

Reframing Mandatory and Additional Mahr: A Maqasid Asy-Shari'ah and Socio-Legal Analysis of Indonesian Muslim Marriage Practices

Muhammad Nabat Ardli¹, Reza Hilmy Luayyin²

^{1,2} Institut Ahmad Dahlan Probolinggo, Indonesia

Email: ardli05mna@gmail.com

Received: December 5, 2025

Revised: April 21, 2026

Accepted: April 26, 2026

Abstract:

The *mahr* is an essential element of Islamic marriage, normatively established by the Qur'an and Hadith as a wife's right and as a symbol of women's dignity. However, in practice, Muslim communities, including those in Indonesia, often incorporate additional elements such as *seserahan* (gifts) and *bawaan* (additional mahr), which are more rooted in local custom and socio-cultural construction. This study aims to critically examine the legal and social positions of both the obligatory *mahr* and these additional forms through the perspectives of Maqāṣid al-Sharī'ah and the sociology of Islamic law. Using a qualitative approach based on interviews, participant observation, and documentation in Probolinggo society, this research employs contextual hermeneutics to interpret normative texts alongside lived practices. The findings show that *seserahan* and *bawaan* have undergone a functional shift: from voluntary cultural expressions into socially expected obligations that often serve as markers of status and symbolic capital. While *mahr* consistently reflects the maqāṣid principles of protection of honor (*hifz al-ard*), lineage (*hifz an-nasl*), and wealth (*hifz al-mal*), *seserahan* increasingly operates within a socio-economic logic that may contradict the principle of *taysir* (ease), particularly when it creates structural financial pressure on the groom's family. This study contributes by proposing a maqāṣid-based socio-legal framework that distinguishes between *'urf* as a source of social cohesion and *'urf* as a mechanism of latent coercion. It demonstrates that the transformation of cultural practices into quasi-obligatory norms represents a form of "normative expansion" beyond classical Islamic legal requirements. From a sociological perspective, these practices illustrate the dynamic negotiation between Islamic legal norms and local culture, where law is reproduced through symbols, social expectations, and power relations. The article concludes by advocating for a reinterpretation of marriage practices through premarital education and the promotion of a "dignified yet simple marriage" model that restores the ethical

Keywords: Obligatory mahr; Mdditional mahr; Maqaṣid al-Sharī'ah; Sociology of islamic law

1. Introduction

Marriage in Islam is a sacred institution that not only serves as a physical and spiritual bond between husband and wife, but also as a way to maintain honor (*hifz al-'ird*), offspring (*hifz al-nasl*), and social stability (Hidayat et al., 2022). important element in the marriage

contract is the provision of a mahr by the groom to the bride. The Qur'an emphasizes: "Give the mahr to the women you marry as a gift willingly" (Q.S. al-Nisā' [4]:4). This verse serves as the normative basis that the mahr is a woman's right that must be fulfilled as a consequence of the validity of the marriage contract.

According to classical Islamic jurisprudence, scholars agree that the mahr is a pillar of marriage, although its amount and form are flexible. Ibn Qudāmah, in *al-Mughnī*, explains that the mahr is a wife's right that cannot be waived except by her own consent. Furthermore, al-Syāfi'ī emphasized that there is no minimum limit for the mahr, as long as it has beneficial value. Therefore, the mahr must be positioned as a symbol of respect for women and a distinguishing feature between a legitimate marriage and an extramarital relationship (Hidayat et al., 2022).

In social developments, the mahr often does not stand alone, but is accompanied by additional gifts or gifts (*seserahan dan batwaan*). This tradition is widespread in Muslim societies, particularly in Indonesia, where the gifts symbolize the respect of the man's family for the woman's family. However, this phenomenon has sparked debate: can the gifts and gifts be viewed as part of sharia law, or are they merely cultural traditions of an unlawful 'urf? This question is crucial because excessive additions can create an economic burden that actually hinders the goals of sharia.

Within the framework of maqāṣid asy-syarī'ah, the obligatory mahr represents the main objective of the ḍarūriyyāt shari'a, especially in maintaining the honor and continuity of offspring. Ibn 'Āshūr in *Maqāṣid al-Syarī'ah al-Islāmiyyah* emphasizes that Islamic law is always oriented towards maintaining benefits and avoiding mafsadah. Thus, mandatory mahr is an instrument for realizing justice and glorifying women. On the other hand, gifts and inheritance can be categorized as *ḥājjiyyāt* or *taḥsīniyyāt* which function to complement, but must not replace the position of the mahr as the main condition of the contract (Sunarto & Cartonno, 2022).

Contemporary views on the maqāṣid also broaden our understanding of cultural practices in marriage. Jasser Auda, in *Maqasid al-Shariah as Philosophy of Islamic Law*, proposes a systemic approach, where maqāṣid must be viewed in interaction with social, cultural, and economic contexts. From this perspective, gifts (*seserahan*) can be accepted as part of local culture as long as they do not violate the basic maqāṣid, namely maintaining ease of marriage (*taysīr*) and avoiding harm. However, when gifts (*seserahan*) become a material burden that complicates the marriage, they potentially conflict with the maqāṣid (Riftiansyah et al., 2023).

From the perspective of Islamic legal sociology, law never exists in a vacuum but is always in dialogue with the living law of society. Soerjono Soekanto emphasized that effective law is law that functions within society and adapts to social dynamics. In this context, the mahr must rely on the normative legitimacy of sharia texts, while the gifts and gifts derived from social consensus ('urf). This difference in legitimacy often gives rise to a

dialectic between religious and cultural authorities (Ath Thariq et al., 2022).

This dialectic is evident in Indonesian Muslim society, where custom and religion frequently interact and influence each other. Clifford Geertz, in his study of Javanese Islam, revealed that religious practices are inseparable from local cultural traditions. This is also evident in marriage practices, where a mahr is obligatory as part of sharia law, but gifts (*seserahan*) and gifts (*bawaan*) provide space for local cultural expression. Challenges arise when these cultural expressions exceed the limits of *maqāṣid* (the meaning of marriage), thus becoming a source of economic and social injustice (Suyoto & Setiawan, 2023).

From the Muhammadiyah perspective, the Tarjih and Tajdid Council emphasizes the importance of simplicity in the mahr and wedding ceremony. This aligns with the Prophet's hadith, which states, "The best marriage is the easiest (mahr and its implementation)" (Narrated by Ibn Hibbān). This principle demonstrates that Islamic law emphasizes ease and avoids burdensomeness, so the gifts and gifts should be positioned proportionally. Through an analysis of the *maqāṣid* and the sociology of Islamic law, the distinction between obligatory and additional mahr can be understood more contextually and practically (Suyono, 2020).

This fragmentation reveals a significant gap in the literature. Existing studies have not adequately examined how the interaction between normative Islamic law, *maqāṣid* principles, and local socio-cultural practices shapes the contemporary meaning of mahr and its related traditions.

In particular, there is limited scholarly attention to how practices such as *seserahan* and *bawaan* may transform from voluntary cultural expressions into socially enforced obligations, thereby generating latent economic pressures and redefining the boundaries of legal obligation in Muslim marriage practices. Furthermore, previous research has not sufficiently conceptualized this phenomenon within a *maqāṣid* framework that critically distinguishes between *ʿurf* as a source of social benefit and *ʿurf* as a mechanism of structural burden.

Despite the growing body of scholarship on mahr and marriage practices in Muslim societies, existing studies tend to fall into three dominant approaches. First, *normative-juridical studies* primarily examine mahr within the framework of classical Islamic jurisprudence, focusing on its legal status, requirements, and textual foundations. Second, *socio-cultural studies* describe practices such as *seserahan* and *bawaan* as local traditions, emphasizing their symbolic and cultural meanings. However, these studies often remain descriptive and do not critically assess their implications within the broader objectives of Islamic law.

What remains insufficiently explored is the integrative analysis between *maqāṣid al-sharīʿah* and the lived socio-legal realities of marriage practices, particularly in examining how additional marriage traditions may shift from voluntary cultural expressions into socially enforced obligations. Moreover, previous research has not adequately addressed

how such practices may generate latent economic pressures and normative expansion beyond the core requirements of Islamic law.

Therefore, this study seeks to fill this gap by offering a maqāṣid-based socio-legal analysis of mandatory and additional mahr in Indonesian Muslim society, with a specific empirical focus on Probolinggo. By combining textual interpretation with field-based observations, this research not only re-evaluates the legal status of *seserahan* and *bawaan*, but also proposes a conceptual distinction between cultural legitimacy (*‘urf*) and structural burden, thereby contributing a new perspective to the study of Islamic family law.

2. Methods

This study uses a qualitative approach, combining field research with a normative literature review. The qualitative approach was chosen because this study seeks to understand the meaning, symbols, and social practices related to obligatory and additional mahr (mahr and gifts) in the context of Islamic marriage. Sugiyono explains that qualitative research emphasizes understanding social phenomena from the perspective of participants. Thus, this study not only analyzes Islamic legal texts but also relates them to the sociological realities of society (Sugiyono, 2023).

This research was conducted in Probolinggo City and Regency, East Java, due to its diverse wedding traditions, which are deeply rooted in Islamic cultural values. The data sources consisted of primary and secondary data. Primary data were obtained from six key informants, selected using a purposive sampling technique, based on their knowledge, involvement, and authority in marriage practices within the community. These informants included religious leaders, community leaders, a marriage registrar, and individuals directly involved in the marriage process (the bride/groom and their family members). To enrich the data and capture broader social perspectives, snowball sampling was also applied, allowing the researcher to identify additional relevant participants through recommendations from initial informants. Data were collected through in-depth interviews, participant observation, and documentation. Secondary data were obtained from academic literature, including classical and contemporary fiqh works, fatwa documents, studies on maqāṣid al-sharī‘ah (particularly from Ibn ‘Āshūr and Jasser Auda), and references on the sociology of Islamic law such as Soerjono Soekanto and Clifford Geertz.

Data collection techniques were conducted through interviews, participant observation, and documentation studies. Interviews were used to explore community understanding of the position of mandatory and additional mahr in marriage, while observations helped record actual practices occurring in the field. Documentation in the form of archives from the Office of Religious Affairs (KUA), marriage records, and local customary documents was also analyzed. Data were analyzed using the maqāṣid al-syarī‘ah analysis framework to determine the alignment of practices with the objectives of sharia, and an analysis of the sociology of Islamic law to assess the interaction between religious

and cultural norms. Miles & Huberman state that qualitative analysis is conducted through three stages: data reduction, data presentation, and drawing conclusions (Miles & Huberman, 1984).

As an analytical tool, this study uses contextual hermeneutics to interpret normative Islamic legal texts related to mahr with the social reality of Probolinggo society. Hermeneutics, according to Gadamer (2004), functions to bridge text and context, so that Islamic law can be understood according to the development of the times and culture (Fitri & Wahyuningsih, 2019). To strengthen the analytical framework, this study integrates *maqāṣid al-sharīʿah* analysis and the sociology of Islamic law. The *maqāṣid* analysis is operationalized using three primary indicators derived from the *ḍarūriyyāt* framework: protection of honor (*ḥifẓ al-ʿird*), preservation of lineage (*ḥifẓ al-nasl*), and protection of wealth (*ḥifẓ al-māl*). These indicators are used to assess whether the practices of mahr, *seserahan*, and *bawaan* contribute to or undermine the fundamental objectives of Islamic law.

Furthermore, the evaluation of *maṣlaḥah* (benefit) and *mafsadah* (harm) is conducted based on several criteria: (1) the degree to which the practice facilitates or hinders the ease of marriage (*taysir*), (2) its socio-economic impact on the parties involved, particularly in terms of financial burden, and (3) its function in promoting or distorting social justice and dignity within marriage practices. A practice is categorized as *maṣlaḥah* when it supports these principles, and as *mafsadah* when it generates hardship, coercion, or inequality.

By combining contextual hermeneutics with *maqāṣid*-based evaluation and socio-legal analysis, this study seeks to produce a comprehensive understanding of the relationship between obligatory mahr as a normative requirement and additional marriage practices as products of local culture, as well as to assess the extent to which both align with the higher objectives of Islamic law.

3. Results and Discussion

3.1. Mahr in Islam

In practice, Indonesian society varies widely in determining mahr. In some regions, such as the Minangkabau region, mahr are a symbol of family honor and are set at high prices. On the other hand, some modern Muslim communities in urban areas have begun to practice symbolic mahr, such as a copy of the Quran, a set of prayer equipment, or a thousand rupiah note, to emphasize blessings and simplicity (Zakia, 2011).

Unfortunately, cultural pressures hinder most marriages due to high mahr. This can lead to negative phenomena such as postponement of marriages, promiscuity, and even unregistered marriages (Fahmi Fatwa Rosyadi Satria Hamdani & Yandi Maryandi, 2024). The mahr should not be understood as the "price" of a woman. This view contradicts the principles of monotheism and justice in Islam. The mahr is a form of respect, not a purchase.

In this context, the Muhammadiyah fatwa is crucial as a balance between sharia values and respect for women (Surya Putra, 2021). In the contemporary era, gender equality has become a central issue in Islamic studies. Interpretation of the mahr must reflect that women are not objects of transactions, but rather legal subjects endowed with honor. Therefore, an approach that emphasizes deliberation, consent, and equality is more relevant (Faidhullah, 2018).

Etymologically, the word mahr comes from Arabic: المهر which means "gift." In Islamic jurisprudence, mahr is something that a husband is obliged to give to his wife as a result of a valid marriage contract (Az-Zuhaili, 2002). According to al-Fiqh al-Islami wa Adillatuhu, mahr is also called ṣadāq or nihlah, and is a full right for the wife which cannot be taken away unless she is willing. Allah SWT. says in QS. An-Nisa' verse 4: *"Give a mahr to the woman (you marry) as an obligatory gift."*

This verse emphasizes that giving a mahr is not just a formality, but a sharia obligation as a form of respect for women and a symbol of the validity of the marriage (Departemen Agama RI, 2002). Several hadiths of the Prophet Muhammad SAW emphasize the urgency and flexibility in terms of mahr: The most blessed marriage is the one with the lightest mahr (HR. Abu Daud, No. 2117). Look for a mahr, even if it's just an iron ring (HR. al-Bukhari, no. 5121; Muslim, no. 1425).

From the two hadiths above, we can conclude that Islam does not impose high mahr requirements on its followers. The mahr can be adjusted to suit the husband's circumstances and means, as long as it maintains the principle of respect for his wife (Quraish Shihab, 1996).

Indonesia's pluralistic society has diverse customs and traditions regarding the form and amount of the mahr. In some regions, the mahr symbolizes the social status and honor of the bride's family, such as in the Minangkabau and Bugis regions. In other regions, the mahr is quite simple, such as a set of prayer equipment or memorizing verses from the Quran (Faidhullah, 2018).

3.2. Mandatory and Additional Mahr in Islamic Marriages

Mahr or ṣadāq is an obligation attached to the marriage contract in Islam. The Qur'an clearly states: "Give a mahr (mahr) to the woman (you marry) as a willing gift" (QS. al-Nisā': 4). In fiqh literature, mahr is seen as a wife's right which the husband must fulfill as a form of respect and recognition of women's dignity (al-Kāsānī, Badā'i' al-Ṣanā'i'). Ibn Qudāmah in al-Mughnī emphasized that the mahr is a legal requirement that completes the marriage contract, although the marriage remains valid even if the mahr has not been specified in detail.

In practice, mahr are divided into two forms: obligatory mahr (explicitly required by sharia) and additional mahr, commonly known as seserahan (a gift) or bawaan (an additional gift). Obligatory mahr have normative legitimacy derived from the Qur'an and Sunnah, while seserahan and bawa (a gift) are more of a social tradition developed in

various Muslim communities. According to Sunarto, the phenomenon of *seserahan* in Indonesian weddings is a cultural expression combined with religious values. Although lacking a normative legal basis, it still carries social and symbolic meaning (Sunarto & Cartono, 2022).

An additional mahr, in the form of gifts or gifts, is often understood as a symbol of the prospective husband's commitment to supporting the household and paying respect to the bride's family. Geertz (1976) in *The Religion of Java* notes that this practice represents a syncretism between Islamic values and local Javanese traditions. Although not a sharia obligation, the practice of gifts can strengthen social relationships and reflect the value of mutual cooperation in marriage (Amrozi, 2021).

However, in modern society, additional mahr often create social problems. Excessive mahr have the potential to burden the groom, delaying marriage or even leading to marital pragmatism. This was criticized by Yusuf al-Qardawi, who emphasized simplicity in mahr, as the essence of marriage in Islam is to build a harmonious household, not to pursue material pursuits. This view aligns with the Prophet's hadith, which states: "The best mahr is the easiest." (Narrated by Ahmad and Abu Dawud) (Jannah et al., 2021).

In the context of Indonesian Muslim society, particularly in East Java, obligatory and additional mahr are inseparable from the sociological dimension of Islamic law. Soerjono Soekanto (2003) emphasized that law is not only understood as written norms, but also as part of the social system that exists within society (living law). Therefore, although the mahr is not a normative obligation, its existence has recognized social value. The academic challenge going forward is to find a balance between the normativity of Islamic law and local traditions, so that the practices of mahr and mahr remain in line with the *maqāṣid al-syarī'ah* and function as a means of social unification.

3.3. Mandatory and Additional Mahr (*Seserahan and Bawaan*) in Probolinggo Society In *Maqāṣid Asy-Syarī'ah* Perspective

The mahr is one of the important pillars of Islamic marriage, possessing theological, legal, and social dimensions (Latupono, 2024). According to Islamic jurisprudence, the mahr must be given by the groom to the bride as a consequence of the validity of the marriage contract, as affirmed in Q.S. an-Nisā' [4]:4. Ibn Qudāmah in *al-Mughnī* emphasized that the mahr is an absolute right of the wife that cannot be waived by any party. However, in social practice, the mahr is often accompanied by additional gifts and gifts arising from customary constructions (Susanti, 2024). In Probolinggo society, the mahr is often accompanied by *seserahan* and *bawaan* derived from *'urf* (custom) and the symbolic economy of marriage. This normative distinction is important because the mahr carries the legitimacy of a text, while the additional gifts (*bawaan*) are rooted in social consensus. The empirical data presented in Table 1 demonstrate a clear pattern regarding the structure of marriage payments in Probolinggo society. All six informants consistently provided mandatory mahr

in simple forms, such as cash, gold, or prayer equipment. This indicates that, at the normative level, the understanding of mahr as an obligatory and symbolically sufficient requirement remains intact within the community.

Table 1. List of Mandatory Mahr, Sesorahan and Bawaan Given by the People of Probolinggo

Name	Address	Mandatory Mahr	Additional Mahr	
			Gifts (Sesorahan)	Gifts (Bawaan)
Margono	Banyuanyar	- Cash - A set of prayer equipment	Crops	A complete mattress set and formal clothes suit
Rio Firmawan	Leces	- Gold - A set of prayer equipment	Rice and coconut	A set of dressing tables
Subagyo	Dringu	- Cash	Basic necessities and fruit	One sofa set
Muh. Abduh	Pajarakan	- Gold	Bags, Clothes, Make Up, Shoes	One set of wardrobe and one set of mattress
Fajar Kurniawan	Mayangan	- A set of prayer equipment	Formal Suits and clothes	A set of dressing table, bed and wardrobe
Dedi Setiadi	Bantaran	- Gold and Cash	Agricultural products and formal suits	Wardrobe, bed and sofa

However, the data also reveal that additional elements “seserahan and bawaan” are significantly more elaborate and materially substantial. Items such as furniture (beds, wardrobes, sofas), agricultural products, and formal clothing sets appear across nearly all cases. This contrast suggests a functional differentiation: while mahr retains its juridical function, seserahan and bawaan increasingly perform social and symbolic functions related to status, propriety, and communal expectations.

From a maqāṣid perspective, this pattern indicates a shift in the meaning of additional marriage practices. Originally positioned as voluntary cultural expressions (*taḥsīniyyāt*), seserahan and bawaan in practice tend to move toward quasi-obligatory social norms. This is evident in the relative uniformity of high-value goods across different socio-economic backgrounds in the data. This finding confirms that *‘urf* (custom) in Probolinggo is not merely complementary but has undergone what this study conceptualizes as “normative expansion” a process in which non-obligatory practices acquire binding social force. As a result, the boundary between what is religiously required (mahr) and what is socially expected (seserahan) becomes blurred.

Using the maqāṣid indicators established in the methodology, the findings can be evaluated. The presence of both mahr and seserahan contributes positively to symbolic respect toward the bride and her family (Fajar & Zaelani, 2025). In this sense, seserahan still

fulfills a *maṣlaḥah* function as a cultural expression of honor *Hifẓ al-Nafs* (Protection of Dignity). However, interview data indicate that marriage is sometimes delayed due to financial preparation for *seserahan* packages. This suggests that excessive additional requirements may hinder marriage itself, thereby contradicting the objective of sustaining lawful lineage *Hifẓ al-Nasl* (Preservation of Lineage). The most significant finding relates to economic impact *Hifẓ al-Māl* (Protection of Wealth). Several informants reported that the preparation of *seserahan* involves high-cost consumption, sometimes requiring debt or prolonged financial planning. This indicates a shift from *maṣlaḥah* to *mafsadah*, as the practice creates structural financial pressure, particularly for lower-middle-income families .

3.4. Mandatory and Additional Mahr (*Seserahan and Bawaan*) in Probolinggo Society In Socio-Legal Perspective

From a sociological perspective, gifts (*seserahan* atau *bawaan*) function as a symbolic economy (Bourdieu) that affirms family honor, signifies seriousness, and builds reciprocal networks (Mustikasari et al., 2023). Legal anthropology research in Indonesia demonstrates how wedding gift exchange strengthens social cohesion. However, when gifts turn into expensive status competitions, they have the potential to create barriers to marriage for vulnerable classes, triggering marriage delays and even consumer credit practices (Nurlaelawati, 1970). From a *maqāṣid* perspective, this violates the principle (*jalb al-maṣāliḥ wa dar' al-mafāṣid*) that symbolic benefits should not be purchased with structural benefits in the form of prolonged economic burdens or unequal power relations towards the bride or her family.

From the perspective of the sociology of Islamic law, the “law” of mahr does not stand as a normative text sterile from context, but rather as a social practice negotiated among various normative regimes of sharia, state, custom, market, and moral-communitarianism. The framework of legal pluralism (Luthfilhakim & Hidayati, 2025) helps to see how the obligatory mahr (*nash*) coexists with additional (*seserahan/bawaan*) originating from ‘urf and the family’s symbolic economy. In Indonesia, this order is “layered” in the compilation of Islamic law, fatwas or *taushiyah* from ulama or mass organizations, and local customs so that the practice of mahr is the result of a concrete hybridization of law (Bowen; Hooker) at the family and community level, not simply a single derivation from the text.

The data suggest that, in practice, social norms often exert stronger pressure than formal legal norms. While mahr remains minimal and flexible, *seserahan* becomes the actual benchmark of social legitimacy in marriage. This reflects a form of legal pluralism, where the “living law” operates through community expectations rather than formal doctrine.

In the context of Indonesian Muslim society, particularly in East Java, obligatory and additional mahr are inseparable from the sociological dimension of Islamic law. Soerjono Soekanto emphasized that law is not only understood as written norms but also as part of the social system that exists within society (living law) (Soekanto, 2018). Therefore, although

the mahr is not a normative obligation, its existence has recognized social value. The academic challenge going forward is to find a balance between the normativity of Islamic law and local traditions, so that the practices of mahr and mahr remain in line with the *maqāṣid al-syarī'ah* and function as a means of social unification (Fadhil, 2021).

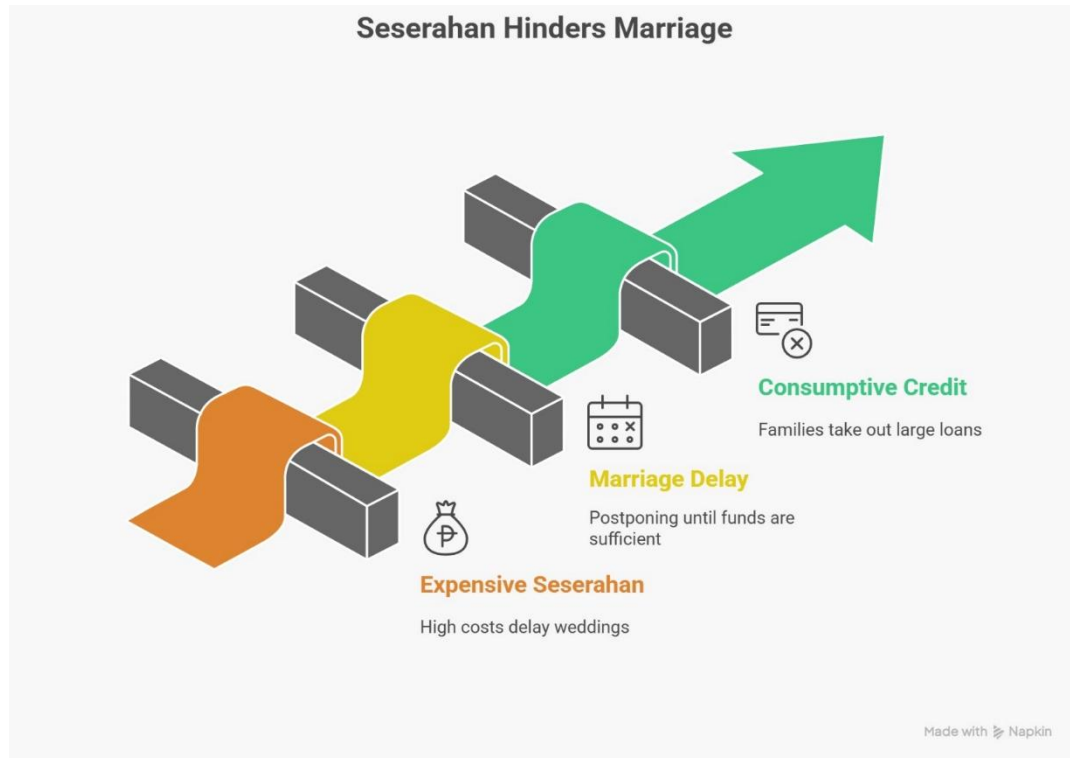


Figure 1. The Practice of Seserahan and Bawaan from a Sociological-Anthropological Perspective

From Bourdieu's perspective, the mahr constitutes a symbolic economy. It produces social capital (trust, respect), but can also give rise to status competition (Bourdieu, 2020). Research on Indonesian Muslim families shows that modernization can encourage the commodification of rituals (Nurlaelawati, *Modernization, Tradition, and Identity in Indonesian Islamic Family Law*). In Probolinggo, as the list of goods and the standard value of the mahr become increasingly "established," lower-middle-income households potentially bear the burden, eroding the objectives of *maqāṣid* (access to marriage, post-contract stability).

A critical reading of the data shows that the institutionalization of seserahan creates *unequal entry barriers to marriage*. Couples with limited economic resources are disproportionately affected, as they must conform to socially constructed standards that exceed their capacity. This condition supports the argument that seserahan, when transformed into a social obligation, functions as a form of latent coercion, rather than a purely voluntary cultural practice. In *maqāṣid* terms, this represents a distortion of priorities, where *taḥsīniyyāt* (complementary elements) overshadow *ḍarūriyyāt* (essential elements) (Ghufron, 2018).

Based on these findings it introduces the notion of "normative expansion of 'urf,"

where cultural practices evolve into socially binding norms that may conflict with the ethical objectives of Islamic law

Therefore, within the maqāṣid hierarchy that Mahr must remain in the domain of ḍarūriyyāt (essential and non-negotiable) and Seseheran and bawaan must be repositioned as ḥajjiyyāt/taḥsīniyyāt (flexible and non-coercive). Failure to maintain this hierarchy risks reversing the ethical structure of Islamic marriage, where cultural excess overshadows legal justice.

4. Conclusions

This study demonstrates that the distinction between obligatory mahr and additional mahr (*seseheran* and *bawaan*) in Probolinggo society is not merely a formal legal differentiation, but reflects a deeper transformation in the interaction between Islamic law and local socio-cultural norms. Empirical findings confirm that while mahr consistently retains its position as a simple and essential legal requirement, additional mahr have evolved into socially expected standards characterized by material expansion and symbolic competition. From the perspective of maqāṣid al-sharīʿah, this transformation produces an important normative tension. The obligatory mahr aligns with the core objectives of Islamic law particularly the protection of dignity (ḥifẓ al-nafs), preservation of lineage (ḥifẓ al-nasl), and safeguarding of wealth (ḥifẓ al-māl). In contrast, *seseheran* and *bawaan*, which originally functioned as complementary cultural expressions (*taḥsīniyyāt*), increasingly operate within a socio-economic logic that may contradict the principle of taysīr (ease), especially when they impose financial burdens or delay marriage. This finding contributes to the literature by offering a maqāṣid-based socio-legal framework capable of distinguishing between cultural practices that promote social cohesion (*maṣlahah*) and those that generate structural pressure (*mafsadah*). Practically, the findings call for a reorientation of marriage norms, emphasizing the restoration of mahr as the primary ethical and legal instrument of justice, while repositioning *seseheran* and *bawaan* as flexible cultural expressions that must not become coercive or burdensome. A maqāṣid-oriented approach provides the necessary framework to ensure that cultural adaptation remains aligned with the principles of justice, dignity, and ease thereby safeguarding marriage not only as a legal institution, but as a moral and social commitment grounded in compassion and balance.

Acknowledgments

The authors would like to express their deepest gratitude to the Institut Agama Islam Ahmad Dahlan Probolinggo for providing academic support and access to resources that made this research possible. Special thanks are also extended to the community leaders and marriage practitioners in Probolinggo who shared valuable insights during the data collection process. The authors also acknowledge the constructive discussions with fellow lecturers, which greatly enriched the analysis and interpretation of this study.

References

- Amrozi, S. R. (2021). Keberagaman Orang Jawa Dalam Pandangan Clifford Geertz Dan Mark R. Woodward. *Fenomena*, 20(1). <https://doi.org/10.35719/fenomena.v20i1.46>
- Ath Thariq, M. A., Imron, M. Z., & Azkia, Z. (2022). Tinjauan Hukum Islam Terhadap Penggunaan Uang Yang Dibentuk Dalam Hiasan Sebagai Mahar Pernikahan. *Usroh: Jurnal Hukum Keluarga Islam*, 6(1). <https://doi.org/10.19109/ujhki.v6i1.12187>
- Bourdieu, P. (2020). Outline of a Theory of Practice. In *The New Social Theory Reader*. <https://doi.org/10.4324/9781003060963-11>
- Fadhil, A. (2021). Tafsir Al-Sayis dan Al-Zuhayli terhadap Ayat Nusyuz dan Syiqaq Serta dan Penyelesaiannya: Analisa Teologis Normatif, Psikologis, dan Sosiologis. *Syaksia: Jurnal Hukum Perdata Islam*, 22(2). <https://doi.org/10.37035/syaksia.v22i2.5536>
- Fahmi Fatwa Rosyadi Satria Hamdani, & Yandi Maryandi. (2024). Tinjauan Fiqih Munakahat terhadap Fenomena Penundaan Pernikahan pada Pemuda Indonesia Tahun 2021. *Bandung Conference Series: Islamic Family Law*, 4(1). <https://doi.org/10.29313/bcsifl.v4i1.11758>
- Faidhullah, S. (2018). Konsep Mahar Perkawinan Berupa Hafalan Surah Al-Qur'an (Prespektif Keadilan Gender). *Jurnal Al-Risalah*, 14(2).
- Fajar, M. S., & Zaelani, A. Q. (2025). Transformation of Dowry from Traditional Practices to Maqashid Sharia: A Causal Analysis of Women's Dignity and Family Harmony. *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam*, 8(2). <https://doi.org/10.30659/jua.v8i2.41634>
- Fitri, F. N., & Wahyuningsih, N. (2019). Makna Filosofi dan Fungsi Tata Rias Pernikahan Jawa di Daerah Surakarta. *Haluan Sastra Budaya*, 3(2).
- Ghufron, M. (2018). The Tradition of Madurese Wedding Ceremony: Islamic Law and Local Tradition within the Framework of Maqāṣid al-Sharī'a. *Ulumuna*, 22(1). <https://doi.org/10.20414/ujis.v22i1.298>
- Hidayat, R. E., Ardiansyah, M. F., & Ash Shabah, M. A. (2022). Mahar Perspektif Ulama Kontemporer (Studi atas Pemikiran Muhammad Syahrur dan Wahbah az-Zuhaili). *MASLAHAH (Jurnal Hukum Islam Dan Perbankan Syariah)*, 13(1). <https://doi.org/10.33558/maslahah.v13i1.3513>
- Jannah, R. R., Enoch, & ASM, HU. S. (2021). Kriteria Memilih Pasangan Hidup Menurut Hadits Riwayat Imam Al-Bukhari dan Implikasinya terhadap Pendidikan Pranikah. *Jurnal Riset Pendidikan Agama Islam*, 1(1). <https://doi.org/10.29313/jrpai.v1i1.159>
- Latupono, B. (2024). Transformation of Marriage Dowry into Shares in a Limited Liability Company: A Review of Civil Law and its Implications. *Journal of Ecohumanism*, 3(3). <https://doi.org/10.62754/joe.v3i3.3380>
- Luthfilhakim, M. L., & Hidayati, S. N. H. (2025). Clifford Geertz's Examination of the

- Symbolic Significance of Dowry within Islamic Legal Practices. *ADHKI: JOURNAL OF ISLAMIC FAMILY LAW*, 5(2). <https://doi.org/10.37876/adhki.v5i2.214>
- Miles, M. B., & Huberman, A. M. (1984). Drawing Valid Meaning from Qualitative Data: Toward a Shared Craft. *Educational Researcher*, 13(5), 20–30. <https://doi.org/10.3102/0013189X013005020>
- Mustikasari, M., Arlin, A., & Kamaruddin, S. A. (2023). Pemikiran Pierre Bourdieu dalam Memahami Realitas Sosial. *Kaganga: Jurnal Pendidikan Sejarah Dan Riset Sosial Humaniora*, 6(1). <https://doi.org/10.31539/kaganga.v6i1.5089>
- Nurlaelawati, E. (1970). Change and Continuity: The Kompilasi and Indonesian Islamic Courts'. *Studia Islamika*, 14(1). <https://doi.org/10.15408/sdi.v14i1.559>
- Riftiansyah, R., Abduh, M., Rifai, M., Saepudin, M. A., & Martiah, M. (2023). Tradisi Sesorahan Dalam Pelestarian Budaya Dan Kearifan Lokal Menurut Pandangan Islam. *Jurnal Citizenship Virtues*, 3(1). <https://doi.org/10.37640/jcv.v3i1.1720>
- Soekanto, S. (2018). Faktor-faktor yang mempengaruhi penegakan hukum menurut Soerjono Soekanto. *Recidive*, 7(2).
- Sugiyono. (2023). Metode Penelitian Kualitatif (Untuk penelitian yang bersifat: eksploratif, enterpretif, interaktif dan konstruktif). CV. Alfabeta.
- Sunarto, & Cartono. (2022). Adat Sesorahan dalam Pernikahan Perspektif Hukum Islam dan Hukum Positif. *Qonuni: Jurnal Hukum Dan Pengkajian Islam*, 2(01). <https://doi.org/10.59833/qonuni.v2i01.722>
- Surya Putra, F. (2021). Urgensi dan Kedudukan Shodaq (Mahar) dalam Pernikahan. *Jurnal An-Nahl*, 8(2). <https://doi.org/10.54576/annahl.v8i2.33>
- Susanti, R. (2024). Giving Dowry in Lampung Coastal Traditional Marriages From an Islamic Legal Perspective. In *Indonesia Private Law Review* (Vol. 5, Number 1).
- Suyono. (2020). Konstruksi Hukum Islam Di Indonesia: Studi Terhadap Fatwa-Fatwa Majelis Tarjih Dan Tajdid Muhammadiyah Tentang Hukum Keluarga (1980-2017). *Al-Mabsut: Jurnal Studi Islam Dan Sosial*, 14(2).
- Suyoto, S., & Setiawan, A. (2023). The Meaning of Gendhing Kodhok Ngorek in the Panggih Procession of a Traditional Javanese Wedding Ceremony. *Journal of Urban Society's Arts*, 10(1). <https://doi.org/10.24821/jousa.v10i1.8472>
- Zakia, R. (2011). Kesetaraan Dan Keadilan Gender Dalam Adat Minangkabau. *Kafa`ah: Journal of Gender Studies*, 1(1), 39. <https://doi.org/10.15548/jk.v1i1.39>
-