



Review of Islamic Law Compilation on the Obligation to Provide a Buffalo Dowry in Marriage (A Case Study in Sidigede Village, Welahan District, Jepara Regency)

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Abstract

The giving of a buffalo dowry or Prasah is a tradition in the customary marriage of Sidigede Village, Welahan District, Jepara Regency, in which a male buffalo is given by the prospective groom to the prospective bride. The buffalo Prasah has become an identity or characteristic that distinguishes Sidigede Village from other villages. The obligation to give a buffalo dowry is carried out when parents marry off their only son to a local village girl. This study was conducted to determine the application of the dowry obligation in traditional marriages in Sidigede Village, Welahan District, Jepara Regency, and to determine the review of the Compilation of Islamic Law regarding the obligation to give a buffalo dowry in Sidigede Village, Welahan District, Jepara Regency. In this study, the author used field research and an empirical juridical approach. The data collection techniques used were interviews, observation and documentation. The results of this study show that the community of Sidigede Village, Welahan District, Jepara Regency has a very unique tradition in traditional marriage, where in this traditional marriage, the prospective groom gives a dowry of a super-sized male buffalo worth 50 million rupiah or more, which is termed prasah. The obligation to provide a buffalo prasah is carried out when parents marry off their only son to a local village girl. Therefore, even if the groom's family is economically disadvantaged, they will still try to fulfil this obligation. The Compilation of Islamic Law explains the procedures and determination of dowry payments, as contained in Articles 30, 31, 32, 33 paragraphs (1) and (2), 34 paragraphs (1) and (2), and 38 paragraphs (1) and (2). These articles are broadly in line with the practice of giving dowry carried out by the Sidigede community, but the practice of requiring a buffalo is not in line with Article 31 of the KHI, which regulates the simplicity and ease of dowry.

Keywords: Buffalo Dowry, Traditional Marriage, Compilation of Islamic Law, Welahan, Jepara.

Introduction

Marriage is a sacred institution. We hear the word marriage almost every day. Marriage is the union of two people as husband and wife. According to Law No. 1 of 1974 concerning marriage, marriage is defined as a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Almighty God.¹

Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and lasting family based on the One Almighty God.² Marriage in Islamic teachings has a value of worship, as explained in Article 2 of the Compilation of Islamic Law, which states that marriage is a very strong contract to obey the commands of Allah SWT and that performing marriage is an act of worship.³

A marriage can be considered valid if a contract has been made. A contract is an agreement between two parties, whereby each party concerned is obliged to perform certain obligations which ultimately give them rights over one another. There are several things that must be fulfilled in the contract, including: (1) *ijab qabul*, (2) the presence of the groom, (3) the presence of the bride, (4) the presence of a guardian, (5) the presence of two witnesses, and (6) dowry or *maskawin*.⁴

The giving of *maskawin* is proof of the groom's sincerity in marrying the bride. In addition, *maskawin* can also be used to soften the heart of his wife. In Islamic law, there is no restriction on the amount of *maskawin* that must be given. This depends on the ability of the groom and the agreement of both parties (the groom and bride).⁵ In Indonesia, there is a great deal of diversity in relation to dowries or *maskawin*, which have become part of the culture or customs of a particular place. No culture is born without a society. This is

¹ Imo Walgito, *Bimbingan Konseling Perkawinan*, (Yogyakarta: ANDI Yogyakarta, 2010), 11.

² Definition of Marriage Based on Article 1 of Law No. 1 of 1974 on Marriage

³ Compilation of Islamic Law in Indonesia, Article 2

⁴ Tim Al-Manar, *Fikih Nikah*, ed. N Burhanudin (Bandung: PT Syaamil Cipta Media, 2006), 29.

⁵ Abdul Rahman Ghazali, *Fiqh Munaqahat*. (Jakarta: Amzah. 2017), p. 84.

because society is the supporter and home of that culture.⁶

The diversity of the archipelago's culture is an unavoidable reality. Diversity arises from the thoughts, ideas, and values of the community itself, which strengthen and appreciate each other. Within this diversity, we can find many regional cultures in Indonesia. Culture is a manifestation of human life in relation to its natural environment. Each region has its own characteristics and culture, which become the identity of that region or area, distinguishing it from other regions and creating a new phenomenon, commonly referred to as local wisdom.⁷

One example of a village with local wisdom is found in a traditional wedding ceremony in Sidigede Village, Welahan District, Jepara Regency. In this village, there is a traditional wedding ceremony in which a buffalo is used in the wedding procession. Prasah, or the giving of a buffalo dowry, is a tradition in traditional weddings where the groom gives a male buffalo to the bride. Prasah is also given as an expression of gratitude from the parents for marrying off their only son. The reason for using buffalo as a dowry is because the residents like to raise buffalo. In addition, buffalo are also used as a symbol of a man who is brave, courageous, and responsible. Prasah is required by local residents for a successful marriage. From the above explanation, the author is interested in conducting research on the obligation of buffalo dowry in traditional marriages in Sidigede Village, Welahan District, Jepara Regency, as reviewed by the Compilation of Islamic Law.

This article offers novelty in Islamic law studies through its focus on a unique local practice, namely the obligation to give a dowry in the form of a buffalo in marriages in Sidigede Village, Welahan District, Jepara Regency. The main novelty of this research lies in the combination of local customary norms with the normative provisions in the Compilation of Islamic Law (KHI) that applies nationally. This study highlights how the practice of buffalo dowry is understood, applied, and maintained in society, as well as how

⁶ Muhammad Alfian, *Filsafat Kebudayaan* (Bandung: Pustaka Setia, 2013), 163

⁷ Rene Mariane, *Kearifan Lokal Pengelolaan Hutan Adat*, (Jakarta: Rajawali Pers, 2014), 115.

Islamic law responds to this unusual form of dowry that is not in the form of money. This study also shows the dynamics between formal Islamic law and local wisdom that continues to live on in social practices, particularly in terms of determining the type and form of dowry. Using a socio-legal approach, this article presents a new perspective on the flexibility of Islamic law in accommodating local cultural practices, as long as they do not conflict with the basic principles of Sharia. Thus, this article not only enriches the literature on marriage law in Islam, but also makes an original contribution to understanding the integration between national law and local wisdom in the Indonesian context.

Research Methodology

In this study, the author utilised field research⁸ with an empirical legal approach,⁹ which investigates the application of law in practice to individuals, groups, communities, and legal institutions in society, with a focus on individuals or groups. This research was conducted in Sidigede Village, Welahan District, Jepara Regency. Data collection procedures included interviews, observation, and documentation.

Marriage in the Compilation of Islamic Law

In Indonesian law, the definition and purpose of marriage are regulated in Law No. 1 of 1974 and the Compilation of Islamic Law (KHI). According to Article 1 of the Law, marriage is a physical and spiritual bond between a man and a woman as husband and wife, which aims to form a happy and eternal family based on the One Almighty God. The main purpose of marriage is to preserve honour and prevent individuals from committing immoral acts, such as adultery.¹⁰

⁸ Wahyudin Darmalaksana, *Metode Penelitian Kualitatif Studi Pustaka Dan Studi Lapangan, Pre-Print Digital Library UIN Sunan Gunung Djati* (Bandung: Pusat Perpustakaan UIN Sunan Gunung Djati Bandung, 2020).

⁹ Rangga Suganda, "Metode Pendekatan Yuridis Dalam Memahami Sistem Penyelesaian Sengketa Ekonomi Syariah," *Jurnal Ilmiah Ekonomi Islam* 8, no. 3 (2022): 2859-66.

¹⁰ Maimun Maimun, "Pernikahan Dalam Kompilasi Hukum Islam Dan Perdata," *Jurnal Al-Mizan* 9, no. 1 (2022): 12-21.

Meanwhile, Article 2 of the KHI provides additional explanation that marriage is a very strong contract (*mitsaqan ghalidzan*) to obey Allah's commands and its implementation is a form of worship. More than just a relationship between husband and wife, marriage also touches on various aspects of life such as offspring, property, and social and legal relationships in society.¹¹

As a legal act, marriage creates mutual responsibilities between spouses, thus requiring legal regulations governing the rights and obligations of each party. Marriage is a legitimate and primary means of forming a family, as well as a means of preserving the human race, in accordance with human nature and basic instincts.¹²

Definition of Dowry

The dowry is a form of gift that must be given by the husband to the wife as part of the marriage process. In Islamic teachings, the dowry is one of the important elements or pillars of the marriage contract that must be fulfilled for the marriage to be valid. The dowry is not limited to cash, but can also be in the form of goods or anything that has value and benefit.¹³

However, in reality, not all prospective husbands have the ability to provide a large dowry at the time of the marriage ceremony. This situation can be influenced by various factors, such as economic limitations, not yet having a steady income, or not yet being financially stable. As a solution to this problem, the practice of paying the dowry in instalments or in instalments in marriage has emerged.¹⁴

¹¹ Umi Sumbulah, "Ketentuan Perkawinan Dalam KHI Dan Implikasinya Bagi Fiqh Mu'asyarah: Sebuah Analisis Gender," *Egalita*, 2007.

¹² Djamila Usup, "Studi Kritis KHI Tentang Pernikahan," *Jurnal Ilmiah Al-Syir'ah* 9, no. 2 (2016).

¹³ Rinda Setyowati, "Konsep Mahar Dalam Perspektif Imam Syafi'i dan Kompilasi Hukum Islam," *Istidal: Jurnal Studi Hukum Islam* 7, no. 1 (2020): 1-15.

¹⁴ Muhammad Nur Fathoni and Siti Wahyuni, "Mahar Investasi Dalam Pernikahan: Kajian Hukum, Pengertian, Dan Implementasi Perspektif Kompilasi Hukum Islam," *Syakhshiyah Jurnal Hukum Keluarga Islam* 4, no. 2 (2024): 276-88.

Article 30 of Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law (KHI) states: "The prospective groom is obliged to pay a dowry to the prospective bride, the amount, form and type of which are agreed upon by both parties".¹⁵

Article 32 of the KHI also states:

"The dowry is given directly to the prospective bride, and from that point on becomes her personal property"¹⁶.

Furthermore, Article 33 of the KHI reaffirms that:

- (1) The dowry must be paid in cash.
- (2) If the prospective bride agrees, the transfer of the dowry may be deferred either in whole or in part. The dowry that has not been transferred becomes a debt owed by the prospective groom.¹⁷

Based on the provisions of the above articles of the KHI, it can be understood that the dowry given by the prospective husband to the prospective wife is in accordance with the amount, form and type agreed upon by both parties prior to the marriage contract. The dowry is basically paid in cash, but its payment may be deferred in whole or in part if the prospective wife agrees, and the unpaid dowry constitutes a debt for the prospective husband.

Conditions of the Dowry

The dowry given to the prospective wife must meet the following conditions.

1. It must be of value. A dowry that is not of value is invalid, even if there is no stipulation regarding the amount of the dowry. A small dowry is still valid as long as it has value.
2. The item must be pure and useful. A dowry consisting of alcohol, pork, or blood is invalid, as these items are forbidden and have no value.
3. The item must not be stolen. Ghasab means taking someone else's property without their permission, but not with the intention of

¹⁵ Article 30 of the Compilation of Islamic Law

¹⁶ Article 32 of the Compilation of Islamic Law

¹⁷ Article 33 of the Compilation of Islamic Law

keeping it, as the intention is to return it later. Giving a dowry with stolen goods is invalid, but the contract remains valid.

4. It is not an item whose condition is unclear. A dowry given in the form of an item whose condition is unclear or whose type is not specified is invalid.¹⁸

The Wisdom of the Dowry

The wisdom behind the legislation of the dowry is as follows.

1. It shows the nobility of women, because it is men who seek women, not women who seek men. Men strive to obtain women even if they have to sacrifice their wealth.¹⁹
2. To elevate the status of women and grant them ownership rights. Thus, they are entitled to receive a dowry from their husbands upon marriage, and the dowry serves as an obligation for husbands to honour women by providing it.²⁰
3. Showing a husband's love and affection for his wife, because the dowry is a gift, present, or grant which the Qur'an terms as *nihlah* (a gift given willingly), not as payment for the woman.²¹
4. It demonstrates sincerity, as marriage and family life are not to be taken lightly or treated as a game.²²
5. Demonstrating a husband's responsibility in family life by providing financial support, as men are the leaders of women in family life. To earn this right, it is only fair that a husband must spend his wealth, thereby making him more responsible and preventing him

¹⁸ Leo Perkasa Maki, "Kedudukan Dan Hikmah Mahar Dalam Perkawinan," *Syakhshiyah Jurnal Hukum Keluarga Islam* 2, no. 2 (2022): 137-49.

¹⁹ *Ibid.*

²⁰ Abd Kafi, "Mahar Pernikahan Dalam Pandangan Hukum Dan Pendidikan Islam," *Paramurobi: Jurnal Pendidikan Agama Islam* 3, no. 1 (2020): 55-62.

²¹ Dini Arifah Nihayati, "Mahar Unik Dan Mahar Bernilai Fantastis Dalam Perspektif Fikih Munakahat," *MASADIR: Jurnal Hukum Islam* 2, no. 1 (2022): 310-23.

²² Muhammad Shuhufi, "Mahar Dan Problematikanya (Sebuah Telaah Menurut Syari'at Islam)," *Diktum*, 2015, 121-28.

from being arbitrary towards his wife.²³

The History of the Emergence of Buffalo Dowry in Sidigede Village, Jepara

The tradition of prasah in Indonesia, especially in the Java region, encompasses various customs that are believed to bring positive outcomes when performed. One tradition that remains deeply ingrained in Javanese society is the tradition of prasah. The tradition of prasah originated in the early 1900s. At that time, there was a resident of Sidigede who owned many buffaloes, namely Mbah Simin. When Mbah Simin saw someone picking grass, he felt sorry for them because they were clearly poor.²⁴

The person worked only as a livestock labourer, so Mbah Simin felt empathy and thought of marrying one of the livestock labourer's daughters and bringing or giving a buffalo with the aim that the buffalo given could reproduce so that it could be used to ease the family's burden. The buffalo that was usually given or handed over to the bride was commonly known as prasah. The name prasah comes from the word pasrah, but because of the Javanese tongue, the word pasrah changed to prasah.²⁵ The prasah tradition is a wedding tradition in which a male buffalo is given by the groom to the bride. Prasah begins with an agreement between the bride and groom regarding the status of prasah in their marriage, namely whether it is a customary gift to preserve local traditions or a dowry.²⁶

The giving of buffalo dowries in Sidigede Village was inspired by the story of Joko Tingkir, who wanted to marry his beloved. As a condition, Joko Tingkir had to subdue a fierce buffalo as proof of his love for the princess of the Demak Kingdom at that time. This is what later became the name prasah

²³ Usup, "Studi Kritis KHI Tentang Pernikahan."

²⁴ Naili Avida Defiana and Yusuf Falaq, "Persepsi Masyarakat Terhadap Tradisi Prasah Di Desa Sidigede Kecamatan Welahan Kabupaten Jepara," *Jurnal Adat Dan Budaya Indonesia* 6, no. 1 (2024): 69-75.

²⁵ Ali Maskur, Mashudi Mahsun, and Khoirotin Nisa, "Enkulturasikan Hukum: Pemberian Mahar Hewan Kerbau Dalam Perkawinan," *Familia* 2, no. 1 (2021): 72.

²⁶ Nur Naila Izza, "TRADISI PRASAH DI SIDIGEDE WELAHAN JEPARA DALAM PERSPEKTIF URF," *Istidal: Jurnal Studi Hukum Islam* 7, no. 1 (2020): 101-16.

buffalo in the marriage customs of Sidigede Village.²⁷

The residents of Sidigede were inspired by the story of Joko Tingkir, and eventually, in the past, a wealthy buffalo owner named Mbah Simin initiated this custom by marrying off his daughter and giving a buffalo as a dowry to his prospective son-in-law. He intended to give the buffalo as a, as an expression of gratitude to God. The practice initiated by Mbah Simin was deemed good and has been preserved by the residents of Sidigede until today, becoming a tradition passed down through generations and a cultural heritage of the ancestors of Sidigede Village.²⁸

The Prasah Ceremony (Giving of the Buffalo Dowry)

The night before Prasah begins, preparations are made by a Pawang Lega at the groom's house. Pawang Lega is the name given to the person entrusted with handling the buffalo during the ceremony. He prepares banana leaves that have been given a special mantra. The Pawang Lega squeezes the banana leaves and rubs them all over the buffalo's body, symbolising that the buffalo is worthy of being used as a dowry. The Pawang Lega does this so that the buffalo will be docile and not rampage when firecrackers are set off. This is because, during this tradition, the buffalo can become budhi. According to the residents of Sidigede, budhi means violent, like a horse possessed by a spirit.²⁹

Before being paraded, prayers are recited over the buffalo. This is done to ensure that the event runs smoothly. After that, the buffalo is tied with dadung ropes by the punakawan. It takes about an hour to attach 12 ropes to the buffalo's head, neck, and legs. Once all the ropes are in place, the buffalo is paraded by the punakawan to the bride's house along with the groom's entourage.

²⁷ Interview with Mr Amin Ma'ruf, Secretary of Sidi Gede Village, on 26 September 2023

²⁸ *Ibid*

²⁹ Interview with Mr Maryono, Community Leader of Sidi Gede Village, on 26 September 2023



Figure 1 Attaching the Dadung Rope

To subdue the buffalo, it is usually necessary to tie it with a dadung rope or binding rope around its horns and legs. This rope is then held by the handlers or experts in tying, with the aim of making the buffalo easier to subdue and control during the procession. The buffalo procession is accompanied by barongan and jaran kepang performances, as well as the lighting of firecrackers. Many people from the community, ranging from children, teenagers, to adults and even the elderly, enthusiastically follow the procession.³⁰



Figure 1.2 the procession of buffaloes to the bride's house

³⁰ Interview with Mr Nor Rofi'l, a community leader in Sidigede Village, on 26 September 2023

Upon arrival at the bride's house, the buffalo is neutralised again by its handler, then the groom's family or their representative will carry out the handover of the buffalo to the bride's family based on the initial agreement. This is usually witnessed by the KUA (Office of Religious Affairs) and local religious leaders.

This ceremony is held as an expression of gratitude and happiness for being able to marry off their son. This ceremony is usually held by farmers, as farmers generally have livestock such as cows, goats and buffaloes. However, not all buffaloes can be used as dowry; only large, healthy male buffaloes can be used as dowry. This is because buffalo are likened to men (groom) who are handsome, brave, and responsible. Buffalo are chosen as dowry or maskawin because, in general, people prefer to raise buffalo. The buffalo used in this procession are of superior quality and usually have a high selling value, reaching up to approximately 50 million rupiah.³¹

Review of the Compilation of Islamic Law on the Obligation of Buffalo Dowry in Traditional Marriage in Sidigede Village, Welahan District, Jepara Regency

Chapter V of the Compilation of Islamic Law explains the procedures and determination of dowry. This is highly relevant to the reference for the giving of buffalo dowry carried out in Sidigede Village, Welahan District, Jepara Regency, as stated in Articles 30, 31, 32, 33 paragraphs (1) and (2), 34 paragraphs (1) and (2), and 38 paragraphs (1) and (2) of the Compilation of Islamic Law. These articles are broadly in line with the practice of dowry giving carried out by the Sidi Gede community, where the giving of dowry is not forced upon either party.

Article 30 of the Compilation of Islamic Law explains that the prospective groom is obliged to pay a dowry to the prospective bride, the amount and type of which have been mutually agreed upon. The article reads: "The prospective groom is obliged to pay a dowry to the prospective

³¹ *Ibid*

bride, the amount, form and type of which are agreed upon by both parties". This has been done by the residents of Sidigede, where both families of the bride and groom agreed to give a dowry in the form of a male buffalo.

In addition, Article 31 explains the simplicity of the dowry and that it should not burden the prospective groom, stating: "The dowry shall be determined based on simplicity and ease as recommended by Islamic teachings". This is considered very burdensome for the groom's family. Even though they agree verbally, in reality, it is considered very large and burdensome. Some of them are forced to continue doing this because it has become a custom and an obligatory law in the community. The people of Sidigede believe that giving a buffalo as dowry is intended to ward off all dangers to the future of the household that the bride and groom will run. Therefore, even if the groom's family is economically disadvantaged, they will still try to provide it.

Even the Prophet Muhammad SAW did not approve of dowries that were too extravagant or excessive. As narrated by his companion Uqbah bin 'Amir, the Prophet SAW said:

The best dowry is the lightest.

Meaning: "The best dowry is the lightest." (HR Abu Dawud).³²

In another hadith, the Prophet Muhammad (peace be upon him) said:

إِنَّ أَعْظَمَ النِّكَاحِ بَرَكَهَ أَيْسَرُهُ مُؤْنَةً

Meaning: "The marriage with the greatest blessing is the one with the easiest dowry." (Reported by Ahmad).³³

This is also emphasised in the Qur'an:

وَأَتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبَّنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيئًا

Give the dowry to women (whom you marry) as a gift of goodwill. Then, if they give you part of it willingly, accept it and enjoy the gift with pleasure.³⁴

³² <https://ilmuislam.id/hadits/di> accessed on 12 October 2023

³³ <https://ilmuislam.id/hadits/13164/hadits-ahmad-24594>, accessed on 12 October 2023

³⁴ Q.S An Nisa' : 4

Then, in Article 33 of the KHI, it explains about the giving or handing over of the dowry directly from the groom to the bride. The article reads:

1. The dowry shall be handed over in cash.
2. If the prospective bride agrees, the transfer of the dowry may be deferred, either in whole or in part. The dowry that has not been transferred becomes a debt of the prospective groom.

In practice, the buffalo dowry is handed over directly to the bride after a series of traditional ceremonies carried out by the Sidigede community. The buffalo is first paraded from the groom's residence to the bride's residence. After the ceremony, the dowry is handed over. This handover is usually carried out by a representative of the groom to the bride, who is represented by an official from the local Religious Affairs Office, before the marriage contract or *ijab qabul* is concluded.

Conclusion

The community of Sidigede Village, Welahan District, Jepara Regency has a very unique traditional marriage tradition, where in this traditional marriage, the prospective groom gives a super-sized male buffalo worth more than 50 million rupiah, which is handed over directly to the prospective bride or her representative. The buffalo offering has become an identity or distinctive feature that sets Sidigede Village apart from other villages. The buffalo is chosen as a dowry or bride price because it is likened to a man (the groom) who is brave, courageous, and responsible. This *prasah* is performed as an expression of gratitude for the parents' happiness at being able to marry off their son. The *prasah kerbau* is performed when parents marry off their only son to a local village girl. The series of events in the *prasah* tradition involves parading the buffalo from the groom's residence to the bride's residence. The procession begins with the buffalo being chanted over by a local shaman, causing it to become fierce. Then, to subdue the

buffalo, it must be tied up by attaching a rope to its horns and legs. The ends of the rope are held by experts so that the buffalo can be easily controlled during the procession. After the mbracut is complete, the buffalo is paraded to the bride's residence, accompanied by barongan and jaran kepeng performances, as well as fireworks. The community is usually very enthusiastic about participating in this series of traditional wedding ceremonies. Chapter V of the Compilation of Islamic Law explains the procedures and determination of dowry. This is very relevant to the reference for the giving of buffalo dowry carried out in Sidigede Village, Welahan District, Jepara Regency, as stated in Articles 30, 31, 32, 33 paragraphs (1) and (2), 34 paragraphs (1) and (2), and 38 paragraphs (1) and (2) of the Compilation of Islamic Law. These articles are broadly in line with the practice of dowry giving carried out by the Sidigede community, where the giving of dowry is not forced upon either party. However, the practice of obligatory buffalo offerings is not in line with Article 31 of the KHI, which regulates the simplicity and affordability of dowries. This is considered a heavy burden on the groom's family. Even though they agree verbally, they actually feel that it is very costly and burdensome. This is done because it has become a custom and an obligatory law in the community. The people of Sidigede believe that giving a buffalo as a dowry is intended to ward off all dangers to the continuity of the household that the bride and groom will live in. Therefore, even if the groom's family is economically disadvantaged, they will still try to make it happen.

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