



Practice of Kafa'ah in Marriage and its Urgency in Society Viewed from the Theory of Kafa'ah in Islam (Case Study in the Pitu Hamlet Community, Pitu Village, Pitu District, Ngawi Regency)

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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 in terms of the theory of kafa'ah in Islam. 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. In addition, Kafa'ah is the reason for compatibility, compatibility, and equivalence between husband and wife candidates and helps create a sakinah, mawadah, and warahmah household life.

Keywords: Marriage, Kafa'ah Practices, Urgency of Kafa'ah

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INTRODUCTION

In Islam, guidelines and teachings have been regulated that regulate the interests of the people as a whole. With the method of ijtihad and the development of fiqh, Islam can anticipate all problems due to the times so that it remains relevant in all aspects of life (Gusvita & Alon, 2021). 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 (SettingsSuratmi dkk., 2021). Therefore, to maintain human

honor and dignity and to get offspring, Islam has regulated human relations with the opposite sex through marriage (Amirudin dkk., 2022). Marriage is a reliable means of maintaining the continuity of offspring and relationships, being a cause for guaranteeing peace, love, and affection (Lumban Gaol dkk., 2023). Allah SWT says in QS Ar-Rum verse 21:

وَمِنْ ءَايَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً
إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ٢١

It means:

And among the signs of His power is that He created for you wives of your kind, so that you are inclined to and feel at ease with him, and He made them between you with love and affection. Indeed, in that there are signs for people who think (Republik Indonesia, 1992).

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 (Yennizar dkk., 2022). 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.

The term kafa'ah in marriage is still foreign among ordinary people (Afifah dkk., 2023). 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.

RESEARCH METHODOLOGY

The type of this research is field research with data obtained from activities in the field. The location of this research is in Pitu Hamlet, Pitu Village, Pitu District, Ngawi Regency (Yeltriana dkk., 2023). 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 (Makniyah & Khotimah, 2023), and documentation techniques, was then analyzed with the interactive model of Miles and Huberman. then the last is the conclusion.

RESULT AND DISCUSSION

Meaning of Kafa'ah

The word kafa'ah comes from the original word al-kufu which means al-Musawi' (balance) (Pathurohman dkk., 2023). 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) (Asman dkk., 2023). 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 (Minarti dkk., 2023). This proportion or equivalent is aimed at maintaining safety and harmony in marriage, not at its validity (Muhammadong dkk., 2023). This means that whether the marriage is valid or not depends on this kafa'ah.

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.

As for Allah SWT has said in QS An-Nur: 26:

الْحَيِّثُ لِلْحَيِّثِينَ وَالْحَيِّثُونَ لِلْحَيِّثِ وَالطَّيِّبُ لِلطَّيِّبِينَ وَالطَّيِّبُونَ لِلطَّيِّبِ أُولَئِكَ مُبَرَّءُونَ مِمَّا يَقُولُونَ لَهُمْ مَغْفِرَةٌ
وَرِزْقٌ كَرِيمٌ ٢٦

It means:

Abominable women are for abominable men, and abominable men are for abominable women (too), while good women are for good men and good men are for women. good girl (too). They are clean of what people accuse. They get forgiveness and glorious sustenance (heaven) (Republik Indonesia, 1992).

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 (Qureshi dkk., 2022). 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).

As for in QS An-Nur verse 3, Allah SWT says:

الزَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَالزَّانِيَةُ لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ وَحُرِّمَ ذَلِكَ عَلَى الْمُؤْمِنِينَ ٣

It means:

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).

Ibn 'Asyur thinks that verse 3 of Surah An-Nur prioritizes the mention of adulterers over adulterous women, different from the previous verse, namely verse 2 because this verse is an explanation regarding the case which is the cause of the nuzul (Gabriela dkk., 2022). Sabab nuzul in question is the case of Mu'tasid Ibn Abu Mu'tasid who often smuggled Muslim captives from Mecca to Medina. Imam Syafi'i stated that the commentators differed on this verse (Anoum dkk., 2022a). Then he put forward a history that stated that this verse was revealed regarding prostitutes who during the Jahiliyah era put up signs or flags in front of their homes. At that time there were some Muslims who planned to marry them. So, this verse forbids marriage.

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

It means:

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).

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: تَخَيَّرُوا لِنُطْفِكُمْ وَأَنْكِحُوا الْأَكْفَاءَ
وَأَنْكِحُوا إِلَيْهِمْ.

It means:

From Aisyah ra she said, Rasulullah SAW said: Choose carefully (place) for your sperm, marry you to those who are in kufu and marry (your daughters, to those who are in kufu) (HR Ibn Majah, p. 633, no 1938) (Zabidi & Noor, 2020).

Kafa'ah According to Madzab scholars

Imam Hanafi

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.

Imam Maliki

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).

Imam Shafi'i

Meanwhile, according to Imam Syafi'i, the criteria for kafa'ah include First, nationality or lineage (Dewi S dkk., 2022); Second, the quality of religion; Third, self-independence (Hikmah dkk., 2022); 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.

Priest Hambali

Meanwhile, according to Hanabilah scholars, the criteria for kafa'ah include religious quality, business or profession, wealth, self-independence, and nationality.

Kafa'ah criteria

Kafa'ahIn the Field of Religion

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 (Demina dkk., 2022). 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).

Kafa'ah In the Social Sector

Lineage/descendant

In ancient times, there were two groups of lineage elements, namely the Ajam (non-Arab/foreign) group, and the second, the Arab group (Anoum dkk., 2022b). 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.

Work

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 (Firman dkk., 2022). 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.

Independent

A slave is not in communion with a freedman (Ilham dkk., 2022). This is because a slave is still bound by his master (Safitri dkk., 2022). 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 (Hartini dkk., 2022). Then a man whose ancestor had been enslaved was not the same as a woman whose self or ancestor had never been enslaved.

Riches

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 (Najeed dkk., 2022). As for the opinion of the Hanafiyah scholars, a man is considered to be equal when he can pay a dowry and spend money (Dianovi dkk., 2022). So, if he is not able and unable to pay the dowry and spend money, then he is considered not equal' (Yudowibowo, 2012).

Free from defects

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 (Rahmah dkk., 2022). 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 (Rohmalimna dkk., 2022). 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.

Wisdom and Purpose of Kafa'ah

The wisdom of kafa'ah in marriage is as follows:

With the kafa'ah is one way to realize justice and the concept of equality or equivalence offered by Islam in marriage. This means that Islam has given absolute

divorce rights to men (Nadya dkk., 2022). However, sometimes by some men who are less responsible, this right is misused in such a way as to do as they please women. So, to anticipate this, long before the marriage process takes place, Islam has given kafa'ah rights to women. This is intended so that a woman can be as selective as possible when choosing her future husband, for example by choosing a husband who is truly responsible and committed to marriage and can understand the concept of divorce, and can take responsibility for the divorce rights that exist in him.

As for Islam, the husband has the function of being an imam in the household and the wife is the makmum. The consequence of this function can demand awareness that the wife's obedience and obedience to her husband is necessary. This will work normally and naturally if the husband is one level above his wife, or at least equal. But on the contrary, it could happen that a wife does not lose the totality of obedience to her husband even though in terms of education and wealth, for example, she is higher than her husband.

As the increase or decrease in the degree of a wife can also be determined by the degree of her husband. That is, an ordinary woman will be elevated in rank when she is married to a man who has a high social status, is well-educated, and is religiously pious. However, a man should also be able to consider properly when he is going to marry a woman by paying attention to equivalence as explained by the scholars through the concept of kafa'ah in marriage (Musthofa & Aminah, 2020).

The main purpose of kafa'ah is to create peace and the longevity of a household. Because, if the household is based on the same perception, conformity of views, and mutual understanding or understanding, then the household will be peaceful, happy, and always protected by the grace of Allah SWT. 35 Kafa'ah plays a role in forming a Sakinah family through the teachings of Islam. Understanding the substance of kafa'ah is the first step to creating a sakinah family

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)."

Mbak Binti also conveyed the same thing:

"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)".

The same thing was also said by Mbak Dian:

"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)."

As for the other opinion, namely regarding the practice of kafa'ah which is not yet appropriate, meaning that it is not kafa'ah between the prospective wife or partner as stated by Mas Prapto:

"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).

Apart from that, Mas Awit also said almost the same thing that:

"I do not know what kafa'ah is. I just heard that term from you earlier. So it's the same as what you said, in my opinion, kafa'ah means equality or balance between the prospective wife and husband. For me kafa'ah is important. The reason why I'm not married is because I haven't found a suitable one. Apart from that, I feel that I haven't found anyone as strong as me, in the sense of being balanced in terms of religion, lineage, wealth, occupation, and age (Awit, 2022)."

Apart from that, there is almost the same opinion as said by Mbak Sri Rahayu, she said:

"In my opinion, kafa'ah is equivalence or equal to husband in terms of religion, lineage, property, job, and so on. If asked whether it is important or not for me kafa'ah is important. Regarding the reasons for our divorce, my husband was the one who asked for a divorce. I don't know the exact reason he asked me for a divorce, indeed at that time my husband often left the house, sometimes he came home late at night. At that time, I was suspicious of my husband, I don't know why, for no apparent reason, my husband later

asked me for a divorce. As for the kafa'ah, in my opinion, in terms of property, and lineage, being free from disgrace is equal. However, regarding religion and wealth which are slightly different, this religion means in terms of knowledge and behavior or morals. Because what I care about is why my husband doesn't want to keep this household intact (Rahayu, 2022).

Almost the same opinion was also expressed by Mas Sampun that:

"I don't know what kafa'ah is, I just found out from your explanation earlier. I do know about balance or equivalence in marriage, but I just found out that it turns out to be called kafa'ah in Islam. I think kafa'ah is important. Regarding this kafa'ah, my wife and I are already kafa'ah in terms of wealth and work. However, religion and lineage it is slightly different, this religion means knowledge, and good behavior or morals, while lineage means coming from a good family. At that time, I found out that my wife had another ideal man, which made me jealous. As time went on and after various considerations, we finally decided to divorce (Sampun, 2022)."

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. 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.

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.

Analysis of Kafa'ah Theory in Islam Against Kafa'ah Practices in Marriage and Its Urgency in Society

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 marriage (Mahbub, 2011). Based on the research results, some information was obtained regarding the meaning of kafa'ah, the urgency of kafa'ah, and the practice of kafa'ah in marriage in the Pitu hamlet community. Meanwhile, based on the practice of kafa'ah in marriage in Pitu Hamlet, it was found that 3 married couples, 2 divorced couples, and 2 unmarried residents had the same opinion that kafa'ah is a balance or equivalence between husband and wife in terms of religious, lineage, property, job, free from disgrace, and so on. Besides that,

Meanwhile, based on research on the practice of kafa'ah in marriage in Pitu Hamlet, it was found that 3 couples had applied the kafa'ah concept, and 2 divorced couples did not apply this kafa'ah concept in terms of religion or religious quality, lineage, and property. In addition, 2 unmarried residents made kafa'ah an important factor to consider before marriage. Because the existence of kafa'ah can have implications for the level of survival in the household and become one of the success factors in getting a partner. This is evident from the fact that 2 partners were not in the same relationship in their marriage, who experienced divorce.

Thus, if viewed from the theory of kafa'ah it can be said that the kafa'ah factor in marriage can affect the level of survival in the household and can be a factor that causes getting a partner. This can also be proven through 4 couples who pay attention to the concept of kafa'ah that in their household life goes well and harmoniously. Therefore, based on the results of this analysis it can be concluded that kafa'ah in marriage is an important factor to consider before marriage. This is because the existence of the kafa'ah will lead to compatibility, compatibility, and equivalence between the husband and wife in terms of religion, lineage, property, occupation, freedom from disgrace, and so on. Understanding the substance of kafa'ah is the first step to creating a peaceful and happy family.

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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