



The Concept of Kafaah in Marriage a review of Sunnah and Modernity

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Abstrak

Dinamika konsep kafaah dalam pernikahan masih terus diperdebatkan, khususnya dalam dunia modern hari ini. Pandangan imam madzhab dalam melihat sunnah mengenai ajaran “konsep kafaah” massif ada perbedaan. Hal itu menunjukkan perdebatan tersebut disebabkan tidak ada dalil yang menjelaskan kafaah secara eksplisit baik dalam Al-Qur’an maupun hadist. Oleh karena itu, pada kajian ini hanya berfokus pada konsep kafaah dalam pernikahan tinjauan sunnah dan modernitas. Kajian ini bertujuan untuk mengetahui dan memahami bagaimana konsep kafaah dalam sunnah dan relevansinya terhadap kehidupan sekarang. Kajian ini menggunakan metode kajian pustaka (*library research*) dengan pendekatan deskriptif-analitik. Yakni mengumpulkan data dari berbagai sumber literatur buku kitab (*turats*), jurnal, skripsi, dan website. Adapun hasil kajian ini menemukan bahwa, pertama dalam menentukan pasangan harus sesuai dengan konsep kafa’ah dalam sunnah, yakni ada empat yakni, keserasian (sepadan) dari segi kekayaan, nasabnya (keturunannya), kecantikannya, dan agamanya. Adapun yang menjadi prioritas diantara yang empat itu adalah agamanya. Kedua, Relevansi konsep kafaah dalam kehidupan modern lebih banyak didasarkan pada alasan masalah dari pada alasan nash, baik dari al-Qur’an maupun Sunnah nabi yang shahih.

Kata Kunci: Kafaah, Pernikahan, Sunnah, Modernitas

Abstract

The dynamics of the concept of kafaah in marriage are still being debated, especially in today's modern world. The views of madzhab imams in viewing the sunnah regarding the teachings of the massive "kafaah concept" have differences. This shows that the debate is because there is no argument that explains kafaah explicitly in either the Qur'an or hadith. Therefore, this study only focuses on the concept of kafaah in marriage, reviewing the sunnah and modernity. This study aims to find out and understand the concept of kafaah in the Sunnah and its relevance to today's life. This study uses a library research method with a descriptive-analytic approach. Namely collecting data from various literary sources, books (*turats*), journals, theses and websites. The results of this study found that, firstly, in determining a partner, one must comply with the concept of kafa'ah in the Sunnah, namely there are four, namely, compatibility (equivalence) in terms of wealth, lineage (heredity), beauty and religion. The priority among the four is religion. Second, the relevance of the concept of kafaah in modern life is based more on masalah reasons than on text reasons, both from the Al-Qur'an and the authentic Sunnah of the Prophet

Keywords: *Kafaah, Marriage, Sunnah, Modernity*

Introduction

Marriage is inseparable from human life. Marriage is an integral part of Islamic law based on the Qur'an-hadith. The definition of marriage has many perspectives; in jurisprudence (*munakahat*), marriage law, and the views of scholars. According to Khoiruddin Nasution, *Nikah* is a translation of *nakaha and zawaja* these two words are the main terms in the Qur'an to designate marriage (*marriage*), the term or word زوج means 'spouse', and the term نكح means 'to gather'. Thus, in terms of the language of marriage, it means the gathering of two people who were originally separated and stood alone, becoming a whole and partnered whole.¹ Marriage is considered valid if it is carried out according to each religion and belief in accordance with Law No. 1 of 1974 concerning marriage.

The law of marriage (*marriage*), which is the law that regulates the relationship between humans and each other which concerns the distribution of biological needs between sexes, and rights and obligations related to the consequences of marriage.² In Indonesia, marriage has varied values and traditions. However, generally Indonesian people have a great enthusiasm about marriage. This cannot be separated from Indonesia's plural, gotong royong, and religious society.

The religion of Islam provides binding rules for marriage normatively, in accordance with the provisions of the Qur'an-hadith. The rules that must be implemented are harmony and legal conditions for marriage. While the sunnah, namely the election of candidates, and the bidding of candidates (*khitbah*).

In this article, the author only focuses on sunnah studies, namely the selection of candidates. Choosing a potential mate and or considering a potential mate is something good and recommended. The effort is not a dead price, but its existence in the household affects and or determines whether or not it is good in the continuity of building a household.³ The problem that often occurs in finding a good partner candidate is the problem of *kafa'ah* or commonly called *kufu'* which is the same or commensurate. While in terms of jurisprudence, "soul mate". *Kafaah* comes from the original word *al-kufu'* meaning *al-musawi* (balance).⁴ The *Kafaah* has its own purpose and purpose in marriage. As for what is meant by *kafa'ah* in marriage, according to Islamic legal terms, namely the balance and harmony between the prospective wife and husband so that each candidate does not feel heavy to carry out the marriage.⁵

In Islam women are married for four reasons, namely because of their wealth,

¹ Khoiruddin Nasution, *Marriage Law I*, Revision (Yogyakarta: Academia+Tazzafa, 2013), 19–20.

² Tihami and Sahrani, *Jurisprudence Munakahat*, Rajawali P (Jakarta, 2009), 8–9.

³ M Al-Fatih Suryadilaga, *Building the Mawaddah Warahmah Family within the Frame of the Sunnah of the Prophet* (Yogyakarta, 2003), 50.

⁴ Khoiruddin Nasution, *Marriage Law I*, 225.

⁵ Tihami and Sahrani, *Jurisprudence Munakahat*, 56.

their offspring, their beauty, and because of their religion.⁶ Prophet Muhammad (peace be upon him) said:

Meaning: *Having told us Musaddad had told us Yahya from Ubaidillah he said; has told me Sa'id bin Abu Said from his father from Abu Hurairah radiallahu'anhu, from the Prophet sallallahu 'alaihi wasallam, he said: "The woman was married for four things, because of her wealth, because of her beauty, because of her beauty and because of her religion. Then choose because of the religion, you will undoubtedly be lucky."*⁷

The fuqaha's views in interpreting the above hadith have many differences of opinion among them Imam Maliki, Hanafi, Shafi'i, and Hambali. The differences of opinion among the four imams of the madhhab seem varied and have little resemblance in determining the standard size of the kafa'ah. First, the Maliki school, according to this school in the writings of Muhammad Abu Zahrah it is written that Imam Malik did not make nasab, shi'ah, wealth and wealth as qualifications for one's kufu. But the elements that become a person's kufuaan are taqwa, piety, and non-defect (*disgrace*).⁸ The two schools of Hanafi hold that there are six qualifications in determining kufuan, namely: heredity (*nasab*), religion (*din*), independence (*al-hurriyah*), wealth (*mal*), moral strength (*diyana*), and work (*hira*).⁹

The three schools of Shafi'i as Abu Zahrah wrote, that there are similarities with the Hanafi school, only there are additions and subtractions, as well as there are suppressions and subtractions. Shafi'i added that the candidate for suamai has no defect (*disgrace*), while in the form of emphasis is on the element of independence, and Shafi'i does not make property as a qualification of kafa'ah.¹⁰ The four schools of Hambali in the two sources found, the first source says, Hanbali had the same idea as Shafi'i, provided that according to Hanbali is not flawed in the physical sense. The second source mentions that Hanbali only lists the same elements of taqwa as Imam Malik.¹¹

Initially, kafa'ah was often one of the problems debated by scholars since long ago. The debate is because there is no evidence that explains the kafa'ah explicitly in either the Qur'an or the hadith. However, it is only mentioned in the Qur'an that man's position before Allah, is "equal". The only difference lies in his piety. This article tries to explain how to review the concept of kafa'ah according to the Sunnah view, as well as its relevance in today's (*modern*) context. As for the systematics of the discussion of this article, first the background, the second research method, the third discussion, and the fourth is the conclusion as the closing of the article.

Research Methods

⁶ Djaman Nur. *Fiqh Munakahat* (Semarang: Dina Utama Semarang), p. 14.

⁷ Ibn Hajar al-Asqalani, *Bulughul Maram*. Tr. Abdul Rosyad Siddiq, Full Translation *Bulughul Maram* (Cet. V; Jakarta: Akbar Media, 2010), p. 263.

⁸ Abu Zahrah, *Al-Ahwal Al-Shakhsyah*, N.D., 162.

⁹ Khoiruddin Nasution, *Marriage Law I*, 230.

¹⁰ Abu Zahrah, *Al-Ahwal Al-Shakhsyah*, 161.

¹¹ Abu Zahrah, 39.

This research uses *the library research* method by collecting data from various literary sources of book books (*turats*), journals, theses, and websites. Then the data found are analyzed critically to produce interpretations using descriptive-analytical, that is, describe the review of the concept of kafa'ah according to the Sunnah view and its relevance in today' s (*modern*) life. To give a clear picture and avoid misunderstandings in this article, the author affirms the meaning of the title taken, concept, kafaah, marriage, sunnah, and modernity. This article discusses one gap that has not been discussed in previous research, namely the extent of the concept of kafa'ah in the view of fuqaha, sunnah, and the extent of its relevance in modern life.

Results and Discussion

The term kafa'ah in fiqh, called *sejodoh*, means equal, similar, balanced, or harmonious. Linguistically, kafa'ah comes from the word *al-kufu'* meaning *almusawi* (balance).¹² Kafa'ah means similar, balanced or harmonious. Sayyid Sabiq defines kafa'ah as equal, comparable, and equal, that is, equal, comparable in social level and equal in behavior or morals and wealth.¹³ According to the term, kafa'ah means commensurate or level. Commensurate is that two married couples have similarities in several ways, namely; Both are Muslims, have handsome and beautiful looks, both

are of good descent, both are rich people, both are educated.¹⁴

Based on the understanding of kafa'ah above, it can be concluded that kafa'ah in a broad sense is a concept of jurisprudence made by man, so that it is inherent and becomes a value in marriage. The concept of kafa'ah aims to find compatibility between prospective husbands and wives. It affects the relationship between husband and wife in the household. In addition, the concept of kafa'ah between husband and wife can avoid crises in the household so as to support the achievement of a happy and prosperous family.

Kufu' or equality is a right for women and their guardians, both of whom may violate them with mutual pleasure.¹⁵ Those who have the right to accept and reject kufu' are women, while those who have the right to choose or must kufu' are men. The law of kafa'ah is something recommended in Islam, namely; choose a prospective husband and wife, but do not determine whether or not a marriage is legal. Therefore, an unbalanced marriage will certainly cause ongoing problems, and is likely to cause divorce, so that both (the woman and her guardian) can cancel.¹⁶

A. The concept of Kafa'ah in the Sunnah

After the author researched several hadiths related to marriage, the author found a lot of hadiths that direct man in finding his life partner. One of these hadiths is found in Saheeh Al-Bukhari which reads:

¹² Khairudin Nasution, *Marriage Law I*, (Yogyakarta: academia+tazzafa, 2005), 217
¹³ Siti Zulaikha, *Fiqh Munakahat*, (Yogyakarta: Idea Pres Yogyakarta, 2015), 36-37

¹⁴ Hakim Rahmat, *Islamic Marriage Law* (Bandung: Faithful Library, 2000), 46

¹⁵ *Ibid*

¹⁶ Abdul Rahman Gozali, *Fiqh Munakahat*,

حَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ قَالَ حَدَّثَنِي سَعِيدُ بْنُ أَبِي سَعِيدٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ تُنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ لِمَالِهَا وَلِحَسَبِهَا وَجَمَالِهَا وَلِدِينِهَا فَاظْفَرُ بِدَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ

Means:

"Having narrated to us Musaddad Hasoriginal book, by presenting sanad and narrated to us Yahya of Ubaidillah he said; Havingmatnya in order to examine the quality of told me Sa'id bin Abu Sa'id from his father fromthe hadith.²⁰The search for hadith in this Abu Hurayrah (may Allah be pleased with him), discussion uses the takhrij bi al-fadhi from the Prophet (peace and blessings of Allah be upon him), he said: "The woman was married for method, which is the search for hadith from four things, because of her property, because of the original books by studying the eyes. As her offspring, because of her beauty and becausefor efforts to examine the quality of hadith of her religion. Then choose because of theabout kafa'ah, the author groups it into two religion, you will undoubtedly be lucky."¹⁷

Then from men who will be used as prospective life companions must also be considered. The male must also meet several conditions.¹⁸ As Sunan Al-Tirmidi

حَدَّثَنَا قُتَيْبَةُ حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ سُلَيْمَانَ عَنْ ابْنِ عَبَّاسٍ عَنِ ابْنِ وَثِيئَةَ النَّضْرِيِّ عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا خَطَبَ إِلَيْكُمْ مِنْ تَرَضُّونَ دِينَهُ وَحُلُقُهُ فَرَّوْجُوهُ إِلَّا تَفَعَّلُوا تَكُنْ فِئْتَهُ فِي الْأَرْضِ وَفَسَادُ عَرِيضُ

Means:

"Having reported to us Qutaibah, has shouted to us Abdul Hamid bin Sulayman from Ibn 'Ajlan from Ibn Watsimah An Nashri from Abu Hurairah said: The Prophet Sallallahu 'Alaihi Wasallam said: "If someone proposes to (daughters and relatives) you, while you are pleased with his religion or morals (the suitor), then marry him (to your daughter or relative). Otherwise, there will undoubtedly be slander on the earth and great damage."¹⁹

B. Takhrijul Hadith

Takhrijul hadith is important to know the location of the hadith to be discussed from the original book. Takhrijul hadith itself is an attempt to search for the

discussions, namely the first hadith, and the second hadith.

1. First Hadith

After takhrij-an with the help of the book Mu'jam Al-Mufahras li Al-fazh Al-Hadith, seven hadiths were found about creteria choosing a future wife.

- a. Hadith narrated by Imam Bukhari juz 3, Kitab bad'u Al-Wahyi bab tazwij al-mu'sir

حَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ قَالَ حَدَّثَنِي سَعِيدُ بْنُ أَبِي سَعِيدٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ تُنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ لِمَالِهَا وَلِحَسَبِهَا وَجَمَالِهَا وَلِدِينِهَا فَاظْفَرُ بِدَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ

Means

Musaddad told us Yahya of Ubaidillah he said; Having told me Sa'id bin Abu Sa'id from his father from Abu Hurayrah (may Allah be pleased with him) from the Prophet (peace and blessings of Allah be upon him), he said: "The woman

¹⁷Muhammad bin Al-Bukhari Al-Ju'fi, *Saheeh Al-Bukhari*, (Beirut: Dar Al-Fikr, 2009), juz 3, p. 368

¹⁸ Ahmad Umar Hasyim, et al, *O My Family Be a Beautiful Pearl*, (Jakarta: Pustaka Progressif, 2005), p. 40

¹⁹ Muhammad ibn Isa Al-Turmudzi, *Al-Jami' Al-Kabir*, (Beirut. Dar Al-Islami, 2009), juz 3, p. 345

²⁰ Aulia rahmawati, *Hadith on the Advice of Productive Women* (Tela'ah Ma'amil Hadith), op. Cit, p. 20

was married for four things, because of her property, because of her offspring, because of her beauty and because of her religion. Then choose because of the religion, you will undoubtedly be lucky.²¹

- b. Hadith Muslim narration juz 1, Kitab Al-Radha' bab istishab nikahi dzati al-dini.

The same hadith narrated by Zuhai bin Harb, Muhammad bin Al-Mustanna and 'Ubaidillah bin Sa'id they said; has told us yahya bin Sa'id from 'Ubaidillah has reported to me Sa'id bin Abu Sa'id from his father from Abu Hurairah from the Prophet Sallallahu 'Alaihi Wasallam

- c. Hadith narrated by Imam Abu Daud juz 2, Kitab al-nikah bab Ma yu'maru bihi min Tazwij Dzati al-Dini

The same hadith narrated by Musaddaa, has narrated to us Yahya bin Sa'id, has narrated to me 'Ubaidullah, has told me Sa'id bin Abu Sa'id from his father, from Abu Hurairah from the Prophet sallallahu 'alaihi wasallam.²²

- d. Hadith narrated by Imam Al-Nasai juz 3, Kitab al-nikah. Karahiyati Tazwiji al-Nikah Chapter

The same hadith narrated 'Ubaidullah bin Sa'id he said; has told us Yahya from 'Ubaidullah from Sa'id bin Abi Sa'id from his father from Abu Hurairah from the Prophet sallallahu 'alaihi wasallam.²³

- e. Hadith narrated by Imam Ibn Majah juz 3, abwab al-nikah. Bab tazwiji Dzati al-dini

The same hadith narrated by Yahya bin Hakim said, has told us Yahya bin Sa'id from his father from Abu Hurairah that the Messenger of Allah (peace and blessings of Allaah be upon him) said.

- f. Hadith narrated by Imam Ahmad bin Hambal juz 9, Musnad Abu Hurairah

The same hadith narrated by Yahya bin Sa'id from 'Ubaidillah has narrated to me Sa'id from his father from Abu Hurairah from the Prophet Sallallahu 'alaihi wasallam.²⁴

- g. Hadith narrated by Imam Al-Darimi Kitab al-nikah. chapter Tungkahu al-mar'ah 'ala arba'in

The same hadith but using a different lafadz namely النساء narrated by Shadaqah bin Al-Fadhl has reported to us Yahya from 'Ubaidullah from Sa'id bin Abu Sa'id from his father from Abu Hurairah from the Prophet Sallallahu 'alaihi wasallam, this Hadith is also narrated by Muhammad bin 'Uyainah from Ali bin Mushir from Abdul Malik from 'Atha' from Jabir from the Prophet Sallallahu 'alaihi wasallam with this hadith.²⁵

1. Second Hadith

After searching with the word (ترضون) in the book Mu'jam al-Mufahras li Alfadh Al-Hadith, the author found only one hadith. Furthermore, the author did a search using the hadith application CD ROM Lidwa Hadith nine Imams, it turns out that the first Hadith above was found to have several strengthening hadiths that are similar to the hadith, which is related to the criteria for choosing a prospective husband. As for the following redactions of the hadith about the criteria for choosing a prospective husband found;

²¹Muhammad ibn Al-Bukhari Al-Ju'fi, Saheeh Al-Bukhari, op. Ctp, p 368

²² Ahmad ibn Shu'aib Al-Naisaburi, *Shohih Muslim*. (Riyadh. Dar Thaibah, 2006), juz 1, p 670

²³ Ahmad ibn Shu'aib Al-Nasai, *Al-Kubra*, (Beirut: Dar Al-Kutub Al-Alamiyyah, 1991), juz 3, p. 269

²⁴ Muhammad bin Yazid bin Majah, *Al-Sunnah*, op. Cit.p 62

²⁵ Muhammad 'Abdullah bin 'Abdurrahman, *Al-Musnad Al-Jami'*, (Bairut: Dar Al-Basyair Al-Islamiyyah, 2013), p. 520

- a. Hadith narrated by Imam Al-Tirmidhi juz 2, Kitab al-nikah, chapter Ma jaa idza jaakum man tardhouna fa zawwijuhu

حَدَّثَنَا قُتَيْبَةُ حَدَّثَنَا عَيْدُ اللَّهِ بْنِ سُلَيْمَانَ عَنْ ابْنِ عَجَلَانَ عَنِ ابْنِ وَثِيئَةَ النَّصْرِيِّ عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا حَاطَبَ إِلَيْكُمْ مَنْ تَرَضَّوْنَ دِينَهُ وَخُلِقَهُ فَرَّوْجُوهُ إِلَّا تَفَعَّلُوا تَكُنْ فِتْنَةً فِي الْأَرْضِ وَفَسَادٌ عَرِيضٌ

Means

Has told us Qutaibah, has told us Abdul Hamid bin Sulayman Ibn 'Ajlan from Ibn Watsimah An Nashri from Abu Hurairah said: The Prophet sallallahu 'alaihi wasallam said: "If someone proposes (daughters and relatives) you, while you are pleased with his religion and morals (the applicant), then marry him (to your daughter or relative). Otherwise, there will undoubtedly be slander on the earth and great damage."²⁶

- b. Hadith narrated by Imam Al-Tirmidhi juz 2, Kitab al-nikah, chapter Ma jaa idza jaakum Tardhouna Dinahu fa Zawwijuhu

The same hadith but using the word and إذا جاءكم there is an additional word فانكحوه ثلاث مرات narrated by Muhammad bin 'Amir bin As Sawwaq Al Balkhi, has told us Hatim bin Isma'il from Abdullah bin Muslim bin Hurmuz from Muhammad and Sa'id son 'Ubaid, from Abu Hatim Al Murzani from the Prophet Sallallahu 'alaihi wasallam.²⁷

- c. Hadith narrated by Imam Ibn Majah juz 3, abwab al-nikah, bab al-akfa'

The same hadith but using the word إذا اتاكم narrated by Muhammad bin Sabur Ar Raqqi said, has screamed to us Abdul Hamid Sulayman Al Anshori brother Fulaih from

Muhammad bin 'Ajlan from Ibn Wastimah An-Nashri from Abu Hurairah he from the Prophet sallallahu 'alaihi wasallam.²⁸

Based on the hadith above about choosing a life partner prioritizes religious factors, but it is also good if other factors are considered such as beauty factors, according to the tendency of the eyes to see beauty. However, if religious and beauty factors are integrated in a woman, then religion should be the main measure. Therefore, according to the author, the commensurate nature (kafa'ah) is only viewed from the religious side.

C. The Concept of Kafa'ah in the Sunnah and Its Relation to Present Life (*Modern*)

Kafa'ah in marriage allegedly has a certain reason. This means that people are still thick with deep love for their tribe or community and the like. In Islam there is a recommendation to choose a partner who is sekufu' in order to unite the vision and mission in living a domestic life. Kafa'ah or kufu' is a man comparable to the future wife; equal in morals and wealth. So the emphasis in kafa'ah is balance, harmony and harmony in terms of religion, namely morals and worship as in the hadith of Shaheh al-Bukhari which reads:

حَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ قَالَ حَدَّثَنِي سَعِيدُ بْنُ أَبِي سَعِيدٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ تُنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ لِمَالِهَا وَلِحَسَبِهَا وَجَمَالِهَا وَلِدِينِهَا فَاظْفَرْ بِذَاتِ الدِّينِ تَرِبَتْ يَدَاكَ

Means:

"Having narrated to us Musaddad Has narrated to us Yahya of Ubaidillah he

²⁶ Muhammad ibn 'Isa Al-Tirmidhi, *Al-Jami' Al-Kabir*, op. Cit., juz 2, p, 381

²⁷ *Ibid.*, p. 381

²⁸ Muhammad bin Yazid bin Majah, *Al-Sunnan*, op. Cit., pp. 140-141

said; Having told me Sa'id bin Abu Sa'id from his father from Abu Hurayrah (may Allah be pleased with him) from the Prophet (peace and blessings of Allah be upon him), he said: "The woman was married for four things, because of her property, because of her offspring, because of her beauty and because of her religion. Then choose because of the religion, you will undoubtedly be lucky."²⁹

In modern times like today, the aspect of equality in the field of education can be used as a reason for *sekufu'an*. Because with the equal, it will make them have a mindset that is at least equal. Thus, couples who are *sekufu'* will be more mature in making decisions or solving problems in the household due to equal educational aspects. Because it can be proven, that there are many examples of highly educated people who can guide couples and build households well. Thus also equality in the field of culture, customs and the like. Thus, it is quite logical that the basis for measuring *sekufu'an* should vary greatly, according to the situation and conditions of a particular society, with the aim of seeking closer possibilities for creating a prosperous and peaceful family.³⁰

Based on the above explanation it is reasonable to say, that the sunnah concept of *kafa'ah* in relation to modern life today, is based more on the reasons of *maslahah* than on the reasons of *nash*, both from the Qur'an and the sunnah of the Prophet who is *shahih*. The problem referred to here is for the happiness and welfare of the couple and household in the future, in accordance

with the purpose of marriage to form a happy and eternal family working together to help and complement each other so that each can develop his personality and achieve spiritual and material well-being.

D. The Concept of *Kafa'ah* in Modern Life

This modern era is not Siti Nurbaya's time, parents/guardians are the trigger and spearhead of everything. Guardians play an important role in the continuity of a marriage. The justification of the guardian's position as a family stakeholder is due to the support of verses and hadiths that are circulating and can be easily accessed on the internet. The role of *ulama'* here is so so characterized by the community, that the postulates / sources used through *nash* verses and hadiths about *kafaah* have always been a reference material and consideration of the community today. Although it is honestly admitted, there is no verse or hadith that explicitly regulates choosing a life partner (*kafaah*).

Marriage between a man and a woman is not just a biological matter. It is necessary to have careful preparation to undergo the household ark; both economically, mentally, and such. Marriage is not just uniting a man and a woman into a husband and wife. However, to bring together many different things. Therefore, *ulama'* considered the need for *kafa'ah* between the two prospective husband and wife even though some other *ulama'* rejected it.³¹ In addition, in the concept of *kafa'ah*, it is very necessary to have a wise attitude by placing *kafa'ah* proportionally.

²⁹ Muhammad bin Al-Bukhari Al-Ju'fi, *Saheeh Al-Bukhari*, (Beirut: Dar Al-Fikr, 2009), juz 3, p. 368

³⁰ Khoiruddin Nasution, *Marriage Law 1*, (Yogyakarta: Academia+Tazzafa, 2005), pp 238-242

³¹ As-Shaukani, Nail Al-Autar, *Kitab Al-Kafa'ah*, cet IV, p. 138

Kafa'ah can be tolerated when it is used as a vehicle to find compatibility between prospective husband and wife, which is intended to be able to work together in order to create happiness and family welfare as the goal of marriage. On the other hand, kafa'ah is legitimately used when it is used as a vehicle to exaggerate or denigrate someone from others.

The proportional placement of the concept of kafa'ah is very important because changing times and societies sometimes make casuistic laws no longer relevant to be established in the present, this is due to changes that occur in society such as the shift from an agrarian society to an industrial society. So there needs to be an effort to contextualize legal passages such as about kafa'ah, so that they remain relevant and the normative value or mashlahah (hikmah) of the establishment of a law can continue to live and be in accordance with the mission or basic principle of Islam, namely the egalitarian principle.

According to the author, the differences of ulama' need to find common ground, because in fact the determination of the criteria of kafa'ah by those who agree, has caused discrimination for people who still uphold ancestry, nobility and wealth. So if there is someone who is good in religion and morals, but he belongs to a low degree then he is not considered kufu', while someone who is bad in religion and morals but has good parents and high morals he is considered a good person.

Instead eliminating kafa'ah is not the best solution, because in the absence of kafa'ah can cause an inconsequential attitude in determining a partner. Islam

itself does not want a woman to be accompanied by a man who does not have a good religion and lives socially poorly. Therefore, contextualization of the passage about kafa'ah is important because the context was and is different, what is important today is how to revive the egalitarian principle that is the mission of Islam while still realizing the purpose of marriage.

CONCLUSION

The concept of Kafa'ah in the Sunnah has four things that must be considered, namely: harmony in terms of wealth, nasabnya (descendants), beauty, religion. The priority among the 4 things is religion.

The relevance of the concept of kafa'ah in modern life is based more on the reasons of maslahah than on the reasons of nash, both from the Qur'an and the Sunnah of the Prophet who is shahih. The problem referred to here is for the happiness and welfare of the couple in the household, which is in accordance with the purpose of marriage to form a happy and eternal family working together to help and complement each other so that each can develop his personality so that spiritual and material welfare is achieved.

Bibliography

- Abd. Rahman Ghazali, *Fiqh Munakahat*
Abdul Gani Abdullah, *Introduction to the Compilation of Islamic Law in the Indonesian Legal System*, (Jakarta: Gema Insani Pers, 1994)
Abdul Mujib, *Risalah Cinta Lays Puja on Puji* (Jakarta: PT. Raja Grafindo Persada, 2004),
Abdul Rahman Al-Jaziri, *Kitab Al-Fiqh Madzhab Al-Arba'h*, Volume IV, Cet

- Abdul Rahman Ghozali, *Fiqh Munakahat*, (Jakarta; Kencana, 2003).
- Abdurrahman Al-jaziri, *Kitab Al Madzahib Al-Arba'ah*, Volume IV, Cet-I, (Bairut: Dar Al kutub Al Ilmiyah, 1990).
- Abu Bakr Uthman, *I'annah al-Tholibin*, (Bairut Daar al-Kupolar, 1995).
- Ahmad ibn Muhammad ibn Hanbal, *Al-Musnad. Qohiroh*, (Dar Al-Hadith, 1995).
- Ahmad ibn Shu'aib Al-Naisaburi, *Shohih Muslim*. (Riyadh. Dar Thaibah, 2006).
- Ahmad ibn Shu'aib Al-Nasai, *Al-Kubra*, (Beirut: Dar Al-Kutub Al-Alamiyyah, 1991).
- Ahmad Umar Hasyim, et al, *O My Family Be a Beautiful Pearl*, (Jakarta: Pustaka Progressif, 2005).
- Al-Gamrawi, *As-Sirad Al-Wahhaj*, (Labanon: Dar al-Ma'Rifah, T.T).
- Amir Syarifuddin, *Islamic Marriage Law in Indonesia: Between Fiqh Munakahat and the Marriage Law*.
- Arief Maulana, *Instant Ways to Compile a Thesis* (Jakarta: New Agogos, 2012).
- As-Shaukani, *Nail Al-Autar, Kitab Al-Kafa'ah*, cet IV.
- Aulia rahmawati, *Hadith on the Advice of Productive Women* (Tela'ah Ma'amil Hadith).
- Sayyid Sabiq, *Sunnah Jurisprudence, tr. Moh. Talib, Jurisprudence of the Sunnah* (Bandung: Alma'arif, 1993).
- Ministry of Religious Affairs of the Republic of Indonesia, *Qur'an and its translation*, (Jakarta: Cv. Atlas, 1998).
- Djam'an Satori and Aan Komariyah, *Qualitative Research Methodology* (Bandung: Alfabeta, 2012).
- Djaman Nur. *Fiqh Munakahat* (Semarang: Dina Utama Semarang).
- H. S. A, Alhamdani, *Minutes of Marriage, Translation* (Bandung; Agus Salim, Alumni Library, 1980).
- Hakim Rahmat, *Islamic Marriage Law* (Bandung; Faithful Library, 2000).
- Ibn Hajar al-Asqalani, *Bulughul Maram. Tr. Abdul Rosyad Siddiq, Full Translation of Bulughul Maram* (Cet. V; Jakarta: Akbar Media, 2010).
- Ibn Qayyim Al-Jauziyah, *Zadul Ma'ad, Volume V*, (Bairut: Dar Al-Fikr, 1995).
- Ibnu Mas'ud, *Fiqh Madzhab Syafi'i*, (Bandung: Pustaka Setia, 2007).
- Imam Abi Ishaq As-Syairazi, *Al-Muhadzdzab*, (semarang: Toha Putra, 2009).
- Imam Muslim, *Shohih Muslim*, (Jakarta: Pustaka As-Sunnah, 2001).
- Imam, Alauddin, *Badai'u Shanah'*, (Bairut: Daar Al-Kupolar, 1997).
- Imron Rosidi, *Successfully Writing Scientific Papers* (Pasuruan: Pustaka Sidogiri, 2008).
- Khoiruddin Nasution, *Marriage Law I, with a comparison of the Law on Contemporary Muslim States* (Yogyakarta: Akademia and Tazaffa, 2005).
- Lexy J. Moleong, *Qualitative Research Methodology Revised Edition, 21st Cet* (Bandung: Remaja Rosdakarya, 2005).
- M Al-Fatih Suryadilaga, choosing a mate in Marhumah and Al-Fatih Suryadilaga (ed), *Building a Mawaddah Warahmah Family in the Frame of the Sunnah of the Prophet* (Yogyakarta: PSW IAIN, 2003).

- M. Fauzil Adhim and M. Masykur, *On the Verge of Marriage*, (Jakarta: Gema Insani Press, 2002).
- M. Ladzi Safroni, *The Ins and Outs of Islamic Marriage in Indonesia*, (Malang: Aditya Media Publishing, 2014).
- M. Quraysh Syihab, *Wawasan Al-Qur'an*, (Bandung: Mizan, 1999).
- M.A. Tihami, *Fikih Munakahat: Complete Jurisprudence Studies*, (Jakarta: Raja Grafindo persada, 2010).
- Muhammad 'Abdullah bin 'Abdurrahman, *Al-Musnad Al-Jami'*, (Bairut: Dar Al-Basyair Al-Islamiyyah, 2013).
- Muhammad ibn 'Isa Al-Tirmidhi, *Al-Jami' Al-Kabir*, op. Cit., juz 2.
- Muhammad bin Al-Bukhari Al-Ju'fi, *Saheeh Al-Bukhari*, (Beirut: Dar Al-Fikr, 2009), juz 3.
- Muhammad ibn Al-Bukhari Al-Ju'fi, *Saheeh Al-Bukhari*.
- Muhammad ibn Isa Al-Turmudzi, *Al-Jami' Al-Kabir*, (Beirut. Dar Al-Islami, 2009), juz 3.
- Muhammad bin Yazid bin Majah, *Al-Sunnah*.
- Muhammad Jawad Mghniyah, *Fiqh Lima Madzhab*, (Jakarta: Lentera, 2007).
- Nasaruddin Latif, *Marriage Science: Problems Surrounding Family and Household*, Cet II, (Bandung: Pustaka Hidayah, 2001).
- Nur Kholis, *Family Fiqh*, (Jakarta: Amzah, 2012).
- Sabri Samin and Andi Nurmay Aroeng, *Fikih II* (Makassar: Alauddin Press, 2010).
- Sayid Sabiq, *Fiqh Sunnah 7*, (Bandung: Al-Ma'Arif, 1993).
- Siti Zulaikha, *Fiqh Munakahah 1*, (Yogyakarta: Idea Pres Yogyakarta, 2015).
- Slamet Abidin and Aminuddin in Abdul Rahman Gozali, *Fiqh Munakahat* (Jakarta; Kencana, 2010).
- Sulayman ibn Al-Asy'at, *Sunan Abi Dawud*, (Bairut: Muassasah Al-Rayyan, 1998), juz 3.
- Sulaiman Rasjid, *Islamic Fiqh* (Bandung; Sinar Baru Algensindo Offset Bandung Printing, 2004).
- Shaykh al-'Allama Muhammad. *Rahmah al-Ummah fi Ikhtilaf al-A'immah. Tr. 'Abdullah Zaki Alkaf, Fiqh Four Schools* (Bandung: Hasyimi, 2012).
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