



Practice of kafa'ah in marriage and its urgency in society viewed from islam perspektive (Case Study in the Pitu Hamlet Community, Pitu Village, Pitu District, Ngawi Regency)

Puguh Fitri Setyo Widodo¹, Abid Nurhuda²

State Islamic University Raden Mas Said Of Surakarta, Indonesia

Postgraduate Nahdlatul Ulama University Of Surakarta, Indonesia

E-mail: puguhwidodo215@gmail.com

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ABSTRACT

Marriage is a reliable means of maintaining harmony, love, and affection. And to make this happen, it is necessary to pay attention to various things, one of which is related to equality or kafa'ah in marriage where most people do not know the term kafa'ah. As in the people of Pitu Hamlet, Pitu Village, Pitu District, Ngawi Regency, where young people aged 30-40 years are not married because there is no kafa'ah with a prospective wife, there are even many cases of divorce there due to the lack of kafa'ah between spouses. So the purpose of this study is to describe the practice of Kafa'ah in marriage and its urgency in society viewed from islam perspektive. The method used is field research by collecting both primary and secondary data. Then analyzed with the model inductive namely reducing data, presenting data, and drawing conclusions. The results of this study indicate that kafa'ah is interpreted as a balance between husband and wife candidates starting from religion, heredity, work, and wealth, to being free from disgrace.

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Corresponding Author:

Pungguh Fitry Setyo Widodo,
sharia department/sharia faculty,
State Islamic University Raden Mas Said Of Surakarta, Indonesia,
Jl. Pandawa, Hamlet IV, Pucangan, Sukoharjo Regency, Central Java
57168, Indonesia
Email: puguhwidodo215@gmail.com

1. Introduction

In Islam, guidelines and teachings have been regulated that regulate the interests of the people as a whole. With the method of ijihad and the development of fiqh, Islam can anticipate all problems due to the times so that it remains relevant in all aspects of life. All living things were

created by Allah SWT in pairs. However, there are differences between humans and other creatures that tend to be free because they are not endowed with reason. Therefore, to maintain human honor and dignity and to get offspring, Islam has regulated human relations with the opposite sex through marriage. Marriage is a reliable means of maintaining the continuity of offspring and relationships, being a cause for guaranteeing peace, love, and affection (Azzam & Sayyed, 2019).

The word kafa'ah comes from the original word al-kufu which means al-Musawi' (balance). About marriage, kafa'ah is defined as a balance between the prospective husband and wife, in terms of position (hasab), religion (din), descent (nasab), and the like (ibn Mukarram al-Ansari al-Ma, tt). As for kufu in the scientific dictionary, it is a comparison, rejecting equal degrees (Budiono, 2005). In marriage what is meant by kufu' is that a man is equal to his future wife, equal in position, and comparable in social, moral, and economic levels (Sabiq, 2009).

The term kafa'ah in marriage is still foreign among ordinary people. This problem also applies to the people of Pitu Hamlet, Pitu Village, Pitu District, and Ngawi Regency. In addition, there is another problem, namely unmarried youth at the age of 30-40 years due to the absence of kafa'ah with a prospective wife. On the other hand, there are other problems, namely cases of divorce due to the absence of kafa'ah between spouses.

2. Method

The type of this research is field research which according to Abid Nurhuda is research in nature without generalizing with three main techniques which will later be mentioned as a descriptive qualitative process (Abid Nurhuda & Hadziq, 2022). The data analyzed later can be obtained from activities in the field. The location of this research is in Pitu Hamlet, Pitu Village, Pitu District, Ngawi Regency. The formulation of the problem from this research is: 1) How is kafa'ah in marriage according to the people of Dusun Pitu? 2). How is the urgency of kafa'ah in marriage according to the people of Dusun Pitu? Data collection using observation, interview, and documentation techniques, was then analyzed with the interactive model of Miles and Huberman. then the last is the conclusion.

3. Analysis and Results

3.1 Meaning of Kafa'ah

The word kafa'ah comes from the original word al-kufu which means al-Musawi' (balance). With marriage, kafa'ah is defined as a balance between the prospective husband and wife, in terms of position (hasab), religion (din), descent (nasab), and the like (ibn Mukarram al-Ansari al-Ma, tt). As for kufu in the scientific dictionary, it is a comparison, rejecting equal degrees (Budiono, 2005). In marriage what is meant by kufu' is that a man is equal to his future wife, equal in position, and comparable in social, moral, and economic levels (Sabiq, 2009). This proportion or equivalent is aimed at maintaining safety and harmony in marriage, not at its validity. This means that whether the marriage is valid or not depends on this kafa'ah (Mas'ud & Abidin, 2007).

وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَنْكِحُ الزَّانِي الْمَجْلُودَ إِلَّا مِثْلَهُ

Men who commit adultery do not marry except women who commit adultery or women who are polytheists, and women who commit adultery are not married except by men who commit adultery or men who are polytheists, and that is forbidden for believers (Republik Indonesia, 1992).

3.2. Legal basis

Balance in marriage is considered important, solely to prevent negative things that cause the fragility of the husband and wife's household life, this is the background for the recommendation of harmony or equivalence between husband and wife in a marriage (Mahbub, 2011).

The verse above was revealed to show the purity of 'Aisyah ra and Shafwan bin Al-Mu'attal ra from all accusations leveled against them. Then Allah SWT sent down the verse to show the Muslims that Rasulullah SAW was the best person, so a good woman must also be his wife, namely 'Aisyah ra (Bashori & Sembodo, 2018). Abid Nurhuda also said that a family usually complements each other and a partner is a reflection of himself (Nurhuda, 2023).

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From Abi Hurairah ra said, Rasulullah SAW said: Do not marry an adulteress who (should) be whipped except with something like that. (Reported by Ahmad and Abu Dawud) (Sayuti, 2015).

3.3 Kafa'ah According to Madzab scholars

First, lineage, namely descent or nationality, Second, Islam, namely in the genealogy of many relatives who are Muslims, Third, Hirfah, namely professions in life, Fourth, self-independence, Fifth, Diyanah or the quality level of their religion in Islam, Sixth, wealth (Anshori, 2011). Meanwhile, according to Imam Malik, the criteria for kafa'ah are only diyanah or religious qualities and are free from physical defects-blatantly. Therefore, shalihah women are not kufu' with wicked men (Nur, 2012).

Meanwhile, according to Imam Syafi'i, the criteria for kafa'ah include First, nationality or lineage; Second, the quality of religion; Third, self-independence; Fourth, business or profession. In other references, it includes five criteria including the following: not disabled, hereditary, protected from disgraceful actions, work or livelihood, and independence. Meanwhile, according to Hanabilah scholars, the criteria for kafa'ah include religious quality, business or profession, wealth, self-independence, and nationality.

3.4 Kafa'ah criteria

As for the religious aspect, it is one of the most essential elements in terms of kafa'ah, because the four priests of the madhhab recognize it and it is the same among the scholars without any disputes and contradictions. Because, in religion, there is a meaning of goodness, as contained in religious law. So, when there is a pious woman from a good family, good religiously, then marries a wicked man, then the guardian of the woman has the right to refuse or prohibit and even demand fasakh (break/damage) (Kaha, 2020).

In ancient times, there were two groups of lineage elements, namely the Ajam (non-Arab/foreign) group, and the second, the Arab group. For example, the Quraysh tribe is not commensurate with the Bedouin tribe, or if one looks at developments in Indonesia, for example, the son of a conglomerate or a child of royal descent is considered not to be on the same level as the child of a construction worker, and so on.

The meaning of work here is respectable work and menial work. Thus, women whose families have respectable jobs are not kufu' to people whose jobs are menial. The glory and disgrace of work are measured by tradition. Sometimes, a job is considered noble in a certain place or at a certain time, while it is considered despised in another place or time.

A slave is not in communion with a freedman. This is because a slave is still bound by his master. For example, male slaves are not in equal qualification with free women. Freed male slaves were also not in confederation with freed women from origin. Then a man whose ancestor had been enslaved was not the same as a woman whose self or ancestor had never been enslaved.

The scholars differed in terms of wealth as a criterion for kafa'ah. Some scholars, including Imam Ahmad, in one history argue that wealth is one of the conditions for kafa'ah. As for the

opinion of the Hanafiyah scholars, a man is considered to be equal when he can pay a dowry and spend money. So, if he is not able and unable to pay the dowry and spend money, then he is considered not equal' (Yudowibowo, 2012).

In a history narrated by Ibn Nasr from Malik, the friends of Imam Syafi'i consider that being clean from defects is one of the conditions for kafa'ah. As for the man who has a disability, the decision to cancel the contract is not equal to a woman who is clean from defects. However, the author of al-Mugni said, "Cleanliness from defects is not a condition of kafa'ah. There is no dispute that marriages are not void without it. However, the woman has khiyar, without guardians, because the losses incurred only fall on her. On the other hand, a guardian may forbid her from marrying lepers, lepers, and insane people.

3.5 The Practice of Kafa'ah in Marriage and Its Urgency in the Community of Pitu Hamlet, Pitu Village, Pitu District, Ngawi Regency.

As for the meaning of kafa'ah and its urgency and practice in people's lives, there are various opinions and different implementations. Therefore, to obtain information about the meaning of kafa'ah, the urgency of kafa'ah, and the practice of kafa'ah in society, the researchers conducted interviews with some of the Pitu Hamlet community including married couples, divorced couples, and unmarried residents. Based on the results of interviews with the people who became informants in this study, regarding the meaning of kafa'ah, the urgency of kafa'ah and the practice of kafa'ah in society will be described as follows, as Mr. Rusbani has stated that,

"In my opinion, kafa'ah is a balance, equal terms, both in terms of religion, lineage, or something else, and for me kafa'ah is important. In the past, when I was about to get married, I also considered this kafa'ah. If asked why I married my wife because I just like her. Regarding the balance in our marriage, I think it's balanced or equal. Because, in terms of understanding religion, for example, I think my wife also has a good understanding of religion, because she used to study at Islamic boarding schools (Rusbani, 2022)."

"In my opinion, kafa'ah is equivalence in the sense that husband and wife are equal in terms of religion, property, lineage, occupation, and so on. And kafa'ah for me is important. The factor that made me marry my husband was because it fit and felt comfortable, in my opinion, our marriage was already kafa'ah, because, in terms of religion, wealth, lineage, work, and so on, my husband and I were equal, besides that he also had good behavior which makes me also feel comfortable with him (Binti, 2022)".

"Before, I did not know the term kafa'ah. But when it comes to balancing or equality with the husband, it is called kafa'ah, so in my opinion, in our marriage, it is already kafa'ah in terms of religion, lineage, wealth, and work, and in my opinion, kafa'ah is important. Because this can also lead to compatibility with husbands or harmony in the household. In the past, the factor that caused me to marry my husband was because I liked it or felt it fit. Regarding the kafa'ah earlier, as I said, in my opinion, our marriage is equal or balanced in terms of religion, lineage, wealth, and work (Dian, 2022)."

Regarding the term kafa'ah, I did not know it before. But if kafa'ah is said to be a balance or equivalence, or the Javanese usually call it seed, bebet, or weight, then for me it is the same as that meaning, meaning that both husband and wife are equal. I think kafa'ah is important. If the reason I'm not married is that I haven't found the right one yet. Sometimes also because it does not match the calculation of weton in Javanese custom. In addition, sometimes it is also because of an imbalance or the term kafa'ah as you said earlier, so sometimes the prospective wife also looks at it from the perspective of religion, work, wealth, age, and so on. I'm looking for

someone who will accept me as I am. I'm already working, even though I don't have a steady job (Prapto, 2022).

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3.6 Analysis of Kafa'ah Practices in Marriage and Its Urgency in Society

Based on the results of interviews with informants regarding the meaning of kafa'ah, the urgency of kafa'ah, and the practice of kafa'ah in society, different practices were found in terms of the application of kafa'ah. The practice of kafa'ah in the Pitu Hamlet community is as follows, regarding the meaning of kafa'ah, as Mr. Rusbani, Mbak Dian, Mbak Binti, Mas Teguh Hardjanto, Mas Awit, Mbak Sri Rahayu, and others said that kafa'ah is the existence of a balance or equivalence between the prospective husband and wife in terms of religion, lineage, property, occupation, freedom from disgrace, and so on. So it can be said that from a philosophical perspective, it must be comprehensive and in-depth related to kafa'ah (Putri & Nurhuda, 2023). Apart from that, regarding the urgency of kafa'ah in marriage, Mas Teguh Hardjanto, Mbak Binti, Mbak Dian, Mr. Rusbani, Mas Sampun, Mas Prapto, and others explained that kafa'ah in marriage is important to them.

As for the practice of kafa'ah in marriage in the people of Dusun Pitu, that in practice the community has already implemented the concept of kafa'ah in their marriages, as Mbak Binti, Mbak Dian, Mr. Teguh Hardjanto, and Mr. Rusbani have said that According to them, in their marriage, they are already in communion with their husband or wife in terms of religion, lineage, wealth, occupation, freedom from disgrace, and so on. In addition, it was found that public opinion regarding the practice of kafa'ah had not been realized as conveyed by Mas Prapto, Mas Awit, Mbak Sri Rahayu, and Mas Sampun, that among the things that caused the absence of kafa'ah in this marriage, there were several factors including because there is no unity in terms of religion, property, and lineage. And if this happens, it causes various big problems in the household and can even reach the divorce stage (Nurhuda, 2023b).

Apart from that, regarding the calculation of weton in Javanese custom, according to Mas Prapto, it is also a form of kafa'ah. Apart from that, Mas Awit also said that one of the reasons he was not married was that he had not found a compatible partner. Then Mbak Sri Rahayu also explained that one of the reasons for the divorce was the lack of unity in terms of religion and wealth. Mas Sampun also said that in his marriage there was disagreement between him and his wife in terms of religion and lineage.

4. Conclusion

Whereas balance in marriage is considered important, solely to prevent negative things that cause the fragility of the household life of husband and wife, this is the background for the recommendation of harmony or equivalence between husband and wife in a marriage. According to the people of Pitu Hamlet, kafa'ah in marriage is a balance or equivalence between the husband and wife in terms of religion, lineage, wealth, occupation, freedom from disgrace, and so on. In addition, they also think that kafa'ah is an important factor to be considered when getting married. If viewed from the theory of kafa'ah towards the practice of kafa'ah in marriage in the Dusun Pitu community, it can be said that kafa'ah in marriage can affect the level of survival in the household and can be a factor that causes success in finding a partner. Thus, it can be concluded that kafa'ah in marriage is an important factor to consider before marriage.

Kafa'ah in marriage is an effort to realize a household life that is *sakinah, mawadah, and warahmah*.

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