v50i1.167>

principles and concrete legal norms. These basic principles or values of Islamic law are the basis for the classification of general principles and the concretization of Islamic legal norms. Thus, the legal position of these basic principles or *al-mabādi' al-asāsiyyah* is in a higher place than with general principles (*al-usūl al-kullīyyah*) and concrete legal norms (*al-furū', al-abkām al-far'īyyah*).

The three levels of norms above are components of the theory of elevation or hierarchy of norms in the proposal of fiqh. The highest level is the basic principles (*al-mabādi' al-asāsiyyah*). Then these basic principles became the legal umbrella of the level below it, namely, the general principles (*al-usūl al-kullīyyah*). Also, the general principles (*al-usūl al-kullīyyah*) became the umbrella of the laws under which it was also the norms of concrete law (*al-abkām al-far'īyyah*).

In the theory of the improvement of norms in the fiqh proposal which is the basis for the validity of the law, it is not a hierarchical position.³⁶ Rather, it is proof that the law has been correctly derived from the source of the law. Thus, validity in Islamic law is not determined based on the way the law is formed.³⁷ However, it is more towards the substance contained in the law. Syamsul Anwar said in this theory that, in Islamic law, the validity of norms is corroboratory.³⁸ In a corroborating conception, a higher norm can reinforce the legitimacy of the norm below it, but it is not the exclusive determinant of its validity.³⁹

The Theory of Norm Enhancement in Ushul Fiqh emphasizes that in the process of legal formulation and analysis, a mujtahid cannot rely solely on one textual postulate (monotext). Instead, he is required to pay attention to the entire normative construction of the Shari'ah which is arranged hierarchically, including basic norms (*al-qiyām al-asāsiyyah*), general principles (*al-usūl al-kullīyyah*), and branch laws (*al-furū'*). This approach aims to ensure that the product of ijtihad

³⁶ Syamsul Anwar, 'Theory of Norm Enhancement in Fiqh Proposal', *Ash-Syir'ah: Journal of Sharia and Law* 50, no. 1 (2016): 141–67.

³⁷ Ahmad Zayyadi, 'Good Governance Dalam Perspektif Hukum Islam Kontemporer (Tinjauan Usul Fikih Dari Teori Peningkatan Norma)', *Al-Manahij: Jurnal Kajian Hukum Islam* 11, no. 1 (2017): 13–34.
<https://doi.org/10.24090/mnh.v11i1.1265>

³⁸ In contrast to Hens Kelsen, who argued that lower norms formally derive their validity from higher norms, Hens Kelsen believed that the material elements of law were not important. Bad norms will gain legitimacy when there are higher norms that govern them. The shortcomings of the theory of Hens Kelsen by Syamsul Anwar are closed by the *istiqrā' ma'nawī* method initiated by Imam as-Syātibi. *Istiqrā' ma'nawī* is an attempt to understand the text by a method of applying the law that looks at the whole text in its various forms. In this method, certain circumstances, whether obtained through direct or indirect text, are also considered. Abu Ishaq as-Syātibi, *al-Muwāfaqāh 'alā as-Syari'ah*, in Moh. Fahimul Fuad, "Ash-Syatibi and the Concept of Istiqra' Ma'nawī (An Effort to Develop Islamic Law)", *Jurnal As-Salam*, Vol. III:1, (2013), p. 8. Retrieved May 7, 2023.

³⁹ Syamsul Anwar, "The Theory of Norm Enhancement in Fiqh Proposal", hlm. 162.

is not only textual and formalistic, but also substantial, contextual, and oriented towards the main purpose of the sharia (maqāṣid asy-syarī'ah).⁴⁰

In the context of the fatwa of al-Lajnah ad-Dā'imah on the ability of dowry in the form of memorization of the Qur'an, this theory demands an analysis that not only focuses on the literality of the evidence, but also pays attention to the aspects of justice, benefit, and freedom on the part of the wife as the owner of the right to dowry. Therefore, if a fatwa is based on only one hadith text without considering the social context and general principles of sharia, then the approach risks being rigid and does not reflect the substantive values of Islam. Using this theory as a framework of analysis, it can be concluded that dowry in the form of memorization of the Qur'an can indeed be justified in sharia, but its ability is not solely to imitate the practice of the Prophet, but must be seen as a manifestation of the principles of freedom, willingness, and benefits in marriage. This provides a fairer and more inclusive space for various forms of dowry according to the agreement of the bride and groom and the needs of the times.

Concept of Dowry in Islamic Law: A Normative and Philosophical Review

Mascots in fiqh literature are often referred to as *as-ṣadāq*. Etymologically, *ṣadāq* comes from the root *ṣidq* which means honesty or truth. In the context of marriage, this term represents the seriousness and commitment of the man in carrying out the marriage contract. Terminologically, *ṣadāq* means a number of property or something of value that must be given by the prospective husband to the future wife as a form of respect and glorification towards her, as well as as one of the conditions for the validity of marriage according to Islamic law.⁴¹

Terminologically, a maskawin is a designation for a number of property or something of value that a man must give to a woman in a marriage contract. This gift is a form of expression of seriousness and consent to live a life together in the marriage bond and enjoy a legal marital relationship according to Islamic law.⁴²

The fuqaha agree that the mascot is one of the important elements in marriage, although it is not a valid requirement for a marriage contract, but it is still mandatory to be fulfilled by the husband to his wife. They also agreed that there is no maximum limit in the provision of masks. As for the minimum limit for masks, scholars have different opinions. Imam Abu Hanifah argued

⁴⁰ Moh Mufid, *Usbul Fiqh Contemporary Economics and Finance: From Theory to Application* (Kencana, 2018). hlm. 1-44.

⁴¹ 'Abdurrah}man al-Jaziri>ri>, *al-Fiqh 'ala> al-Maṣṣab al-'Arba'ah*, (Beirut: Da>r al-Fikr, 1409 H), IV: 94.

⁴² *Ibid.* 1-30.

that the minimum number of mascots is ten dirhams. Meanwhile, Imam Malik bin Anas stipulated that the minimum limit of the mascot was a quarter of a gold dinar or three silver dirhams.⁴³

In realizing a *sakinah*, *mawaddah*, and *rahmah* household life, the giving of a mascot in marriage must pay attention to things including:⁴⁴ *First*, the mascot is in the form of material, both living things such as pets and livestock, and inanimate objects such as motor vehicles, or so on. *Second*, a mascot is an object that can be owned or changed hands because property rights are the essence of the mascot itself, which is given by the husband to the wife and the mascot belongs to the wife. *Third*, the mascot is in the form of material that is of benefit to the wife or other people, such as providing a set of prayer tools for the wife to use when praying, or giving a mascot in the form of a house and garden that can be used specifically by the wife and family in general. *Fourth*, a mascot is an object that is legalized according to sharia', not unclean, nor forbidden to be used or used. However, it is not valid, if the mascot is in the form of liquor or clothing made and sewn from animal fibers that is prohibited by sharia', or the mascot is in the form of a guard dog that is rare and expensive. *Fifth*, a mascot is an object that is measured with certainty and is not *scratchy* or still at a speculative level, such as a mascot in the form of fruits that are still on the tree. *Sixth*, maskawin is not something that oppresses family members, such as maskawin in the form of divorce after a certain period of time after marriage.

Thus, the maskawin (*ṣadāq* or *mahr*) is one of the important elements in marriage according to Islamic law. In a normative perspective, a mascot is a mandatory gift from the groom's side to the bride as a form of appreciation and glorification of her rights in the marriage bond. The provisions regarding dowry have been explicitly mentioned in the Qur'an, the hadith of the Prophet, and detailed in the jurisprudence literature of various schools. Islamic law stipulates that the dowry is not just a formal symbol, but is part of women's rights that must be fulfilled and should not be ignored.⁴⁵

Philosophically, the concept of dowry contains spiritual, ethical, and social dimensions. Masks are not only material, but also reflect the moral commitment and responsibility of the husband to his wife. In this context, the giving of dowry is a symbolic form of seriousness and

⁴³ Muh}ammad Ibn Ah}mad Ibn Rusyd, *Bida'yah al-Mujtahid wa Nihayah al-Muqtasid*, II: 433.

⁴⁴ Ah}mad as-S}a'awi>, *Bulghah as-Sa'lik li al-Aqrah al-Masa'lik*, in Ibn Irawan, "Study of Fatwa Al-Lajnah Al-Daimah Li Al-Buhus Al-Ilmiyah Wa Al-Ifta': Criticism of the Prohibition of Marriage Dowry in the Form of Memorization of the Qur'an," *Codification: Journal of Islamic Research*, Vol 13:2, (2019), pp. 308-309. Retrieved May 8, 2023.

⁴⁵ Dina Mariana Inwasef, 'Pengaruh Mas Kawin Terhadap Pernikahan Kudus Dalam Keluarga Kristen', *EIRENE: Jurnal Ilmiah Teologi* 6, no. 2 (2021): 324–43.

noble intentions to build a household that is *sakinah*, *mawaddah*, and *rahmah*. These philosophical values include respect for women's dignity, the spirit of justice, and the benefits of family life.⁴⁶

A normative and philosophical review of dowry in Islam is not only important to understand the legal basis and its basic values, but also to examine the relevance and flexibility of dowry practices in contemporary contexts, including the phenomenon of non-material dowry giving such as the memorization of the Qur'an. Therefore, the study of the concept of dowry in Islamic law through normative and philosophical approaches will enrich the treasures of understanding the institution of Islamic marriage in a complete and contextual manner.⁴⁷

Memorization of the Qur'an as a Mask: An Analysis of Islamic Law and the Theory of Norm Enhancement

This fatwa was issued by al-Lajnah Dā'imah li al-Buhūs al-'Ilmiyyah wa al-Iftā' when answering a question from a *mustaftī* about the ability of a person to give a mascot in the form of the Qur'an. In answering this question, al-Lajnah Dā'imah li al-Buhūs al-'Ilmiyyah wa al-Iftā' issued fatwa No. 6029 which argues that a mascot in the form of the Qur'an is acceptable, as long as it meets the principles of Islamic law. In the fatwa, al-Lajnah emphasized that the mascot must be something that has a clear value and can be felt by the woman who receives it.

The Qur'an as a mascot is allowed, because it is a noble and useful treasure, with the note that the recipient of the mascot has the ability to maintain and maintain the memorization of the Qur'an. This fatwa emphasizes the importance of sincere intentions in giving a mascot and ensuring that it is in accordance with the purpose of marriage in Islam, which is to form a valid and blessed bond between husband and wife.

يصح أن يجعل تعليم المرأة شيئاً من القرآن مهرًا لها عند العقد عليها إذا لم يجد مالا⁴⁸

Meaning: It is permissible to make the teaching of the Qur'an a mascot for a woman when she does not have material possessions.

The basis of the law made by al-Lajnah Dā'imah li al-Buhūs al-'Ilmiyyah wa al-Iftā' is a hadith from Sahl Ibn Sa'd as-Sa'idi.

⁴⁶ Selfisina Tetelepta, Robby Sugara Sianipar, and Sifra Parama, 'Perempuan Papua Dan Mas Kawin; Suatu Tinjauan Feminisme Poskolonial', *Pute Waja: Sociology of Religion Journal* 2, no. 2 (2021): 36–47.

⁴⁷ Yusdian Lumbon, Ermin Alperiana Mosooli, and Oskar Sopang, 'Nilai Pengantin Perempuan Dalam Mas Kawin Suku Banggai Ditinjau Dari Konsep Imago Dei Dalam Kejadian 1: 26-27', *Jurnal Misioner* 1, no. 1 (2021): 41–59. <https://doi.org/10.51770/jm.v1i1.3>

⁴⁸ al-Lajnah Da'imah li al-Buhūs al-'Ilmiyyah wa al-Iftā', *Fatawa al-Lajnah Da'imah li al-Buhūs al-'Ilmiyyah wa al-Iftā'*, (Riyadh: Da'r al-Muayyid, 1424 H), XIX: 35-36.

In the theory of the improvement of norms in fiqh proposals, it is said that the validity of a law does not lie in its hierarchical position. Rather, it is on proving that the law is correctly derived from the source of the law. Thus, the nature of the validity of a law in Islam is corroborated, which means that a higher level does strengthen its legitimacy, but it does not exclusively determine its validity.⁵⁰

⁵⁰ Ahmad Riyadi Pratama, Sahuri Lasmadi, and Hafidra Hafidra, 'Kebijakan Restorative Justice Pada Tindak Pidana Umum Perspektif Teori Positivisme Hukum', 2023. hlm. 1-23.

The fatwa of al-Lajnah Dā'imah li al-Buhūs} al-'Ilmiyyah wa al-Iftā' on the memorization of the Qur'an as a mascot is a fatwa based on the monotext of the hadith of Sahl Ibn Sa'd as-Sa'idi, and is a dogmatic fatwa decision. Meanwhile, the principle of the theory of norm enhancement in fiqh proposals, when determining a law, must look at other texts as a whole or *istiqrā' ma' nawī*. The fatwa only looks at concrete legal norms (*al-furū'*, *al-ah}kām al-far'iyyah*), and heeds general principles (*al-us}ūl al-kullīyyah*) as well as basic principles (*al-mabādī' al-asāsiyyah*) or basic values (*al-qiyyām al-asāsiyyah*).

In responding to a problem, of course, it is not always only by looking at concrete legal norms, but must look at the broader side that comes from general principles, as well as basic principles or basic values of Islamic law. Among the basic principles of Islamic law is the principle of freedom,⁵¹ this is manifested through general principles including the principle of voluntariness in marriage.⁵² The theory of the improvement of norms in the proposal of fiqh that has the concept of *istiqrā' ma' nawī* when responding to the problem of the mascot must consider other texts to be used as a method of making laws. In addition to the hadith of Sahl Ibn Sa'd as-Sa'idi, in the Qur'an there is also a verse that talks about the form of the mascot. Allah's Word:

قَالَ إِنِّي أُرِيدُ أَنْ أُنكِحَكَ إِحْدَى ابْنَتَيَّ هَاتَيْنِ عَلَى أَنْ تَأْجُرَنِي ثَمْنِي حَجَجٌ فَإِنْ أَتَمَمْتَ عَشْرًا فَمِنْ عِنْدِكَ وَمَا أُرِيدُ أَنْ أَشُقَّ عَلَيْكَ سَتَجِدُنِي إِنْ شَاءَ اللَّهُ مِنَ الصَّالِحِينَ⁵³

He said: "I intend to marry you to one of these two sons of mine, on the ground that you have worked with me for eight years, and if you have enough ten years, then that is a good thing for you, then I do not want to burden you. And God willing, you will find me among the good people".

The phrase *حَجَجٌ عَلَى أَنْ تَأْجُرَنِي ثَمْنِي* (*'alā an ta'jurani s'amāniya h}ijaj*) "on the basis that you worked for me for eight years" is understood as the mask that the Prophet Moses had to pay when he married the daughter of the Prophet Shu'aib. This expression is the legal basis that mascots are

⁵¹ The principle of freedom in Islamic law requires that the spread of Islamic religion/law is not based on coercion, but on interpretation, demonstration, argument. As a principle of Islamic law, freedom in a broad sense encompasses all aspects that include individual and collective freedom. Freedom of action, expression, and imagination is actually inherent in every human being and is the most basic right. This principle of freedom must not conflict with religious norms. Husnul Fatarib, "Basic Principles of Islamic Law (Study of the Flexibility and Applicability of Islamic Law)," *Nizām*, Vol. 4:1, (January-June, 2014), p. 70. Retrieved May 8, 2023.

⁵² Umar Haris Sanjaya and Aunur Rahim Faqih, *Islamic Marriage Law in Indonesia*, hlm. 44.

⁵³ Al-Qas}as} (28): 27.

not always physical or material, but can be in the form of services. For example, teaching the bride and groom or their family to read and write or even just reciting a verse from the Qur'an.⁵⁴

The mascot is the absolute right of the wife, so the form of the mascot either in the form of material or benefits is something requested by the bride as a result of deliberation with the groom.⁵⁵ The bride's request to ask for a mascot to the groom with the theme of the Qur'an either through memorization or teaching, according to the study of the theory of norm enhancement in fiqh is a manifestation of the basic principle of freedom and the principle of voluntariness in marriage.

Thus, the fatwa al-Lajnah Dā'imah li al-Buhūs} al-'Ilmiyyah wa al-Iftā' as mentioned in the third point, when viewed from the perspective of the theory of the improvement of norms in the proposal of fiqh is an inappropriate fatwa, because the giving of a mascot is in the form of memorization of the Qur'an or the teaching of the Qur'an, or something else useful is a choice requested by the bride as a result of deliberation with the bride.⁵⁶

Dowry or dowry in the context of Islamic marriage has a very important position. Traditionally, a mascot is often a nominally calculated property, such as money or goods. However, there are also innovations in the practice of giving dowry, one of which is by giving a mascot in the form of memorizing the Qur'an. This phenomenon attracts attention because it touches on aspects of Islamic law related to the legal requirements for marriage and the understanding of the non-material mascot.⁵⁷

The fatwa issued by Al-Lajnah Ad-Dā'imah regarding the memorization of the Qur'an began with a question from a mustaftī who raised the issue of the ability to give a mascot in the form of memorizing the Qur'an. In this context, Al-Lajnah Ad-Dā'imah gives an answer stating that the giving of a mascot in the form of memorization of the Qur'an is valid, as long as it is done for the right purpose and meets the requirements of the Shari'a. This fatwa not only provides legal firmness but also opens a discourse on how Islamic law views the practice of marriage involving spiritual values such as memorization of the Qur'an.

One of the reasons why this fatwa is important to study is that in many Muslim societies, the giving of dowry in the form of material objects is still considered a generally accepted standard. However, the practice of giving dowry in the form of memorizing the Qur'an reflects deeper

⁵⁴ Syofyan Hadi, *Tafsir Qashabi*, (Serang: A-Empat, 2021), II. hlm. 126.

⁵⁵ Abdul Rahman Ghazali, *Fiqih Munakahat*, (Jakarta: Kencana, 2003), hlm. 84.

⁵⁶ S Hi Zakyyah, 'Status Nafkah, Maskan, Dan Kiswah Bagi Istri Yang Ditalak BĀ'in Sugra', 2017. hlm. 2-13.

⁵⁷ Waryani Fajar Riyanto, 'Peningkatan Kebutuhan Dalam Maqasid Asy-Syariah (Perspektif Ilmu Ekonomi Islam Kontemporer)', *Jurnal Hukum Islam* 8, no. 1 (2010): 44–63. <https://doi.org/10.28918/jhi.v8i1.582>

values, namely spirituality, knowledge, and devotion to Allah. This concept also opens up space to understand dowry as something that is not only worldly, but also oriented towards the afterlife, which is more in line with the purpose of marriage in Islam as a form of worship.

In the perspective of Islamic law, the mascot serves as a sign of appreciation and commitment between the two parties in the marriage. As part of the marriage contract, the mascot is not only a material obligation, but also has an important symbolic value. The giving of a mascot in the form of memorizing the Qur'an can be seen as a form of appreciation for science and religion, where every verse memorized becomes a valuable spiritual treasure. In this case, Islamic law does not limit the material form of the mascot, as long as its main purpose is fulfilled, which is as a sign of commitment and respect in the marriage bond.

The fatwa of Al-Lajnah Ad-Dā'imah emphasizes that the giving of dowry in the form of memorization of the Qur'an is not only valid from the point of view of Islamic law, but also has a broader dimension in enriching the understanding of the meaning of dowry itself. In this case, Islamic law provides room for flexibility in determining the form of the mask, as long as it does not violate the basic principles of sharia. However, it must be ensured that the memorization of the Qur'an that is used as a dowry is really a real commitment and not just a mere formality.

This approach of Islamic law to the mascot is closely related to the concept of maqâṣid asy-shari'ah or the goals of sharia. In this context, the main purpose of marriage is to maintain honor, form a family that is sakinah, mawaddah, warahmah, and improve the quality of faith and worship of both spouses. The giving of dowry in the form of memorization of the Qur'an is in line with the goals of the sharia, because it not only provides material value but also educates and reminds both parties of religious responsibility in family life.

In this study, it is important to understand that the fatwa of Al-Lajnah suggests that in the modern world, the application of the mascot in the form of memorization of the Qur'an needs to be carefully considered, both in terms of practice and social context. Modern society is often trapped in a materialistic view that considers wealth as the main measure in life. Therefore, this fatwa invites Muslims to return the focus to spiritual values in marriage, while considering the context of the ever-evolving times. However, the practice of giving dowry in the form of memorizing the Qur'an is inseparable from challenges. One of the biggest challenges is how to ensure that the memorization is actually done with sincere intentions and not just as a mere symbol. Here, the role of strong religious education is very necessary, both among the prospective groom

and the bride, so that the purpose of dowry in the form of memorization of the Qur'an can be achieved properly.

This Al-Lajnah fatwa provides an important perspective on the application of Islamic law in the modern social context. The giving of dowry in the form of memorizing the Qur'an shows that Islam is not only open to the development of the times, but also provides solutions that are relevant to the spiritual values that are the essence of the life of Muslims. Thus, this fatwa can enrich the insight of Muslims on how Islamic law can be understood and applied in various aspects of life, including in the practice of marriage.

In the end, this research makes an important contribution to understanding more deeply how Islamic law views the giving of a mascot in the form of memorization of the Qur'an. This analysis is not only useful for understanding the fatwa, but also for opening up a further dialogue on how Islam regulates the social aspects that are highly influential in the lives of Muslims. A correct understanding of this fatwa can help people to understand that dowry is not just a material obligation, but also part of a spiritual journey in building a family life in accordance with Islamic values.

Conclusion

A maskawin is an obligation that must be fulfilled by a man to a woman in a marriage contract as a form of agreement to live together as husband and wife. These mascots can be visible possessions, such as money or goods, that serve as a symbol of commitment and appreciation. However, if there are no materials available, one of the accepted alternatives is to give the teaching of the Qur'an to the wife. Al-Lajnah Dā'imah li al-Buhūs} al-'Ilmiyyah wa al-Iftā' suggests the giving of a mascot in the form of the Qur'an as an option when material things do not allow, as a form of moral and spiritual commitment in marriage. Despite this, the fatwa has been criticized for being too rigid and dogmatic, relying only on one specific legal text. The principle of norm enhancement theory in fiqh demands a more holistic approach, considering the whole text and incorporating concrete legal norms, general principles, and basic principles. Thus, the giving of a mascot in the form of memorization of the Qur'an or the teaching of the Qur'an is not only an alternative due to material shortcomings, but also reflects freedom and the principle of voluntariness in marriage, as well as showing that the mascot in Islamic law is not limited to material aspects, but includes common intentions and goals in building family life in accordance with Islamic values.

Bibliography

- ‘Abdurrah}man al-Jazir>, *al-Fiqh ‘ala> al-Maz}a>hib al-‘Arba’ah*, (Beirut: Dar al-Fikr, 1409H), IV: 94.
- Abd Sattaril Haq, ‘Islam Dan Adat Dalam Tradisi Perkawinan Masyarakat Suku Bugis: Analisis Interaksionisme Simbolik’, *Al-Hukama’: The Indonesian Journal of Islamic Family Law* 10, no. 2 (2020): 349–71. <https://doi.org/10.15642/alhukama.2020.10.2.349-371>
- Abdul Rahman Ghazali, *Fiqih Munakahat*, (Jakarta: Kencana, 2003), hlm. 84.
- Abdul Wahhab Khallaf, *Ilmu Ushul Fiqh*, alih bahasa Moh. Zuhri dan Ahmad Qarib, (Semarang: Dina Utama, 1994), hlm. 2.
- Abu> Da>wud Sulaima>n Ibn al-Asy’as\ As-Sijista>ni>, *Suna>n Abi> Da>wud*, (Riyadh: Maktabah al-Ma’a>rif, 1424 H), hlm. 365. “Kita>b an-Nika>h},” “Ba>b as-S}ada>q.” Hadis dari ‘Abdullah Ibn Muh}ammad an-Nufaili>, dari ‘Abd al-‘Azi>z Ibn Muh}ammad, dari Yazid>d Ibn al-Ha>d, dari Muh}ammad Ibn Ibra>hi>m, dari Abi> Salamah. Hadis ini sahih.
- Ah}mad as-S}a>wi>, *Bulghah as-Sa>lik li al-Aqrah al-Masa>lik*, in Ibn Irawan, "Study of Fatwa Al-Lajnah Al-Daimah Li Al-Buhus Al-Ilmiyah Wa Al-Ifta': Criticism of the Prohibition of Marriage Dowry in the Form of Memorization of the Qur'an," *Codification: Journal of Islamic Research*, Vol 13:2, (2019), pp. 308-309. Retrieved May 8, 2023.
- Ahmad Yajid Baidowi, 'Analysis of the Regulation of the Iddah Period for Men in the Counter Legal Draft of the Compilation of Islamic Law (CLD-KHI) Article 8 Paragraph 1 of the Prefecture of Islamic Fiqih', *El-Ahli: Journal of Islamic Family Law* 3, no. 2 (2022): 161–80. <https://doi.org/10.56874/el-ahli.v3i2.959>
- Ahmad Zayyadi, ‘Good Governance Dalam Perspektif Hukum Islam Kontemporer (Tinjauan Usul Fikih Dari Teori Peningkatan Norma)’, *Al-Manahij: Jurnal Kajian Hukum Islam* 11, no. 1 (2017): 13–34. <https://doi.org/10.24090/mnh.v11i1.1265>
- al-Lajnah Da>‘imah li al-Buhu>s} al-‘Ilmiyyah wa al-Ifta>’, *Fata>wa> al-Lajnah Da>‘imah li al-Buhu>s} al-‘Ilmiyyah wa al-Ifta>’*, (Riyadh: Dar al-Muayyid, 1424 H), XIX: 35-36.
- Bima Ahadi and Siti Djazimah, 'Safeguarding Religion and Reason Through Marriage Procession: Memorization of Qur'anic Verses as a Marriage Dowry', *Al-Ahwal: Islamic Family Law Journal* 13, no. 2 (2020): 153–62. <https://doi.org/10.14421/ahwal.2020.13205>
- Budi Juliardi et al., *Metode Penelitian Hukum* (CV. Gita Lentera, 2023). hlm. 1-33.
- Budi Ruhiatudin, *Introduction to Law*, (Yogyakarta: Cakrawala Media, 2013). hlm. 8.
- David Tan, 'Legal Research Methods: Exploring and Reviewing Methodology in Conducting Legal Research', *Nusantara: Journal of Social Sciences* 8, no. 8 (2021): 246-378.
- Derita Prapti Rahayu, M SH, and Session Ke, 'Legal Research Methods', *Yogyakarta: Thafa Media*, 2020. hlm. 1-15.
- Dina Mariana Inwasef, ‘Pengaruh Mas Kawin Terhadap Pernikahan Kudus Dalam Keluarga Kristen’, *EIRENE: Jurnal Ilmiah Teologi* 6, no. 2 (2021): 324–43.
- Eko Setiawan, ‘Larangan Pernikahan Weton Geyeng Dalam Adat Jawa’, *Journal of Urban Sociology* 5, no. 2 (2022): 81–90. <http://dx.doi.org/10.30742/jus.v5i2.2431>

- Halil Khusairi, 'Kompleksitas Kawin Siri: Antara Hukum Islam Dan Undang-Undang Perkawinan Di Indonesia', *Istinbath* 21, no. 1 (2022): 165–88. <https://doi.org/10.20414/ijhi.v21i1.492>
- Ibn Irawan and Jayusman Jayusman, 'Mahar Memorization of the Qur'an and Islamic Law Perspective', *Palita: Journal of Social Religion Research* 4, no. 2 (2019): 121–36. <https://doi.org/10.24256/pal.v4i2.804>
- Ibnu Irawan, Jayusman Jayusman, and Agus Hermanto, 'Studi Fatwa Al-Lajnah Al-Daimah Li Al-Buhus Al-Ilmiyah Wa Al-Ifta': Kritik Atas Larangan Mahar Pernikahan Berupa Hafalan Al-Qur'an', *Kodifikasi* 13, no. 2 (2019): 299–320. <https://doi.org/10.21154/kodifikasi.v13i2.1834>
- Kompilasi Hukum Islam tentang Perkawinan, Pasal 2. Direktorat Jenderal Bimbingan Islam, *Kompilasi Hukum Islam di Indonesia*, (Jakarta: Kementerian Agama RI, 2018), hlm. 5.
- Leo Perkasa Maki, 'Kedudukan Dan Hikmah Mahar Dalam Perkawinan', *Syakhshiyah Jurnal Hukum Keluarga Islam* 2, no. 2 (2022): 137–49. <https://doi.org/10.32332/syakhshiyah.v2i2.6138>
- Lili Rasyidi, *Hukum Perkawinan dan Perceraian di Malaysia dan Indonesia*, (Bandung: PT. Remaja Rosdakarya, 1991), hlm. 51.
- Maria Farida Indrati, *Ilmu Per-Undangan*, (Yogyakarta: Kanisius, 2007), hlm. 41.
- Moh Mufid, *Ushul Fiqh Contemporary Economics and Finance: From Theory to Application* (Kencana, 2018). hlm. 1-44.
- Muhammad bin Isma'il al-Bukhari, *Sahih al-Bukhari*, (Beirut: Dar ibn Kasir, 2002), hlm. 310, hadis nomor 1283, "Kita dan Nika," "Ba Man Lam Yastat'i al-Ba'ata Falyasum." Hadis dari 'Umar ibn al-Hafsi Ibn Giyas, dari Abi, dari al-A'masy, dari 'Umarah, dari 'Abd ar-Rahman Ibn Yazid, dari Abdullah. Hadis ini sahih
- Muhammad bin Isma'il al-Bukhari, *Sahih al-Bukhari*, (Beirut: Dar ibn Kasir, 2002), hlm. 1312-1313, hadis nomor 5149, "Kita dan Nika," "Ba at-Tazwi ala al-Qur'an wa Bigairi Sadaq." Hadis dari 'Ali Ibn Abdillah, dari Sufyan, dari Aba Haza, dari Sahl Ibn Sa'd as-Sa'idi.
- Muhammad Ibn Ahmad Ibn Rusyd, *Bidayah al-Mujtahid wa Nihayah al-Muqtasid*, translated by Imam Ghazali Said and Achmad Zaidun, (Jakarta: Pustaka Amani, 2007), II: 432.
- Muhammad Ibn Ahmad Ibn Rusyd, *Bidayah al-Mujtahid wa Nihayah al-Muqtasid*, II: 433.
- Muhammad Jafar, *Hukum Hafalan Al-Qur'an Dan Hadis Sebagai Mahar Nikah* (Yayasan Penerbit Muhammad Zaini, 2022).
- Muhammad Ridwan, 'Kedudukan Mahar Dalam Perkawinan', *Jurnal Perspektif* 13, no. 1 (2020): 43–51.
- Mushtafa Sa'id al-Khin, *Abhath al-Ha'ula Usul al-Fiqh al-Islami*, *Ta'rib al-Ubu wa Tat'awwurubu*, (Damascus: Dar al-Kalam at-Tayyib, 1420 H), hlm. 56.
- Nadia Ananda Putri et al., 'Kedudukan Uang Panai Sebagai Syarat Perkawinan Dalam Adat Suku Bugis Menurut Hukum Islam', *Bhirawa Law Journal* 2, no. 1 (2021): 33–44. <https://doi.org/10.26905/blj.v2i1.5852>
- Nurul Qamar and Farah Syah Rezah, *Legal Research Methods: Doctrinal and Non-Doctrinal* (CV. Social Political Genius (SIGn), 2020). hlm. 2-12.

- Ratna Komala and Misbah Khusurur, 'A Review of Islamic Law on the Implementation of Dowry Giving in the Form of Ta'lim Ayat Al-Qur'an', *Al-Wasith Journal: Journal of Islamic Law Studies* 7, no. 2 (2022): 1–15. <https://doi.org/10.52802/wst.v7i2.753>
- S Hi Zakyyah, 'Status Nafkah, Maskan, Dan Kiswah Bagi Istri Yang Ditalak BĀ'in Sugra', 2017. hlm. 2-13.
- Salman Al Farisi and Siti Maqfiroh, 'Pandangan Penghulu Terhadap Pemberian Mahar Berupa Hafalan Al-Qur'an Perspektif Hukum Islam (Studi Kasus KUA Di Surabaya)', *MAQASID* 11, no. 2 (2022): 94–103.
- Selfisina Tetelepta, Robby Sugara Sianipar, and Sifra Parama, 'Perempuan Papua Dan Mas Kawin; Suatu Tinjauan Feminisme Poskolonial', *Pute Waya: Sociology of Religion Journal* 2, no. 2 (2021): 36–47.
- Soejono Soekanto, 'Legal Research Methods', 2003. hlm. 1-34.
- Syamsul Anwar, "The Theory of Norm Enhancement in Fiqh Proposal", hlm. 162.
- Syamsul Anwar, "Teori Peningkatan Norma dalam Usul Fikih", *Asy-Syir'ah Jurnal Ilmu Syari'ah Dan Hukum*, Vol. 50:1, (Juni 2016), hlm. 160-161. Diakses pada 7 Mei 2023. <https://doi.org/10.14421/ajish.v50i1.167>
- Syamsul Anwar, 'Theory of Norm Enhancement in Fiqh Proposal', *Ash-Syir'ah: Journal of Sharia and Law* 50, no. 1 (2016): 141–67.
- Syofyan Hadi, *Tafsir Qashabi*, (Serang: A-Empat, 2021), II. hlm. 126.
- Husnul Fatarib, "Basic Principles of Islamic Law (Study of the Flexibility and Applicability of Islamic Law)," *Nizam*, Vol. 4:1, (January-June, 2014), p. 70. Retrieved May 8, 2023.
- Umar Haris Sanjaya and Aunur Rahim Faqih, *Islamic Marriage Law in Indonesia*, (Yogyakarta: Gama Media, 2017), hlm. 45.
- Umar Haris Sanjaya and Aunur Rahim Faqih, *Islamic Marriage Law in Indonesia*, hlm. 44.
- Wahbah Az-Zuhaili, *al-Fiqh al-Islami wa Adillatuh*, alih bahasa Abdul Hayyie al-Kattani, (Jakarta: Gema Insani, 2010). IX: 39.
- Waryani Fajar Riyanto, 'Peningkatan Kebutuhan Dalam Maqasid Asy-Syariah (Perspektif Ilmu Ekonomi Islam Kontemporer)', *Jurnal Hukum Islam* 8, no. 1 (2010): 44–63. <https://doi.org/10.28918/jhi.v8i1.582>
- Yuni Harlina, 'Tinjauan Usia Perkawinan Menurut Hukum Islam (Studi UU No. 1 Tahun 2019 Perubahan Atas UU No. 1 Tahun 1974 Tentang Perkawinan)', *Hukum Islam* 20, no. 2 (2020): 219–38. <http://dx.doi.org/10.24014/jhi.v20i2.9786>
- Yusdian Lumbon, Ermin Alperiana Mosooli, and Oskar Sopang, 'Nilai Pengantin Perempuan Dalam Mas Kawin Suku Banggai Ditinjau Dari Konsep Imago Dei Dalam Kejadian 1: 26-27', *Jurnal Misioner* 1, no. 1 (2021): 41–59. <https://doi.org/10.51770/jm.v1i1.3>
- Zainuddin Ali, *Legal Research Methods* (Sinar Grafika, 2021). hlm. 2-30.