

# The Concept of Dowry According to Imam Al Qurthubi in Tafsir Al Jami' Li Ahkamil Quran (Tafsir Analysis of QS An Nisa Verse 4)

Dian Mustika Amilia <sup>a,1</sup>, Ahmad Zuhri <sup>b,2</sup>

<sup>a,b</sup> North Sumatra State Islamic University, Medan, Indonesia

Corresponding Author: [dianmustikaamilia@gmail.com](mailto:dianmustikaamilia@gmail.com)

## ARTICLE INFO

*Article History:*

Accepted: 17 Maret 2024

Revised: 29 April 2024

Approved: 18 Juni 2024

Available Online: 1 Juli 2024

*Keywords:*

Justice

Humanity

An-Nisa verse 58

## ABSTRACT

The concept of dowry as a man's obligation to give to a woman allows for opportunities to be criticized, even denied, because it will only be aimed at appearing inferior on one side and superior on the other. So, looking at the concept of dowry from the perspective of the Koran confirms that the concept of the Koran applies in any society and anywhere without looking at the materialistic context. This research uses this method of library research. This research also uses the ijmal method. The ijmal method is a method in which the meaning of the verse is explained concisely and globally but quite clearly. Therefore, researchers used this research based on primary data as the main data in this research, namely Tafsir Al Jami'li Ahkamil Quran by Imam Alqurthubi. The dowry is only given by the prospective husband to the prospective wife, not to other women or anyone else, even if they are very close to her. Other people are not allowed to take it, even the husband himself cannot take it except with his wife's permission. However, if his wife allows it, there is no obstacle for him to wear it. According to Imam Al-Qurthubi, dowry is an absolute right that the prospective wife has. He said that giving a dowry is an obligation in Islam, and the husband must give it voluntarily and is part of the marriage contract process. A dowry is a mandatory gift given by a prospective husband to a prospective wife as a form of a husband's sincerity and sincerity towards his wife to create feelings of love from both of them. The form of dowry given to women is in the form of goods or services. Religion also does not determine the maximum or minimum amount of dowry that a prospective husband must give to his wife. Therefore, due to differences in a man's ability to give the dowry.

©2024, Dian Mustika Amilia, Ahmad Zuhri  
This is an open access article under CC BY-SA license



## 1. Introduction

In the Qur'an it has been explained that marriage can also bring peace in a person's life (litaskunu ilaiha). This means that marriage is actually not only a means of channeling sexual needs, but more than that, marriage also promises a peaceful life for humans where every human being can build a world paradise within it. All of these things will happen if the marriage is truly carried out in a way that is in accordance with the path established by Islam (Shamad, 2017). Nikah means to collect or collect. One effort to channel the sexual instincts of husband and wife in the household as well as a means of producing offspring that can ensure the continuity of human existence on earth. The existence of marriage is in line with the birth of humans on earth

and is a human nature given by Allah SWT to His servants. Therefore, in the following brief discussion we will explain globally the concept of marriage in the Koran and how Muslims develop concepts to maintain and perpetuate these marriages as stated in their current legislation (Nurhayati, 2011).

When we talk about marriage, we can look at it from two sides. Marriage is a religious order. Meanwhile, on the other hand, it is the only way to channel sex that is legalized by religion. From this point of view, when people get married at the same time they not only have the desire to fulfill their biological needs which by nature must be channeled. Like other needs in life, biological needs must also be met. The Islamic religion has also determined that the only way to fulfill human biological needs is only through marriage. Marriage is a very interesting thing if we look more closely at the meaning of this marriage issue (Shamad, 2017). Dowry was also known during the Jahiliyah era, long before Islam came. However, dowry before the arrival of Islam was not intended for the future wife, but for the father or close male relatives of the wife. The concept of marriage according to various forms of dowry law itself was according to the customs of that time, the same as buying and selling transactions, namely those where buying and selling is between the prospective male husband as the buyer and the father or parents or close male family of the prospective female wife as the owner. goods seller. In Indonesian terms, dowry can be equated with the word dowry. The dowry is also a symbol of the groom's love and affection for the bride. The dowry is also a sign of the bride's willingness to become the groom's wife. And at that time, the bride's guardian or grandfather considered the dowry to be a form of reward given to them because this was a form of them looking after or taking care of the woman. Therefore, the dowry becomes the right of the woman's parents or owner. And this is also said to be a buying and selling transaction between men and women (Halimah B, 2017).

In the past, marriage also required a dowry. The dowry is like a purchasing tool from the prospective groom. During the period of ignorance, women's rights were squandered or even eliminated so that their guardians could arbitrarily use their property and not give them the freedom to manage and use their property. After Islam came, these shackles disappeared and women were given their rights in the form of a dowry (Ferdian, 2021). The dowry is not a payment price or a substitute for exchange value for the woman to be married. Dowry is part of a man's seriousness towards his future husband and the future wife he is going to marry. The dowry also functions as a sign to prove the sincerity of the intention from the heart of the prospective husband to the prospective wife to start building a family life with the prospective wife, which is aimed at the beginning of the marriage by voluntarily showing the husband's willingness to give some of his little wealth to the prospective wife (Irawan, 2019). The concept of dowry as a man's obligation to give to a woman allows for opportunities to be criticized, even denied, because it will only be aimed at appearing inferior on one side and superior on the other. So, looking at the concept of dowry from the perspective of the Koran confirms that the concept of the Koran applies in any society and anywhere without looking at the materialistic context (Abd. Kafi, 2020).

## **2. Method**

This research uses the method of library research. This research also uses the ijmal method. The ijmal method is a method in which the meaning of the verse is explained concisely and globally but quite clearly. Therefore, the researcher used this research based on primary data as the main data in this research, namely Tafsir Al Jami'li Ahkamil Quran by Imam Alqurthubi (Moleong, 2016).

### 3. Results and Discussion

Etymologically, dowry is dowry. In terms of terminology, it is an obligatory gift from the prospective husband to the wife as a sincerity of the future husband's heart to create a feeling of love for a wife towards her future husband. Or a gift that is required for a prospective husband to a prospective wife, whether in the form of objects or services (freeing, teaching, etc.) (Kohar, 2020). The dowry is only given by the prospective husband to the prospective wife, not to other women or anyone else, even if they are very close to her. Other people are not allowed to take it, even the husband himself cannot take it except with his wife's permission. However, if his wife allows it, there is no obstacle for him to wear it. This is explained in the Koran.

1. **أَتُوا النِّسَاءَ** Band' banda' banda

And give the women their dowry as a gift, so if they are kind to you (willing in their hearts) regarding something you have given them, you will also eat the wealth happily. (QS an-Nisa [4]: 4).

The word shadaq or shadaqat which is from the family of words shidiq, shadaq, is also branched with the well-known word sadaqah. In its meaning there is an honest feeling, a white heart. So the meaning is a treasure that is given with a white heart, a pure heart, a clear face to the prospective wife he is going to marry. The deeper meaning is that the dowry is like a seal, that the marriage has been sealed. In Arabic, the term dowry is rarely used. Fiqh experts often use the word "shidaq" in their fuqah books. On the other hand, in Indonesia the terms that are often used are dowry and dowry. The scholars stated that there is no fundamental difference between including ash-sidaq and regarding al-mahar. There is an opinion that emphasizes that shadaq is something that is mandatory because of marriage, such as wathi' seubhat, breast-feeding, and taking testimony.

According to Ibn Qayyim, the terms dowry and shidaq do not differ in function if what is meant is a gift from the groom to the bride in a marriage. Only the term dowry is used for marriage, while the term shidaq can be used in matters other than marriage, because the term is general, such as obligatory shadaqah and sunnah shadaqah/obligatory shadaqah are paying zakat and paying dowry. According to Imam Alqurthubi, dowry is an absolute right that the prospective wife has. He said that giving a dowry is an obligation in Islam, and the husband must give it voluntarily and is part of the marriage contract process.

#### Various types of dowry/ dowry

All scholars have agreed that paying the dowry is obligatory. Meanwhile, the types of dowry can be divided into two, namely: Musamma Mahar and Mitsil Mahar.

1. Musamma's dowry

Musamma's dowry is a dowry whose form and amount are clearly defined in the contract agreement. This type of dowry is further divided into two, namely:

- First, Musamma Mu'ajjal's dowry, namely the dowry that the prospective husband immediately gives to his future wife. Hastening the payment of the dowry is a sunnah thing in Islam.
- Second, Musamma Ghair Mu'ajjal's dowry, namely the dowry whose form and amount have been determined, but the payment has been suspended.

With regard to the payment of dowry, it is obligatory if dukhul has occurred. Ulama' agree that paying the dowry is obligatory if you are in seclusion (lonely/together) and also have dukhul. Paying the dowry if dukhul has occurred is mandatory, so if it has not been paid it is considered a debt. However, if the wife is willing to accept her dowry which has not been paid

by her husband. While her husband has died, his heirs are not obliged to pay her dowry. If the wife is unwilling, then the dowry payment is taken from her inheritance by her heirs. If a divorce occurs before dukhul occurs, while the form and amount have been determined in the contract, then the dowry must be paid only half of what was specified in the dowry.

## 2. Mitsil's dowry

Mitsil dowry is a dowry whose amount and form is according to the amount and form usually accepted by the wife's family because it is not previously determined in the marriage contract. Imam Malik explains the verse that a man can choose one of the three possibilities.

- The first possibility is that a husband does not need to pay a dowry to his wife.
- The second possibility is that the husband pays her mitsil dowry.
- The third possibility, choosing to pay the bride price is a decision that is considered fairer and wiser because it is adjusted to the husband's capabilities and the amount usually received by the wife's family.

## Imam Alqurthubi's opinion in Tafsir Al Jami' Li Ahkamil Quran

This verse explains not to take and interfere with your woman's dowry. If it is taken, return the dowry because it is the woman's right. As for the asbabun nuzul of this verse about syighar marriage (where in this marriage there is an exchange between a man and a woman without a dowry) therefore they are ordered to pay the dowry. Based on this verse, it is obligatory for men to give a dowry to the woman they want to marry. This also includes the opinion (ijma) of the scholars, no one of whom has a different opinion on this matter. Then the ulama also do not set a maximum dowry, but differ in opinion if the dowry is small.

In the word *نَحْلَةً*, which means "gift". The meaning is that I gave (something) to that person and the dowry was given by Allah SWT to that woman. Another opinion says that it is a voluntary gift that comes from her husband's generosity without any coercion. *فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا* "Then if they hand over to you part of the dowry with pleasure." In this verse it is addressed to husbands This verse states that a wife, whether she is a girl or a widow, gives her dowry to her husband it is permissible and this opinion is included in the jumhur fuqara. Asbabun nuzul in this verse, there used to be a people who insisted on asking for their child's dowry back. The scholars agree that if a wife gives her dowry to her husband with pleasure, it is legal and does not need to be returned. If the wife asks for it again without being willing, then it is a form of innuendo regarding the dowry being halal and halal.

If a woman requires her husband at the time of the marriage contract that he must not marry another woman and then she reduces the dowry of the husband she is going to marry, after which the husband marries again, then he is not obliged to comply with what his wife requires. Because the husband gives a dowry according to the applicable standards or more, then he remarries, then the excess dowry does not have to be paid, but if the wife does not require this and she reduces the dowry, then he (husband) remarries with the same dowry (without reducing ) then he is obliged to pay the remaining dowry to the first wife, because the husband imposed a condition on himself and made it a guarantee (compensation) which must be paid, and he is obliged to fulfill this condition. The meaning that I can conclude is that when a husband wants to remarry he must reduce the second wife's dowry to the first wife.

This verse shows that freeing slaves is not a form of dowry, because it does not take the form of property. If so, it is impossible for a wife to give it away and it is impossible for a husband to eat it. In this verse, *فَكُلُّهُ* does not mean eating, but making all means lawful. If the wife does good by giving something to her husband for obedience without coercion, then the leader will not be sanctioned, and Allah will not make it a sin in the afterlife. The meaning of this sentence that I can take away is that there is no compulsion for a man to give a large dowry, such as if he

objects to giving 1 dirham but he can only give honey, then the honey is drunk with rainwater so it is even tastier and the benefits are better.

#### **Determination of the amount of dowry according to Imam Alqurhubi**

Imam Alqurthubi Al-Qurthubi quoted from at thahawi, Ath - Thahawi, one of the basics that needs to be agreed upon is that if a man pays another person to teach a certain surah from the Koran, the Koran with dirhams, then this is not justified because the form of wages is wages. it is only allowed in two forms, namely by doing something like sewing clothes or something similar, or working for a certain time (Firdausia, 2024: 105). Meanwhile, paying teachers to teach the Koran is not included in that category. The Koran is not included in that category. Therefore, paying someone to teach is sometimes understood in the form of teaching a little or a lot and a little or a lot of time. Likewise, if he sells his house so that the person teaches him a surah, then this is not justified because this is not included in the meaning of wages. And if the teaching does not have benefits or is something in the form of real assets then based on the text (teaching the Koran) it is not categorized as goods (Firdausia, 2024: 105).

Meanwhile, Al-Qurthubi concluded that dowry in the form of teaching the Koran was permissible. This is based on the understanding that if a property is liked, desired and useful, then all of it is permitted. Because benefits are also contained in rent (wages), then dowry in the form of teaching the Koran also has benefits in it (Firdausia, 2024: 105). Because of this, Al-Qurthubi said that the ulama allow things like the above to be argued with the Hadith of Sahal bin Sa'id. Where they argued, the proposition "This proposition shows the validity of a marriage and the permissibility of terminating the dowry, namely teaching." Al-Qurthubi added that additional dowry or lack of it is permissible if it is approved after fulfilling this obligation, namely the woman's (wife's) willingness not to accept her dowry or the man's (husband's) willingness to accept her dowry if he divorces her before having sex with her (Firdausia, 2024:105).

#### **4. Conclusion**

A dowry is a mandatory gift given by a prospective husband to a prospective wife as a form of a husband's sincerity and sincerity towards his wife to create feelings of love from both of them. The form of dowry given to women is in the form of goods or services. Religion also does not determine the maximum or minimum amount of dowry that a prospective husband must give to his wife. Therefore, due to differences in a man's ability to give the dowry.

#### **5. References**

- Abd. Kafi. (2020). *MARRIAGE DOWRY IN THE VIEW OF ISLAMIC LEGAL AND EDUCATION* . *Paramurobi Journal* , 1 .
- Abd. Kohar. (nd). *THE POSITION AND WISDOM OF THE DOWRY IN MARRIAGE* .
- ASRI FIRDAUSIA. (2024). *MEMORIZING THE QURAN AS A DOWRY FROM A MUFASIR'S PERSPECTIVE* . AR-RANIRY STATE ISLAMIC UNIVERSITY.
- Ferdian, E. (2021). *LIMITATION OF THE AMOUNT OF DOWRY (DOWER) IN ISLAMIC VIEW AND POSITIVE LAW* . *JAS: Ahwal Syakhshiyah Scientific Journal* , 3 .  
<http://riset.unisma.ac.id/index.php/fai/index>

- Halimah B. (2017). *THE CONCEPT OF DOWRY (DOWRY) IN CONTEMPORARY INTERPRETATION* (Vol. 6, Issue 2).  
[http://umexpert.um.edu.my/file/publication/00002815\\_95293-pdf](http://umexpert.um.edu.my/file/publication/00002815_95293-pdf).
- Ibnu Irawan, J. (2019). DOWRY TO MEMORIZE THE QUR'AN FROM AN ISLAMIC LEGAL PERSPECTIVE . *PALITA: Journal of Social-Religion Research* , Vol 4, No.2 .
- Muhammad Yunus Shamad. (2017). *MARRIAGE LAW IN ISLAM . ISTIQRA ' , Volume V*.
- Nurhayati, A. (2011). *MARRIAGE FROM THE ALQURAN'S PERSPECTIVE* . In *ASAS* (Vol. 3, Issue 1).