

Economic Rights of Muslim Women Through the Payment of Mahr : The Practice in Malaysia

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The Concept of *Mahr*

- Obligatory in all Muslim marriages
- Paid from the groom to the bride
- Belongs exclusively to the bride
- The substance of the dower itself can be any item that may be lawfully bought and sold.
- The Qur'an does not fix the amount of dower
- Though the dower is a necessary element of marriage, the dower need not be specified at the time of the contract in order for the marriage to be valid.

continue

- Dower can be divided into 2:-
- A) Prompt (mu`ajjal) – payable to the wife immediately on demand
- B) Deffered (mu'ajjal) – may be paid later

Mahr in al-Qur'an and al-Hadith

Al-Quran

- Surah al-Nisa'(4):4
- *“and give women their dower as an obligation. But if they choose of their own accord to make over to you a part of it, then you may enjoy it with pleasure and good cheer”.*

Al- Quran

- Surah al-Nisa' (4):24
- *“ and those women whom you enjoyed with them in marriage, give to them the dower due to them as duty”*

Al- Hadith

- It is narrated by Amir bin Rabiah that there was a woman married on a pair of shoes as her mahr.
- The prophet Muhammad asked her “Are you happy with yourself with a pair of shoes? She said yes, The Prophet s.a.w then permitted her to marry”
- Narrated by Ahmad, Ibn Majah and Tirmirdhi.

Amount of *Mahr* Malaysia

Bil	States	Virgin	Divorced/ Widower
1	Johor	RM 22.50	RM 22.50
2	Melaka	RM 40.00	RM 40.00
3	Kuala Lumpur	RM 80.00	RM 40.00
4	Perak	RM 101.00	RM 101.00
5	Pulau Pinang	RM 24.00	RM 24.00
6	Kedah	No fixed amount	
7	Perlis	No fixed amount	
8	Pahang	RM 22.50	RM 22.50
9	Terengganu	No fixed amount	
10	Kelantan	No fixed amount	
11	Sabah	RM 100.00	RM 80.00
12	Sarawak	RM 120.00	RM 120.00

Bil	States	Virgin	Divorced/ Widower
14	Negeri Sembilan		
	a) Not in the lineage	RM 24.00	RM 12.00
	b) Members of the lineage	RM 48.00	RM 24.00
	c) Royal Family in the territory of Datuk Kelana	RM 725.00	RM 725.00
15	Selangor		
	a) Princess of the Sultan	RM 2,500.00	RM 625.00
	b) Daughters of Crown Prince Puteri Raja Muda	RM 2,000.00	RM 500.00
	c) Princesses of the Royal Family	RM 1,000.00	RM 250.00
	d) Daughters of the Royal family (linage)	RM 137.50	RM 550
	Daughters of the royal family	RM 300.00	RM 75.00
	e) Daughters of the Dignitaries	RM 300.00	RM 75.00
	f) Grand daughters of the Dignitaries	RM 200.00	RM 50.00
	g) Commoner	RM 300.00	RM 300.00

Increasing the Amount of Dower in Selangor

<http://www.selangorkini.com.my> , 11 Disember 2009.

- SHAH ALAM, 10 Dis – Kadar mas kahwin negeri Selangor dipinda kepada minima RM300 bermula Januari 2010 berbanding kadar asal RM80 setelah diperkenankan Sultan Selangor.
- Pengarah JAIS, Datuk Mohammed Khusrin Munawi berkata, kadar tersebut dinaikkan bagi memartabatkan wanita pada hari ini memandangkan kadar mas kahwin terdahulu terlalu rendah dan tidak pernah dinaikkan sejak sekian lama. *“Tidak mungkin kita menilai seorang isteri dengan nilai RM80 dan kadar RM300 ini adalah munasabah pada zaman ini bagi semua peringkat golongan masyarakat,”* katanya.
- Khusrin berkata, pindaan ini masih belum menerima sebarang bantahan daripada orang ramai dan menyifatkan tindakan seumpama itu adalah tidak wajar dilakukan kerana niat memperisterikan seorang wanita harus dinilai daripada aspek positif bagi meninggikan martabat kaum itu sebagaimana dituntut Islam.

Some of the Responses

News Straits Times, 12 December 2009:

Kelantan Menteri Besar Datuk Nik Abdul Aziz Nik Mat said: said

The move to hike the mas kahwin may result in many women becoming "anak dara tua" (old maids). He said the state had no plans to follow the Selangor government's move as it could create problems for men. The state government will maintain its "not fixed" rate for the mas kahwin instead.

There were no plans to change the present "open" mas kahwin system, which had no fixed amounts for the dowry. He said it was up to the couples to decide on the amounts for both single women and divorcees

Kedah mufti Datuk Syeikh Muhamad Baderuddin Ahmad said :

Deputy state Religious and Information Committee Chairman of Terengganu, Muhammad Ramli Nuh said :

The state government agreed to the setting of a minimum mas kahwin sum. It would, however, depend on the state religious department. He said : *"While I agree with the move by the Selangor religious council, I would like to add that the dowry is not the worth of a woman. We can never put a price on a woman's worth. People should also learn to differentiate between the dowry and cash gift, with the former compulsory in Islam."*

mStar Online, 12 December 2009

Kenaikan kadar mas kahwin tersebut tidak memadai kerana perkara yang lebih utama adalah masyarakat perlu bijak untuk membezakan antara perkara yang melibatkan adat yang diamalkan oleh masyarakat Melayu dan ibadat yang dituntut dalam Islam.

Ex- President of the Association of sharie Lawyers Malaysia (PGSM), Zainul Rijal Abu Bakar:

Chairman of Muslim Women Consultative Council, Malaysia (MPWIM), Prof Emeritus Datuk Dr Nik Safiah Nik Karim

Beliau yang menyokong penuh tindakan kerajaan Selangor menaikkan kadar mas kahwin itu berkata, perkara tersebut dapat menaikkan harga diri golongan wanita di negeri itu secara tidak langsung. *"Saya mengalu-alukan kenaikan (mas kahwin) ini. Bagi saya ia tidak lah terlalu membebankan dan nilai tersebut sesuai dan memadai dengan situasi ekonomi kita pada hari ini,"*

Kadar mas kahwin di semua negeri di negara ini sepatutnya diselaraskan supaya masyarakat tidak terkeliru mengenainya.”

Secretary of association of Muslim Consumer Malaysia (PPIM), Datuk Dr Ma'amor Osman

Deputy President of Women Affairs (HELWA) Angkatan Belia Malaysia (ABIM), Fadhlina Siddiq

Beliau percaya kenaikan kadar mas kahwin di Selangor mampu mengurangkan kadar penceraian yang berlaku di negeri itu. *"Saya yakin pihak suami akan lebih faham tentang tanggungjawab dan menghargai ikatan perkahwinan. Kalau dulu, orang lelaki boleh kata mas kahwin RM80 murah, tapi sekarang ini kadar mas kahwin dah naik hampir 200 peratus. Mesti mereka akan fikir secara mendalam tentang wang yang sudah dilaburkan itu. Perkara ini secara tidak langsung mampu mengurangkan kadar penceraian di Selangor,"*

In a preliminary study that was done, the majority of Muslim women in Malaysia received a dower in the form of cash and there are a small number received in the form of jewelry

Cash received as a payment of dower used to buy jewelry and other items purchased



The practice of mahr payment in Malaysia


States that have no fixed amount of mahr: the average of mahr is RM2,000

States that have fixed the amount the dower, usually followed the fixed amount as in Kuala Lumpur and Johor RM80 RM 22:50



Conclusion




Marriage is a strategy towards improving the women's empowerment. Through marriage women acquired greater economic stability especially through the payment of mahr.



Since Mahr is an exclusive financial right of women in a marriage and therefore it is intended to safeguard her economic position after their marriage.



the amount received as Mahar can be invested in business or any financial institution, to buy shares or whatever for the purpose of economic growth. This will raise the socio-economic status of the wife, irrespectively whether the wife is working or not.



All these, aim to benefit women and become a financial guarantee in the event of death or divorced. Mahar can consist of anything as long as something which is lawful according to the Shariah, for example to buy land or houses for the wife.