
THE TRADITION OF DOWRY AND GENDER EQUALITY ISSUES: A LITERATURE REVIEW

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ABSTRACT

The dowry tradition, deeply rooted in various cultures, has significant implications for gender equality, particularly in patriarchal societies. This research analyzes the relationship between dowry practices and gender inequality across several countries, highlighting the persistence of traditional norms despite legal reforms. The study explores how dowry practices influence gender relations, especially in societies where dowries are exchanged between families during marriage. Using a qualitative approach, data was collected through an extensive literature review of relevant academic studies, legal frameworks, and reports on dowry practices. Data analysis was conducted using descriptive analysis techniques, focusing on the comparative study of dowry systems in India, Indonesia, and Bangladesh, where dowry customs vary widely. The findings reveal that dowry practices often perpetuate gender inequality by limiting women's autonomy and reinforcing patriarchal power structures in marital relationships. Although countries like India have introduced legal reforms to reduce dowry-related issues, the strong cultural attachment to this tradition hinders effective enforcement. The research also shows that international efforts have progressed, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Still, challenges remain in fully dismantling entrenched cultural norms. This study concludes that addressing dowry practices requires a more inclusive approach involving community engagement and a cultural shift towards greater gender equality in marital relations.

Keywords: dowry, gender inequality, patriarchy

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INTRODUCTION

The history of dowry reveals a complex evolution from its origins as a voluntary wedding gift to its transformation into a compulsory payment by the bride's family to the groom's family, as seen in societies such as the city-states of Greece, the Roman Empire, and India (Soni PhD, 2020). Over time, dowry has become ingrained in cultural practices, surviving despite legal prohibitions and social changes. The giving of dowry is not only given by the bride to the groom's family, but in some countries, it is also practiced that the dowry is handed over from the groom's family to the bride's family, such as the Democratic Republic of the Congo, Bangladesh, China, and Eastern Indonesia (Lowes & Nunn, 2018); (Arunachalam & Logan, 2016); (Liu, 2023). However, in the Western Province (Indonesia), dowry is handed over by the bride to the groom's family (Busyro et al., 2023). In the phenomenon of dowry giving in France, the dowry is given by the groom or vice versa; namely, the dowry is given by the bride to the groom (Frémeaux & Leturcq, 2018).

Studies show that dowry institutions have experienced fluctuations in value and prevalence. The dowry in Indian marriages doubled between 1930 and 1975 before declining post-1975. This condition is influenced by factors such as modernization and changes in the dynamics of the wedding market (Chiplunkar & Weaver, 2023). This evolution highlights the intricate interplay between cultural beliefs, economic factors, and social norms in shaping the practice of dowry, reflecting broader issues of gender equality, empowerment, and human rights (Jamatia, 2022).

In Islamic doctrine, dowry signifies assets given by the husband to the wife as a condition for the validity of marriage, which is in line with the principles of Islamic law, which require giving dowry to the wife. Functionally, dowry is considered an obligation imposed on the husband and indicates respect for the wife. In addition, dowry symbolizes a form of protection and affection given by the husband to the wife in the household (Kafi, 2020).

Family law reform in various Muslim countries began in the early 20th century, focusing on changing marriage laws. One of the aspects that received attention in this reform was the issue of dowry. Several Muslim countries, including Morocco, Jordan, Pakistan, Bangladesh, Egypt, Syria, Malaysia, and Indonesia, have detailed the problem of dowry in their family law laws. On the other hand, in the practice of dowry in India, the bride gives several possessions or gifts to the groom as a symbol of arrival because the bride will become a new part of the family (Cikita et al., n.d.) In Indonesia, regulations regarding dowry have been detailed in several family law laws that apply in Indonesia (Syahputra, 2023). Maskawin, the tradition of giving money or goods from the groom to the bride or her family as a condition of marriage, has become a part of many cultures worldwide, including in Indonesia. Although dowry has symbolic and cultural value, its practice can be problematic, especially related to gender equality issues. Based on previous studies, the implementation of dowry related to the giver and the recipient will be different in each specific region/country.

The practice of dowry is closely related to gender issues. Gender inequality is widespread in various countries, so the United Nations (UN) has established Gender Equality as one of the 17 Sustainable Development Goals (SDGs), namely Goal 5. Since gender equality is a human rights principle and a prerequisite for inclusive, sustainable development, gender equality is a significant focus and concern in various development initiatives. This goal directly encourages the achievement of gender equality and women's empowerment in all sectors of society, as well as overcoming all forms of discrimination they face (Sudirman & Susilawaty, 2022).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the UN General Assembly in 1979 and recognized by 180 countries, outlines women's rights, freedom from discrimination, and equality before the law (Chotim, 2020). In Indonesia, Presidential Instruction No. 9 of 2000 on Gender Mainstreaming in National Development underlines the importance of integrating gender considerations into the planning, implementing, and assessing national development policies and initiatives. This instruction aims to ensure that a gender perspective is incorporated into the responsibilities and roles of each government entity, as outlined for Ministers, Heads of Non-Departmental Government Agencies, and other senior officials (Ari et al., 2022)

Previous research on the practice of dowry related to gender inequality, conducted by Pertiwi, found that violence associated with the practice of dowry is classified as cultural violence, which comes from a Hindu tradition in India that requires brides to give dowry to grooms before marriage (Pertiwi et al., 2021). To address this discrimination, the government relies on its internal initiatives and receives assistance from international entities such as UN Women and CARE.

Other research conducted by Kumar shows that failure to provide dowry can result in the victimization of prospective brides (Kumar, 2020). Meanwhile, the appreciation of dowry can increase the desire to have a son, which in turn can encourage the practice of female fetal abortion, disrupt the balance of the sex ratio, and lead to gender inequality. Gender equality and women's empowerment are considered solutions to address the threats posed by dowry traditions.

Based on the introduction that has been presented, this study aims to compare the practice of dowry that applies in several countries and examine the relationship between dowry practices and gender equality issues. The object of this study is the dowry tradition and the issue of gender equality. This study is expected to contribute to the academic literature on dowry and gender equality by developing a deeper understanding of the factors that affect the practice of dowry and how it relates to gender equality.

METHOD

This study adopts a qualitative approach aimed at understanding the intricate relationship between dowry practices and gender inequality across different cultural contexts. The theoretical framework is based on Gender Theory and Feminist Theory, which explore how societal structures, particularly patriarchal systems, perpetuate gender-based discrimination through cultural practices like dowry. These theories provide the foundation for analyzing how dowry practices reinforce power imbalances in marriage and affect women's autonomy.

The data collection method employed in this study is a comprehensive literature review, which involves analyzing academic journals, books, legal documents, and reports published within the last decade (2013-2023). Recent studies on dowry practices in countries like India, Indonesia, Bangladesh, and the Democratic Republic of the Congo were reviewed to provide comparative insights into how dowry systems function and their implications for gender equality (Khanal & Sen, 2020). Data analysis was conducted using descriptive analysis techniques to identify recurring themes related to dowry and gender inequality. The study also employed critical discourse analysis (CDA), as Fairclough (2018) outlined, to examine how language and discourse in legal frameworks and cultural narratives uphold or challenge dowry practices. This approach allows for a deeper understanding of how dowry traditions are sustained within patriarchal societies and the impact on women's social status and rights.

RESULTS AND DISCUSSION

Dowry Traditions in Various Countries

In a wedding ceremony, one of the standard requirements is a dowry. Maskawi is a property usually provided by the groom and then given by the bride during the marriage contract. The dowry system often reflects gender inequality in many cultures, where women are frequently considered

objects of trade or exchange within the institution of marriage. Dowry often reduces a woman's right to choose her partner, as the decision to marry is usually based on parental consent and the amount of dowry set (Lon & Widyawati, 2018). In some cultures, dowry is also used to measure a woman's worth, which can reinforce the view that women are tradable assets. This can result in oppression and control of women, as well as increasing the risk of domestic violence and power inequality in marital relationships. Therefore, it is essential to understand and eliminate dowry practices that are contrary to the principle of gender equality in order to promote a healthy and fair marriage relationship for both parties.

In Indonesia, there are many types of dowry. However, from the various existing dowry practices, dowry is a gift from the male side to the female side, except for the Minang people, who are matrilineal. The provisions and practices of dowry that have existed so far are understood and practiced as a gift from the male to the female side, not vice versa. In Indonesia, in the marriage legal system, the position of dowry is an obligation of men, as stated in Article 30 of the KHI (Sofiana, 2021). Although the KHI regulation states so, the practice of dowry cannot be separated from the practice of tradition or custom that has taken root in Indonesia with all kinds of tribes and ethnicities. The diverse practice of dowry is reflected in the framework of religious life in Indonesia. However, the law in Indonesia does not stipulate the fixation of the amount of dowry because the determination of the amount of dowry is guided by the principles of simplicity and practicality (Shabah, 2019).

Other research in Eastern Indonesia shows that economic, geographical, ethnic, and religious factors can explain the variation in the number of dowries in Eastern Indonesia (Kurniawan, 2019). On average, women who marry in the province of East Nusa Tenggara receive a higher dowry than in other provinces in Indonesia. Similarly, Muslim women also receive a higher dowry on average than women of other religions. In this study, dowry is the amount of money or goods given by the male family to the female family as part of the marriage process. As for other research conducted in the Biak Wardo tribe in the Ayau Islands District, Raja Ampat Regency, dowry is the amount of property in the form of money or goods given by the man to the woman and the amount of property that applies in the dowry is determined by the woman's family and agreed upon by both parties. The amount of wealth is influenced by the social status of the family and the closeness of the relationship between families (Purwanti et al., 2022). In another study in Pariaman, West Sumatra, Indonesia, dowry was given from the woman's side to the man's side, ranging from one million to 10 million rupiah. The dowry is given as pick-up money, which will eventually be returned to the prospective daughter-in-law through various goods, including rings, clothes, household furniture, and other valuables (Busyro et al., 2023). This form of dowry is considered to be able to strengthen gender equality because the values contained in it reflect the personality of Muslims and strengthen the position of women in the family.

In the Democratic Republic of the Congo, dowry gives property or money to the bride's family by the groom's family at the time of marriage. This practice has been going on for a long time in different cultures worldwide. However, this practice has different impacts depending on the cultural and social context in which it is practiced. The results of a study conducted by Lowes and Nunn in the capital of Kanaga province, Democratic Republic of Congo, show that high dowry values tend to

be associated with a positive impact on the welfare of married women (Lowes & Nunn, 2018). In this study, it was found that high dowry values correlated with less acceptance of domestic violence, better marriage quality, and greater happiness for women. In addition, the study also found a strong positive relationship between women's education and dowry values. Nonetheless, the study also showed that the high value of dowry and the requirement for dowry repayment upon divorce were linked to a lack of happiness for wives. However, the study also emphasizes that the correlation reported is only informative and cannot be considered definitive evidence of the causal effect of high dowry on women's welfare.

In contrast to dowry in France, dowry is a gift given at the time of marriage, and in the context of this study, dowry can be given both from the male to the female side and from the female to the male (Frémeaux & Leturcq, 2018). This dowry is a financial asset that is part of the prenuptial agreement and marital property regime and can be used to protect certain assets, maintain wealth inequality between couples, or for other purposes related to managing and distributing assets between couples in marriage. In the event of a divorce, the division of wealth will depend on the marital property regime the couple implements. If they were married to a separate property regime, then the wealth owned by each couple would remain their own. However, if they are married to a joint property regime, the wealth earned during the marriage will be divided equally between the two parties. If there is another property regime, the distribution of wealth will follow the rules that apply to that regime.

In Morocco, a dowry is a sum of money a husband gives as a sign of his seriousness in carrying out a marriage contract, building a family, and strengthening the bond of love between husband and wife. Dowry can be in the form of any property legally the object of the contract, and there is no minimum or maximum limit for dowry. The dowry can be paid in cash or with debts, in whole or in part, at the time of the marriage contract. The obligation to pay dowry, either in whole or in part, arises after the husband and wife have sexual intercourse. Wives have the right to receive a dowry for two reasons: death or the occurrence of a marital relationship (Giu, 2020).

In Bangladesh, men give dowry to women. The dowry is given in cash, jewelry, gold, or silver. The amount of dowry given varies depending on the type of dowry given and the characteristics of the bride's household. Dowries in the form of cash have a significant variation, but dowries in the form of jewelry, gold, or silver have a minor variation. There are two types of dowry in Bangladesh: dowry as a price can lead to gender inequality by preferring boys, as well as increasing poor sex ratios through selective abortion, infanticide, and child mortality that differ by gender. On the other hand, dowry as an inheritance tends to provide advantages to better households regarding education, assets, and other measures of wellbeing. Therefore, this study shows that dowry has a complex impact on gender equality and societal inequality (Arunachalam & Logan, 2016).

In the Chinese context, the tradition of dowry price is generally a transfer of wealth from a man's family to a woman's family or the family of a newly married couple. However, under the influence of pastoral feminism, women tend to demand high dowry prices as compensation for the sacrifices made by the woman's family in raising them. They also see the dowry price as a guarantee of women's financial security and family status. Pastoral feminism has a significant influence on women's values in terms of dowry prices in China. Women influenced by pastoral feminism tend to

place a high value on the dowry price and see marriage as the result of a transaction. They believed that the price of dowry was a way for men to replace women by giving birth to children. In addition, pastoral feminism also influences women to prioritize material benefits and objectify themselves in the context of dowry prices (Liu, 2023).

In the 16th century in Europe, secret marriages and the administration of the Catholic church supported the dowry system by requiring parental consent, which deprived women of the right to choose their partners. In Italy, dowry is common in marriages, while in the Iberian Peninsula, mutual consent is expected due to joint ownership of property and inheritance. In the United Kingdom, the marriage custom is similar to that in Iran, where girls become valuable assets for the noble family to improve their status. In Native America, the tradition of dowry already existed, but influenced by European colonialism, it became an exchange of gifts between the bride and groom's families. In Russia, in the sixteenth century, dowry was already practiced, but the transferred property became the entire property of the bride. In Tajikistan, there is no property transfer in the name of the dowry; it is a gift of traditional clothes to the bride and groom's families. In China, like India, girls do not inherit property but receive a dowry. However, in modern times, the practice of dowry has decreased. Pakistan and Afghanistan adopted a dowry system similar to other Islamic countries, while Bangladesh changed the tradition of *joutuk* to dowry. In Nepal and Sri Lanka, the demand for dowries has increased, with negative impacts such as gender-based abortions and domestic violence (Kumar, 2020).

Dowry is the leading cause of domestic violence in India, although dowry-related deaths are declining every year. The development of dowry in India shows a downward trend from year to year. The data presented in the document shows that the number of dowry-related deaths in India has decreased from 2015 to 2020. In 2015, there were around 7,634 reported dowry-related deaths, and this figure gradually declined until 2020, when there were around 6,966 reported deaths. This suggests that while dowry is still an accepted practice in society and is often not sought to be stopped legally, there are positive indications that cases of violence and deaths associated with dowry are declining. A study (Jamatia, 2022) identified the causes of the dowry system, including customs and traditions, patriarchal social structures, fear of ill-treatment, social pressure, and social restrictions. The consequences of dowry are also dire, leading to gender discrimination, violence against women, and an imbalance in the gender ratio. This practice also hurts women's self-esteem and social status. Although there have been laws, such as the Dowry Prohibition Law of 1961, this practice continues due to failures in law enforcement, lack of reporting, and vague definitions of "voluntary gifts" and "forced gifts" (Jamatia, 2022).

Dowry in India is an ancient practice where the bride's family gives property to the groom's family as part of the marriage. The philosophy behind this practice is to provide financial support to newly married couples. The history of dowry in India can be traced back to ancient times when property was given as a gift to the bride to provide financial protection and security (Maertens & Chari, 2020). However, the practice has evolved over time into something more complex and often a financial burden for the bride's family. The practice has been the subject of extensive debate and research due to its complex social, economic, and gender impacts.

Gender Equality Issues in the Dowry Tradition

Dowry significantly influences gender equality, one of which is in India. This practice originated from a complex Hindu tradition and has evolved from the Hindu marriage tradition (Vohra, 2015). The giving of dowries often makes women feel helpless and marginalized, as they are considered assets that the male family must compensate. This strengthened male chauvinism and placed women in a lower position. In addition, the existence of social and legal pressures that force female families to give dowries to male families also exacerbates gender inequality. Although there have been laws prohibiting the practice of dowry, its implementation is complex due to solid social attachments and traditions.

Although India has ratified CEDAW, the country maintains a policy of not interfering in a community's internal or private affairs except with the consent of the community, in accordance with the principles of its original declaration. Most Indians refuse government intervention in the settlement of personal problems. The grooms often rely on dowry to improve their economic status as it provides an easier way to accumulate material wealth. India has sought to implement various available instruments, including policies, regulations, and sanctions or punishments, and improve the quality of women's lives through programs supported by international organizations (Cikita et al., n.d.)

In the Maithili culture in Nepal, the mascot is given by the woman to the man. This is reflected in the widespread dowry culture among the Maithili community, where the female family gives giant mascots to the male family as part of the marriage. In addition, mascots are also associated with the tradition of Tilak Pratha, where women who marry young give money to younger and less qualified husbands. Marriage can also lead to gender inequality by influencing marriage decisions too early, which in turn can hinder women's education. Therefore, it is essential to understand the impact of mascots on gender equality and emphasize the need for policies that support changes in cultural norms related to female marriage (Jafarey et al., 2020).

Dowry, which is broadly defined as the transfer of wealth by the bride's parents at the time of marriage, is often considered the root cause of the unfair treatment of women. However, in the Pakistani context, dowry can have a positive impact on women's wellbeing in rural areas, where women's property rights are legally guaranteed but not enforced. Some studies have shown that dowry has a positive effect on several measures of women's wellbeing, such as the decisions taken by women and the domestic treatment they receive from their husbands. A higher number of dowries increases the likelihood that wives have power in making decisions regarding the number of children and child marriage, as well as increasing the likelihood that wives do not need permission from their husbands to go to local clinics (Makino, 2019)

In the practice of dowry in various countries, gender inequality has occurred in daily life. Gender injustice has become deeply ingrained in societies around the world, which women feel is a manifestation of discrimination embedded in a culture of unyielding patriarchy. In this patriarchal system, men use power to dominate, oppress, and exploit women, perpetuating a cycle of inequality. This discrimination manifests itself in various forms, leading to the marginalization of women in community development efforts. As a result, it perpetuates a stark gender gap that manifests uniquely in each country, shaped by its cultural norms and values. In some societies, cultural

practices and traditions exacerbate gender gaps, which further reinforces women's subordinate status and limits their opportunities to advance and participate in socioeconomic activities.

The Convention on the Elimination of All Forms of Discrimination Against Women, better known as CEDAW, is an international effort to overcome discrimination experienced by women. The formation of CEDAW began with the Statement of Women's Rights as Part of Human Rights, which was adopted in the UN General Assembly on December 18, 1979 (Pertiwi et al., 2021). The process of formulating this Convention began with preparing a draft by the UN General Assembly regarding the problem of discrimination experienced by women, especially in developing countries. CEDAW was then ratified in 1981 after receiving approval from 20 countries. The main objective of CEDAW is to protect and introduce women's rights internationally, which was then responded to by the UN Commission on the Status of Women, a UN body formed in 1947 to provide input and formulate policies to improve women's quality of life and status.

The National Commission on Anti-Violence against Women (Komnas Perempuan) is an independent state institution that upholds women's rights in Indonesia. Komnas Perempuan was established through Presidential Decree No. 181 of 1998, later strengthened by Presidential Regulation No. 65 of 2005 (Rahayu, 2012). This institution was born in response to the demands of civil society, especially women's groups, for the government to be responsible for various cases of violence against women, especially sexual violence that occurred during the May 1998 riots aimed at ethnic Chinese in Indonesia. In addition to being based on the 1945 Constitution of the Republic of Indonesia, Komnas Perempuan also refers to Law No. 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Law No. 5 of 1998 concerning the Ratification of the Convention against Torture and Other Cruel and Inhuman Treatment or Punishment (CAT), the 1993 International Declaration on the Elimination of Violence against Women, and other policies related to human rights.

Despite efforts around the world to advance gender equality, the patriarchal system persists, hindering the overall inclusion of women in societal advancement efforts. The consequences of this systemic bias are far-reaching, affecting women's accessibility to education, healthcare, economic prospects, and political participation. Gender injustice that persists not only hinders women's potential but also hinders the progress and prosperity of society as a whole. Addressing gender inequality requires a concerted effort to challenge and dismantle patriarchal norms and systems, fostering an environment where women can fully exercise their rights and contribute meaningfully to the progress of society.

Gender refers to the roles of men and women in society, not a natural nature but a social construct reflected in how society views both genders. Gender equality has been recognized as a fundamental human right and is a crucial goal in the development process. In 2015, the United Nations (UN) launched the Sustainable Development Goals (SDGs) program, where the fifth goal of this program emphasizes "Achieving Gender Equality and Empowering Women and Girls". Indonesia also participated in this program by signing the agreement. Then it issued Presidential Regulation Number 59 of 2017, which aims to implement the achievement of the Sustainable Development Goals with national targets based on the goals and objectives contained in the SDGs.

In the framework of human rights, gender equality has become very important not only as a moral imperative but also as a catalyst for the progress and development of society. By upholding equal rights and status between men and women, society can harness all individuals' talents, perspectives, and contributions, thereby fostering an inclusive and equitable environment conducive to sustainable growth and prosperity. In addition, advancing gender equality is integral to achieving the broader goals of social justice, peace, and democracy, as it addresses deep-rooted inequalities and fosters tremendous respect for human dignity and diversity (Audina, 2022). As such, efforts to promote gender equality are not only limited to ensuring equality within the legal framework but also include transformative measures aimed at challenging cultural norms, stereotypes, and behaviors that perpetuate gender-based discrimination and oppression. Ultimately, efforts to achieve gender equality in human rights reflect a commitment to building a more just, equitable, and inclusive world where every individual, regardless of gender, can thrive and fulfill his or her potential.

The practice of dowry in marriage reflects gender inequality, where women are often the object of trade. This system can deprive women of the right to choose their partners, reinforce the view that they can be trafficked, and increase the risk of domestic bullying and violence. Understanding and eliminating dowry practices that are incompatible with the principle of gender equality is essential to promoting fair and healthy marital relationships. Steps have been taken in some countries, such as the ban on dowry in India in 1961, although there are still challenges due to firm culture and traditions.

CONCLUSION

Dowry Practices in Different Countries

The study reveals that dowry practices vary significantly across countries, reflecting different cultural, economic, and religious backgrounds. For instance, in India and Bangladesh, dowries are primarily given by the bride's family to the groom, reinforcing patriarchal traditions. In contrast, regions like Eastern Indonesia and the Democratic Republic of the Congo display practices where dowries can be given by the groom to the bride's family. This comparative analysis offers a nuanced understanding of how dowry traditions reflect gender roles and societal values across different regions, showcasing the global diversity in dowry practices. The novelty here lies in the detailed comparative approach, highlighting the complex intersections of culture and gender in dowry customs.

Gender Inequality and Dowry

This research identifies dowry as a critical factor perpetuating gender inequality, particularly in patriarchal societies where women are treated as economic assets. Dowry practices reduce women's autonomy, reinforcing power imbalances within marriage and society. This study contributes to the discourse by not only highlighting the negative impact of dowry on gender equality but also by examining how dowry practices intersect with broader socioeconomic issues like education, property rights, and domestic violence. The novelty in this sub-chapter is the emphasis on how dowry practices hinder efforts toward gender equality, especially in developing countries.

Legal and Policy Interventions

While legal reforms such as the Dowry Prohibition Act (India) and international frameworks like CEDAW aim to curb dowry-related issues, the research points out that these measures often need to be revised. Cultural attachment to the practice remains a significant barrier to effective enforcement. The novelty in this finding is identifying a gap between policy enforcement and societal change, suggesting that legal measures alone are not enough without accompanying shifts in cultural norms. This research offers a unique perspective by advocating for more community-based approaches to address the root causes of dowry practices.

Research Contributions

This study contributes novel insights by providing a cross-cultural analysis of dowry practices and their impact on gender inequality. It also highlights the need for more culturally inclusive strategies to address dowry-related issues, particularly in countries where legal reforms have not yet led to significant changes in societal behavior. The research underscores the importance of integrating gender-sensitive policies with cultural education and community engagement to create sustainable solutions for reducing gender inequality related to dowry practices.

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