

The Relationship Between Dowry And Education: The Practice Of Giving Dowry In Padang Sidempuan

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Abstract

The research problem is the influence of women's education on marriage dowries in the city of Padang Sidempuan. Giving dowry is mandatory in marriage while education is experience in studying in formal educational institutions so giving dowry based on education is a practice in society in giving marriage dowries. Articles 30 and 33 state that the determination of the dowry must be made by both parties and must be made in cash, but in a state of debt at the time after the contract, it does not cancel the marriage. This type of research is a field research with a descriptive approach. The primary data sources are the results of interviews collected from informants and dowry data obtained at the Religious Affairs office in the city of Padang Sidempuan, secondary data are books, journals, as well as sites or other sources that support this research. Data buildup technique in this research which becomes the primary data is data obtained directly from the research subject. Primary data is the influence of education in determining the dowry and public opinion on the matter in Padang Sidempuan. Primary legal materials are the Al-Qur'an and Hadist, Book translation dictionary. Furthermore, data collections techniques were carried out by interview, observation, and documentation. The result of this study are, firstly Education is indeed the determinant of dowry in marriages in the city of Padang Sidempuan, this is supported by several factors such as the request of the prospective wife, and secondly, the dowry given is a form of honoring the wife.

Keyword: Dowry, Education, Marriage.

A. Introduction

Dowry or sadaq is an obligatory gift from a man to a woman at the time of marriage.¹ therefore dowry is the obligation of men to women to give dowry. In the Compilation of Islamic Law (KHI) in Chapter II article 2 states that marriage is to establish strong family ties or *mitsaqan ghalidzan* to obey Allah's commands and carry them out is worship.²

Customary law is a set of customary norms that apply in an area and one of the types of community customary law that sees the form of a group as a unified whole and humans as social beings who live in a society that upholds common interests.³

¹Ahmad Iffan dan Mustafid, "Kajian Sosio Legal dalam Pemahaman Syariat Islam dan Hukum Sosial Masyarakat Terhadap Pengutan Perkawinan," *Jurnal el-Qanuny: Jurnal Kesyarahaan dan Pranata Sosial* 7, no.1 (Juni 2021):hlm 111.

²Kompilasi Hukum Islam BAB II Pasal 2.

³Fatahuddin Aziz Siregar, "Ciri Hukum Adat Dan Karakteristiknya," *Jurnal Al-Maqasid: Jurnal Ilmu kesyarahaan Dan*

The influence of custom in every human action plays a role in organizing and conceptualizing spiritual ceremonies that are continued from the previous generation and the next generation so that it becomes a tradition.

Wasilah as worship that is highly recommended in Islam, has been widely understood by Muslims, but the majority of them do not understand the difference between true wasilah and wasilah that deviates from Islam.⁴

Marriage is a door to enter a new atmosphere and a new status for men and women, therefore marriage is not just the legalization of sexual relations between men and women and contains many relationships and responsibilities that are borne by men to be

Keperdataan 4, no.2(Desember 2018):hlm. 6.

⁴Sawaluddin Siregar, "Wasilah Budaya Agung Yang Banyak Terselewengkan," *Yurispudentia: Jurnal Hukum Ekonomi* 3, no.1(Juni 2017):hlm. 124.

responsible for meeting their needs. household both in the form of material and spiritual form.

The dowry relationship with marriage is very intimate because the legal dowry must be given to the woman he wants to marry either in the form of services or objects in accordance with Islamic law. Maqasid Syariah is the main thing to protect life, property, religion, mind and descendants.⁵ Domestic life according to Islam consists of husband, wife, and children in order to balance the functions of *sakinah* (tranquility), *mawaddah* (love), as well as getting *warohmah* (grace).⁶

Giving a dowry in a form that is agreed upon by both parties which aims to practice the values of Islamic teachings is prioritized simply and does not bother one of

⁵Syafar Alim Siregar, "Pengedar Narkoba Dalam Hukum Islam," *Al-Maqasid: Jurnal Kesyarahaan dan Keperdataan* 5, no.1(Juli 2017):hlm. 24.

⁶Zulfan Efendi Hasibuan, "Kedudukan Anak Angkat Dalam Hukum Islam," *Yurisprudencia: Jurnal Hukum Ekonomi* 5, no.1(Juni 2019):hlm. 75.

the bride and groom because married life is only the beginning of consent and after that is a reality in marriage.⁷

B. Method of The Research

The type of research used is qualitative, qualitative methods aimed at understanding the phenomena experienced by research subjects. primary data is the findings by interviewing traditional leaders regarding the perspective of dowry in marriage secondary data is data obtained from books containing dowry, civil and scientific journals. Data collection techniques used by researchers are interviews, observation and documentation. research division use descriptive which is to describe and analyze.⁸ To reveal about the dowry and its

⁷Umar Haris Sanjaya dan Aunur Rahim Faqih, *Hukum Perkawinan islam di Indonesia* (Yogyakarta:Gama Media,2017), hlm. 45.

⁸Mustafid, "Hukum Perbuatan Roasting Dalam Stand Up Comedy Ditinjau Berdasarkan Ketentuan Syari'at Islam," *Yurisprudencia: Jurnal Hukum Ekonomi* 7, no.2 (Desember 2021):hlm. 240.

symptoms in the community, the above method is used. And for The problem in this study is that there is no manifestation of the dowry in Islam regarding the amount of the obligatory dowry given and more to the ability of men and the results of deliberation between the two parties so that this problem was also investigated in the city of Padang Sidempuan.

C. Results of Research And Analysis

In etymology *dowry* comes from word Arabic *muhur* which means gift for marriage, while according to Imam Ibn Qasim, *dowry* is called *saddaq* which mean as giving an object which is legally obligatory to give due to a marked marriage as a sign of love.⁹The *dowry* is which means the giving of objects due to a marriage between a man and a woman who has fulfilled the pillars and conditions of

marriage and this gift is a sign of a man's love.

In terminology the essence of marriage is a bond contract between a man and a woman to live together to form a family in one household which is carried out based on Islamic law. Marriage is a way that is permitted by Allah Swt as a way to have good offspring and bring peace and preserve offspring who are positive in carrying out their roles in the household.¹⁰

Dowry as a mandatory gift from a prospective husband to a prospective wife as a sign of love and affection must be in the form of objects that are useful and can be used by the prospective wife. Used by the wife. These full rights include the control of owner ship of goods as well as the rights to use and even sell them, other people are prohibited from using it even if the

⁹Abdul Rahman Ghazali, *Fiqih Munakahat I*, (Jakarta: Prenada Media Grup,2003),p84.

¹⁰Rusman Hasibuan, *Fiqih Munakahat Menurut Syariat Ulama*,(Padang Sidempuan: Pustaka Timur,2020)p.6.

husband uses or uses it must be with the wife's consent and knowledge.¹¹

The Ulama have agreed that there is no maximum limit for the *dowry*. However, they differ in opinion about the minimum limit for the *dowry*. Imam Syafi'i, Ahmad, Ishaq, Abu Tsaur and the Madinah and Tabi'in argument there is no lower limit for the *dowry* and everything that has value and value for something else can be used as a *dowry*. It can be said that based on the opinion of Imam Shafi'i the opinion that there is no minimum *dowry* limit that is regulated in detail, but they argue as long as the object has value if it is exchanged for other valuable items, While other opinions are issued by a group of Fuqaha who require the determination of the minimum amount, however, Ulama who argue about the minimum limit for the *Dowry* have different opinions and arguments. The first opinion is

¹¹Dwi Putra Jaya, *Fiqih Munakahat*(Bengkulu.:Research Gate,2019), p.90.

issued by the imam Malik and his followers, the minimum *dowry* is a quarter of a gold or silver dinar of three dirham, or an item equivalent to the price of a quarter of a gold or silver dirham of three dirham. The second opinion was put forward by Imam Abu Hanifah, the *dowry* is at least ten dirham.¹²

Based on differences regarding the minimum limit of *dowry* in some opinions Mazhab Ulama, it can be seen from the socio-cultural aspect of the community that plays a role in the opinions of Ulama and avoid the attitude of men to respect women, Imam Abu Hanifah and Imam Malik have received complaints from several women about their low *dowry* even though the man who wanted to marry her was from the wealthy class. This is one of the factors that made Imam Abu Hanifah and Imam

¹²Kosim, *Fiqih Munakahat* ,(Depok,:Raja Grafindo,2019),p72.

Malik ijthad regarding the minimum limit of *dowry* to be given by men.¹³

Education is one of the factors in determining a woman's *dowry* and the higher a woman's education, the higher the *dowry* set or requested by the woman's family. This phenomenon grows in society in today's modern era. The development of civilization and the mindset of an advanced society and women's *dowry* now show the family's social class and family identity.¹⁴

A woman's high education indicates that her education level is high and reflects her social status in society, the cost of taking education is one of the factors in determining the *dowry*. The higher the education of a woman, the higher the *dowry*, this phenomenon is real and is

¹³Puji Kurniawan "Perjanjian Perkawinan: Asas Keseimbangan Dalam Perkawinan," *Jurnal el-Qanuny: Jurnal Kesayriaahaan dan Pranata Sosial*6, no. 1.(Juni 2020):hlm.127.

¹⁴Abdul Kafi, "*Mahar Pendidikan dalam Pandangan Hukum dan Pandangan Pendidikan Islam*" *Jurnal Parumobi UNSIQ3*,No1.(Juni 2020):hlm56.

developing widely in society as the *dowry* is the main thing in a marriage. Higher education not only affects women and men, it also has a lot of influence on education on their marriages.¹⁵

The *dowry* As our prophet Muhammad saw said in hadist is *dowry* that does not burden both parties and does not demean women. The ideal concept of this marriage is that which is recommended by the Islamic which has been recommended but women are educated and social status and people think that the educated have a better degree in the social status of society.

Dowry based on the level of education of women occurs because of the enthusiasm of parents in sending their children to school and wanting their children to be in the right family environment and

¹⁵Ikhwanuddin Harahap "Determining The Age of Marriage In Indonesia: Family Law Reform on Masalahah Approach," *Jurnal Al-Maqasid:Jurnal Kesayriaahaan dan Keperdataan* 5, no. 2.(Desember 2019):hlm.166.

appreciate it, but it happens in practice that men take a long time to collect *dowry* or sell their property as if the *dowry* is an important component in marriage.

Dowry based on education is a unique phenomenon because it arises and develops in society and spreads to social status and symbolizes respect for women and the form of a man's establishment and appreciation will be higher if the higher the title and increase with the status of the woman. The form of the *dowry* itself in Islam is not regulated, but the conditions must be of exchange value and selling value.

The usual form of *dowry* in South Tapanuli and the city of Padang Sidempuan a part from prayer Tool and the form of gold, expensive jewelry, money or land and building certificates, of course the goods already exist and the real goods depend on the agreement between the prospective man and the woman who wants to marry.

Dowry is something that is synonymous with marriage and has become a conversation in society about *dowry* and women's parents will also be happy if their child gets a *dowry* that is in accordance with his honor and parents' efforts in raising him and giving responsibility to men as responsible husbands after the marriage contract is carried out.

Ulama agree that paying the dowry is obligatory and based on the form the dowry is classified into two types, Dowry musamma and Dowry Mitsil. Dowry musamma is dowry which has a clear form and is stipulated in the contract shighat. The determination of the dowry has been through an agreement and the form and amount of the amount in the contract shighat is clear so that the form and amount are clear, As for dowry musamma the Ulama are further divided into two parts according to the way of agreement.

The first is dowry musamma mu'ajjal, namely dowry musamma

who agreed and hastened the giving of the Dowry because it is sunnah to speed up the giving of the dowry. The second is dowry musamma ghair mu'ajjal is a dowry that has been agreed upon but the gift is postponed by the prospective male. Regarding payment, the Ulama have agreed that it is obligatory to give dowry after ad-dukhul occurs. It is the state of having mixed / intercourse between a man and a woman.¹⁶

Sample data were obtained from the collection of marriage data in every religious affairs office in every sub-district in the city of Padang Sidempuan throughout 2021 and the data that supported this research were categorized into two, namely the dowry of women whose last education was high school and those who had a bachelor's degree last education (S1). because middle and high school education is the education of the majority of people

¹⁶Muhammad Zaenal Arifin, "Fiqh Perempuan" (Jakarta: Zaman, 2012) hlm.237.

in the city of Padang Sidempuan and the sample is rare with elementary and junior high school education.

The highest marriage data based on marriage in the city of Padang Sidempuan are the North Religious Affairs Office, the southern Padang Sidempuan Religious Affairs Office, the Southeast Religious Affairs Office, the Batunadua Religious Affairs Office, the Hutaimbaru Religious Affairs Office, and the Angkola Julu Religious Affairs Office.

The dowry of a set of prayer tools for every marriage contains a mukenah, prayer rug, prayer beads and the Qur'an and the value cannot be cashed on the grounds that it is used by the wife and may not be used by the husband unless the wife allows it as the function of the dowry is prescribed. The second dowry is gold which has a value when cashed, 1 gram of gold when cashed is Rp. 900,000.

It can be seen that the dowry data at the Office of Religious Affairs, Padang Sidempuan Utara sub-district, the lowest dowry for women with a bachelor's degree is 2.5 grams of gold and the highest is 100 grams of gold while the highest high school is 25 grams of gold and the lowest is a set of prayer tools which if cashed in very low value.

The Office of Religious Affairs in the Padang Sidempuan Selatan sub-district described that the highest dowry for a bachelor's was 25,000,000 and a woman who had graduated from high school was 30 grams of gold. In the Office of Religious Affairs, Padang Sidempuan Tenggara sub-district, 10 grams of gold is available and the Upper Middle School is mostly a set of prayer tool.

In the Office of Religious Affairs, Batunadua sub-district, the highest dowry for undergraduates is 59 grams of gold and 25 grams of gold and for high school is 5 grams

of gold. And in hutaimbaru sub-district the highest dowry for Bachelor is 5 grams of gold and high school is a set of prayer tools. In the sub-district of Angkola julu, 2.5 grams of undergraduate and senior high school is a set of prayer tools.

For certainty, the following are the results of interviews collected by researchers:

“The dowry must be given to the prospective woman who wants to be married, the absolute rule already exists and exclusively the word dowry is synonymous with giving. The gift is intended as a sign of seriousness in marrying a woman. As for the type of gift and the amount of the gift, both parties discuss it”¹⁷

“In determining the dowry in the South Tapanuli culture, it is carried out by both parties, but women ask for the nominal dowry and women with higher education will be higher (the dowry) especially women who

¹⁷ Interview with Mr. Safruddin Harahap, traditional elder, at the house on 22 Agustus, 2022 at 08.55 Wib

have established jobs and are of good ancestry”¹⁸

“In preparing a wedding from the process of applying to holding a party requires a large amount of money and it is the man who bears the cost. The dowry based on the level of education depends on the agreement of both parties, but of course there is a role for women in determining the dowry, especially if the woman is the only daughter in the family”¹⁹

D. Conclusion

The influence of women's education on the dowry is a way to increase the dowry and customs and social class are very strict in this phenomenon. This habit is consciously actively carried out by the community. As for what affects women today, the dowry is high because they are enthusiastic about learning and getting education in order to get a good mate, because a mate is a reflection of yourself.

¹⁸ Interview with Mr Khoiruddin Harahap, General Public, at the house on 23 Agustus, 2022 at 01.30 Wib

¹⁹ Interview with Mr Douharin, General Public, at the house on 22 Agustus, 2022 at 01.30 Wib

The effect of the dowry is also caused by the request of the woman who requires that her child must be given a dowry, in other words the dowry has been determined, especially the well-established man who wants to marry and has an education degree.

The dowry of a obligatory gift given by a man who will marry a woman in general has no limit and it does not matter how large the dowry is because there is no definite prohibition governing it. Within limits as long as men are able and do not experience difficulties, it is permissible and education is actually intellectual and wise, the influence of dowry is also an added value so that students are more active in learning and show their best abilities.

Islamic family law views the influence of women's education in determining the dowry as a study that is still within its scope. Giving the dowry that must be given, the

cultural aspect of the community becomes a habit that is carried out and can be seen and felt As a sign of affection, a good dowry is not burdensome but not demeaning, meaning that the dowry does not have to be large but according to ability. In Islam, the influence of women's education in giving dowries is allowed because equalization of education and the obligation to study is obligatory and its effect on dowry is an appreciation of affection.

The public's view of the dowry is that the dowry is a gift in marriage that is carried out by both parties in determining the dowry, while the education of women can affect the dowry if the woman is educated. This is not a guarantee to get household happiness, but it is the social conditions of the community that grow and fertilize so that they are used to it in society.

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