

## THE CONCEPT OF KAFA'AH IN MARRIAGE ACCORDING TO THE VIEWS OF ULAMA OF AMUNTAI TENGAH DISTRICT

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### Abstract

Marriage is a bond of sacred and sacred rope that has been recommended to be carried out by people who have Muslim status. In marriage, there is a need for harmony between prospective husband and wife or commonly called kafa'ah, both in terms of belief and offspring. The balance of couples in the household is able to foster true happiness between the two, and it also determines whether or not a person will be able to build a household ark. Kafaah in the marriage bond is very important as a way to achieve the goal of a happy marriage based on sakinah, mawaddah and warahmah. So that with the achievement of this goal, a harmonious family can be easily formed. Therefore, before marriage, prospective wives and husbands are encouraged to know each other, so as to understand each other's life status both from their personal, religious, social status and the condition of their daily lives.

**Keywords:** *Kafa'ah, Marriage, Ulama View.*

### 1. INTRODUCTION

Marriage etymologically means to gather and mix. While based on terminological in the books of jurisprudence many are interpreted as contracts or agreements that intend to allow sexual relations using lafaz nakaha or zawaja.<sup>1</sup>

Linguistically, marriage means to gather or gather. From the meaning of this language, a basic understanding of marriage can be obtained, namely the gathering of two men and women who are not mahram in the marriage bond.<sup>2</sup>

Islam recommends holding a marriage before marriage, this aims to find out whether the prospective husband and prospective wife are balanced or kafa'ah in marriage. Because, if married not with sekufu, it can cause disharmony in the household and can lead to divorce.<sup>3</sup>

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<sup>1</sup> Amir Syafruddin, *Garis-garis Besar Fiqh*, (Jakarta: Kencana, 2010), Cet Ke-3, Edisi 1, hlm. 74.

<sup>2</sup> Rizem Azizid, *Fiqh Keluarga Terlengkap*, (Yogyakarta: Laksana, 2018), Cet.Ke-3, hlm. 43-44.

<sup>3</sup> Tihami dan Sohari Sahrani, *Fikih Munakahat*, (Jakarta: PT Raja Grafindo Persada, 2010), Cet. Ke-2, hlm. 29.

Kafa'ah is the compatibility of conditions between the husband and wife, in terms of his position with his wife and society, and sekufu in terms of morals and wealth. The equal position of husband and wife will lead to a prosperous home, avoiding misfortune.<sup>4</sup>

Kafa'ah can also prepare a man and woman to be more mature and responsible in entering and running family life (marriage), this is just how each party can position Kafa'ah as a noble teaching that protects their human rights and the human rights of others. Indeed, the achievement of the purpose of marriage is not easily determined by the commensurate factor alone, but it can be the main support.<sup>5</sup>

In the Qur'an it is explained that marriage must be with the same in terms of religion, this is in accordance with the word of Allah in Q.S Sajadah verse 18:<sup>6</sup>

أَفَمَنْ كَانَ مُؤْمِنًا كَمَنْ كَانَ فَاسِقًا ۗ لَا يَسْتَوُونَ

It means: "*Are believers the same as wicked people? They are not the same.*"

Very few people know what the kafa'ah is like in marriage, even many do not know who the kafa'ah is for, many who marry are not sekufu in terms of property and education that is not equal to the husband, which results in the marriage imbalance or not sekufu in their household, even often disputes due to marriage that is not sekufu resulting in disharmony in the household so that it ends in divorce The result is not sekufu. It is difficult to maintain a household if married not with sekufu, and it is better to marry with sekufu in terms of religion, because religion comes first.<sup>7</sup>

Just like the case in Amuntai Tengah sub-district where they got married did not know what the concept of kafa'ah was like in marriage, because it was not sekufu in terms of property that resulted in their household becoming less harmonious, there were also some who were not sekufu in terms of their work and education, where the wife's education level was higher than the husband which was also not sekufu in marriage.

Each scholar certainly has a different view on the concept of kafa'ah. Therefore, this paper will discuss the views of scholars who are not as bad as marriage that occurred in Amuntai Tengah District.

## 2. LITERATURE REVIEW

Kafa'ah is no stranger to be discussed, in previous studies it was also discussed about kafa'ah as a means of harmony in the household. Kafa'ah in

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<sup>4</sup> Ahmad Rofiq, *Hukum Islam Di Indonesia*, (Jakarta: PT Raja Grafindo Persada, 2003), hlm. 14.

<sup>5</sup> Al-Hamdani, *Risalah Nikah (Hukum Perkawinan Islam)*,(Jakarta: Pustaka Amani, 2002), hlm. 15.

<sup>6</sup> Muhammad Nashiruddin al-Albani, *Ringkasan Shahih Muslim, Terj, Elly Lathifah*, (Semarang : CV Asy-Syifa, 1992), hlm. 409.

<sup>7</sup> Syarifah Gustiawati dan Novia Lestari, Aktualisasi Konsep Kafa'ah Dalam Membangun Keharmonisan Rumah Tangga, dalam *jurnal Ilmu Syari'ah*, (Bogor: Al Universitas Ibn Khaldun), Vol. 4 No. 1 Tahun 2016, hlm. 37.

marriage towards household harmony is seen from several criteria that are taken into consideration, such as religion and noble morals, nasab, physical, and wealth. Therefore, the principle of commensurate is implemented to be used as a benchmark in forming a harmonious household.<sup>8</sup>

Kafa'ah in marriage is intended so that there is a harmony of conditions between husband and woman, equal position of husband and wife will lead to a prosperous home. The background of the application of the concept of kafa'ah in marriage aims to avoid the occurrence of crises that can hit domestic life. The purpose of marriage can be achieved if the cooperation between husband and wife goes well so as to create an atmosphere of peace, security and prosperity. The achievement of the purpose of marriage is not absolutely determined by the commensurate factor alone, but it can be the main support.<sup>9</sup>

The concept of kafaah is a sociological construction born from society, kafa'ah in the form of criteria other than religion is a sociological rule that aims to avoid reproach or defects in the wife and the wife's family due to the entry of men into the bonds of marriage and kinship of wives. So it is necessary to equalize religion, property, and work to avoid reproach and defects. The proportional placement of the concept of kafa'ah is very important because changing times and society sometimes make casuistic laws no longer relevant to be established in the present, this is due to changes that occur in society so that the concept of kafa'ah in fiqh remains relevant and the maslahah value of establishing a kafaah law can continue to live and be in accordance with the mission or basic principles of Islam.<sup>10</sup>

Islam does not make rules regarding the kafa'ah, but it is man who establishes them. Islam views that human beings are created equal. To create a happy and eternal home based on the Almighty Godhead in accordance with what is mandated in Law Number 1 of 1974, in the marriage process, the concept of kafa'ah in the Islamic Law is important to pay attention to, especially those involved. But the most important of the existing concepts of Kafa'ah is the similarity in terms of religion adopted by the bride and groom.<sup>11</sup>

### 3. RESEARCH METHODS

The method used in this research is a cutative approach, as for the type of research literature review (library reasearch). The data collection techniques

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<sup>8</sup> Syarifah Gustiawati, Novia Lestari, "Aktualisasi Konsep Kafa'ah Dalam Membangun Keharmonisan Rumah Tangga". *Mizan; Jurnal Ilmu Syariah, FAI Universitas Ibn Khaldun (UIKA) Bogor*, Vol. 4 No. 1, Tahun 2016. hlm. 33-86.

<sup>9</sup> Haryadi Z, "Kafa'ah: Implementasi Standar Pasangan Ideal Menurut Fikih Dalam Hukum Perkawinan Di Indonesia". *Ijtihad; Jurnal Hukum Islam Dan Pranata Sosial*. Vol. 33, No. 1 Tahun 2017. hlm. 18-28.

<sup>10</sup> Ali Muhtarom, "Problematika Konsep Kafa'ah dalam Fiqih (Kritik dan Reinterpretasi)". *Jurnal Hukum Islam*, Vol. 16, No. 2. Tahun 2016. hlm. 205-221.

<sup>11</sup> Syafrudin Yudowibowo, "Tinjauan Hukum Perkawinan Di Indonesia Terhadap Konsep Kafa'ah Dalam Hukum Perkawinan Islam", *Jurnal Yustisia* Vol.1 No.2 Mei – Agustus Tahun 2012. hlm 98-108.

in this study are interviews, observations, and documentation studies. Data analysis used in this study is data condensation, data presentation, and conclusions.

#### 4. DISCUSSION

##### A. Understanding Kafa'ah

Kafa'ah according to the language i.e. at-Tasawi wa at-Ta'adulu means equal and equal, according to the term Amrun yujbu adamuda'aran means the matter of the wife in perfection or maintaining salvation from disgrace in marriage. Kafa'ah is recommended in marriage but not for the validity of marriage. When there is no willingness, then kafa'ah is positioned as a condition, but if there is willingness, then kafa'ah is not as a condition.<sup>12</sup>

Kafa'ah or kufu means equal, equal or comparable. What is meant by kufu in marriage is that a man is comparable to his future wife, equal in position, comparable in social level and equal in morals and wealth.<sup>13</sup>

Kafa'ah which comes from Arabic from the word kaffa, means equal or equal. The word kufu or kafa'ah in marriage means that women should be equal or equal to men.<sup>14</sup>

Kafa'ah is etymologically the same, appropriate and comparable so that what is meant by kafa'ah in marriage is the similarity between the prospective husband and the future wife, equal in position, comparable in social level and equal in morals and wealth. The equal position of husband and wife will lead to a prosperous home, avoiding misfortune. Kafa'ah or kufu according to language means equal, balanced, or harmonious, similar, equal or comparable.<sup>15</sup>

تُنكح المرأة لأربعٍ لمالها، ولحسبها، وجمالها، ولدينها، فأظفر بذات الدين تربت يداك

It means: "A woman is married for four reasons: because of her property, because of her position, because of her face and because of her religion. So you should choose a woman who is good in her religion (Islam). Otherwise, you will undoubtedly lose money".

The existence of Kafaah in marriage is intended to realize the purpose of marriage, which is to form spouses, households, and families sakinah, mawaddah, warahmah. This is as stated in the Qur'an surah al-Ruum verse 21 as follows.

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

<sup>12</sup> Sulaiman Rasjid, *Fiqih Islam*, (Bandung:Si-nar Baru Algesindo, 2010), hlm. 374.

<sup>13</sup> Umar Abdul Jabbar, *Mabadi' Awwaliyah Juz 1*, Terj, Abdul Hamid Hakim, (Jakarta: Bulan Bintang, 1976), hlm. 9.

<sup>14</sup> Abdul Aziz Muhammad Azzam, *Fiqh Munakahat*, (Jakarta: Amzah, 2009 ), Cet. Ke-1,hlm. 39.

<sup>15</sup> Amir Syafruddin, *Hukum Perkawinan Islam di Indonesia*, (Jakarta: Kencana, 2006, Cet Ke-1), hlm. 140.

It means: "*And among the signs of his power is that he created for you wives of your own kind, that you might be inclined and at ease to them, and he made among you love and affection. Indeed, in such there are signs for the thinking people.*"<sup>16</sup>

Based on the concept of kafa'ah, a prospective bride has the right to determine her life partner by considering aspects of religion, descent, property, work, and other things. Lameness and incompatibility. Often we find many married couples who marry not sekufu or balanced in their marriage which can be an influence in the household which results in no happiness and peace in marriage, While the factor that can encourage the creation of husband and wife happiness and further ensure the safety of women from failure or turmoil in marriage must be with the sekufu or balanced in marriage.<sup>17</sup>

In reality in society, if a wife gets a higher job than her husband, it will be difficult to survive if she gets a husband who does not have a job, this infidelity can be a trigger for conflict, which will affect the relationship between husband and wife to become no longer harmonious in the household. Therefore, according to the scholars, it is recommended that in the middle amuntai you should marry the sekufu because of his religion.<sup>18</sup>

Kafa'ah in marriage is very important, so that there are no problems in the household in the future, with a balance between the bride and groom there will be a balanced relationship understanding each other both in terms of communication and in case of other social position problems will not be a problem, it will not be a barrier in the household due to imbalance in terms of position, employment, education, nasab and religion.<sup>19</sup>

Kafa'ah or sekufu is not a caste that people often equate between kafa'ah or sekufu with caste, the caste that exists in Hinduism is not the same as kafa'ah in Islam. Kafa'ah in Islam is discussed according to human nature for the sake of harmony, balance and equality in marriage, kafa'ah is not to demean, even if the person is in low kafa'ah, but if he has noble faith he is before Allah. It does not matter if a man is not kafa'ah with the woman he wants to marry. But this kafa'ah is a balance between couples, didn't the Prophet teach that marriage has the right to choose. It is wrong to say that getting married does not have to be kafa'ah.

## B. Legal Basis of Kafa'ah

Kafa'ah is something prescribed by Islam, it's just that the Qur'an does not mention it explicitly. That is, Islam does not stipulate that a rich man can only

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<sup>16</sup> Departemen Agama RI, *Al-Qur'an dan Terjemahannya*, (Jakarta: CV Darus Sunnah, 2016), Cet. Ke-20. hlm. 407.

<sup>17</sup> Amir Syafruddin, *Hukum Perkawinan Islam di Indonesia*, (Jakarta: Kencana, 2006, Cet Ke-1), hlm. 140.

<sup>18</sup> Ibid.

<sup>19</sup> Muhammad Fu'ad Abdul Baqi, *Kumpulan Hadits Shahih BukhariMuslim*, Terj, Arif Rahman Hakim, (Surabaya: Darul Hadits Qahirah, 2012), hlm. 389.

marry a rich woman, an Arab cannot marry an Indonesian, or anything else, Islam does not teach that.

Allah Almighty says in Q.S Sajadah verse 18:

أَفَمَنْ كَانَ مُؤْمِنًا كَمَنْ كَانَ فَاسِقًا ۗ لَا يَسْتَوُونَ

It means: "Are believers the same as wicked people? They are not the same."<sup>20</sup>

Based on the above verse that the wicked and the believer are not equal or unequal, the difference is the level of quality of their religion, besides not being equal that it tends to be in opposite directions which can have a negative impact on the survival of the household.

Kafa'ah in marriage is only applied to a man, not a woman, meaning that a man is signaled that he is equal to the woman he is going to marry, on the same level as the woman and the woman is not hinted to be equal to the man. In a hadith of Abu Hurairah (r.a) narrated by Imam Bukhari and Muslim, the Prophet (peace be upon him) gave guidelines in choosing a partner, namely:<sup>21</sup>

أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: تُنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ لِمَالِهَا وَلِحَسَبِهَا وَجَمَالِهَا وَلِدِينِهَا، فَاظْفُرْ بِذَاتِ الدِّينِ تَرَبُّثٌ يَدَاكَ. (رواه البخاري)

Meaning: "From Abu Hurairah (ra). From the Prophet Muhammad (peace be upon him) has said: Women are generally married because of 4 (four) things: their wealth, their fate, their beauty, and their religion. Therefore, choose those who have religion, you will be lucky." (H.R. Bukhari).

This hadith explains that the importance of kafa'ah in marriage, From the above it can be concluded that if a man is going to marry a woman then he must pay attention to four things namely, his wealth, degree (nasab), beauty and religion, but the Prophet SAW, strongly emphasized the religious factor to be taken into consideration in choosing a partner.

### C. Types of Kafa'ah

The types of kafa'ah, which are as follows:

#### 1) Nasab or Descendants

The Arabs were among them. So it was with the Quraysh. Men other than Arabs are not the same as Arab women. And Arab men (other than the tribe of Quraysh) are not as strong as Quraysh women.<sup>22</sup>

#### 2) Independent

Male slaves are not the same as free women. Male slaves who have been freed are not as similar as women who have been free from the beginning.

<sup>20</sup> Departemen Agama RI, *Al-Qur'an dan Terjemahannya*, (Jakarta: CV Darus Sunnah, 2016), Cet. Ke-20. hlm. 417.

<sup>21</sup> M Abdul Majid, *Kamus Istilah Fikih*, (Jakarta: Pustaka Firdaus, 1995), hlm. 147.

<sup>22</sup> Abdul Rahman Ghozali, *Fikih Munakahat*, (Jakarta: Prenada Media Group, 2008 ), Cet Ke-3, hlm. 96.

Because free women marrying slave men are considered reprehensible. Similarly, the marriage of a man whose grandfather was once a slave.<sup>23</sup>

3) Various Islams

Based on this, if a woman has a Muslim father and grandfather, then she is not in harmony with a Muslim man whose father and grandfather are not Muslim.

4) Occupation

If a woman comes from a family that has a noble job, then a man who has a despicable job is not as close to her. And if their jobs are the same, then the difference between the two need not be taken into account.

5) Possessions

Some of the Shafi'i schools take wealth into account and others do not. The first group says that poor men are not as similar as rich women. It is used as property as a consideration in the kafa'ah according to the narration of Imam Ahmad because a rich woman will be afflicted with misery if her husband is poor so that the income and living expenses of his children cannot be met. And in general people regard poverty as a disgrace and they pride themselves on each other in matters of wealth, as in matters of fate. Even treasures are more important than nasab.<sup>24</sup>

6) No physical disability

As mentioned by Ibn Nash of Malik, the Companions considered that being free from physical disabilities was one of the conditions of kafa'ah. Men who have disabilities are not the same as women who do not have disabilities.<sup>25</sup>

Scholars of the Mazhab also differ on the concept of kafa'ah or sekufu, including:

a. Madzhab Hanafi

According to Imam Hanafi considers the meaning of kafa'ah in marriage to be the same between a man and a woman in several provisions that will be explained, some consider that the kafa'ah is only for men not women, because men are not considered disabled marrying women with a level below, in contrast to women (women should not be married by men of lower levels. The Hanafi Madzhab considers that a couple can be said to be sekufu if they are commensurate in six things, namely nasab, islam (religion), work, freedom or non-slave, religious quality, and economic strata.

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<sup>23</sup> Dahlan, Mulyadi, Kafaah dalam Pernikahan Menurut. *Jurnal Pengembangan Hukum Keluarga Islam*, Vol 2 Tahun 3, Agustus 2021. hlm. 37.

<sup>24</sup> Otong Husni Taufik, *Kafa'ah Dalam Pernikahan Menurut Hukum Islam*, (Volume 5 No. 2 - September 2017), hlm. 174-177.

<sup>25</sup> Abdul Rahman Ghozali, *Fiqh Munakahat III*, (Jakarta: Prenada Media Group, 2003), hlm. 404.

b. Madzhab Maliki

According to the Maliki imam madhhab, the kafa'ah factor is also considered very important to note. The top priority in this madzhab qualification is the religious aspect and free from defects. Marriages that do not pay attention to religious issues are invalid. As for the aspect of being free from defects, this is a woman's right. While the Maliki madhhab has the opinion that a couple is said to be sekufu if they have fulfilled two things, namely religious qualities (a Muslim should be a match with a non-wicked one) and both prospective brides are physically healthy.<sup>26</sup>

c. Madzhab Syafi'i

Kafa'ah according to the Shafi'i madhhab is an important issue that must be considered before marriage. The existence of kafa'ah is believed to be a factor that can eliminate and prevent the emergence of disgrace in the family. Kafa'ah is an attempt to seek equality between husband and wife both in perfection and in circumstances other than being flaw-free. Shafi'i Madhhab argues that sekufu means commensurate in four things, namely, equality of nasab, social strata (free or slave) and work.<sup>27</sup>

d. Madzhab Hambali

There are two narrations of Kafa'ah, first Kafa'ah is a condition for the validity of marriage with the provision that if the kafa'ah is not fulfilled then the marriage is invalid even though they love each other. Secondly, kafa'ah does not include the legal requirement of marriage because the Prophet once married Zayd who became the son of his master to the daughter of his uncle named Zainab bint Jahsin. Hambali Madzhab argues that sekufu means equal in five things, namely, religion, occupation, social strata (free or slave) and nasab.<sup>28</sup>

If the guardian and the woman to be married agree to be married to a man who is not sekufu, then the marriage contract is valid. This is according to the opinion of Hanafi, Maliki and Shafi'i. Hambali argues it illegitimate. If a woman under her guardianship, with anything other than the woman, with a man who is not commensurate, then her contract is invalid, according to Shafi'i's opinion, Maliki argues that whether the guardians agree or not, the same as the contract remains valid. If the woman allows her to be married to a Muslim and no one among her guardians has the right to prevent it, Hanafi argues that the marriage remains valid.

From the differences in opinion of the four madzhabs above, broadly speaking the scholars emphasize religious similarities and religious qualities. Ibn Hazm admits the existence of kafa'ah in marriage, it's just that the

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<sup>26</sup> Al hamdani, *Risalah Nikah Hukum Perkawinan Islam*, terj, Agus Salim (Jakarta: pustaka amani, 2002), hlm. 98.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

criteria are different. According to him kafa'ah is not a condition of marriage, he argues that there is no prohibition on marriage, between rich and poor, high-ranking people with low-ranking people, as long as they believe and do not commit adultery with each other is still kufu', but only implicitly Ibn Hazm recognizes kafa'ah in terms of religion.<sup>29</sup>

Maliki scholars acknowledge the existence of kafa'ah but according to them kafa'ah, only in the nature of istiqamah and ethics. Kafa'ah is not because of nasab or offspring, not because of his wealth, a shaleh man who is not nasab can marry a woman who is nasab, a small businessman can marry a big businessman, a despicable person can marry a respectable woman, a poor man can marry a rich woman, as long as it is Muslimah.<sup>30</sup>

## **5. OPINION OF CENTRAL AMUNTAI DISTRICT ULAMA ON THE CONCEPT OF KAFA'AH**

Based on the results of interviews with 5 (five) scholars of Central Amuntai District who were respondents in this study who have expertise in the field of jurisprudence and master jurisprudence, the author obtained their perspective on the concept of kafa'ah in parkawinan. While the informants interviewed by the author amounted to 2 (two) people from the Central Amuntai District.

Said Masrawan is the chairman of the Indonesian Ulema Council in North Hulu Sungai Regency, believes that kafa'ah in marriage is balance. Sekufu is in terms of status or position between men and women in marriage. It is better to marry it must be with the sekufu so that there is a balance between husband and wife later in the household. This right of kafa'ah actually lies with the prospective wife and her guardian, not with the prospective husband, so the wife has the right to refuse if it turns out that she was not married to the sekufu.<sup>31</sup>

In a kafa'ah household it is required to maintain the dignity and psychology of husband and wife in marriage, kafa'ah becomes a legal requirement of marriage when the wife is not pleased (not happy) to be married to a non-sekufu, but if she is happy with her future husband who is not sekufu, then kafa'ah is not a legal condition of marriage.<sup>32</sup>

If the marriage is not sekufu, it is feared that it will cause a problem that triggers quarrels to divorce. Therefore you should choose a life partner with a balanced or sekufu. The solution for couples who are not sekufu in terms of wealth or profession should be he be prepared for the consequences that will occur in his household later, must be extra patient if there is no balance in

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<sup>29</sup> Ibid.

<sup>30</sup> Al hamdani, *Risalah Nikah Hukum Perkawinan Islam*, terj, Agus Salim (Jakarta: pustaka amani, 2002), hlm. 98.

<sup>31</sup> Said Masrawan, wawancara pada hari Rabu tanggal 29 September 2021 Pukul 13:20.

<sup>32</sup> Ibid.

marriage, because the factor of divorce often occurs due to imbalances in economic terms, it is better to marry with a balanced or sekufu.<sup>33</sup>

Ahmad Humaidi, a teacher and religious activist in North Hulu Sungai Regency, said kafa'ah is equality, balance in marriage sekufu there are three things in social, moral or economic, with the kafa'ah in marriage, it will be balanced or equal between husband and wife. Marriage is required and even recommended with sekufu, if not sekufu then in the marriage there will be disharmony in the household. So, it is required in marriage that it must be kafa'ah or sekufu, although kafa'ah is not a mandatory condition in marriage, for example the wife is quiet husband is also quiet, so if there is a problem it will be difficult to communicate with each other if there is no balance in the marriage. This means that if you want to knit the household ark so that the road is smooth and good, then balance is needed in the household, if there is no kafa'ah in marriage it is not a problem, it is only feared that there will be differences of opinion that lead to quarrels in unwanted things, even to divorce due to the absence of balance or equality in the household.<sup>34</sup>

This is not a matter of being obliged to marry with the sekufu, but it would be nice and even recommended that the marriage must be with the sekufu, so that there is a balance in living a domestic life. The solution for those who are married is not sekufu, then he must be ready to live a household that has no balance, must be ready if there are problems in his household later, it would be nice to choose a partner that must be with the sekufu. For example, if he is married to the son of an official and he is just an ordinary person, it is not a problem, but social differences must make many adjustments between the two. Marry the sekufu because sekufu is to maintain honor, avoid destruction and ensure happiness in the household.<sup>35</sup>

Muhni, one of the preachers and lecturers in North Hulu Sungai Regency, also believes that kafa'ah or sekufu is commensurate, equal and equal in marriage between husband and wife. Sekufu is good in terms of position, wealth, religion and work. However, it is all the most important thing is in terms of religion. The basis of the law of kafa'ah is one of the paths to happiness in marriage.<sup>36</sup>

Marriage is required and even recommended with the sekufu, marrying with the sekufu will ensure happiness in the household, especially marrying the same faith, in line, co-religion and even required to marry the sekufu because the religion is in choosing a life partner. If marrying is not sekufu then it does not matter as long as he is sekufu in terms of religion, then it does not matter if it is not sekufu in other things. But if not sekufu in marriage is very difficult to settle down and there are often quarrels because there is no mutual understanding in

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<sup>33</sup> Ibid.

<sup>34</sup> Ahmad Humaidi, wawancara pada tanggal 29 September 2021 Pukul 09:30.

<sup>35</sup> Ibid.

<sup>36</sup> Muhni, wawancara pada hari Rabu tanggal 29 September 2021 Pukul 11:45.

an issue that is often debated. Even many married people do not know this kafa'ah or sekufu in marriage which results in an imbalance in the occurrence of internal imbalances, Marriage that leads to mutual blame for each other.<sup>37</sup>

Therefore, if marriage is not sekufu, then you must be mentally prepared so that the household does not occur a problem, must be sincere and patient in dealing with couples who are not sekufu. There are even those who marry not as sekufu in terms of property, this property is often a reason that causes problems in the household that ends in divorce. So if you want to get married, you should first know how sekufu in marriage will be.

Gazali Sutera Ali says that kafa'ah is a balance between the bridegroom and the bride who wants to get married. Sekufu in marriage is found in terms of religion, nasab, property and work. A Muslim woman is not equal to a man who is not sholeh or equal to a wicked man, a rich woman marrying a poor man is not sekufu, but it will not be a problem because sekufu in terms of religion is the most important in marriage.<sup>38</sup>

Marriage must be with the sekufu, by marrying the sekufu then the household will be happy, sekufu is highly recommended for the bride and groom couples who want to marry. Marrying a kafa'ah or sekufu is so good that it is even recommended that households can understand each other. Marrying is better with the sekufu in terms of religion, because if you marry not with the sekufu, it is feared that later the household will have a debate. That is why kafa'ah is highly recommended in marriage. If married to someone who is not sekufu, then he must bear the risk, if he encounters a shock in the household later. He must also be prepared to face problems that will come later if he marries not with the sekufu, especially if he is not sekufu in terms of religion, it will be difficult to build a household foundation.<sup>39</sup>

Laili Munsyi said that kafa'ah is balanced or commensurate in choosing a life partner. Be it sekufu in terms of wealth, nasab or descent, beauty and religion. As explained in the hadith of the Prophet chose the woman because of four things: because of her wealth, because of her lust, because of her beauty and because of her religion. So, choose the couple because of religion. Because religion is the main key to blessings and the best in choosing a partner.<sup>40</sup>

Marriage is required and even recommended with the sekufu, in order to maintain the honor of a woman and so as not to be underestimated if married to the sekufu. If it is not sekufu in terms of religion, it is feared that there will be misunderstandings that trigger debates that lead to quarrels in the household. So, for those who marry, it is not sekufu in terms of property, it is not a problem,

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<sup>37</sup> Ibid.

<sup>38</sup> Gazali Sutera Ali, wawancara pada hari selasa tanggal 01 Oktober 2021 Pukul 10:25.

<sup>39</sup> Gazali Sutera Ali, wawancara pada hari selasa tanggal 01 Oktober 2021 Pukul 10:25.

<sup>40</sup> Laili Munsyi, wawancara pada hari selasa tanggal Hasil wawancara pada hari Selasa tanggal 05 Oktober 2021 Pukul 15:30.

but if it is not sekufu in terms of religion, it is feared that it will cause damage that results in the destruction of the household.<sup>41</sup>

Therefore, according to the author, the solution for those who are married is not sekufu in any case, it is better for him to accept the destiny that has been determined by Allah to accept sincerely because it is not sekufu, so he must be prepared for all the risks that will occur due to not being sekufu in marriage. Indeed, a marriage that is not sekufu is not a problem, but it is feared that it will cause destruction and even loss of happiness in the household. In essence, marry because of religion, according to the Prophet's command choose a woman because of her religion.

A woman has the right to choose her same life partner, but if the guardian of a woman chooses a partner who is not the same as the woman, then he has the right to reject the partner who has been chosen by the woman's guardian if he does not like it because it is not sekufu. If you agree, then it's okay if you don't have sekufu in marriage, but it is feared that someday in the household there will be misunderstandings that trigger debates that lead to quarrels in the household, therefore it is highly recommended that men marry women who are sekufu, so that the household is harmonious which complements each other's shortcomings to the couple in the household.

From the results of the interview, the author can conclude that, in marriage must be sekufu, because in the household if each has a different position, wealth or education it is feared that mutual degrading will occur. For example, a richer wife looks down on her husband and family who are not rich, it creates conflicts in the household that can lead to cracking of domestic harmony. The solution if marriage is not sekufu, live the marriage well. Because you choose to marry someone who is not sekufu, the consequences must be able to be borne by yourself. This means that you must be patient, wise in living a household for two different partners.

From the opinions of the scholars above, it can be underlined, that kafa'ah in marriage is balance, equality, density and harmony between the prospective bride and groom who want to hold a marriage. Most scholars' opinions on the kafa'ah are better in terms of religion.

So marriage is not enough just in terms of religion, but must be balanced with sekufu in terms of property as well, so that households can understand each other and accept all the shortcomings and advantages of the couple. However, the most appropriate kafa'ah is also considered in terms of religion, indicators that can be used to assess a prospective wife or prospective husband that he is good in his religion are:<sup>42</sup>

a. Morals

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<sup>41</sup> Ibid.

<sup>42</sup> Dadang Jaya, Media Hukum dan Pendidikan, Bagaimana Relasi Suami-Istri Perkawinan Tidak Sekufu dalam Profesi: Dampak terhadap Keharmonisan. Dalam *Jurnal At-Tadbir*: Vol. 3, No. 1 Tahun 2021. hlm. 20.

Between husband and wife must also be commensurate morally, so neither is equal if a person of noble character marries someone who is not good at maintaining his honor. In terms of choosing a future wife or husband, this moral matter is no less important than other questions. Failure to build a family can be triggered from moral problems, even divorce cases generally start from neglect of this problem, such as not knowing what obligations to the husband or vice versa.

b. His behavior and habits

Imam Ja'far Sadiq said, do not marry a woman who is openly adulterous and do not marry your woman to an adulterer unless you are sure they have repented. People who have bad habits, deviant behavior, etc. will have a negative impact on their children because all their behaviors will be recorded in children's memories and will be practiced in their behavior. In addition, this kind of person usually does not care about the religious education or morals of his children.

c. Able to read the Qur'an properly and correctly

The ability to read the Qur'an properly and correctly is one of the answers, whether a person is good or not his religion. Because it reflects the circumstances of the family or environment in which he was raised or educated. In addition, the Qur'an is a guide to the life of Muslims that must be read, understood and practiced.

d. Understand the laws of jurisprudence

As Muslims and Muslim women, it is mandatory to understand the laws related to the implementation of worship. The factor of understanding religion can also be seen from the daily behavior of the future wife or prospective husband.

The existence of various considerations on these issues is intended so that in married life there is no inequality and incompatibility. In addition, psychologically someone who gets a partner who suits his wishes will be very helpful in the socialization process towards achieving family happiness, namely a family that is *sakinah mawaddah wa rahmah*.

## 6. THE PURPOSE AND WISDOM OF KAFAAH IN MARRIAGE

Kafa'ah aims so that couples are not heavy in undergoing the household dipper. In this case, the ulama in Amuntai Tengah sub-district basically recommend kafa'ah or sekufu in marriage for the bride and groom to settle down. So that life in a household is balanced or sekufu both in terms of religion, wealth, in terms of fate, in terms of work and in terms of beauty.

The objectives of the kafa'ah itself include:<sup>43</sup>

a) The purpose of kafa'ah is the same as the purpose of marriage, which is to form a happy and eternal family based on God Almighty. Happiness in the

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<sup>43</sup> Hasyim Assegaf, *Derita Putri-putri Nabi studi Historis Kafa'ah Syariah*, (Bandung: PT Remaja Rosdakarya, 2000), hlm. 27.

household, of course, is a goal that those who founded it want to achieve. It is appropriate if everyone who is interested in establishing a household and wants to achieve a life in it, has good intentions and always tries his best to get it.

b) To realize a harmonious and peaceful household, it is necessary to have kafa'ah (balance in marriage), because the issue of kafa'ah is very important in domestic matters. So that prospective married couples avoid failure in marriage caused by differences between the two partners, which ultimately causes disharmony in marriage. So here the kafa'ah plays an important role as a first step to form a sakinah family.

The following wisdom of kafa'ah in marriage which includes the following:<sup>44</sup>

a) Kafa'ah is a manifestation of justice and the concept of equality offered by Islam in marriage. Islam has given the right of thalaq to men absolutely. But by some irresponsible men, their thalaq rights are exploited and abused in such a way as to act arbitrarily towards women. As a solution to anticipate this, long before the marriage process took place, Islam had given kafa'ah rights to women. This is so that women can try to be as selective as possible in choosing their future husbands, the minimum target is, women can choose their prospective husbands who really understand the concept of thalaq and are responsible for the ownership of thalaq rights in their hands.

b) In Islam, the husband has the function of imam in the household and the woman as the makmum. The consequences of this imam-makmum relationship strongly demand awareness of obedience and obedience on the part of the woman towards her husband. This will only work normally and naturally if the husband is one level above his wife, or at least on the same level. A wife may not lose the totality of obedience to her husband, even though (educationally and wealth-wise, for example) she is superior to her husband.

c) The rise or fall of a wife, is largely determined by her husband. An ordinary woman will be elevated when married by a man who has a high social status, an established education, and a more religious degree. Conversely, the negative image of the husband will also affect the name, social status, and religious life of a wife. In addition, kafa'ah acts as a neutralizer of inequality, because a difference comes from human life that is qualified with various status gaps. Thus, it is clear that balance (kafa'ah) in marriage is necessary for the establishment of a peaceful family.

So, in the opinion of the author, the kafa'ah is arranged to harmonize in marriage not to demean. So that the number of scholars agreed to declare the existence of kafa'ah not caste, but this kafa'ah can be aborted. For example, the woman has a certain environment, a certain family, then she must see what the future husband will look like, so as not to tarnish her family by marrying the woman is not worth it. So, choose a husband who matches the woman if it suits the woman's family situation. But if it turns out that the woman wants to bring it

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<sup>44</sup> Otong Husni Taufik, *Kafa'ah dalam Pernikahan Menurut Hukum Islam*, Vol. 5. No. 22 September Tahun 2017. hlm. 168-181.

down and agrees to marry a man who is not like her, then it will not be a matter of her business if the family just agrees.

## 7. CONCLUSION

Based on the results of the discussion that has been stated in the previous chapters, regarding the views of scholars on the concept of kafa'ah in marriage in Amuntai Tengah District which has been examined by the author. In the end, the author can draw the following conclusions:

- a) Ulama of Amuntai Tengah District that marriage is recommended with sekufu, both in terms of social status / position, economy / property, and more importantly in terms of religion. Because if it is not sekufu, it can cause imbalance, disharmony, quarrels, unrest, and can even cause rifts in the household.
- b) Marriage must be carried out in terms of religion which aims to make the household harmonious safe from rifts that trigger problems so that divorce occurs. Based on verses of the Qur'an, hadiths of the Prophet and the opinion of Madzhab scholars, that marriage is broadly emphasized on religious similarity and religious qualities in choosing a partner.

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