

Integrating Religious and Customary Financial Obligations in Banjarese Marriages: Muhammad Arsyad al-Banjari's Islamic Legal Thought on *Balanja al-Nikāḥ*

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Abstract

The practice of wealth transfer beyond the obligatory *mahr* (dower) in customary marriage represents a complex socio-legal phenomenon, as it holds not only symbolic significance but also directly impacts gender relations, household economic responsibilities, and the perpetuation of social hierarchies. Within the Banjarese community of South Kalimantan, this practice is institutionalized through the tradition of *jujuran*, which involves the groom's family transferring money and personal items to the bride before the marriage contract. Originally intended to support wedding expenses, provide initial capital for household establishment, and demonstrate respect toward the bride's family, this practice frequently evolves into a transactional burden that may delay or even obstruct marriage. This article examines the Islamic legal thought of Muhammad Arsyad al-Banjari regarding *balanja al-nikāḥ* as articulated in his work *Kitāb al-Nikāḥ*. Employing library research with a normative-historical approach, the study reveals that Arsyad al-Banjari categorized *balanja al-nikāḥ* into three financial components: *mahr* as a religious obligation, and clothing and maintenance as social obligations institutionalized through the *jujuran* tradition. The groom's ability to fulfill these components determines the legal status of the marriage: it is considered *sunnah* (recommended) if fulfilled and *makrūh* (reprehensible) if not. These findings indicate that Arsyad al-Banjari adopted a strategy of moderate reform by redefining *jujuran* as a form of gift and solidarity rather than as a prerequisite for the validity of marriage. This approach provides a model for harmonizing Islamic law and custom within the framework of legal pluralism. It offers a normative foundation for reformulating customary marriage practices in a manner that is more equitable, proportional, and consistent with the objectives of Islamic law (*maqāṣid al-sharī'ah*).

[Praktik pemberian harta di luar kewajiban mahar dalam perkawinan adat merupakan fenomena sosio-legal yang kompleks karena tidak hanya bersifat simbolik, tetapi juga membawa implikasi langsung terhadap relasi gender, beban ekonomi keluarga, dan reproduksi hierarki sosial. Dalam masyarakat Banjar di Kalimantan Selatan, praktik ini dilembagakan melalui tradisi jujuran—penyerahan sejumlah uang dan perlengkapan pribadi calon mempelai perempuan oleh pihak laki-laki sebelum akad nikah—yang pada mulanya dimaksudkan untuk membantu biaya resepsi, menyediakan modal awal rumah tangga, serta menjadi simbol kehormatan bagi keluarga perempuan, namun dalam praktik sering berkembang menjadi beban transaksional yang berpotensi menunda bahkan menghalangi perkawinan. Artikel ini menganalisis pemikiran

bukum Islam Muhammad Arsyad al-Banjari mengenai balanja al-nikāḥ dalam karyanya yang berjudul Kitāb al-Nikāḥ. Dengan menggunakan metode penelitian kepustakaan dan pendekatan normatif-historis, penelitian ini menemukan bahwa Arsyad al-Banjari mengklasifikasikan balanja al-nikāḥ ke dalam tiga komponen finansial—mahar sebagai kewajiban syariat, serta pakaian dan nafkah sebagai kewajiban sosial yang dilembagakan melalui tradisi jujuran. Kemampuan calon suami memenuhi ketiganya menentukan status hukum perkawinan: sunah bila terpenuhi dan makruh bila tidak. Temuan ini menunjukkan bahwa Arsyad al-Banjari menerapkan strategi reformasi moderat dengan menegaskan jujuran sebagai bibit dan bentuk solidaritas, bukan syarat sah akad nikah, sehingga menghadirkan model harmonisasi antara hukum Islam dan adat dalam kerangka pluralisme hukum serta memberikan dasar normatif bagi reformulasi praktik perkawinan adat yang lebih adil, proporsional, dan sejalan dengan maqāṣid al-sharī‘ah.]

Keywords: *Balanja al-Nikāḥ*; Banjarese Customary Marriage; *Jujuran*; *Mahr*; Muhammad Arsyad al-Banjari.

Introduction

The transfer of wealth exceeding the obligatory dower (*mahr*) in customary marriages should not be interpreted solely as a cultural ritual; rather, it must be analyzed as a socio-legal institution with significant implications for gendered power dynamics and the perpetuation of social hierarchies. Historically, this practice functioned as a form of financial support for newlyweds to facilitate wedding ceremonies and the establishment of their household.¹ However, its significance has evolved—from an expression of social solidarity to a transactional obligation that disproportionately burdens the bride’s family.² Empirical research demonstrates that substantial marriage payments may restrict women’s reproductive autonomy, legitimize coercive marital practices, and reinforce the symbolic notion of a husband’s “ownership” over his wife.³ In diverse cultural contexts, such transfers represent not only a contested economic resource but also serve as mechanisms for negotiating women’s social status and enforcing social control, often accompanied by sanctions when expectations are unmet.⁴ Therefore, the transfer of assets beyond the *mahr* in customary

¹ Tatyana Sharaeva, “Kalmyk Wedding Rites: The Gift Exchange,” *Монголоведение (Монгол Судлал)* 14, no. 3 (December 2017): 13–22; Semiha Nurdan, “Sultan II. Selim’in Kızları İsmihan Sultan, Gevherhan Sultan ve Şah Sultan’a Verilen Çeyizler,” *Türkiyat Mecmuası / Journal of Turkology* 33, no. 2 (December 2023): 721–36; Muhammad Syarif and Khamim, “Antar Pakatan and the Reproduction of Social Solidarity: A Cultural Strategy for Addressing the Economic Burden of Customary Marriage in the Sambas Malay Community,” *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 1 (May 2025): 94–110. Nurnazli Nurnazli et al., “Productive Dowry and Women’s Economic Empowerment and Their Influence on Marital Assets in Bandar Lampung,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 2 (June 2024): 954–79.

² Karin Polit, “Gifts of Love and Friendship: On Changing Marriage Traditions, the Meaning of Gifts, and the Value of Women in the Garhwal Himalayas,” *International Journal of Hindu Studies* 22, no. 2 (August 2018): 285–307.

³ Christine Horne, F. Nii-Amoo Dodoo, and Naa Dodua Dodoo, “The Shadow of Indebtedness: Bridewealth and Norms Constraining Female Reproductive Autonomy,” *American Sociological Review* 78, no. 3 (June 2013): 503–20; Ali Ünal, “The Tradition of Giving ‘Kalyń’ (Bride Price)” in Kyrgyz Society from Past to Present,” *Milli Folklor* 17, no. 131 (2021): 47–61.

⁴ Busyro Busyro et al., “The Reinforcement of the ‘Dowry for Groom’ Tradition in Customary Marriages of West Sumatra’s Pariaman Society,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (March 2023): 555–78; Burcu Kalpaklıoğlu, “Mehir (Dower), Gifts of Gold, and Intimate Economies of Marriage in Istanbul,” *Anthropology of the Middle East* 19, no. 1 (June 2024): 67–85; Ali Akhbar Abaib Mas Rabbani Lubis

marriages should be understood as a social practice that directly influences women's bargaining power, household economic stability, and the distribution of authority within the family.⁵

This form of transfer is also observed among the Muslim Banjar community of South Kalimantan, Indonesia.⁶ Renowned for its strong adherence to both Islamic law (*shari'ah*) and local custom, the Banjarese society requires prospective grooms to provide not only the *mahr* but also *jujuran*—a sum of money and personal items presented to the bride's family prior to the marriage contract.⁷ The *baantar jujuran* ceremony entails the symbolic presentation of money and women's items (*patalian*), the amount of which is typically determined by the bride's family. The *jujuran* serves multiple functions: financing the wedding celebration, providing initial capital for the couple's household, and symbolizing respect toward the bride's family. However, if the groom is unable to meet the requested amount, the marriage process may be delayed or even canceled.⁸ This situation potentially conflicts with the Islamic legal principle of facilitation (*taysir*) and the broader normative objective of avoiding undue hardship in marriage.⁹ Within this context, the legal thought of Muhammad Arsyad al-Banjari on *balanja al-nikah*—a term closely associated with *jujuran*—becomes particularly relevant. As a prominent eighteenth-century scholar, Arsyad al-Banjari not only possessed profound expertise in the Shāfi'ī school of jurisprudence (*madhhab*) but also demonstrated a nuanced understanding of Banjarese customary norms.¹⁰

Arsyad al-Banjari, recognized as one of the most influential ulama in the Indonesian archipelago during the eighteenth century, has been the focus of numerous scholarly investigations. Prior research has predominantly concentrated on his legal reasoning concerning issues such as marriage contracts, impediments to marriage resulting from venereal diseases, sexual ethics, and marital prohibitions.¹¹ Additional studies have examined

and Muhammad Abdul Khaliq Suhri, "Relasi Hukum Islam dan Adat dalam Tradisi Pamogih pada Perkawinan Masyarakat Muslim Bondowoso," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 3, no. 2 (December 2020): 45–63.

⁵ Roni Weinstein, "Gift Exchanges During Marriage-Rituals among the Italian Jews in the Early Modern Period: A Historic Anthropological Reading," *Revue Des Études Juives* 165, nos. 3–4 (2006): 485–521. Masyithah Mardhatillah and Saoki, "Women in the Madurese Translation of the Qur'an: Questioning Gender Equality in Family Legal Verses," *Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadis* 26, no. 1 (March 2025): 99–130.

⁶ Wardatun Nadhiroh, "Religious and Gender Issues in the Tradition of Basurung and the Polygamy of Banjar Tuan Guru in South Kalimantan," *Al-Albab* 6, no. 2 (December 2017): 263–80.

⁷ Norcahyono Norcahyono, Thoat Stiawan, and Mamdukh Budiman, "Reconstructing the Philosophy of Marriage: Banjar Wedding Rituals as Cultural Implementation of Maqashid al-Nikah in Achieving Spiritual Sanctity and Social Harmony," *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 2 (2024): 393–410.

⁸ Anwar Hafidzi, "Deliberating Marriage Payment through Jujuran within Banjarese Community," *Ayy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 54, no. 2 (2020): 277–98.

⁹ Wahbah al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuh*, vol. 9 (Damaskus: Dār al-Fikr, 1989), 237–8. See also: Ansori Ansori, "Qawā'id Fiqhiyyah as Islamic Epistemology and Its Application at Marriage Law in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 21, no. 1 (2022): 67–76; Sanawiah Sanawiah and Ikbal Reza Rismanto, "Jujuran atau Mahar pada Masyarakat Suku Banjar Ditinjau dari Perspektif Pandangan Hukum Islam," *Jurnal Hadratul Madaniyah* 8, no. 1 (June 2021): 52–63.

¹⁰ Husnul Yaqin, "Shaykh Muhammad Arsyad Al-Banjari's Thought on Education," *Journal of Indonesian Islam* 5, no. 2 (December 2011): 335–52.

¹¹ Zein Firdaus, Muhammad Marbawi, and Muhammad Wildan Afif, "Banjar Cultural Marriage Taboos and Analysis of the Prohibition of Marriage in Kitabun Nikah by Sheikh Muhammad Arsyad Al-Banjari," *El-Ushrah: Jurnal Hukum Keluarga* 6, no. 1 (July 2023): 183–92; Anwar Hafidzi et al., "Sex Morality as the Essence

his interpretive methodologies and legal reasoning strategies in reconciling *fiqh* (Islamic jurisprudence) with the local traditions of Banjarese society.¹² More recent scholarship has applied his ideas to contemporary legal and social challenges, including the regulation of *'iddah* (the mourning period for women) and the revitalization of neglected land.¹³ Nevertheless, academic inquiry specifically addressing his conception of *balanja al-nikāh* remains limited. This article seeks to address this lacuna by analyzing Arsyad al-Banjari's Islamic legal thought regarding the practice of *jujuran* within Banjarese customary marriage. The analysis is situated within a normative-historical framework that elucidates the dialectical relationship between *fiqh* and custom, highlighting both sources of normative tension and potential avenues for convergence. Through this approach, the study contributes to a more nuanced understanding of how local Islamic scholarship in the Malay-Indonesian context offers both a normative foundation and a critical lens for assessing customary marriage practices that may impose disproportionate burdens on individuals seeking to marry.

This study employs a library-based research methodology utilizing a normative-historical approach. The principal primary source examined is Arsyad al-Banjari's work entitled *Kitāb al-Nikāh*, composed circa 1195 AH.¹⁴ Secondary sources encompass the *Undang-Undang Sultan Adam* (Sultan Adam's Law Code) of 1835, promulgated during the reign of Sultan Adam al-Watsiq Billah (1785-1857),¹⁵ in addition to scholarly journal articles, monographs, edited collections, ethnographic and anthropological studies of Banjar marriage customs, and other relevant academic literature. Furthermore, the study incorporates both classical and contemporary *fiqh* texts to establish a comparative framework that elucidates

of Kafa'ah in Marriage According to Kitabun Nikah al-Banjari and the Community of Banjar," *Jurnal Fiqh* 20, no. 1 (June 2023): 93–110; Norcahyono Norcahyono, "Konstruksi Akad Nikah (Ijab dan Kabul) dalam Kitāb al-Nikāh Karya Muhammad Arsyad al-Banjari," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 2 (December 2021): 214–27; Anwar Hafidzi and Norwahdah Rezky Amalia, "Marriage Problems Because of Disgrace (Study of Book Fiqh Islam wa Adilātuh and Kitāb al-Nikāh)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 2 (December 2018): 273–90.

¹² Muhammad Iqbal and Shahid Rahman, "Arsyad Al-Banjari's Dialectical Model for Integrating Indonesian Traditional Uses into Islamic Law: Arguments on Manyanggar, Mambuang Pasilih and Lahang," *Argumentation* 35, no. 1 (March 2021): 73–99; Muhammad Iqbal, "A General View of Qiyās: A Dialectical Reading," in *Arsyad Al-Banjari's Insights on Parallel Reasoning and Dialectic in Law: The Development of Islamic Argumentation Theory in the 18th Century in Southeast Asia*, ed. Muhammad Iqbal (Cham: Springer International Publishing, 2022), 1–12; Muhammad Iqbal, "Arsyad Al-Banjari's Qiyās for Integrating Banjarese Traditions into Islamic Law," in *Arsyad Al-Banjari's Insights on Parallel Reasoning and Dialectic in Law: The Development of Islamic Argumentation Theory in the 18th Century in Southeast Asia*, ed. Muhammad Iqbal (Cham: Springer International Publishing, 2022), 179–221.

¹³ Zulfikri Zulfikri and Fauziah Lubis, "Analysis of the Mourning Period (Ihdad) in the Compilation of Islamic Law Based on Sheikh Arsyad al-Banjari's View," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan* 10, no. 1 (April 2024): 39–54; Abdul Hafiz Sairazi et al., "Revitalizing Abandoned Land: Sheikh Muhammad Arshad Al-Banjari's Ihyā' al-Mawāt as a Pesantren Economic Model in 18th Century Banjarese Society," *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 2 (2024): 258–70.

¹⁴ Sri Ulfa Rahayu, "Kitab Sabibal Muhtadin Karya Syaikh Muhammad Arsyad al-Banjari," *SHAHIH (Jurnal Kewahyuan Islam)* 5, no. 2 (November 2022): 62–70.

¹⁵ The *Undang-Undang Sultan Adam* consists of 31 articles (*perkara*) in the Martapura version and 38 articles in the Amuntai version. Among these provisions, six articles specifically pertain to marriage law, namely Articles 4, 5, 6, 18, 25, and 30. The regulations regarding *mahr* are detailed in Articles 4 and 5, which outline the prerequisites and conditions necessary for a valid marriage. See: Pemerintah Provinsi Kalimantan Selatan, *Sejarah Banjar* (Banjarmasin: Pemerintah Provinsi Kalimantan Selatan, 2003), 151–2; Rustam Effendi, "Struktur dan Makna Undang-Undang Sultan Adam pada Masa Kerajaan Banjar Kalimantan Selatan," *LITERA* 12, no. 2 (January 2014): 256–68.

the conceptual differentiation between *mahr*—as a religious obligation within Islamic law—and *balanja al-nikāḥ*, which operates as a form of living law embedded within the social fabric of Banjarese Muslim society.

Arsyad al-Banjari: A Biography, Intellectual Network, and Scholarly Authority

Shaykh Muhammad Arsyad bin Abdullah al-Banjari (1710–1812) was one of the most prominent Muslim scholars in the Malay-Indonesian Archipelago during the eighteenth century.¹⁶ He was born on March 19, 1710, in Lok Gabang, Martapura, South Kalimantan, to Abdullah bin Abu Bakar and Siti Aminah binti Husein. According to local tradition, his lineage is often traced to the Alawiyyīn through Sultan Abdurrasyid of Mindanao, Philippines.¹⁷ Arsyad al-Banjari died in October 1812 in the village of Dalam Pagar and was interred in Kalampayan, where he was posthumously honored with the title Datuk Kalampayan by the Banjarese community. From an early age, he demonstrated exceptional abilities in writing and drawing, which attracted the attention of Sultan Tahlilullah (1700–1745), who subsequently brought him to the royal court of the Banjar Sultanate to receive specialized education.¹⁸

Although information regarding Arsyad al-Banjari's early education at the Banjar royal court is limited, multiple sources confirm that he was nurtured within the tradition of Ahl al-Sunnah wa al-Jamā'ah, with a pronounced adherence to the Shāfi'ī *madhhab*. This orientation was influenced by the extensive Islamic intellectual networks connecting South Kalimantan to prominent centers of Islamic learning in Java, notably the Sultanate of Demak, which also followed the Shāfi'ī *madhhab*.¹⁹ At approximately thirty years of age, Arsyad al-Banjari undertook an extended journey to Mecca and Medina to advance his studies in Islamic sciences, leaving behind his pregnant wife. He resided in these two holy cities for nearly three decades, engaging in rigorous study under eminent scholars such as Shaykh 'Aṭā'illah bin Ahmad al-Miṣrī, Shaykh Muhammad bin Salman al-Kurdī—a distinguished Shāfi'ī jurist—and Shaykh Muhammad bin 'Abd al-Karīm al-Sammān al-Ḥasanī al-Madanī, a renowned Sufi master. Through this comprehensive intellectual training, Arsyad al-Banjari attained mastery in various disciplines, including *fiqh*, *uṣūl al-fiqh* (Islamic legal theory), *shari'a*, Qur'ānic exegesis (*tafsīr*), *ḥadīth*, theology (*tanḥīd*), Sufism (*taṣawwuf*), and Arabic linguistics. His scholarly formation in the Hijaz significantly shaped his intellectual authority and exerted a lasting impact on the evolution of Islamic law and education in South Kalimantan.²⁰

Upon his return to Banjar in late 1772, Arsyad al-Banjari was honored with royal recognition by Sultan Tamjīd Allāh (1785–1857). Together, they initiated substantial reforms

¹⁶ Yaqin, "Shaykh Muhammad Arsyad Al-Banjari's Thought on Education," 335–52.

¹⁷ Abu Daudi, *Maulana Syekh Muhammad Arsyad al Banjari* (Martapura: Yayasan Pendidikan Islam Dalam Pagar, 2003), 39.

¹⁸ Daudi, *Maulana Syekh Muhammad Arsyad al Banjari*, 37.

¹⁹ Muhammad Iqbal, *Arsyad Al-Banjari's Insights on Parallel Reasoning and Dialectic in Law: The Development of Islamic Argumentation Theory in the 18th Century in Southeast Asia*, Logic, Argumentation & Reasoning (Cham: Springer International Publishing, 2022), 113.

²⁰ Jarkawi, Edris Zamroni, and Akhmad Rizki Ridhani, "Spiritual Education of Syekh Muhammad Arsyad al Banjari's: Implications for Religious Character Education," *International Journal of Innovation* 13, no. 6 (2020): 1266–67.

in the judicial administration by establishing a Shari‘a Court (*Mahkamah Shar‘iyyah*), which was led by two principal authorities: the *mufti*, responsible for issuing Islamic legal opinions (*fatāwā*), and the *qāḍi*, charged with adjudicating cases in accordance with Islamic law. Within this framework, Arsyad al-Banjari’s grandson, Muhammad As‘ad, was appointed as the first *mufti*, while his son, Abu Su‘ud, served as the first *qāḍi*. Beyond these institutional developments, Sultan Tamjīd Allāh granted Arsyad al-Banjari a tract of land outside Martapura, where he established a residential and educational complex comprising his family residence, a mosque, and an Islamic learning center that subsequently became known as Kampung Dalam Pagar. Functioning analogously to a *pesantren* (Islamic boarding school) in Java, this institution cultivated a generation of scholars who played a pivotal role in advancing the Islamization of the Banjarese community and expanding the intellectual networks of Islam throughout the Malay-Indonesian region.²¹

Beyond his institutional and social roles, Arsyad al-Banjari was an exceptionally prolific scholar. He is attributed with the authorship of approximately forty works spanning various domains of Islamic scholarship. According to Abdul Rashid Melebek, his principal works include *Sabīl al-Muhtadīn*—a commentary on *Sirāt al-Mustaqīm* by Nūruddīn al-Rānīrī, which has become a foundational reference for Shāfi‘ī *fiqh* in the Malay world—as well as *Kitāb al-Nikāḥ*, *Kitāb al-Farā‘id*, *Tuhfat al-Rāghibīn*, *Qawl al-Mukhtaṣar*, *Kanz al-Ma‘rifah*, *Uṣūl al-Dīn*, *Fath al-Rahmān*, *Bidāyat al-Mujtabid*, *Bulūgh al-Maḥram*, and others.²² This article primarily focuses on his work’s *Kitāb al-Nikāḥ*, as it exemplifies Arsyad al-Banjari’s distinctive articulation of Islamic legal thought regarding marriage, particularly his conceptualization of *balanja al-nikāḥ*. This practice continues to influence the living tradition of marriage within the Banjarese community today.

Jujuran and Mahr in the Customary Marriages of the Banjarese Community

In Banjarese marriage traditions, a critical ceremonial stage is *baantar jujuran*, which involves the presentation of a monetary sum from the groom’s family to the bride’s family prior to the marriage contract (Indonesian: *akad nikah*). This presentation encompasses not only money but also *patalian*, personal items for the bride, such as clothing, scarves, sarongs, and cosmetic accessories. The amount of *jujuran* is established by the bride’s family and is typically negotiated through a family deliberation known as *bapayuan* or *bapatut jujuran*, during which both parties discuss and reach an agreement on the *jujuran* amount, the *mahr*, and the wedding date.²³ Generally, the *jujuran* funds are allocated to cover wedding expenses and partially serve as the couple’s initial household capital. The *bapatut jujuran* stage constitutes the third and most decisive phase in the sequence of Banjarese marriage rituals, following *badatang-bapara* (the proposal) and *basasuluh* (the investigation of the bride’s lineage), as it determines whether the marriage may proceed.²⁴

²¹ Iqbal, *Arsyad Al-Banjari’s Insights on Parallel Reasoning and Dialectic in Law*, 117–8.

²² Abdul Rashid Melebek, *Sejarah Bahasa Melayu* (Utusan Publications, 2006), 61.

²³ Hafidzi, “Deliberating Marriage Payment through Jujuran within Banjarese Community,” 277–98; Hafidzi et al., “Sex Morality as the Essence of Kafa’ah in Marriage According to Kitabun Nikah al-Banjari and the Community of Banjar,” 93–110.

²⁴ Norcahyono, Stiawan, and Budiman, “Reconstructing the Philosophy of Marriage,” 393–410. A practice closely resembling the *jujuran* tradition is also observed within the customary marriage customs of the Bugis

Culturally, *jujuran* functions not only as a material contribution but also as a symbol of the bride's family honor and as a mechanism for regulating inter-family relations. The fulfillment of *jujuran* is frequently perceived as indicative of the bride's family social standing; consequently, its amount is influenced by social status and prestige and often surpasses the *mahr*.²⁵ Within Banjarese cultural understanding, *jujuran* is regarded as a pillar of marriage in customary law, implying that its absence may result in the postponement or cancellation of the marriage, despite the marriage remaining valid under Islamic law. This situation illustrates the predominance of customary norms in determining marital legitimacy, where local traditions often exert greater practical influence than *fiqh* norms. Such dynamics exemplify legal pluralism in the Banjarese community, characterized by the interaction, competition, and mutual adaptation of two coexisting legal systems—customary law and Islamic law—within the domain of marriage practices.

In contrast to *jujuran*, Islamic law establishes *mahr* as a binding legal obligation inherent to the marriage contract. *Mahr* constitutes the mandatory gift from the husband to the wife, explicitly stipulated during the marriage contract, as articulated in the Qur'an, specifically in Sūrat al-Nisā' verse 4, which states: “*And give the women their dower as a free gift.*” Classical *fiqh* literature consistently underscores that *mahr* is not a price for the woman nor a transactional exchange; rather, it represents an *athar al-'aqd* (a legal consequence of the contract) and serves as a manifestation of respect for the dignity of women. Ibn Qudāmah, in *al-Mughnī*, characterizes *mahr* as a *ḥaqq mu'allaq bi al-'aqd* (a right attached by virtue of the contract),²⁶ while al-Nawawī, in *al-Majmū'*, affirms that a marriage contract remains valid even if *mahr* is not explicitly specified, as the wife is entitled to a *mahr al-mithl* (equivalent dower) in accordance with prevailing social standards.²⁷ The *fuqahā'* (Islamic jurists) are in unanimous agreement that there is no maximum limit prescribed for *mahr*; however, the *shari'a* advocates for moderation, as exemplified in a *ḥadīth* reported by Abū Dāwūd, which states: “*The best dower is the one that is easiest (to afford).*” Concerning the minimum amount, the Ḥanafī *madhhab* establishes it at ten dirhams, and the Mālikī *madhhab* accepts any item of value. In contrast, the Shāfi'ī and Ḥanbalī *madhhabs* do not impose any minimum threshold. These doctrinal differences demonstrate the flexibility inherent in Islamic law, allowing it to accommodate the socio-economic diversity of Muslim communities. Accordingly, *mahr* fulfills multiple roles simultaneously: it constitutes a legal right of the wife, symbolizes the husband's commitment, and serves as a spiritual expression of marital sincerity.²⁸

community. See: M. Tahir Maloko et al., “Sompā Tanah in Makassar Bugis Customary Marriages: Legal, Religious, and Cultural Perspectives,” *Jurnal Ilmiah Peuradeun* 12, no. 3 (September 2024): 1213–36.

²⁵ Dina Uswatun Khasanah, K. Fatma, and Diah Retno Ningsih, “Jujuran Culture in Banjar Tribal Marriage in South Kalimantan,” *Journal Multicultural of Islamic Education* 3, no. 2 (2020): 68–76.

²⁶ Muwaffaq al-Dīn Abū Muḥammad 'Abd Allāh ibn Aḥmad ibn Muḥammad ibn Qudāmah, *Al-Mughnī 'alā Mukhtaṣar al-Khiraqī*, ed. 'Abd Allāh bin 'Abd al-Muḥsin at-Turkī, vol. 9 (Riyāḍ: Dār 'Ālam al-Kutub, 1997), 325; Putra Halomoan, “Penetapan Mahar terhadap Kelangsungan Pernikahan Ditinjau Menurut Hukum Islam,” *JURIS (Jurnal Ilmiah Syariah)* 14, no. 2 (2016): 107–18.

²⁷ Yahya ibn Sharaf al-Nawawī, *Al-Majmū' Sharḥ al-Muḥadḍḥab* (Mesir: Maktabah al-Qahirah, n.d.), 80–1.

²⁸ Al-Zuhailī, *Al-Fiqh al-Islāmī wa Adillatuh*, 9:256; Qodariyah Barkah and Andriyani Andriyani, “Maqashid al-Syari'ah Concept of Kafa'ah in Marriage,” *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 20, no. 1 (June 2020): 107–16.

This conceptual distinction is essential because, although *jujuran* superficially resembles *mahr* in form, their functions, legal status, and social implications differ fundamentally. In Banjarese society, *jujuran* emphasizes collective, economic, and symbolic dimensions, whereas *mahr* in *fiqh* highlights personal, normative, and spiritual aspects.²⁹ The comparison between the two can be summarized in the following table:

Table 1
Comparison between *Jujuran* and *Mahr*

No.	Aspect	<i>Jujuran</i> in Banjarese Custom	<i>Mahr</i> in <i>Fiqh</i>
1.	Definition	A monetary gift from the groom to the bride's family, with the amount determined by the bride's family.	A mandatory transfer of property or benefit from the husband to the wife as a legal consequence of the marriage contract.
2.	Time of Delivery	Typically given before the marriage contract (<i>baantar jujuran</i>), occasionally afterward.	Specified during the marriage contract, payment may be immediate or deferred.
3.	Function	Serves to cover wedding expenses, acts as initial household capital, and symbolizes the bride's social honor.	Represents the wife's exclusive right, symbolizing affection, financial security, and respect for her dignity.
4.	Amount	There is no fixed minimum or maximum; it generally exceeds the <i>mahr</i> .	No maximum limit; the <i>fukahā'</i> differ regarding the minimum amount.
5.	Obligation	It is considered an obligatory pillar of marriage in Banjarese customary law.	Obligatory according to the majority of <i>fukahā'</i> , but not a condition for the validity of the marriage contract.
6.	Recipient	The bride's family, usually her parents.	The wife is the sole and rightful recipient.
7.	Legal Consequences if Unfulfilled	The marriage may be postponed or canceled in accordance with customary law.	The marriage remains valid; however, the <i>mahr</i> constitutes a binding debt upon the husband.

Source: Authors' Analysis, 2025.

Conceptually, both *jujuran* and *mahr* share a common symbolic significance as forms of giving from the groom's side that express respect for women and serve to legitimize marriage socially. However, they differ fundamentally in their normative, juridical, and functional dimensions. *Mahr* constitutes a *shari'a*-mandated obligation inherent to the marriage contract and represents the wife's exclusive legal right. In contrast, *jujuran* is a customary obligation directed toward the bride's family, functioning primarily as a socio-economic contribution. The legal implications also diverge: in *fiqh*, the absence of *mahr* does not invalidate the marriage contract—although the wife retains the right to claim it subsequently—whereas in Banjar customary law, the absence of *jujuran* may delay or annul the marriage, even if the marriage contract remains valid under Islamic law.³⁰ This normative tension exemplifies a form of legal dualism that generates a practical dilemma: adherence to custom affirms local authority but may conflict with the *shari'a*'s guiding principle of *taysir* in marriage.³¹ Thus, the

²⁹ Norcahyono, Stiawan, and Budiman, "Reconstructing the Philosophy of Marriage," 393–410.

³⁰ Waheeda Waheeda et al., "The Dynamic Interplay: A Normative-Philosophical Study of Islam and Local Wisdom in Indonesia," *ASEAN Journal of Islamic Studies and Civilization (AJISC)* 2, no. 1 (July 2025): 61–91.

³¹ Rosdalina Bukido et al., "Harmonization of Customary and Islamic Law in the Gama Tradition of the Muslim Mongondow Community of North Sulawesi," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (December 2022): 239–54; Rabbani Lubis and Suhri, "Relasi Hukum Islam dan Adat dalam Tradisi

comparison between *jujuran* and *mahr* is not merely terminological but reflects the broader dialectic between *fiqh* and custom. The persistence of *jujuran* as a living law within Banjarese society underscores how local social practices can simultaneously reinforce, negotiate, and challenge the normative boundaries of Islamic law.³²

The Islamic Legal Thought of Arsyad al-Banjari on *Balanja al-Nikāḥ*

Kitāb al-Nikāḥ, authored by Arsyad al-Banjari in 1195 AH, is composed in Arabic-Malay using the *Pegon* script.³³ This work serves as a practical manual, aiming to make Islamic legal norms accessible to the Banjarese community by contextualizing them within the framework of local social realities. According to the edition published by Yayasan Pendidikan Islam Dalam Pagar, the manuscript encompasses approximately 80 pages that systematically address various dimensions of marriage, including marital law, guardianship (*wali*), witnesses, offer and acceptance (*ijāb wa qabūl*), compatibility (*kafā'ah*), divorce (*ṭalāq*), dissolution initiated by the wife (*khulu'*), the waiting period (*'iddah*), marital ethics (*mu'āsharah*), wedding sermons, and supplications.³⁴ Within these discussions, the term *balanja al-nikāḥ* appears in the section concerning the legal status of marriage, although it is not treated as an independent thematic chapter.

Although *balanja al-nikāḥ* is not addressed in a specific section, Arsyad al-Banjari mentions the term on two occasions within the discussion of legal rulings on marriage. In the chapter concerning marriage law, he states (see Figure 1):³⁵

“The initial legal status of marriage is considered sunnah for any individual who desires to marry, provided that he is capable of bearing the expenses associated with marriage (balanja al-nikāḥ), which include the mahr, clothing, and maintenance (nafaqah). If he is unable to bear these expenses, he should refrain from marrying. Consequently, he should control his desires by engaging in fasting.”

“Regarding an individual who has no desire to marry, the ruling is that it is makrūh if he lacks the financial means to afford the balanja al-nikāḥ and does not experience sexual desire, despite possessing physical strength, such as good memory and not being advanced in age. However, if the individual is financially capable of bearing the balanja al-nikāḥ and is physically robust, it is recommended that he engage in acts of worship, as this is considered more virtuous than marriage. Conversely, if he is not committed to worship, then marriage is preferable to remaining single.”

From these passages, two principal points emerge regarding the relationship between *balanja al-nikāḥ* and the legal status of marriage. First, *balanja al-nikāḥ* comprises three financial obligations that the prospective groom must fulfill prior to marriage: *mahr*, clothing, and maintenance. The *mahr* constitutes a religious obligation rooted in Islamic law and represents the wife's exclusive right, serving as a determinant of the marriage contract's validity.

Pamogih pada Perkawinan Masyarakat Muslim Bondowoso,” 45–63; Inna Fauziatal Ngazizah et al., “Localizing Islamic Law: Marriage Practices and the Pak Ponjen Tradition in Kudus,” *El-Mashlahab* 15, no. 1 (June 2025): 59–78.

³² Nor Fadillah, “Tradisi Baantaran Jujuran dalam Prosesi Perkawinan Masyarakat Adat Banjar Perspektif Hukum Islam dan Teori Konstruksi Sosial,” *ADDABANA: Jurnal Pendidikan Agama Islam* 5, no. 2 (2022): 101–16; Hafidzi, “Deliberating Marriage Payment through Jujuran within Banjarese Community,” 277–98.

³³ Rahayu, “Kitab Sabilal Muhtadin Karya Syaikh Muhammad Arsyad al-Banjari,” 62–70.

³⁴ Muhammad Arsyad al-Banjari, *Kitāb al-Nikāḥ* (Martapura: Yayasan Pendidikan Islam Dalam Pagar, 2012), 1–80.

³⁵ Al-Banjari, *Kitāb al-Nikāḥ*, 2–3.

Clothing functions both as a basic necessity and as a symbol of respect toward the wife,³⁶ while maintenance (*nafaqah*) encompasses essential household needs, including food, shelter, and daily sustenance.³⁷ The latter two components—clothing and maintenance—structurally resemble the customary practice of *jujuran*, a living law among the Banjar people that serves as a social contribution to cover wedding-related expenses.³⁸ Consequently, Arsyad al-Banjari distinctly differentiates between *mahr* as a normative religious obligation and *jujuran* (clothing and maintenance) as a social obligation, although both are incumbent upon the groom.

Figure 1

Balanja al-Nikāḥ and Marriage Law According to Arsyad al-Banjari



Source: (Al-Banjari, 2012: 2-3)

Secondly, the financial capacity to fulfill the *balanja al-nikāḥ* plays a crucial role in determining the legal status of marriage—whether it is regarded as *sunnah* (recommended) or *makrūh* (reprehensible or discouraged). Although the default ruling in Islam considers marriage *sunnah* for those who desire it,³⁹ it becomes *makrūh* if the prospective groom is unable to meet the financial obligations associated with *balanja al-nikāḥ*. In such circumstances, Arsyad al-Banjari recommends exercising self-restraint through fasting as a means of controlling one's desires. Conversely, for an individual who lacks the desire to marry but possesses the financial means to fulfill *balanja al-nikāḥ*, Arsyad al-Banjari offers two

³⁶ Nurnazli et al., "Productive Dowry and Women's Economic Empowerment and Their Influence on Marital Assets in Bandar Lampung," 954–79; Harijah Damis, "Konsep Mahar dalam Perspektif Fikih dan Perundang-Undangan," *Jurnal Yudisial* 9, no. 1 (2016): 19–35.

³⁷ Muḥammad ibn Aḥmad ibn Rushd, *Bidāyah al-Mujtahid wa Nihāyah al-Muqtaṣid* (Cairo: Dār al-Hadīth, 1425), 2:58–60; 'Abd al-Raḥmān al-Jazirī, *Al-Fiqh 'alā al-Madhbāb al-Arba'ah* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1424), 4:567–69.

³⁸ Yaḥyā ibn Sharaf al-Nawawī, *Al-Majmū' Sharḥ al-Mubadhdhab* (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 1405), 16:156–60.

³⁹ Ibn Rushd, *Bidāyah al-Mujtahid wa Nihāyah al-Muqtaṣid*, 2:2–4.

alternatives: if the individual is diligent in worship, remaining unmarried is preferable; however, if the individual is not devoted to worship, marriage is deemed the more virtuous option.⁴⁰ Therefore, *balanja al-nikāḥ* functions not merely as a technical financial requirement but as a normative instrument that influences the legal evaluation of marriage.

These two points illustrate how Arsyad al-Banjari endeavored to integrate religious and customary obligations within the framework of Islamic law. He regarded *mahr* as a *sharīʿa*-mandated obligation essential to the validity of marriage,⁴¹ whereas *jujuran*—manifested through clothing and maintenance—was conceptualized as a social duty that, while not affecting the contract's validity,⁴² influences its legal evaluation (*ḥukm taklīfī*) as *makrūḥ* if neglected. This formulation indicates that Arsyad al-Banjari did not merely reaffirm Shāfiʿī orthodoxy but also accommodated the socio-cultural realities of Banjarese society.⁴³ His legal thought thus exemplifies a distinctive form of Islamic jurisprudence in the Malay-Indonesian context, wherein *sharīʿa* does not negate custom but rather organizes it within a broader ethical and normative framework—thereby achieving a harmonious balance between Islamic law and local tradition in marital practice.⁴⁴

Analogizing *Jujuran* to the Wife's Right to Maintenance: An Analysis of Arsyad al-Banjari's Islamic Legal Reasoning

As previously examined, Arsyad al-Banjari categorizes *mahr*, clothing, and *nafaqah* under the broader concept of *balanja al-nikāḥ*, which encompasses the financial obligations that a prospective groom is required to fulfill prior to the marriage contract.⁴⁵ Among these elements, *mahr* holds a paramount position as a normative religious obligation, explicitly mandated in Sūrat al-Nisā' verse 4 and universally acknowledged by the *fuqahā'* as an essential consequence of the marriage contract.⁴⁶ In contrast, clothing and maintenance, established within Banjarese society through the tradition of *jujuran*, represent a cultural dimension that embodies *ta'āwun* (mutual assistance) and *hibah* (gift) from the groom to the bride's family. Socially, *jujuran* functions to assist in defraying wedding expenses and to provide the newlyweds with an initial household endowment.⁴⁷ Although *jujuran* holds considerable cultural significance, Arsyad al-Banjari situates it within the legal category of *sunnah*; its omission does not invalidate the marriage but renders it *makrūḥ*, as it falls short of the social ideal of propriety and preparedness.

⁴⁰ Al-Banjari, *Kitāb al-Nikāḥ*, 2–3.

⁴¹ Apriyanti Apriyanti, "Historiografi Mahar dalam Pernikahan," *An Nisa'a* 12, no. 2 (2017): 163–78.

⁴² Hafidzi, "Deliberating Marriage Payment through Jujuran within Banjarese Community," 277–98; Sanawiah and Rismanto, "Jujuran atau Mahar pada Masyarakat Suku Banjar Ditinjau dari Perspektif Pandangan Hukum Islam," 52–63.

⁴³ Gusti Muzainah, "Baantar Jujuran dalam Perkawinan Adat Masyarakat Banjar," *Al-Insyirob: Jurnal Studi Keislaman* 5, no. 2 (2019): 10–32.

⁴⁴ Denna Ritonga et al., "Polygamy: A Threat or Opportunity to the Islamic Family? (Sociology and Family Law Perspectives)," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 25, no. 1 (June 2025): 244–61; Anwar Hafidzi and Norwahdah Rezky Amalia, "Marriage Problems Because of Disgrace (Study of Book Fiqh Islam wa Adilātuh and Kitāb al-Nikāḥ)," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 13, no. 2 (2018): 273–90.

⁴⁵ Al-Banjari, *Kitāb al-Nikāḥ*, 2–3.

⁴⁶ Al-Jaziri, *Al-Fiqh 'alā al-Madhāhib al-Arba'ah*, 4:567–69; Al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuh*, 9:36.

⁴⁷ Ngazizah et al., "Localizing Islamic Law," 59–78; Siti Nurjanah et al., "Children's Rights in Islamic Law: A Contemporary Study of Family Practices," *MILRev: Metro Islamic Law Review* 4, no. 2 (July 2025): 933–53.

To elucidate this legal framework, Arsyad al-Banjari employs *qiyās* (analogical reasoning) to extend the husband's post-marital obligation of maintenance into the pre-marital period through the institution of *jujuran*. Within *fiqh*, maintenance—including provisions for clothing and housing—is a legal responsibility that becomes incumbent upon the husband following the marriage contract and the establishment of *tamkīn* (the wife's readiness for conjugal life). Ibn Qudāmah, in *al-Mughnī*, underscores that maintenance and clothing are direct consequences of the marriage contract, rather than prerequisites for its validity; these rights materialize upon the consummation of the marriage.⁴⁸ Classical *fiqh*, however, does not explicitly mandate pre-marital financial capability as a legal condition. Arsyad al-Banjari innovatively reinterprets this principle by asserting that financial capacity must first be demonstrated through the *jujuran* tradition to ensure that a man does not enter into marriage without the means to support his household. This reasoning corresponds with the *fiqh* principle of *taqdīm al-wājib* (preparation for the fulfillment of a future obligation), thereby ensuring the groom's readiness to fulfill his post-marital duties, preventing potential harm (*mafsadah*), preserving marital stability, and promoting the initial welfare of the couple.

From a socio-legal perspective, Arsyad al-Banjari's thought elucidates an epistemological distinction between the concept of *balanja* as interpreted in *fiqh* and as understood within Banjar customary practice. Within Islamic legal discourse, *balanja* denotes obligatory financial responsibilities, including *mahr*, maintenance, and clothing. Conversely, in local custom, the term more frequently refers to wedding expenses or ceremonial gifts (*bantaran*). In everyday practice, *balanja* is often perceived as a social burden or status symbol,⁴⁹ however, Arsyad al-Banjari redefines it as the husband's religiously mandated duty to provide for household sustenance. This distinction underlies two complementary intellectual strategies: first, purification, which involves the correction of legal concepts to conform with normative textual principles; and second, adaptation, which entails the modification of terminology to render Islamic law culturally comprehensible and socially functional within local contexts. Consequently, Arsyad al-Banjari's conception of *balanja al-nikāh* is neither dogmatic nor rigidly formalistic; rather, it is reflective and dialogical, integrating *fiqh*-based norms with the living customary traditions of the Banjarese community.⁵⁰

This formulation also encompasses a preventive dimension. By designating the ability to provide maintenance—a long-term legal obligation—as the criterion for determining the legal status of marriage (whether *sunnah* or *makrūh*), Arsyad al-Banjari aimed to preempt fragile marriages that might fail due to financial incapacity. He thereby emphasizes that

⁴⁸ Ibn Qudāmah, *Al-Mughnī 'alā Mukhtaṣar al-Khiraqī*, 7:325; Nadya Pratiwi Daniela et al., "The Granting of Family Card for Siri Marriage in Banda City: Perspective of Islamic Family Law," *El-Ushrah: Jurnal Hukum Keluarga* 7, no. 1 (June 2024): 150–64.

⁴⁹ Ibn Hajar al-Haytamī, *Tuhfat Al-Muhtāj Bi-Sharḥ al-Minhāj* (Bairut: Dār al-Kutub al-'Ilmiyyah, 2003), 290–91; Sulaymān ibn al-Ash'ath Abū Dāwūd, *Sunan Abī Dāwūd* (Damascus: Dār al-Risālah al-'Ālamiyyah, 1430 H), 1430; Aḥmad ibn 'Alī Ibn Hajar al-'Asqalānī, *Fathḥ Al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī* (Bairut: Dār al-Ma'rifah, 1379 H), 240–42.

⁵⁰ Iqbal, *Arsyad al-Banjari's Insights on Parallel Reasoning and Dialectic in Law*, 117–8; Firdaus, Marbawi, and Afif, "Banjar Cultural Marriage Taboos and Analysis of the Prohibition of Marriage in Kitabun Nikah by Sheikh Muhammad Arsyad al-Banjari," 183–92; Hafidzi et al., "Sex Morality as the Essence of Kafa'ah in Marriage According to Kitabun Nikah al-Banjari and the Community of Banjar," 93–110.

marital welfare depends not solely on the formal validity of the marriage contract but also on the sustained fulfillment of essential economic responsibilities. Moreover, the absence of a distinct chapter on *balanja al-nikāḥ* in *Kitāb al-Nikāḥ* supports this interpretation. This omission reflects a strategy of gradual reform: rather than abolishing the deeply entrenched practice of *jujuran*, Arsyad al-Banjari normatively repositions it—affirming its status as an act of *hibah* or *ta'āwun* rather than a legal requirement of marriage. Through this non-confrontational approach, he avoids inciting customary resistance while simultaneously guiding the community toward a more authentic understanding of *fiqh*.⁵¹

This approach exemplifies a model of normative reconciliation in which Islamic law retains its theological authority while permitting the continuation of local customs through reinterpretations that align with *shari'a* principles. Within this framework, the *jujuran* tradition can be interpreted as a pre-marital expression of *balanja al-nikāḥ*. Although it differs from *mahr* in legal status, its role as financial support for the wedding and the establishment of the initial household corresponds with Arsyad al-Banjari's legal reasoning. Provided that *jujuran* adheres to the parameters of *al-'urf al-ṣaḥīḥ* (legally valid custom)—namely, that it is based on mutual consent, free from extravagance, and devoid of ostentation—it can coexist harmoniously with the obligations prescribed in *fiqh*. Consequently, Arsyad al-Banjari's thought illustrates the dialectical pattern characteristic of the Islamic legal tradition in the Malay-Indonesian context: a dynamic interaction between Shāfi'ī *fiqh* orthodoxy and local legal pluralism, resulting in a form of normative harmonization between Islamic law and custom that is both contextually grounded and jurisprudentially coherent.⁵²

Conclusion

This study elucidates that Shaykh Muhammad Arsyad al-Banjari's legal thought in *Kitāb al-Nikāḥ* articulates an integrative model that reconciles *fiqh* (Islamic jurisprudence) norms with Banjarese customary traditions through the concept of *balanja al-nikāḥ*. Arsyad al-Banjari distinctly differentiates between *mahr*, understood as a religious obligation grounded in authoritative Islamic texts, and the provisions of clothing and maintenance—institutionalized in Banjar custom as *jujuran*—which function as social obligations reinforcing the legitimacy of marriage. This conceptual framework yields a dynamic legal formulation whereby marriage is considered *sunnah* (recommended) when the groom is capable of fulfilling all three financial components, and *makrūh* (reprehensible) when he is not. Consequently, Arsyad al-Banjari does not reject local customary law; rather, he situates it within a broader Islamic ethical-normative framework. Furthermore, he delineates clear boundaries by emphasizing that *jujuran* must not impose an excessive burden that hinders

⁵¹ Aditya, "Romantisme Sistem Hukum di Indonesia: Kajian atas Kontribusi Hukum Adat dan Hukum Islam terhadap Pembangunan Hukum di Indonesia," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 1 (2019): 45–62; Siti Maryam, "Otoritas Teologis dan Fungsi Sosial Adat dalam Perkawinan: Perspektif Maqashid Syariah," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 1 (2021): 123–42.

⁵² Muhamad Riandi and Rusdiah Rusdiah, "The Interaction between Islam and Local Wisdom in Indonesia: A Normative-Philosophical Study," *ASEAN Journal of Islamic Studies and Civilization (AJISC)* 2, no. 1 (July 2025): 93–115; Azharuddin Azharuddin, "Harmonization of Islamic Inheritance Law and Indonesian Customary Law Regarding the Acceleration of Inheritance Distribution: Legal Philosophy Study," *Jurnal Mediasas: Media Ilmu Syari'ah dan Ahwal Al-Syakhsyiyah* 8, no. 2 (June 2025): 428–39.

marriage, as such a practice would contravene the Islamic legal principle of facilitation (*taysīr*), which embodies the spirit of Islamic law.

The findings of this study indicate that the *jujuran* tradition should be interpreted as an expression of respect, solidarity, and social commitment toward the bride's family, rather than as an economic mechanism that imposes hardship or perpetuates patriarchal hierarchies. Arsyad al-Banjari's legal reasoning thus functions as a normative framework for harmonizing Islamic law and customary practices, as well as a basis for reformulating marriage customs in ways that are more proportionate, equitable, and aligned with the higher objectives of Islamic law (*maqāṣid al-sharī'a*). From a socio-legal perspective, Arsyad al-Banjari's approach of "soft reform" exemplifies how Islamic law can engage in dialogical interaction with customary norms—avoiding confrontation while repositioning custom to maintain cultural relevance and normative coherence. Nonetheless, this study is limited to textual and historical analysis. Further ethnographic and socio-legal field research is necessary to examine how Arsyad al-Banjari's conceptualization of *balanja al-nikāḥ* is practiced, reinterpreted, or contested within contemporary Banjarese society, which continues to navigate the evolving dynamics of modern socio-economic life.

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