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Social Norms and Their Impact on Marriage

Amna Ali Al Bashir Mohamed[1]

Abstract

This study aimed to explore the profound influence of social norms or (social norms) on the contemporary phenomenon of youth opting out of marriage due to exorbitant dowry costs, examining the consequential impact of traditions. Recognizing that this reluctance poses an internal threat to our societies, hindering or halting societal progress even amidst periods of economic and social prosperity.

The findings of this study underscore the dynamic nature of judgments anchored in tradition, highlighting their susceptibility to change with evolving societal norms. Through thorough research and inquiry, it became evident that numerous norms wield considerable influence over the decisions of young individuals. It is imperative to delve into these norms, comprehending their nuances and effects, to effectively enlighten people about the necessity of combating practices that deviate from ethical and religious principles.

Keywords: *Norms, Tradition, Customs, Youth, Dowry, Marriage.*

1. INTRODUCTION

The term " social norms" in language carries multiple meanings that vary based on their composition and context within discourse. Some are real and others are figurative. The roots of the word " norm or A'raf " in Arabic, represented by the letters: (Ain) ع, (Ra)ر, and (Fa)ف , are two valid and accurate origins. One signifies the continuous connection of things, intertwined with one another, while the other denotes stillness and tranquillity. Ibn Manzur stated: "The land is known by what rises from it," and the plural form is "A'raf." The term "A'raf" is used to describe the elevations of the earth. Additionally, Ibn Manzur explains that the "A'raf" of winds and clouds refer to their beginnings and heights, and among them is what is known as "A'raf" (Ibn Manzur, 2010: 239-242).

From the well-known aspect, it is a pleasant fragrance. It is the measure because the soul gravitates towards it. It is said: "How pleasant is its recognition." Allah, glorified and exalted, said: "[He will admit them to Paradise, which He has made known to them]" (Muhammad 47:6) Meaning, its pleasantness.

In the terminology of Fundamental scholars or Principles scholars (fundamentals of Islamic jurisprudence): The scholars of Usul have defined 'Al-Aurf' (custom) in several ways, both ancient and modern, although, in general, these definitions are closely related. Here, we present some of the definitions:

[1] Assistant Professor, Department of Fundamentals of Jurisprudence, Faculty of Sharia and Fundamentals of Religion, King Khalid University Abha, kingdom of Saudi Arabia, mamna@kku.edu.sa

Al-Jurjani defined it in his book "Al-Ta'reefat" as follows: "Custom (Al-'Aurf) is what minds have settled upon with the testimony of reason, and sound nature has accepted it willingly." (Al-Jurjani, 1998: p. 193).

Professor Khalaf stated: "It is what people have become familiar with and adhered to in speech, action, or omission. It is called norm and 'Aurf, and in the language of the legal scholars, both terms are synonymous and have the same meaning." (Khalaf, 2014: p. 89).

A contemporary scholar defined it as: "It is a matter that souls have become satisfied with, recognized, and realized through their experience and familiarity with it, based on the approval of reason and not rejected by people with sound taste in the community." (Abu Sunnah, 2004: p. 8).

By comparing the previous definitions of both norm and 'Aurf,' we find that for something to become a norm, the element of repetition must be present, repeatedly. This naturally applies to all things, whether they are statements, actions, habits, or otherwise. As for the condition of 'Aurf,' it involves continuity on one hand and tranquillity, assurance, and stability on the other. The scholars of Usul often use the terms norm and 'Aurf' interchangeably because their meanings are similar.

In the language, the definition of the norm is given as: "Persisting and continuing in something until it becomes a habit, and it is said to adhere to something repeatedly." (Ibn Fares, p. 182).

The relationship between norm and Custom:

The observer of the statements of Islamic jurists is convinced of the equivalence between 'Al-'Aurf '(Norm) and 'Al-Adat (Custom) in usage. This is indicated by the fact that they used the two terms interchangeably, employing either 'Al-'Aurf' or 'Al-'Adah' at different times. Sometimes, they combined the two terms, saying 'Al-'Aurf wa Al-'Adah.' Rarely did one of them strictly adhere to one term over the other in their expressions. They rarely confined themselves to using one of these terms without the other in their discourse. This is a clear indication of their considering the two terms synonymous in meaning. (Abu Ajeela, 1986: p. 72)

The Norm areas:

Dr. Ahmed Fahmi Abu Sunnah, in his work on 'Al-'Aurf' and 'Al-'Adah' in the view of jurists, mentioned that through empirical observation, it has been established that the juristic uses of 'Al-'Aurf' Norm can be categorized into four main areas (Abu Ajeela, 1986: p. 72):

- Firstly, the 'Al-Aurf' (Norm) is evidence of the legitimacy of a ruling, manifestly.
- Secondly, the 'Al-Aurf' (Norm) to which reference is made in the application of absolute judgments to specific cases.
- Thirdly, the 'Al-Aurf' (Norm) assumes the position of spoken customary orders.
- Fourthly, the 'Al-Aurf' (Norm) in terms of verbal expressions.

He mentioned three general areas in which 'Al-'Aurf' (Norm) is utilized, but without detailed elaboration, as follows:

- Firstly, extracting a legal ruling in cases where there is no explicit textual evidence.
- Secondly, referring to 'Al-'Aurf' Norm to explain certain concepts that the legislator entrusted to customary practices, such as defining the meaning of the eligible recipient of Zakat (charitable almsgiving) and the definition of the area suitable for performing dry ablution (Tayammum).

- Thirdly, the domain to which reference is made to clarify the intention of speakers when using words, whether the speaker is the legislator or someone else. This category includes the synonyms used by speakers in statements, bequests, conditions, endowments, and other areas when expressions with customary meanings are employed.

Authenticity of the Norm:

The validity of Norm is established among the Maliki, Hanafi, Shafi'i, and Hanbali schools based on the Quran, the Sunnah, and consensus, and the Hanafi and Maliki schools even elevated it to a fundamental principle in legal derivation. We are not aware of any dissenting opinion among scholars regarding its foundational status. Any disagreements among jurists seem to arise in its application, whether in specific details or the extent of its scope. The evidence presented for its validity is provided in the Kashf al-Ghita (1415: p. 15).

As for the Quran, the verse "[Take what is given freely, enjoin what is good, and turn away from the ignorant.]" (Al-A'raf 7:199) indicates the obligation to refer to the customs of people and their prevailing practices. This underscores the consideration of customs in Islamic law by the explicit text of the Quran.

Regarding the Sunnah, the saying of the Prophet Muhammad (peace be upon him), "Whatever the Muslims consider good is good before Allah" (Al-Zayla'i: 178), implies that matters recognized as good by the Muslims are considered virtuous by Allah. What Allah approves of is a right, evidence, and proof. Therefore, the Hanafi school considers what is established by 'Al-Aurf' as established by legitimate proof, and what is commonly known is considered a condition just like a stipulated condition.

The Reasonable (Al-Ma'qool), it is evident that 'Al-Aurf' holds significant authority over human behaviour, earning great respect and easy acceptance. It aligns with people's natural inclinations, satisfying their interests and benefits. The Sharia came to actualize and uphold these principles.

2. NORM SECTIONS, THEIR ADVANTAGES, AND DISADVANTAGES.

First: Norm Sections

As is well known, Sharia sources are divided into two types: primary sources that are universally agreed upon (consensus-based) and secondary sources. 'Al-Aurf' belongs to the second type of source, meaning it falls under the diverse category of secondary sources. It is one of the significant sources that has left a tangible impact on Islamic jurisprudence, giving rise to various foundational principles and legal rules that rulings are based upon (Abu Zahra: 225).

Jurists have noted that 'Al-Aurf' can be categorized into several types based on different considerations. Here, we will mention these categories with three considerations in mind:

First consideration: In terms of the cause and relevance, it can be divided into two types of verbal norm and practical norm. Al-Shatibi, for instance, mentioned these two types (Al-Shatibi: 284).

a) Verbal norm.

It is when people universally associate a specific term with a particular meaning, diverging from its literal or true meaning. Upon hearing the term, the actual meaning does not immediately come to mind; instead, the mind gravitates toward the commonly understood meaning. The true meaning is then neglected and left aside. For example, the use of the term "al-Bayt" (the house) in some regions, where it means a room, while in others, it signifies the entire house. In this context, the original meaning of "al-Bayt" as

simply a room or a house is overshadowed by the conventional understanding in different regions.

b) Practical norm

It is the consensus among people regarding a specific practical matter and their customary behaviour, such as the division of dowry during marriage into upfront and deferred payments.

The second consideration is the classification of 'Al-'Aurf' (Norm) based on the entity from which it originates. It can be divided into two types depending on whether it is widely prevalent or limited and confined to a specific place or a particular group.

The first type is 'Al-Aurf' (Norm) known as 'public norms,' which is the norm agreed upon by many people, whether it is an old or modern practice in all or most countries. People follow this common norm, such as the recognition that the default in dowry is an immediate payment received at the time of marriage, with some flexibility in leasing a portion of it until divorce or death (Ibn 'Abidin, 4).

The second type is 'Al-'Aurf' known as 'the privet Aurf (privet Norm) which is not widely adopted by the people of a region collectively. It is a norm specific to an individual or a particular group in a certain country or those involved in a specific profession (Al-Bagha: 248). For example, the use of the term "dabba" for a horse in the dialect of the people of Iraq (Al-Zurqa, 1998: 838).

The third consideration is the classification of 'Al-'Aurf' based on its legitimacy. It can be divided into two types: 'Al-'Aurf As-Sahih' and 'Al-'Aurf Al-Fasid or the corrupt norm.

- Al-Aurf As-Sahih,' is what does not contradict any legal text or established legal ruling, aligning with what people commonly recognize to achieve their interests. An example is the common understanding among people regarding the division of the dowry into immediate and deferred payments.

- Al-Aurf Al-Fasid (the bad Norm) is what contradicts legal evidence, rendering an obligation void, making the lawful unlawful, or vice versa. This type of norm goes against a legal ruling or text and is considered invalid and without value. An example is the norm in some societies allowing mixing between men and women, which contradicts Islamic legal rulings and is considered invalid by consensus among scholars.

Advantages of the norm: The value of custom becomes clear only when compared with the status of legislation. The advantages attributed to the norm are at the same time the drawbacks of legislation, and the drawbacks of the norm are the advantages of legislation. Therefore, the norm is characterized by the following advantages:

A. norm is not Issued by the Will and Authority of the Ruler; Rather, it Arises from the Conscience of the Community. Thus, the Customary Rule Represents a Sincere Expression of the Community's Conditions and Needs, to the Extent That Many Customs Have Managed to Persist within Tribal Frameworks.

B. norm is Also Characterized by Spontaneity and Spontaneity. It Evolves and Changes According to the Changing Desires of the Community. The Customary Rule Represents the People's Habitual Behavior, which does not fit into predefined templates. This change occurs with changes in people's behaviour and their habitualization to this change.

C. Norm is considered a complement to legislation; it fills gaps that may exist, as no matter how much effort the legislator puts into achieving perfection, the role of custom in regulating issues unaddressed by legislation becomes apparent.

Disadvantages of the norm: Despite its advantages, the norm has many drawbacks, such as:

A. It is Criticized for Being Slow in its Development. Once established, it is Difficult to Get Rid of. Modifying it Requires a Long Time for People to Get Used to It, and, Therefore, it Does Not Meet the Needs of a Progressive Community Requiring Swift Regulation.

B. Difficulty in Guiding in due to the Varying Rules Regulating the Same Subject. The Multiplicity and Diversity of Customs Make it Difficult for Judges and Researchers in General to Navigate, as Rules Governing the Same Issue Vary Even within the Same Country.

C. Difficulty in Knowing its Content. Customary Rules are Sometimes Criticized for their Lack of Clarity and Precision, as they are Unwritten and Hard to Understand, Leading to Disputes in their Interpretation.

Conditions for Considering Norm:

Scholars have stipulated conditions for considering the norm. If these conditions are not met, its consideration becomes invalid for building legal rulings. These conditions include:

- The First Condition: Norms Should be Consistent or Predominant. The Practice of norms should be continuous among those accustomed to it, Unvarying across Various Incidents. In other words, the norm should be persistent.

- The second condition: customs should be general in all countries. If a norm specifies a general rule or restriction, it is considered. Otherwise, it is not considered unless it enters a specific specification through the norm. For instance, people’s norm for determining financial support based on their common practices is considered.

- The third condition: the norm should not contradict a legal text. The practice of norm should not impede a ruling established by a legal text. If it contradicts it, its consideration is nullified.

- The fourth condition: the norm should be present when the action is established. The norm intended to be upheld must be prevalent at the time the action is taken and must continue. If it is not, it is not valid.

- The fifth condition: the norm should not contradict explicit statements to the contrary. If the contracting parties explicitly state something contrary to the norm, the consideration of the norm is nullified. This condition is specific to a norm that is comparable to explicit statements.

- Scholars set these conditions to ensure the validity of considering norms in legal rulings (Bruno, 1996: p. 306).

3. CUSTOMARY PRACTICES AMONG JURISTS AND THEIR IMPACT ON LEGAL JUDGMENTS

The Position of Norm (Al-'Aurf) as a Source of Legislation

A valid norm is considered legitimate evidence and argument for judgments in the absence of clear textual evidence and consensus. It may even take precedence over analogy, leading the jurist to prefer it over analogy for the sake of desirability, as in the Hanafi school, such as the customary agreement regarding contract manufacturing. norm also narrows down the general (Al-Zuhayli, 2006: p. 296). For example, if someone swears not to eat meat but consumes fish, it is not considered a violation. Even though the term "meat" is general, encompassing animals, birds, and fish, as mentioned in the Quran: "[He] has made the sea subservient [to you] so that you may eat fresh meat from it" (Quran 16:14). Legal rulings based on norm change with evolving customs, as indicated by the legal principle: "Rulings change with changing times." Al-Suyuti stated:

"Consideration of norm and habit in jurisprudence is applied in various issues" (Al-Suyuti, 1983: p. 9).

Building Judgments on Norm among Jurists.

There is no disagreement among scholars regarding the consideration of norms and their status in Islamic law, provided its conditions are met. Scholars extensively documented texts affirming the consideration of norm. Jurists, regardless of their schools of thought, regard the norm as a foundation for many legal rulings (Al-Ilmi, 2015: p. 26).

Abu Zahra mentions that Hanafi jurists, like Hanbalis and Malikis, consider the norm an essential source in the absence of explicit legal texts. The Maliki school, akin to the Hanafi school, relies on norms as a foundational principle in the absence of a specific legal ruling, treating what is not explicitly addressed by the Sharia as subject to the norm. Some scholars adhere to the norm, while others, like Ibn Qayyim, caution against excessive reliance on it, emphasizing the need for moderation (Al-Salman, 1423: p. 52).

Ibn Abidin notes the importance of considering norms in many issues, making it an established principle in Islamic jurisprudence (Ibn Abidin, 1983: p. 90). The consensus among various schools underscores the importance of considering norms in jurisprudential matters (Ibn Fandi, 200: p. 115). Examining the works of different schools reveals numerous issues grounded in the norm, indicating a general acknowledgement of its significance among jurists.

Sharia rulings change with changes in customs and traditions.

Rulings based on norms and traditions change as those norms and traditions evolve. Now, changing the foundation necessarily requires changing the branches, including differences among jurists of the same school of thought who preceded them in rulings based on norms, when norms change (Fayrouz, 2010: 213).

There are two types of rulings: one that does not change regardless of its state, whether in terms of time, place, or the ijtihad of the imams, such as the obligation of duties, the prohibition of forbidden things, and the limits imposed by Sharia on crimes.

The second type changes according to what is required by the interest, encompassing time, place, and situation, such as the amounts of discretionary punishment, its types, and its characteristics. The Lawgiver varies it according to the interest (Ibn Muhammad, 2010: 482). They demonstrated this with examples.

Abu Hanifa saw that the coercion come only from the Sultan, this opinion was contradicted due to the corruption of time. Women were prevented from attending mosques for congregational prayer, as was the case in the time of the prophet Mohammed peace and blessing be upon him, due to the corruption of time and bad morals.

Marriage as a whole contract that creates mutual rights and duties between both husband and wife. The Holy Qur'an has stipulated this principle. God Almighty said: [And for them is the same as those upon them, with what is fair] [Al-Baqarah: 228/2], meaning that women have rights over men just as men have duties over them, and that the basis for determining these rights and duties is custom based on nature. Both men and women.

It is clear that rule change of times, as is known, because of a change in custom, or change in people's interests, a consideration of necessity, a corruption of morals, a weakness in religious motivation, or the development of time and its new regulations. The Sharia ruling has changed to achieve the interest, repel harm, and realize truth and goodness. This makes the principle of changing rulings closer to the theory of interests than the theory of custom.

It should be noted that the rulings that can be changed or developed are those that are deduced by analogy or transmitted interest, within the scope of constitutional and

administrative transactions or rulings and discretionary punishments, which goes with the principle of realizing rights, bringing interests, and warding off evils.

As for the other basic provisions established, for a legislative or regulatory purpose, they are fixed matters that do not accept development, such as the principles of faith, worship, morals, the principles of dealing between people, the principle of consent in contracts, the contractor's fulfillment of his contract or covenant, ensuring no harm to others, and achieving security. Stability, protection of public human rights, and respect for the principles of justice and consultation.

4. THE IMPACT OF NORMS ON YOUNG PEOPLE'S RELUCTANCE TO MARRY.

First: The effect of custom on financial rights

The effect of custom on the dowry and its issues include:

The dowry arises before others in terms of time, then other rights tire it out, so it is better to start with it before others. Its definition, dowry, is linguistic: dowry and the plural dowry, and a woman's dowry may be given to her by a dowry or a dowry by her (Ibn Manzur, 2010: 207). It is said that the woman was given a dowry, that is, I gave her the dowry. The dowry has several names, including the dowry, which means opening and breaking the sad, and it has nine names: dowry, dowry, obligatory, love, reward, then air, and the ninth, charity (Al-Najdi, 1397: 363).

Dowry, as a term :The custom of jurists has multiple definitions, including it is a name for the money that is obligatory in the marriage contract to the husband in exchange for a commodity, either by name or contract (Ibn Omar, 1992: 50).

Abu Al-Enein defined it as it is the property that the wife is entitled to from the husband by contractual agreement with her or by real consummation with her. Dowry ruling: It is a duty for a woman over a man (Abu Al-Ainin: 181). This is indicated by the Qur'an, the Sunnah, and consensus.

As for the Qur'an: God Almighty says: [So whatever of them you enjoy, give them their wages as an obligation, and there is no blame on you regarding what you agree to after the obligation. Indeed, God is above A wise man] (An-Nisa: 24), and God Almighty said: [And give the women their sadaqah freely] (An-Nisa: 4)

As for the Sunnah: what Sahl bin Saad narrated on the authority of the Prophet, may God bless him and grant him peace: Whoever wants to get married (seek a ring, even if it is iron).

The Prophet of God - may God's prayers and peace be upon him - freed Safiyya and made her emancipation her dowry. The evidence is: that the hadiths indicate that the dowry was approved by the Messenger of God for the wife over her husband and that it is necessary for every Muslim, whether a dowry of more or less.

Consensus: Muslims have unanimously agreed on the legitimacy of the dowry in marriage. Al-Qurtubi said in the interpretation of the Almighty's saying: "And give the women their alms freely" (An-Nisa: 4). This verse indicates the obligation of the dowry for the woman.

Positive judgement: In the previous sections, we mentioned the disagreement of the jurists regarding considering the dowry as a pillar or condition, and we mentioned that the most likely issue in the matter is that the dowry is considered one of the effects of the contract resulting from it. It is neither a condition nor a pillar. If the contract is concluded without mentioning a dowry, it is valid according to the consensus of the scholars. However, it is desirable that it not Marriage is not called the dowry, and the jurists have

differed based on this regarding the time when the dowry is obligatory, with two opinions:

- The first opinion: The dowry is not obligatory by the contract itself, but rather it is obligatory by imposing it on the husband or by consummation, even if he consummated the marriage with her before the imposition, the dowry of the same amount is obligatory, even if he divorced her before consummating the marriage with her, and before the imposition, the dowry of the same amount is not obligatory, without disagreement, but rather the mut'ah is obligatory, and if the spouses die, it is not paid. With something, which is the view of the Shafi'is, and they provided evidence for that with the following: (Al-Sarkhasi, 1989: 202). God Almighty says: "Give the women their alms as a gift" (An-Nisa: 4)

- The second opinion: It is proven by the same contract, and it is the Hanafi view, so that whoever marries a woman and does not specify a dowry for her, remains silent about mentioning the dowry, or he marries her on the condition that she does not have a dowry, the woman is satisfied with that, she is obligated to receive a similar dowry in the same contract, even if the woman dies.

Before consummation, the equivalent dowry is taken from the husband. If the husband dies before consummation, she is entitled to the equivalent dowry from his estate. It is permissible for them to marry without the dowry until she is proven to be in charge of demanding delivery. They used as evidence the Almighty's saying: "And it is lawful to you beyond that that you seek with your wealth" (An-Nisa: 24).

She has the right to withhold herself until the dowry is imposed on her and delivered to her after it is imposed, and all of this is evidence of the obligation in the same contract (Abu Lahiyah: 16).

The wisdom behind the legitimacy of this dowry: The wisdom behind the legitimacy of this dowry is several things:

1. Honoring women by being the one who is sought, not the one who is sought, and the one sought by men, not the one who seeks men.

2. The man shows his desire for the woman and his affection for her, so he willingly gives her this money as a gift of his own, willingly (Zeno: 12). That is, a gift and a gift from Him, not a price for the woman. God Almighty says: [And give the women their alms as a gift; but if they relent to you for any of them, then eat of them as good and agreeable] (An-Nisa: 4).

3. Notification of seriousness, as marriage, is not a distraction, and hence Islam imposes half the dowry on the one who marries and then divorces before he has intercourse with the wife or touches her, out of appreciation for this strict covenant and sacred bond, which indicates that enjoyment is not the basis, as here no enjoyment occurred, he said. God Almighty: [If you divorce them before you have touched them, and you have prescribed for them an obligation, then half of what you have imposed unless they pardon or He in whose hand is the marriage contract pardons and to be forgiving is closer to piety, and do not forget the kindness between you. Indeed, God is All-Seeing of what you do." (Al-Baqarah: 237).

4. That Islam has made the guardianship over the family in the hands of a man, because of his innate ability to control his emotions more than a woman. The Almighty said: [Men are the people of women with what God preferred, some of them, with some of them.

The obligation of the dowry is clearly stated in the texts, except that the explicit texts did not mention in some issues how to receive the immediate or delayed payment or the equivalent dowry... Accordingly, it is referred to as custom, the most important of which are:

The effect of custom on the extent: Islam has obligated the husband to provide a dowry to his wife as a gift of honour and a declaration of his desire to marry her. There is no limit to more, according to the agreement of the jurists (Al-Mawardi, 1999: 396). The evidence for that is the Almighty's saying: [And you give one of them a pound of love, take not anything from her.] [Women: 20].

The verse does not specify the highest dowry, but rather a metaphor for a lot of money.

On the authority of Umm Habiba: The Messenger of God, peace and blessings of God be upon him, married her while she was in the land of Abyssinia. He married her to Negus and gave her four thousand dowries. He prepared her from him and sent Sharhabeel bin Hasna with her. The Messenger of God, peace and blessings of God be upon him, did not send anything to her, and the dowry for his wives was four hundred dirhams (Narrator: 30414).

Talha Ibn Ubaidullah married Umm Kulthum bint Abu Bakr, may God be pleased with them, and gave her one hundred thousand dirhams in charity. Musab Ibn al-Zubair married Aisha bint Talha and gave her one thousand dirhams in charity (Al-Mawardi, 1999: 397). After mention of these hadiths and narrations, it became clear to us that the highest dowry is not specific to the amount, but rather it is a metaphor for a large dowry.

The minimum dowry is what was the subject of disagreement among the jurists, as they differed regarding it according to the following sayings:

As for the minimum dowry, the jurists differed about it. Al-Shafi'i's doctrine, may God have mercy on him, is that it is not estimated. Everything that may be a price, a sale, a rent, or a rented property may be a dowry, whether small or large.

Some of the Companions talked about it: Omar bin Al-Khattab and Abdullah bin Abbas until Omar said in three handfuls of raisins as a dowry.

Among the followers, he said: Al-Hasan Al-Basri and Saeed bin Al-Musayyab, until it was said that Saeed married his daughter on a dowry of two dirhams. The jurists said it: Rabi'ah, Al-Awza'i, Al-Thawri, Ahmad, and Ishaq.

Malik said that: the minimum dowry for which the hand is cut off is a quarter of a dinar or three dirhams, and Ibn Shubramah said that: the minimum is five dirhams or half a dinar.

Abu Hanifa and his companions said: The minimum is a dinar or ten dirhams, and if he contracts it for less than ten, the naming is valid, and ten is complete, and he is prohibited from the equivalent dowry, except for exhaling alone, in which case he invalidates the naming and obligates the equivalent dowry.

Al-Shafi'i said: Everything that may be the price of something or maybe a wage may be a dowry, and this is the opinion of the majority of scholars and scholars of hadith. All of them permitted dowry with little or a lot of money. In the hadith of Sahl Ibn Saad Al-Saadi, where the Messenger of God, peace and blessings be upon him, said to those wishing to get married: (Seek, even if it is an iron ring).

Preference: I say what the Shafi'is and Hanbalis held is more likely because peace and blessings are upon them. One of the companions, peace be upon him, married one of the companions and said to someone: Look for even an iron ring, and the master of the Successors (Saeed bin Al-Musayyab) married his daughter for two dirhams, and no one denounced him, and the basic principle regarding the amounts is to prove them according to Sharia law.

There is no authentic hadith regarding the minimum dowry that is valid as evidence, as Al-Hafiz said, and God knows best.

Al-Shafi'i, may God be pleased with him, said: Economy in the dowry is more beloved to me than exaggeration in it. There is no limit to the smallest dowry, when Aisha, the

mother of the Believers, peace be upon her, narrated that the Prophet, may God bless him and grant him peace, said, “The greatest blessing of marriage is the lightest of its provisions” (Al-Nawawi, 2010: 327).

It turns out that the dowry is obligatory for the husband to the wife, but the Sharia did not specify a specific amount for it. There is a flexible space in which the amount of the dowry moves according to people’s norms and customs, and this space accommodates all spectrums of people, rich and poor, the limited income, the educated and the ignorant, so he left the specification to give each one according to what he deserves. His energy, and according to his condition, and the norms of his clan.

norms have changed today, and education has begun to give women a status and value that was not the case before. Accordingly, the dowry of an educated woman differs from that of an ignorant woman. Likewise, norms have changed regarding women’s work and society’s view of them, so that a woman’s work has become one of the qualities that husbands desire, and her dowry has risen accordingly (Al-Faifi, 2013: p. 36).

Therefore, it is clear from the above that not specifying the dowry and leaving it to people’s norms is considered one of the manifestations of simplification in Islamic law, if the dowry were set at a certain amount, people would be in great embarrassment, in addition to that what is appropriate for one time may not be appropriate for another.

The effect of Norms on accelerating and postponing the dowry:

The jurists differed regarding the ruling on the contract if it was concluded and there was no mention of hastening or postponing it (Qudama, 1968: p. 222). The Hanafis made the ruling based on the norms of their country.

A. If the custom is current, the dowry shall be paid in advance.

B. If the custom is current, then all of it is postponed.

C. If the custom is current by accelerating some of the dowry, it should be accelerated according to what is customary, because what is known by custom is like a stipulated condition, unless it is stipulated that the custom will return even if there is a condition or agreement that is implemented even if it contradicts the custom (Al-Zuhayli 2006: 175).

Because agreement is like an explicit statement, and custom is like an indication, and the explicit thing is stronger than the indication, it is better (Al-Sadlan, 1417: 175). If there is no custom of accelerating or postponing, the dowry is due immediately. Because the rule of silence is the rule of hastening; Because the basic principle is that the dowry is obligatory with the completion of the contract, because it is one of its effects, so if it is not postponed explicitly or customarily, it will be done according to the original principle. Because this is a bargaining contract, it requires equality on both sides.

The second issue: If the contract stipulates a postponement of the dowry and does not specify a deadline:

The jurists permitted postponing the dowry, and the Hanafis said: It is valid for the dowry to be paid in advance or deferred, in whole or in part, to a short or long term, or the nearest of the two terms: divorce or death, under custom and habit in all Islamic countries, but on the condition that the postponement does not involve gross ignorance, by saying: I married you for a thousand until the time is easy, or the wind blows, or until it rains, so it is not valid to postpone it, due to widespread ignorance.

If it was explicitly agreed that the dowry would be paid in instalments, he should implement it. Because the agreement is like an explicit one, and custom is like an indication, and the explicit one is stronger than the connotation. If there is no agreement to accelerate or postpone the dowry, he must act according to the custom of the country. Because what is known by convention is like a condition, as we mentioned previously.

The Shafi'is and Hanbalis permitted it (Al-Zuhayli, 2011: p. 6788). Postponing all or part of the dowry for a specified period because he compensated in compensation. If it is always mentioned, then it becomes permissible, but if it is postponed for an unknown reason, such as the arrival of Zaid, the arrival of rain, and the like, it is not valid. Because it is unknown, even if it is postponed and the term is not mentioned, then according to the Hanbalis the dowry is valid and is subject to separation or death, and according to the Shafi'is: the dowry is invalid, and she has a dowry of equivalent value.

The Malikis detailed the ruling on the postponement, saying: If the dowry is specific and present in the country, such as a house, a garment, or an animal, it must be delivered to the woman or her guardian on the day of the contract, and it is not permissible to delay it in the contract, even if she agrees to the delay. If postponement is stipulated in the contract, the contract is invalid, unless the deadline is close. Like two and five days. It is permissible for a woman to postpone it without condition, and it is her right to postpone it (Al-Jazari, 2004: 68).

If the specific dowry is absent from the country of the contract, the marriage is valid if it is postponed for a brief period such that it will not change in the event of a change, otherwise, the marriage will be invalid. If the dowry is not specified, such as money, measures, or weights that are not specified, then it is permissible to postpone all or part of it, and it is permissible to postpone it. Two conditions are required for the postponement to be permissible:.

A. The term be known: if it is unknown, such as a postponement of death or separation, then the contract is invalid and must be annulled unless the man has consummated the marriage with the woman, in which case the equivalent dowry is required.

B. The term should not be exceptionally long, such as fifty years or more, because it is the possibility of forfeiting the dowry and consummating the forfeiture of the dowry that invalidates the marriage.

It is clear from the sayings of scholars that custom is based on the requirements of society, and new norms are created to meet these requirements, regarding dowry. The principle is to hasten, and when people's needs require postponement, this custom has been introduced in many Islamic societies and has become the norm.

It is the custom in Islamic societies that if the term is not mentioned, the absolute term refers to abandoning the demand for a dowry that is deferred until death or divorce, and the custom takes effect as a condition.

Second: Excessive dowry and its impact on young people

The Prophet, peace and blessings be upon him, urged against exaggerating the dowry: (Ibn Hajar, 1986: 113).

On the authority of Sahl bin Saad, a woman came to the Prophet, may God bless him and grant him peace, and said: O Messenger of God, I have given myself to you. She stood for a long time, and a man said: O Messenger of God, marry her to me if you have no need. Then he, may God's prayers and peace be upon him, said: (Do you have something to give her in charity?). He said: I only have this garment of mine. He, peace and blessings of God be upon him, said (If you give her your garment, she sits without your garment, so look for something). He said: I did not find anything. Then he, peace and blessings of God be upon him, said: (Seek, even if it is an iron ring), but he did not find anything. He said: May God's prayers and peace be upon him ((Do you have anything of the Qur'an with you?) He said: Yes, Surat such-and-such, and Surah such-and-such. He called it a surah. He said: May God's prayers and peace be upon him: (I acquired it for you with what you had of the Qur'an) (Al-Narrator, 1425: 20113).

Significance in the hadith: The dowry is necessary for marriage, and it is valid for it to be a small thing because saying, “even if it is a final ring” is an exaggeration rather than an understatement.

It is not permissible for a woman to give herself up because that is for the prophets only. God Almighty said: [A believing woman if she gives herself up to the Prophet if the Prophet wishes to marry her purely for you, to the exclusion of the believers] [Al-Ahzab: 50]. The dowry is valid if it provides a benefit to the wife, such as teaching her the Qur’an, as is understood from the text of the hadith.

It is neither wise nor of interest to exaggerate dowries, to be extravagant in wedding ceremonies, and for guardians to demand exorbitant money from the married person that the poor cannot afford, which is a reason for being deprived of marriage, or spending time on boys and girls, and exaggerating dowries, and making the wife like a commodity to be bought and sold, which violates chivalry and is contrary to honour and good morals.

Muslim scholars, princes, and notables should pay attention to this matter and strive to be a good example for others because people imitate them and follow them in good and evil. May God have mercy on someone who made himself a good example and a good role model for Muslims in this and other matters. In the authentic hadith on the authority of the Prophet, may God bless him and grant him peace, he said: “Whoever establishes a good tradition in Islam will have its reward and the reward of whoever follows it after him, without that detracting from his reward in the slightest” (Al-Narrator: 1727).

The only thing a woman can do is facilitate her engagement and facilitate her dowry. Despite this clear and explicit Sunnah from the words and actions of the Messenger of God, many people have fallen into contradiction to it, just as they violated the command of God and His Messenger in spending money for purposes other than that. God warned in His Mighty Book against extravagance and extravagance, so God Almighty said: [And do not waste with excess] [Al-Isra: 26]

God Almighty said: [Indeed, the wasteful are brothers of Satan, and Satan is ever ungrateful to his Lord [Al-Isra: 27]. And the Almighty says: [Do not let your hand be fettered to your neck, nor You will spread it out completely, and it will remain blameworthy and desolate. [Al-Isra: 29].

God Almighty told us that among the characteristics of the believers is moderation and moderation in spending, so God Almighty said: [And those who, when they spend, are not extravagant, nor are they stingy, and there is a balance in between. [Al-Furqan: 67] And God Almighty said: [Those who, when they spend, are not miserly. They were hesitant and did not abstain, and there was a period between that [Al-Nour:67].

So, he ordered the marriage of the days to be an absolute matter, covering the rich and the poor, and he clarified that poverty does not prevent marriage, because livelihood is in His hand, Glory be to Him, and He can change the condition of the poor until he becomes rich. If Islamic law has desired and encouraged marriage, then Muslims must hasten to comply with the command of God and the command of the Messenger of God. By facilitating marriage and not being forced into it, God will thus fulfil for them what He promised them (Ibrahim: p. 10).

Abu Bakr ibn al-Arabi said in “Ahkam al-Qur’an” (People have boasted about giving alms to the point that a woman’s dowry reached a thousand, and this is rare if there is anyone who is lawful). Ibn Qudamah said in “Al-Mughni” (It is not recommended to add more than this, that is, to the Prophet’s dowry, because if it was too much, it might become difficult for him and he would be exposed to harm in this world and the hereafter) (Al-Sheikh, p. 131).

From these statements, it can be concluded that the following conditions are permissible for the dowry to be made without objection: that the entire dowry is not a debt, that the

person does not intend to show off by the dowry, that the path by which he obtains the dowry is not forbidden, that the entire dowry must be permissible (Abu Eid, 2018).

The jurists have stated that it is desirable for the dowry to not exceed the dowry of the wives of the Prophet, peace and blessings of God be upon him, or his daughters. It was between four hundred and five hundred in pure dirhams, which is about nineteen dinars. On the authority of Aisha, she said: The dowry of the wives of the Messenger of God, may God bless him and grant him peace, was two. Ten ounces and starch, she said, "Nash" is half an ounce, and an ounce is forty dirhams (Al-Nawawi, 2010: 327).

Ibn Taymiyyah said: (This is the Sunnah of the Messenger of God; may God bless him and grant him peace. Whoever does that have followed the Sunnah of the Messenger of God, may God bless him and grant him peace, regarding the dowry. Whoever is prompted by his soul to increase his daughter's dowry over the dowry of the daughters of the Messenger of God, who are the best of God's creation in every virtue and are the best women in the world in every way?

A characteristic: he is ignorant and foolish, and so is the dowry of the mothers of believers, and this is with ability and left. As for poverty and the like, he should not give a woman anything except what he can fulfil without difficulty (Ibn Taymiyyah, 1995: 193).

But if he is unable to do that, the jurists said that it is forbidden if he does not reach it except through a question or other forbidden means. But if it increases and he is delaying his obligation, then it is disliked because it exposes him to occupying his obligation, and the evidence for that is:

If the dowry is small, it will not be difficult to marry someone who wants it. Desired marriages will increase, and the poor will be able to do so, and the offspring will increase, which is the most important requirement of marriage. However, if the dowry is large, only those with money can afford it, so the poor, who are the majority, are mostly unmarried. The multiplication that the Prophet, peace and blessings of God be upon him, instructed will not be achieved (Ibn Dahash: p. 272).

Many people do these forbidden things in imitation of others and out of ignorance of the Sunnah of the Master of Messengers, and the most dangerous thing that results from such immoral behaviour is that exaggeration in dowries spreads, under the pretext that so-and-so from among the people brought such-and-such a dowry, and thus he has introduced a bad tradition among the Muslims and harmed them. Where he feels or does not feel.

The negative effects of high dowries- :

Muslims have to achieve goodness in society, facilitate its growth and reproduction, prevent the causes of corruption and crimes and abandon norms and norms that destroy youth and society so that they do not exaggerate exorbitant dowries until the rich and the poor are equal in it. This is considered a custom of corruption. Now Islam does not specify a limit for the dowry, whether it is less or more, leaving room. This is why Sharia law is so powerful and flexible among people.

The worst effect of high dowries lies in their facing the same marriage, which cannot be overlooked in the eyes of the Holy Street.

A young man who is eligible for marriage refrains from marrying; Because it is not possible to fulfil the required dowry, and by prioritizing celibacy over marriage, he imposes spiritual, psychological, social, economic, and... many consequences on himself and society (Abadi, 2015).

Reducing and delaying the year of marriage for both young men and women, and their entering the age of spinsterhood due to the high dowries, leads to psychological and social instability due to their deprivation of starting a family, and some young people may

behave in deviant behaviour in satisfying the sexual instinct in forbidden forms (Shabir, 2011: 7). These are all texts that cannot be contradicted.

This is indicated by analogy: it is that everything valid to be a price is valid to be a dowry, such as ten, and because it is a contract in which ten compensation is fixed, it is valid to establish compensation without it, such as a sale, and because it was compensation for one of its two benefits, it cannot be measured by analogy with the rent for its benefits, because what is compensated A small amount of compensation is not estimated according to Islamic law, like taking off, also because the largest part of each compensation is not estimated, the least of it is not estimated in comparison with all the compensation, and the jizya is not subject to it, because it is not a compensation.

Third: The negative social effects of refraining from marriage on society

Perhaps the high rate of reluctance to marry among young people and the social instability resulting from the deprivation of forming a family are sufficient to identify the reasons that some attribute to "custom," including financial or social, and others, such as lineage, money, and other factors, which result from their reluctance to have negative social effects on society, which are as follows:

1. Lack of childbearing: Procreation is the primary goal of marriage, and abstaining from marriage does not achieve this goal. Men remain spinsters in my days, girls remain spinsters, and God's Sunnah is halted on earth. Marriage is the best way to have children, multiply offspring, and continue life while preserving lineages, to which Islam pays great attention. The Messenger of God, may God bless him and grant him peace, said previously: "Marry someone loving and fertile, for I will excel among you among the prophets on the Day of Resurrection" (Narrator: p. 5).

The abundance of offspring is a public interest and private benefit, which has made nations very keen to increase the number of their individuals by giving an incentive reward to those who have large offspring.

2. Family disintegration: Due to the problems resulting from holding each party responsible for this situation, and the head of the family essentially abandoning his family, the children are led into the abyss for fear of neglecting their children in the future and because everyone is preoccupied with his responsibilities and life.

3. Weak social ties: Not marrying deprives society of many social ties that bind people by marriage and lineage, not to mention the anger of some families towards their relatives because of their young men's reluctance to marry their daughters.

4. The spread of customary marriage: or other types of marriage, such as temporary marriage and misyar marriage, due to the loss of hope for declared legal marriage, and this is forbidden in the religion of Islam. It was narrated that Ali, may God be pleased with him, said to Ibn al-Abbas: The Prophet, may God's prayers and peace be upon him, forbade About Mut'a: And about the meat of local donkeys during the time of Khaybar. The fruits of marriage are reflected in society as a whole in conflicts between its parties.

5. The occurrence of moral corruption: When both sexes despair of marriage, they look for an alternative to deviant behaviour in satisfying the sexual instinct in forbidden ways (Al-Nafi'i, 2006: 23).

6. The occurrence of psychological diseases: in the hearts of young people of both sexes due to repression and the collision of their thoughts with the disappointment of hope. This psychological disorder works to disrupt the talents of young people, their creativity, and their contribution to society.

How to process it:

❖ Religious awareness: deepening the religious motive in people's souls so that they are more motivated to support the husband's character and integrity than to pay for

the material paid in the dowry (Shubbar, 2011: 10). The high cost of dowries cannot be eradicated except through religious awareness. The dowry is one of the wife's rights in Islam, but it was not wise to incapacitate young men and exhaust them while they were just beginning their lives. We knew how dowries were in the days of the Messenger, may the peace and blessings of God be upon him, and they did not teach us. Some of them were married in exchange for teaching them the Qur'an. The noblewoman and that was her dowry, and some of them married in exchange for the husband memorizing the Holy Qur'an, and that was her dowry. Therefore, the woman's right to the dowry does not have to be a material right, but rather it may be a moral right.

❖ Thinking about the condition of the young man after marriage: Some young people may exhaust themselves with debts and loans, to secure the dowry and the costs of marriage, so the young man's income in the future becomes dependent on paying off those debts, and thus the difficulty of life with a lack of income will lead to an exacerbation of the problems between the spouses and may lead to divorce.

❖ The high dowry is an injustice to the girl: the matter is not in her hands, and her marriage can only take place with the approval of her family, and the more her family makes things difficult for those who propose to her, the more her marriage will be delayed, as days pass and she grows older, and the number of suitors for her decreases, so the parents should have thought carefully about their daughter, and thought With the consequences of spinsterhood.

❖ Awareness programs: Offer awareness programs directed to parents in this regard, and draw their attention, on an ongoing basis, to the consequences of high dowries, and the consequences of young people not marrying, which may lead some of them to delinquency in the future.

❖ Deepening the spirit of cooperation and tolerance: eliminating bad norms and traditions, such as bragging about expensive dowries and manifestations of extravagance, which are unnecessary. It does not mean abandoning long-standing norms and traditions that do not conflict with our Islamic faith, but rather getting rid of what is negative and consolidating what is positive in the family and society (Al-Islam, 1990: 26).

5. Results:

1. Custom is evidence, and it is considered the basis and a great part of the rulings of jurisprudence are built upon it.

2. The considered custom is that which agrees with Sharia law.

3. The legal rulings that deal with marriage and restore custom will change if custom changes.

The research also reached a set of recommendations, the most important of which are:

1. Enacting customary laws to be agreed upon by all people as controls to reduce dowries.

2. Calling for a review of the legal rulings that are based on custom and considering whether they keep pace with developments.

3. Calling on the nation's scholars and guardians to change some of the norms that hinder the marriage of young people.

4. Preventing extravagance and exceeding the limit in marriage feasts, and warning people against that through marriage contract officials and in the media, and that people want to reduce dowries, and they are condemned for doing so extravagantly on the pulpits of mosques, in scholarly gatherings, and awareness programs broadcast in the media.

5. Specialized associations facilitate marriage matters in village settings and elsewhere and raise awareness of the danger of the phenomenon of abstention from marriage.

6. Encouraging the media and social networks to spread awareness among members of society and inform them of the dangers of abstaining from marriage.

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