

Research Article

# The Use of Crypto Assets as Marriage Dowry Under The Compilation of Islamic Law and Indonesian Marriage Law

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**Abstract.** This Study analyzes the fulfillment of dowry requirements as mutamawwal property according to KHI Articles 30-38 and assesses the suitability of crypto assets as dowry under the positive law regime of the Marriage Law, including its implications for the protection of wives' rights and legal certainty in the digital era. The research employs a qualitative method with a normative juridical approach through literature study of primary sources (the Qur'an, hadith, KHI, Law No. 1 of 1974, Bappebti and OJK regulations, an MUI fatwas) and secondary sources comprising journals, theses, and dissertations on crypto dowry and maqasid syariah, analyzed descriptively-analytically and comparatively between Islamic law and positive law. The findings that demonstrate that normatively, crypto assets can be classified as valuable property within the KHI framework provided they meet the following criteria: possessing economic value, having clear specifications regarding type and amount, being transferable through legal mechanisms (such as gifts or wallet transfers), and being mutually agreed upon by both parties. Consequently, they are valid as dowry with the value determined at the time of the marriage contract to minimize the impact or price volatility. However, it still poses potential value disputes, necessitating the strengthening of administrative guidelines at the KUA (office of Religious Affairs) and the enhancement of digital forensic capacity in Religious Courts. The study recommends further harmonization among the KHI, crypto asset regulations, and religious fatwas through the development of technical guidelines for crypto dowries oriented toward mashlahah and the protection of wives' rights in the 4.0 era.

**Keywords:** Compilation of Islamic Law (KHI), Cryptocurrency as Dowry, Digital Assets, Indonesian Marriage Law, Protection of Wives' Rights.

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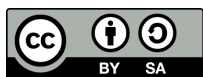
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## 1. Introduction

The development of crypto assets as a modern digital economic instrument in Indonesia has been rapid, with transaction values reaching IDR 650.61 trillion in 2024 and more than 16.5 million investor accounts in 2025, supported by regulations such as Minister of Trade Regulation No. 99/2018 and Bappebti No. 7/2020, which classify them as legal commodities even though they are not legal tender as stipulated in Law No. 7/2011. The phenomenon of using crypto assets such as Bitcoin and Ethereum in non-conventional transactions is increasingly prevalent, including as dowry for marriage, with examples since 2017 such as Bitcoin worth IDR 90 million and Ethereum worth IDR 119 million in 2021 by public figure Cupi Cupita, where the transfer was proven through a replica logo and deed of gift.



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In Islam, the concept of dowry is the absolute right of the wife as a symbol of the seriousness of the marriage contract in accordance with QS. An-Nisa: 4, which must meet the requirements of being economically valuable, useful, transferable, and halal, as explained in Articles 30-31 of the Compilation of Islamic Law (KHI). However, potential legal issues arise regarding the validity of cryptocurrency as a dowry, including uncertainty of value due to pricevolatility, lack of physical form, and ambiguous legal recognition in Indonesia, where Bappebti recognizes it as an asset but Fatwa MUI No. Ijtima' VII/2021 prohibits it due to the elements of gharar, dharar, and qimar, while PBI No. 17/2015 emphasizes the obligation to use the Rupiah.

The importance of reviewing the suitability of cryptocurrency as a dowry according to the KHI and Marriage Law No. 1 of 1974 lies in the need for legal harmonization, because the KHI recognizes all forms of mutamawwal property as dowry if agreed upon, while the Marriage Law emphasizes legal certainty in Articles 1-2 without specifying digital assets. The views of some scholars, such as LBM NU Malang, allow cryptocurrency to be treated as an investment asset rather than currency for the sake of mashlahah, even though it is prone to disputes over value fluctuations, so further study is needed to ensure justice for wives.

This study aims to analyze the validity of dowry in the form of crypto assets according to the Compilation of Islamic Law (KHI) and Marriage Law No. 1 of 1974, by exploring the fulfillment of mutamawwal property requirements and the harmonization between Bappebti's digital asset regulations and sharia principles. In addition, this study contributes to the development of Islamic family law in the digital era, including recommendations for legal harmonization to overcome the problems of value volatility and the recognition of crypto dowries for the benefit of society.

## **2. Preliminaries or Related Work or Literature Review**

### **Mahar in Islamic Law**

Mahar, or shadaq, in fiqh munakahat is defined as a mandatory gift from the husband to the wife as a result of a valid marriage contract, which symbolizes sincerity of lover, respect, and responsibility, not as a price of sale and purchase. Etymologically, the term shadaq comes from the word shidq, which means truth, emphasizing the sincerity and sincerity of the gift, as agreed by the scholars that the dowry becomes the absolute right of the wife from the moment the *ijab kabul* is uttered. The legal basis for the obligation of dowry comes from the Qur'an, especially QS. An-Nisa: 4, which commands, "Give dowry (mahar) to women (whom you marry) as a gift with full willingness," and is supported by the hadith of the Prophet SAW, such as marriage with memorization of the Qur'an (HR. Bukhari) and the statement that the best dowry is one that is light and easy. In addition, the consensus of scholars since the era of the Prophet Muhammad (PBUH) affirms that the dowry is a valid requirement or pillar of marriage that cannot be omitted.

The conditions for a valid dowry include four main elements: it must be of value (have a market price), halal (purer, beneficial, and not haram items such as alcohol or pork), clear (the type and amount must be specified without ambiguity), and deliverable (legally owned by the husband and deliverable at that moment). If these requirements are not met, the marriage contract remains valid but the dowry is invalidated and replaced with *mitsil* (the standard dowry for women of the same type in that community). The study "Harmonization of Islamic Law and Custom Regarding Dowry" (2025) found that symbolic dowries in Bugis-Makassar customs are in line with Islam as a form of respect without excessive economic burden. Meanwhile, the report "Practices of Determining Dowry in Plana Villager" (2019) emphasizes bilateral agreement to maintain the flexibility of dowry according to financial ability.

The forms of dowry are very flexible, including money, gold, valuables, services such as teaching the Qur'an, or immaterial benefits such as memorizing surahs, as exemplified by the Prophet Muhammad, who approved of a dowry in the form of a pair of sandals or an iron ring as long as it was of value and agreed upon by both parties. There is no absolute minimum limit according to the majority of schools of thought, although the Hanafi school of thought stipulates 10 gold dirhams. Several previous studies have enriched this understanding, such as the study "Legal Review of the Implementation of Dowry in Marriage," which concluded that investment dowries are valid if they are simple and easy in accordance with KHI Article 31.

### **Crypto Assets as Property**

Crypto assets are digital assets created and traded through blockchain technology with cryptographic encryption to secure transactions, functioning as a medium of exchange, investment, or store of value without a conventional physical form. Their main characteristics include decentralization without central authority control, transparency through an immutable public ledger, peer-to-peer transactions without banking intermediaries, and encryption-based security that allows for relative anonymity. The status of crypto assets as digital assets is legally recognized in Indonesia as commodities that can be traded on licensed crypto asset exchanges, including in the category of digital financial assets based on Law No. 4 of 2023 concerning the Development and Strengthening of the Financial Sector (P2SK). It is classified as an intangible asset under Articles 503 and 504 of the Civil Code, and can therefore be considered joint property in marriage or valid inheritance.

The high volatility of crypto asset values is caused by supply-demand dynamics, low liquidity in minor assets, market sentiment such as FOMO and FUD, and the influence of whale manipulation, which often causes extreme price fluctuations in a short period of time compared to traditional assets. Their intangible nature relies entirely on private key control, without physical support or centralized authority, so that their pure value is determined by market confidence and technological utility. From an economic perspective, crypto assets promote financial inclusion and digital sector growth with 20.9 million owners in Indonesia

by 2024, even though they are not legal tender under Law No. 7/2011 and BI regulations that prioritize the Rupiah. Indonesian positive law through Bappebti Regulation No. 2/2024 regulates 545 crypto assets as commodities that are legally traded with income tax and VAT obligations, while the OJK oversees their transition as digital financial assets (); the MUI fatwa declares them haram as currency due to the element of gharar, but permissible as investment if they comply with sharia.

### **Legal Framework for Marriage in Indonesia**

The legal framework for marriage in Indonesia is comprehensively regulated in Law No. 1 of 1974 concerning Marriage (Marriage Law), which serves as the national foundation, with recognition of religious law through the Compilation of Islamic Law (KHI) for Muslims as Presidential Instruction No. 1 of 1991. The main principles of the Marriage Law include the objectives of forming a happy and lasting family based on divinity, humanity, and unity for spiritual and material well-being (Article 1), monogamy as a basic principle with the exception of limited polygamy if it meets the requirements of the wife's consent, financial capability, and fairness (Articles 3-5), absolute voluntariness of both parties without coercion (Article 6 paragraph 1), parental or guardian consent for those under 21 years of age (Article 6 paragraph 2), and the obligation of official registration for legal certainty (Article 33).

The KHI integrates Islamic law as a special law (*lex specialis*) in the national legal system for Muslims, whereby a marriage is valid if it complies with Islamic law as stipulated in Article 2 paragraph 1 of the Marriage Law and Article 4 of the KHI. Book I of the KHI (Articles 1-105) details the pillars of marriage, including the bride and groom, the marriage guardian, two witnesses, and the *ijab kabul* (Article 14), along with the conditions for validity, prohibitions on marriage, the rights and obligations of husband and wife, polygamy, and the procedures for divorce by *talak/khuluk*, which fall under the jurisdiction of the Religious Court. The formal position of the KHI provides legal certainty by bridging classical *fiqh* and the modern Indonesian context, thus harmonizing with Pancasila and the 1945 Constitution.

### **3. Proposed Method**

This research uses a qualitative approach with a normative juridical method, analyzing laws and regulations such as KHI Articles 30-38, Law No. 1 of 1974, Bappebti Regulation No. 5/2019 jo No. 2/2024, and MUI fatwas through primary literature studies (*Al-Qur'an*, *hadith*, *fiqh munakahat*) and secondary literature studies (journals, theses such as "The Legal Concept of Cryptocurrency Dowry" and "Crypto as Dowry from the Perspective of Maqasid Syariah"). Data collection techniques included library research and comparative content analysis between the perspectives of KHI (sharia) and the Marriage Law (positive), with descriptive-analytical analysis for harmonization of crypto asset law as dowry, focusing on the fulfillment of *mutamawwal* property requirements and the implications of volatility.

## 4. Results and Discussion

### **The Use of Crypto Assets as Dowry in the Perspective of the Compilation of Islamic Law**

The regulation of dowry in the Compilation of Islamic Law (KHI) Articles 30-38 emphasizes dowry as the Use of Crypto Assets as Dowry in the Perspective of the Marriage Law-Marriage Law as a mandatory gift from the prospective husband to the prospective wife, the form, amount, and type of which are agreed upon by both parties based on the principles of simplicity and convenience, without a fixed minimum or maximum limit, and handed over in cash at the time of the marriage contract as the wife's absolute right as dowry. This principle aims to protect the rights of the wife while avoiding excessive economic burdens, where Articles 31-38 detail requirements such as being valuable, halal, clear, and usable, with consequences if these requirements are not met. Crypto assets fulfill the element of "valuable property" according to the KHI because they are recognized as digital commodities with economic value by Bappebti (Regulation No. 5/2019) and have a market price, albeit volatile, so they are valid as dowry if agreed upon and delivered via wallet transfer or notarial grant.

Clarity of the object and value can be achieved by specifying the number of crypto units (e.g., 1 BTC) and converting the value at the time of the contract to overcome volatility, while the ability to own and transfer is valid through private key transfer on a licensed platform, similar to the grant of intangible movable assets. The normative challenge in KHI arises because there are no explicit regulations on digital assets, requiring contemporary *ijtihad* to interpret "valuable property" in the technological era, with pros and cons: some scholars allow it if it is beneficial and halal (in accordance with *maqasid sharia*), while the MUI prohibits it as a commodity because of *gharar*, although it is valid as a personal asset if it is transparent. This need for *ijtihad* bridges classical *fiqh* with positive regulations such as OJK No. 27/2024, ensuring bilateral agreements and effective transfer.

### **The Use of Crypto Assets as Dowry in the Perspective of the Marriage Law**

The regulation of dowry in Law No. 1 of 1974 on Marriage does not explicitly define it, but refers to religious law (Article 2 paragraph 1), thus making the dowry the absolute right of the wife as her personal property (Article 35 paragraph 2) with broad flexibility in form as long as it is mutually agreed upon and officially recorded by the KUA/Civil Registry, including valuable digital assets. The legality of crypto assets as digital commodities is valid according to Bappebti Regulation No. 5/2019 jo No. 2/2024 and OJK POJK No. 27/2024, with ownership and recording of crypto dowry through wallet transfers or notarial deed of gift (Article 1666 BW) stated in the Certificate of Dowry Origin based on blockchain evidence, ensuring legal certainty and protection of the wife's rights as personal property.

Potential disputes arise in proving the value of cryptocurrency due to volatility, which is overcome by evidence of screenshots from licensed exchanges, wallet certificates, or digital forensic witnesses that determine the value in Rupiah at the time of the agreement, while the

risk of price declines after the agreement can be mitigated by conversion or escrow clauses based on good faith (Article 1338 of the Civil Code). Previous studies such as "The Legal Concept of Cryptocurrency Dowry in Marriage" concluded that crypto assets are valid as dowry if the specific units and value at the time of the agreement are in accordance with the Marriage Law and KHI. The study "The Legality of Cryptocurrency as Dowry" (2025) found that legal certainty is fulfilled through OJK regulations, although disputes over volatility are resolved by judicial discretion based on the principle of fairness. Meanwhile, "Analysis of Cryptocurrency as Marriage Dowry" emphasizes the protection of wives through transparent digital evidence to avoid gharar.

## 5. Comparison

The harmonization between the Compilation of Islamic Law (KHI) and Law No. 1 of 1974 concerning Marriage (Marriage Law) lies in the meeting point of the flexibility of dowry as a bilaterally agreed gift (Article 30 KHI in conjunction with Article 2 of the Marriage Law), where cryptocurrency is valid as "valuable property" if it meets the requirements of being halal, clear, and transferable, in line with Bappebti and OJK regulations. A difference in approach arises in the KHI, which emphasizes maqasid syariah (simplicity, avoidance of gharar), while the Marriage Law is more secular, focusing on legal certainty through registration, allowing room for the adaptation of Islamic family law to technology via the *ijtihad* of Religious Court judges for digital assets such as crypto.

The social implications of using crypto as dowry for Muslim communities include the modernization of digitally inclusive marriage practices, increasing financial inclusion for the younger generation (20.9 million crypto owners in Indonesia), but risking controversy over the MUI fatwa (haram as a medium of exchange due to gharar) and the uncertainty of volatility that affects the wife's fairness. Additional regulations are needed, such as Ministry of Religious Affairs guidelines for blockchain recording of dowries or amendments to Articles 30-38 of the KHI to explicitly include digital assets, in order to prevent disputes and harmonize Islamic and positive law. Previous research enriches this analysis, such as "Crypto as Marriage Dowry from the Perspective of Maqasid Syariah," which concludes that harmonization between the KHI and the Marriage Law is valid if crypto is beneficial without causing harm. The study "Legal Concept of Cryptocurrency Dowry" finds that technological adaptation requires *ijtihad* to protect the wife's rights from volatility. Meanwhile, "The KUA's View on Crypto as Dowry" (2024) reports that 2/6 KUA permit it due to valid regulations, but the majority prohibit it due to gharar, recommending national guidelines.

## 6. Conclusions

This study concludes that cryptocurrency assets are valid as dowry in the perspective of the Compilation of Islamic Law (KHI) Articles 30-38 and Law No. 1 of 1974 on Marriage if

they meet the requirements of being valuable, halal, clear, and transferable through a licensed wallet transfer, in line with Bappebti Regulation No. 5/2019 jo No. 2/2024 and OJK POJK No. 27/2024. The harmonization of KHI and the Marriage Law is realized in bilateral flexibility with the adaptation of *ijtihad* to overcome volatility through the conversion of the Rupiah value at the time of the contract, even though the MUI fatwa prohibits it due to *gharar* except as an investment asset. The use of crypto modernizes Muslim marriage but is prone to disputes over evidence, thus requiring guidelines from the Ministry of Religious Affairs for legal certainty. It is recommended that the Ministry of Religious Affairs issue guidelines for recording crypto dowries based on blockchain in KUA marriage certificates, including conversion clauses to protect the rights of wives from fluctuations. Religious courts require digital forensic training for dispute resolution, while amendments to the Islamic Family Law (KHI) explicitly recognize digital assets for the benefit of the 4.0 era. The MUI is recommended to issue a special fatwa on Sharia-compliant cryptocurrency dowries to avoid *gharar* controversies.

**Author Contributions:** A short paragraph specifying their individual contributions must be provided for research articles with several authors (**mandatory for more than 1 author**). The following statements should be used “Conceptualization: X.X. and Y.Y.; Methodology: X.X.; Software: X.X.; Validation: X.X., Y.Y. and Z.Z.; Formal analysis: X.X.; Investigation: X.X.; Resources: X.X.; Data curation: X.X.; Writing—original draft preparation: X.X.; Writing—review and editing: X.X.; Visualization: X.X.; Supervision: X.X.; Project administration: X.X.; Funding acquisition: Y.Y.”

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