



Kaf' ah Ignore Factors in Marriage (Case Study in Bale Busu Village, Mutiara Subdistrict, Pidie Regency)

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Abstract: *Kafa'ah* is an alternative for people who want to do marriage in choosing their partner. It is prescribed *kafa'ah* to form a *sakian* household, *mawaddah* and *rahmah*. In general, people's understanding of the meaning of *kafa'ah* already understand, but many people ignore it due to certain things. This research is a field research with a qualitative approach. The data sources are primary data sources and secondary data sources using two data collection techniques, namely interview and observation data collection techniques. The results of his research show that factors that influence people to ignore *kafa'ah* are: (1) prefer a partner who has religious knowledge (2) *kafa'ah* is not a legal requirement for marriage; (3) Economic Factors (4) their own intentions and arranged marriages by their parents are the causes of non-sequential marriages; (5) choose their own partner and love each other. So the conclusion is that the people of Bale Busu Village actually really understand the meaning of *kafa'ah* but the practice is very little from the community because it is influenced by certain factors.

Keywords: *abandonment; kafa'ah; marriage*

I. Introduction

The issue of *kafa'ah* or what is often referred to as *kufu* in society is that men are equal to their future wives, equal in position, equal in descent, comparable in social level, piety and wealth. The meaning of *kafa'ah* In marriage, men are equal to their prospective wives, women are equal, equal in position, equal in social level and equal in character and wealth. Undoubtedly, if the position between men and women is equal, it will be a factor in the happiness of husband and wife's life and more guarantee the safety of women from failure or household shocks.

It cannot be denied that the standard of living in a household is to create balance and harmony so that the prospective wife and prospective husband each do not feel heavy in running the household. So the *kafa'ah* alternative will be one of the factors in achieving the happiness of husband and wife life and can be the safety of the household from failure. In the community of Bale Busu Village, Mutiara District, Pidie Regency, *kafa'ah* is something that is no longer considered in marriage, so there are still many people who ignore it. Whereas in Islam *kafa'ah* is something that must be considered in society.

So it should be that if the woman is from the rich group, then she must get the rich, or from a woman who already has a job, she must get a candidate from a man who has a job. Likewise, children from noble descendants or the *Syarifah* group must look for candidates from *Sayid's* descendants. However, in modern times, there are many people who ignore *kafa'ah* This is due to the factor of understanding of the community that has developed which is based on science. One of the neglect factors is that people already know that *kafa'ah* is not one of the conditions and pillars of marriage, so it does not affect the validity of the marriage.

Marriage acts as an outlet for sexual needs and regulate it so one does not become a slave to his/ her desires. It is a social necessity because through marriage, families are established and the family is the fundamental unit of our society. Furthermore, marriage is the only legitimate or halal way to indulge in intimacy between a man and a woman. Islam takes a middle of the road position to sexual relations. (Jamaluddin, 2018)

In addition, the community has understood that in this marriage there should be no coercion from parents to marry off their daughters because the children have made their own choices for certain reasons, for example, the community considers *kafā'ah*. This is not a legal requirement for marriage, and is based on love factor, education factor and piety factor.

II. Research Methods

2.1 Types of Research

The type of research that researchers use in this study is a type of field research with a qualitative approach. This research was conducted under natural conditions and is discovery. In qualitative research, the researcher is the key instrument. In qualitative research, the data collected is generally in the form of words, pictures, and mostly not in the form of numbers.

2.2 Research Sites

The research was conducted in Bale Busu Village, Mutiara District, Pidie Regency. The reason the researcher chose the village as a place of research is because many people have ignored *kafaah* for certain reasons.

2.3 Data Source

- a. Primary data, namely data obtained directly from the source, is observed and recorded for the first time. The words and actions of the people who are observed or interviewed are the main/primary data sources. In this case, the researcher interviewed Keuchik, village officials and the people of Gampong Bale Busu, Mutiara District, Pidie Regency.
- b. Secondary data is data obtained from library materials that are relevant to research, and can be used for scientific purposes related to the *kafaah* of the books. *Fiqh Shafi'iyah*.

2.4 Data collection technique

Data collection method is a tool at the time of research using a method. In this study the authors used several methods, including:

a. Observation Method

The observation method is a systematic observation and recording of the phenomena being investigated. What is observed in qualitative research is usually a certain social situation which has at least three main elements, namely the location where the social situation takes place, human behavior or actors who occupy certain statuses or positions and instill certain plantings.

b. Interview Method

The interview method is a conversation with a specific purpose, the conversation is carried out by two parties, namely the interviewer who asks the question and the interviewee who provides the answer to the question. The interviews used in this study were free interviews or unstructured interviews.

2.5. Data Analysis Technique

The technique used in this research is descriptive analysis technique, which is a data analysis technique by describing the actual situation without changing (adding and subtracting) the reality in the field. The explanation in question is presented in the form of words, not numbers.

After the data is collected, the next step is to analyze the data. The data analysis technique that the author uses is a qualitative descriptive analysis technique which aims to describe the situation in the field by systematically sorting it out according to its category using easy-to-digest language. Data analysis is an effort to systematically search and organize records of results, observations, interviews, and others to increase the researcher's understanding of what is being studied and present as findings to others.

2.6. Data Validity

For the validity of the data in this study, the data can be trusted to be true, so in determining the validity of the data an examination technique is needed. Implementation of inspection techniques is based on certain criteria.

The four criteria used, namely:

- a. Trust (credibility). The credibility of the data is used in this study to prove the suitability of the observations with the reality in the field.
- b. Dependence (dependability). To avoid errors in formulating research results, the collection and interpretation of the written data was consulted with various parties to participate in examining the research process carried out by the researcher, so that research findings can be defended (dependable) and can be scientifically justified.
- c. Certainty (confirmability). Confirmability in this study is carried out simultaneously with dependability, the difference lies in the orientation of the assessment. Confirmability is used to assess research results (products), especially those related to the description of research findings and discussion of research results. While dependability is used to assess the research process, from data collection to a well-structured report form. With dependability and confirmability, this research can meet qualitative standards.
- d. Persistence of observation, from the beginning of the observation to the end of the study
- e. Triangulation. Triangulation in this case is triangulation of sources, namely by comparing the data from tests, interviews, observations and field notes.

III. Discussion

3.1. The Concept of Kafaah According to the Shafi'i School

One of the problems in finding a good partner to achieve a *sakinah, mawaddah, wa rahmah* family is *kafā'ah* or *sekufu* between husband and wife. *Kafā'ah* is one way to create a harmonious family because it results in balance and harmony between husband and wife. *Kafa'ah* etymologically are the same (*al-musāwāh*) and equal (*al-mumāthalah*). If it is associated with marriage, then *kafā'ah* is defined as the equality of prospective wives and prospective husbands. This understanding is in accordance with al-Mawardi's view, which gives the meaning of *kafā'ah*:

المساواة مأخوذ من كفتي الميزان.

Meaning: *al-Musāwāh* (similarity) which is taken from *kafatay al-mīzān* (balanced scales).

In other words kafā'ah is a condition in which two things that are comparable, equal, i.e., are equal and commensurate. Like view Mustafa al-Khin and Mustafa al-Bugha, what is meant by kafā'ah are:

مساواة حال الرجل لحال المرأة

Meaning: The position of men is equal to that of women.

According to the author, To create a balance in the family that can vacate the household crisis, each partner must try and strive to create a state or atmosphere of harmony in the family. Among his efforts to create a balance in the family related to roles, obligations, rights, trying to create a pleasant atmosphere in the family, and avoiding emotional and selfish attitudes in dealing with family problems.

The issue of kafā'ah is one of the problems in life that is still being debated among scholars. The problem is caused by the absence of a proposition that explains it explicitly in the Qur'an. but in the Qur'an it has been explained that the position of man before Allah SWT is the same, only the side of piety that distinguishes his glory in the sight of Allah SWT. As in the letter al-Hujurāt ayat 13 which reads:

بَابِلْ لَتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىٰكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَدَ

Meaning: O mankind, indeed We created you from a male and a female and made you into nations and tribes so that you may know one another. Verily, the most honorable of you in the sight of Allah is the most pious among you. Verily, Allah (SWT) is All-Knowing, All-Knowing.

This verse, according to al-Shinqiti, shows that Islam is truly a divine religion that does not pay attention to skin color, elements, and group background. The focus of his attention is his obedience and piety to Allah SWT. There is no good human dignity and virtue except people who are pious (muttaqīn), even though they have an established lineage background.

Shafi'iyah scholars disagree about the criteria kafā'ah There are those who say four, five, six and seven, this is in accordance with the respective opinions of the ulama-ulamasyafi'iyah. Imam Shihab al-Din Ahmad Ibn Hajar al-Haitami argue that, the criteria kafā'ah is: safe from disgrace (عيب) which causes khiyar, independence (الحرية), nasab (النسب), preserved from religion (عفة), and profession (الحرفة). Meanwhile 'Abdurrahman al-Jaziri in his book states that the criteria for kafā'ah are divided into four cases, namely; descendants (النسب), religion (الدين), independent (الحرية) and profession (الحرفة). In addition, according to Sayid Abu Bakr Syatṭa al-Dimyati divided into four matters as well, namely: independence (حررة), preserved from religion (عفيفة), descendants (النسبية), untouchable women with low jobs (سليمة من عيب), and free from disgrace (سليمة من عيب).

Abu Hasan Ali Muhammad bin Habib al-Mawardi and Abu Zakariya Yahya bin Syarf an-Nawawi ad-Dimasyqi classified wealth as a criterion for kafā'ah. As for the criteria kafā'ah in the syāfi'iyyah school which is the subject of research in this dissertation is religion, lineage, profession, and wealth.

a. Shame (عيب)

Khatib Al-Syarbini as said:

فمن به بعضها كجنون او جذام او برص ليس كفوا للسليمة عنها لان النفس تعارف صحبة
من به بعضها و يختل بها مقصود النكاح ولو كان بها عيب ايضا

Meaning: So a person who has some of the disgrace, such as madness, or leprosy or supak, will not be in association with a woman who is free from such disgrace, because someone feels disgusted with such a person and can eliminate the purpose of marriage, even though both have shame.

Thus, the woman or her guardian has the right to ask for a khiyār (option) to continue or cancel the marriage. Because every guardian may prevent marriage if his daughter marries a man who is insane, leprosy or leprosy.

b. Independent (الحرية)

al-Shafi'i views that from the point of view of independence, it is the father or the ancestors, not the ancestors. As the following explanation:

ولو زوج رجل ابنته عبدا له أو لغيره لم يجز النكاح لأن العبد غير كفاء وفي ذلك عليها
نقص.

Meaning: If a father marries his daughter with a slave belonging to his or someone else's slave, then this marriage is not allowed, because the slave is not in agreement with him and this can cause harm to the woman who is married.

c. Religion (عفة)

Khatib al-Syarbaini who explained as follows:

(عفة) وهي الدين والصلاح والكف عما لا يحل (فليس فاسق كفاء عفيفة) لقيام الدليل
على عدم المساواة ، قال تعالى: أفمن كان مؤمنا من كان فاسقا لا يستونون)، وقال
تعالى: (الزاني لا

Meaning: 'Iffah, namely religion and eligibility, and protected from things that are not lawful. So the wicked are not as united as the good people. Because there are arguments that state the unequal between the two. As the word of Allah SWT: The believer and the wicked are not the same. In addition, Allah SWT also says: adulterers should not marry, but with both adulterers. The two words of Allah SWT are the evidence for the kufr and the believers in the first argument. While the second argument has been confirmed. And the Sunni heretic expert is the same as a wicked person but a good person, this opinion is the same as the opinion expressed by al-Rauyani. Therefore, it is hoped that the guardian will marry the women in his guardianship to a man who has morals and is Muslim. So that this kafā'ah is really done by every believer who is truly taqwa to Allah SWT. Another meaning of the opinion above, how important religion is in a marriage.

d. Nasab (النسب)

Judging from the strong opinion in the syāfi'iyah fiqh, the descendants of Bani Hasyim and Bani Muthallib are not in harmony with other descendants who are not from the Quraysh tribe because they both come from the descendants of the Prophet Muhammad. Al-Nawawi says:

فالعجمى ليس كفناً المعربية, ولا غير القرشي المقرشية, ولا غير الهاشمي والمطلبى
المهاشمية أو المطلبية. وبنو هاشم وبنو المطلب أكفاء

Meaning: So the 'Ajam people are not aligned with the Arabs and the descendants who are not Quraysh are not in agreement with the descendants of the Quraysh and are not compatible with the descendants of Hashim and Muthallib and the descendants who are not Hashim and Mut'allib. While the descendants of Hashim with the descendants of Muṭallib are Sekufu.

As for the Quraysh outside the Banu Hashim and the Bani Muthallib, they were not in alliance with the Bani Hashim and the Bani Muthallib. Because the two children were the highest rank among the other Quraysh. Ibn Hajar al-Haitami said:

(فالعجمي) أبا وان كانت أمة عربية (ليس كفؤ عربية) وان كانت أمها عجمية (ولا غير
قرشي) من العرب (قرشية) أي كفؤ قرشية

Meaning: So the 'ajam' person, even if his mother is from the Arab nation, is not equal to the woman from the Arab nation even though his mother is 'ajam'. And there is no difference between Arabs who are not descendants of the Quraysh tribe with Arabs of Quraysh descent. It can be understood that heredity when viewed from fiqh syafi'iyah, is largely determined by the tribes and tribes who come from the Arabs, namely: noble nation and tribe of the Prophet Muhammad.

e. Profession (الحرفة)

Abu Zakaria Mahyi Al-Din Yahya bin Sharif Al-Nawawi, said:

فأصحاب الحرف الدنية ليسوا أكفاء لغيرهم

Meaning: People who engage in despicable jobs, such as garbage collectors, do not agree with people who do not do despicable jobs and can undermine charisma.

So it can be understood that, people who have respectable jobs are the same as people who have respectable jobs as well. The basis for classifying jobs is the difference in time and place. It could be that a job is considered lowly at one time and then becomes noble at another time. Likewise, a job can be despised in one place and considered noble in another. In addition, the work that is taken into account here is not only the work of the prospective bride and groom but also the work of the guardian. So a man who has a respectable job is equal to a woman whose parents have a respectable job even though the woman does not have a job. Al-Ramli says:

حرفة فيه, أو في أحد من أبائه

Meaning: The work or occupation of one of the two parents.

So work is not seen only from the bride and groom, but also from the parents of the bride. An old woman whose job is honorable as well as a prospective daughter-in-law whose job is also respectable.

Therefore, regarding the criteria for kafā'ah, then kafā'ah can be interpreted as the equality or compatibility of a man with a woman who will become his wife. Conformity is seen from the four criteria. In general, the existence of kafā'ah in this marriage is used as a common condition for marriage and has a close relationship with the marriage guardian, so that if these conditions are not met, the marriage guardian has the right to facilitate the marriage.

Al-Mawaridi mentions that the urgency of kafā'ah is to avoid the occurrence of domestic problems, and to guard against the occurrence of disgrace to marriage. Al-Mawaridi also stated that kafā'ah is a preventive measure, namely an attitude of prevention against something that has not happened, either in the form of disputes or divorces caused by marriages that are not based on kafā'ah.

So for the guardian to be a consideration before marrying his daughter even though kafā'ah is not at all related to the validity of the marriage. Abu Bakr bin Muhammad Syatha al-Dimyathi, stated:

الكفاءة معتبرة في النكاح لا لصحة بل لأنها حق للمرأة والولي فلهما اسقاطها

Meaning: Kafa'ah is something that is taken into account in marriage, not for the validity of the marriage, but kafā'ah is the right of the woman and her guardian, then both of them may cancel the kafā'ah.

Therefore, women who become prospective wives and guardians may cancel kafā'ah as mentioned above. The cancellation of the kafā'ah has no effect at all on the validity of the marriage.

The researcher will present the results of interviews with several people who are used as resource persons to find answers to the community's understanding and practice of kafā'ah in marriage in Pidie Regency. It is definitively what is intended in kafā'ah is the suitability of a man to his future wife, both in terms of position, character, wealth and lineage. Because it is the man who has the right to vote, and his wife and guardian have the right to consider it and vice versa.

While Mr. Drs. Marzuki understands kafā'ah, which is compatibility, compatibility, harmony, one idea and parallels regarding social status. Knowledge of the meaning of kafā'ah is based on various sources, such as through recitation, reading books, and through the Friday pulpit whose aim is to obtain good results in the selection of prospective partners.

From the results of the interview, it can be concluded that kafā'ah is equality that must be owned by every married couple so that there is harmony and proportion between husband and wife. This meaning is the same as understood by other people in Bale Busu Village, Mutiara District, Pidie Regency, in giving the meaning of kafā'ah, namely conformity, compatibility, harmony, one idea and parallels regarding social status.

Regarding public concern for the practice of *kafā'ah*, many people ignore it, it is influenced by the unimportance of *kafā'ah* in marriage, because what is understood by the community is that *kafā'ah* is not a legal requirement for marriage. Like the statement of Mr. Teuku Manyak which states that *kafā'ah* is not included in the conditions for a valid marriage. So there is someone who marries his child without looking at equality, but just following the wishes of his child what is important for him is that the prospective son-in-law has a basic religious knowledge. In addition, if you don't agree to it, I'm afraid that unwanted things will happen in the future between me and my child."

From this statement, the people of Pidie Regency consider *kafā'ah* not important in marriage, so they are less concerned about *kafā'ah*, this is due to people's understanding that *kafā'ah* is not included in one of the conditions for marriage. For society, the most important thing in marriage is the existence of religious knowledge and mutual love between husband and wife and the approval of parents.

While mother Maryam, giving understanding that for now, *sekufu* it is no longer something that becomes a benchmark in marriage, even though in religion it is recommended, it is not intended to eliminate religious teachings, but as long as the two prospective brides who want to get married, one of them has a stable income or economy." From this statement, *kafā'ah* in marriage is not necessary at all, but what is emphasized is the economic aspect and between the couple love each other. Economic factors and loving factors are the main steps in creating a *sākinah* household.

Meanwhile, Mr. M. Jamil gave an understanding that the problem that often occurs in recent times regarding marriage is the role of the guardian for the marriage to take place, the guardian plays an important role. The justification for the position of the guardian as a family stakeholder is due to the support of the concept *fiqh syafi'iyah*. The factor of self-intention and arranged marriage by parents is the cause of marriage not being *sekufu*. On that basis of course his guardian agreed to the marriage. In addition, it is judged that *kafā'ah* is not a legal requirement for marriage so that it considers *kafā'ah* not an important thing in marriage."

About *kafā'ah*, where is usually considered is from the man while the bride and her guardian only have the right to consider it. While the phenomena that occur in the community of Bale Busu Village, Mutiara District, Pidie Regency, most of what is considered is between male candidates and female candidates only, while their guardians are not very influential in determining *kafā'ah*. Because if the guardian and his daughter both agreed, because they both had the same rights. This matter some people consider this *kafā'ah* unnecessary and unimportant, so they prefer to find a partner in their own way. On In this modern era, women can determine their own prospective life partner by not looking at the injustice anymore so that in the future there will be no problems in the household. All the consequences are that the woman has chosen her own life partner, which means she has been able to accept all the shortcomings of her life partner and love each other."

Therefore, the concept of *kafā'ah* not included in the legal requirements of marriage. So it can be understood that a woman makes her own choice and her guardian approves it, then the marriage is valid. Thus, it is not wrong that commonly occurs in Pidie Regency society, a woman determines her mate and her guardian only approves it.

IV. Conclusion

The results showed that the Pidie Regency community's understanding of the meaning of *kafā'ah* was in accordance with what was stated by the Syafi'iyah clerics. When viewed from the concept syafi'iyah fiqh about the importance *kafā'ah*, part the people of Pidie Regency consider the existence of *kafā'ah* not an interest in marriage. And some other people, *kafā'ah* is not a consideration in marriage because the *kafā'ah* is not included in the conditions for a valid marriage, although have an important position in marriage. The factors that influence it are: (1) prefer a partner who has religious knowledge (2) *kafā'ah* is not a legal requirement for marriage; (3) Economic Factors (4) their own intentions and arranged marriages by their parents are the causes of non-sequential marriages; (5) choose their own partner and love each other. So in conclusion, it is these factors that affect the people of Bale Busu Village, Mutiara District, Pidie Regency, ignoring them *kafā'ah*, when in fact people really understand the meaning of *kafā'ah*.

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