

**PROBLEMATICS OF KAFA'AH IN AS-SYAFI'YYAH
REGULATION LAW PERSPECTIVE**

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Abstract: *Discussing the Kafa'ah Problems in Shari'ah Law is motivated by the importance of understanding kafa'ah in society because some of these communities focus on education and wealth. And it would be more fortunate in a marriage if the community prioritizes religion, it will be able to create a happy family. The history of marriage is a matter that Allah has permitted and has prescribed through the mouth of His Messengers, in which there are worldly and hereafter benefits.*

Keywords: *Kafa'ah, Regulation Law, Syafi'yyah*

Abstrak: Membahas Masalah Kafa'ah dalam Hukum Syari'ah dilatarbelakangi oleh pentingnya pemahaman kafa'ah dalam masyarakat karena sebagian masyarakat tersebut fokus pada pendidikan dan kekayaan. Dan akan lebih beruntung dalam sebuah pernikahan jika masyarakat mengutamakan agama, maka akan mampu menciptakan keluarga yang bahagia. Riwayat perkawinan adalah perkara yang dihalkan dan disyariatkan Allah melalui mulut para Rasul-Nya, yang di dalamnya terdapat kemaslahatan dunia dan akhirat.

Kata Kunci: *Kafa'ah, Hukum Regulasi, Syafi'yyah*

A. Introduction

Marriage is one of the sunnahs which was directly exemplified by Rasulullah

SAW through his words:

عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ حَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ وَقَالَ: إِنَّا
أَصْلِي وَأَنَا مِ وَأَصْوْمُ وَأُفْطِرُ وَأَتَزَوَّجُ النِّسَاءَ، فَمَنْ رَغِبَ عَنْ سُنَّتِي فَلَيْسَ مِنِّي (مُتَّفَقٌ عَلَيْهِ)

Meaning: "From Anas Ibnu Malik Radliyallaahu 'anhu that the Prophet Shallallaahu 'alaihi wa Sallam after praising Allah and flattering Him said: "But I pray, sleep, fast, break my fast, and marry women. Whoever hates my sunnah, he is not from my people. " Muttafaq Alaihi.."

The history of marriage is a matter that Allah has made lawful and has been prescribed through the words of His Apostles, in which there are worldly and

ukhrawi benefits. Muslims are instructed to follow and emulate every act of the Prophet Muhammad, one of the sunnahs exemplified by the Prophet Muhammad is marriage, which is also an order from Allah SWT which is explained in many ways in the Al-Quran and hadith¹.

With a marriage, humans can maintain their honor. As a servant, it is human nature to be able to live side by side with men and women, namely by taking the good path and being lawful by religion through a marriage.

Marriage in Islam is not merely a relationship between husband and wife, but more than that. Islam views marriage as an act that has the value of worship, Article 2 of the Compilation of Islamic Law explains: "Marriage according to Islamic law is a marriage, namely a very strong contract, to obey Allah's commands and carry it out is worship"². In this way, all actions carried out by following the prescribed Shari'a will be of worship value solely to obtain the pleasure of Allah SWT.

But in today's millennial era, you have to be more selective in choosing a life partner. By considering several important factors to know each other and understand the rights and obligations in family life according to Islamic teachings. The goal is to prevent unwanted things from happening in the future. In principle, for a Muslim, the main benchmark in choosing a partner is to prioritize religion and morals to get a degree of happiness in the household. That's because, in general, the expected partner is a partner who can bring goodness to the world and the hereafter, only after religion other criteria will follow in the next sequence. In Islam, the term harmony or balance is often referred to as kafa'ah.

Kafa'ah or kufu, means comparable or commensurate. This comparable or commensurate matter is intended to maintain safety and harmony in marriage, not for its validity³. Which is one of the factors and efforts that can encourage the creation of happiness in realizing a sakinah mawaddah warahmah family, which means that men are comparable to their prospective wives, comparable and equal in morals and worship and the quality of their religion. Because if kafa'ah is

¹ Abdurrahman, *Kompilasi Hukum Islam Di Indonesia*, Ed. 1 (Jakarta: Akademika Pressindo, 1992), 7.

² Abdurrahman, 7.

³ Ibnu Mas'ud and Zainal Abidin, *Fiqih madzhab Syafi'i* (Bandung: Pustaka Setia, 2000), 261.

interpreted as equality in terms of wealth or nobility, then what will happen is the formation of castes, while humans in the sight of Allah SWT are the same⁴.

According to the Maliki school of thought, in a marriage there is kufu, but true kufu is based on religion and morality. While a group of Ulama' such as Imam Syafii, Imam Hanafi, and Imam Hambali they include the meaning of kufu from various aspects, including: bloodline, slaves, Islam, occupation, wealth issues, and defects. This is in accordance with the opinion of the majority of Ulama' that harmony only exists in two things, namely harmony in terms of religion and ethics. Kufu' is not about heredity, occupation, wealth, and so on.

However, in this millennial era, our society is more concerned with evaluating material things in looking at future sons-in-law for their children. In contrast to the 2000s and below, many parents understood this and rushed to find pious partners for their daughters. If it's like this, then the purpose of a marriage will occur to form castes, even though the position of all humans before Allah SWT is the same, only piety distinguishes humans from one another.

B. Research Methods

This research belongs to the type of qualitative research, Sudjana said that qualitative research is a scientific method that is often used and carried out by a group of researchers in the fields of social sciences such as sociology, anthropology, and a number of other behavioral studies, including in education⁵. This study also uses various literature from the library that is relevant to the problem under study. This research is aimed at understanding phenomena about what is experienced by research subjects, for example behavior, perception, motivation, action, etc. holistically, and by means of descriptions in the form of words and language, in a special natural context and by utilizing various natural method⁶. The process of data analysis begins by examining all data from various sources, namely from interviews, observations written in field notes, personal documents, official documents, drawings, photographs, and so on⁷. Data analysis

⁴ Abdul Rahman Ghazali, *Fiqh munakahat* (Jakarta: Kencana, 2003), 97.

⁵ Nana Sudjana, *Penelitian Dan Penilaian Pendidikan* (Bandung: Sinar Baru Algesindo, 1989), 195.

⁶ Lexy J Meleong, *Metologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 1989), 247.

⁷ Meleong, 247.

is the process of organizing data and sorting data into patterns, categories, and basic descriptive units so that themes can be found and working hypotheses can be formulated as suggested by the data⁸.

C. Results And Discussion

1) Marriage Concept

Marriage comes from the word "marriage" or "zawaj" which comes from Arabic. Judging from the etymological meaning, it means "gathering and laying on top of each other", or in other expressions it means "contract and intercourse". In terminology "marriage" or "zawaj" is: a contract that contains the permissibility of kissing, hugging and intercourse.

Marriage is one of the hot things to talk about in our society in Indonesia, because marriage is a human need. The wisdom of a marriage is to block the eyes from looking at things that are not permitted by syara' and to protect self-respect from falling into sexual mischief. Humans are creatures that are more glorified and prioritized by Allah compared to other creatures. Allah SWT has established rules regarding marriage for humans with rules that cannot be violated. While the measurements that come from humans vary and change according to time and place. Such as wealth, social status, or position. All these things will not last forever . Allah SWT said in surah Yasiin verse 36:

سُبْحَانَ الَّذِي خَلَقَ الْأَزْوَاجَ كُلَّهَا مِمَّا تُنْبِتُ الْأَرْضُ وَمِنْ أَنْفُسِهِمْ وَمِمَّا لَا يَعْلَمُونَ

Meaning: "Glory be to God who has created all pairs, both from what the earth grows and from themselves and from what they do not know"⁹.

According to the Compilation of Islamic Law, as contained in Article 2 it is stated that marriage in Islamic law is: "Marriage, namely a very strong contract or miitsaqan ghalidhan to obey Allah's commands and carry it out is an act of worship."¹⁰. The contract set by Allah SWT for a man for a woman or vice versa to enjoy biologically between the two¹¹. As the word of Allah SWT. in surah Ar-

⁸ Meleong, 280.

⁹ Al-Quran Digital

¹⁰ Al Musayyar, *Islam Bicara Soal Seks Percintaan Dan Rumah Tangga*, 43.

¹¹ Ahmad Sudirman Abbas, *Pengantar Pernikahan Analisa Perbandingan Antar Mazhab*, (Jakarta: PT Prima Heza Lestari, 2006) cet I, hal. 1

Ra'd verse 38:

وَلَقَدْ أَرْسَلْنَا رُسُلًا مِنْ قَبْلِكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً ۖ وَمَا كَانَ لِرَسُولٍ أَنْ يَأْتِيَ بِآيَةٍ إِلَّا بِإِذْنِ اللَّهِ ۗ لِكُلِّ أَجَلٍ كِتَابٌ

Meaning: "And indeed We have sent several Messengers before you and We gave them wives and offspring. And there is no right for a Messenger to bring a verse (miracle) except with Allah's permission. For each age there is a (certain)"¹²

2) The concept of Kafa'ah

Kafa'ah, which is also commonly referred to as kufu, literally has many meanings. Among them: mate, partner, balanced, commensurate, comparable, equivalent, suitable, equal, suitable and the same¹³. Kafa'ah is defined as comparable, and appropriate. Equality that needs to be owned by prospective husbands and prospective wives in order to produce harmonious marital relations in a steady manner in order to avoid reproach in certain issues. The issue of kafa'ah in marriage is important in order to foster harmony in husband and wife life and social life¹⁴. Meanwhile, in terms of the fuqoha' kafa'ah is defined by equality in social matters, with which it is hoped that family happiness and prosperity will be created in the future, and will be able to get rid of trouble¹⁵.

3) Legal Basis of Kafa'ah

The issue of kafa'ah or balance in marriage is not regulated in the Qur'an or Sunnah. However, because all of these kafa'ah matters are very important to create a harmonious and peaceful household, in accordance with the purpose of marriage itself, the fuqoha have made a lot of ijtihad in this matter¹⁶.

Ibn Hazm argues that kafa'ah is not taken into account at all. He said (on the criteria for men being allowed to marry), "any Muslim man, as long as he is not an adulterer, has the right to marry any Muslim woman, as long as he is not an adulterer." He said, "all followers of Islam are brothers. It was not unlawful for a Negro man whose ancestry was unknown to marry the daughter of the Hashim

¹² Al-Quran Digital

¹³ Institut Agama Islam Negeri Syarif Hidayatullah, ed., *Ensiklopedi Islam Indonesia* (Jakarta: Djambatan, 1992).

¹⁴ Abdul Aziz Dahlan, *Ensiklopedi Hukum Islam*, ed. Ichtiar Baru van Hoeve, PT, Cet. 1 (Jakarta: Ichtiar Baru Van Hoeve, 1997), 845.

¹⁵ Khoiruddin Nasution, *Isu-isu kontemporer hukum Islam* (Yogyakarta: Suka Press, 2007), 135.

¹⁶ Soemiyati, *Hukum Perkawinan Islam Dan Undang-Undang Perkawinan* (Yogyakarta: Liberty, 1982), 85.

caliph. And a Muslim man who is ungodly, no matter how wicked he is, as long as he is not an adulterer, kufu for a Muslim woman who is ungodly, as long as he is not an adulterer”¹⁷.

‘Scholars differ on whether kafa'ah is a condition in marriage. Jumhur 'Ulama are of the opinion that kafa'ah is very important for the continuity and longevity of a marriage, even though it is not a condition for the validity of a marriage. As in surah Al-Baqarah verse 221:

وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّىٰ يُؤْمِنَ ۚ وَالْأَمَةُ مُؤْمِنَةٌ حَيْرٌ مِّنْ مُّشْرِكَةٍ وَلَوْ أَعْجَبَتْكُمْ ۗ وَلَا تُنكِحُوا
الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا ۚ وَلَعَبْدٌ مُّؤْمِنٌ حَيْرٌ مِّنْ مُّشْرِكٍ وَلَوْ أَعْجَبَكُمْ ۗ أُولَٰئِكَ يَدْعُونَ إِلَى النَّارِ ۗ
وَاللَّهُ يَدْعُو إِلَى الْجَنَّةِ وَالْمَغْفِرَةِ بِإِذْنِهِ ۗ وَيُبَيِّنُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ

Meaning: "And do not marry polytheistic women, before they believe. Indeed, a believing slave woman is better than a mushrik woman, even if she attracts your heart. And do not marry polytheists (to believing women) before they believe. Verily, a believing slave is better than a polytheist, even if he seduces your heart. They invite to hell, while Allah invites to heaven and forgiveness with His permission. And Allah explains His verses (His commandments) to humans so that they take lessons”¹⁸.

The argument for kafa'ah is in the word of Allah SWT in surah Al-Hujurat verse 10 :

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ ۚ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

Meaning: “The believers are actually brothers. Therefore reconcile (improve relations) between your two brothers and fear Allah, that you may receive mercy ”¹⁹.

In a hadith narrated by Tirmidhiy, with a hasan sanad from Abu Hatim Al-Muzani, Rasulullah SAW. said:

حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو السَّوَّاقُ الْبَلْخِيُّ، حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ عَبْدِ اللَّهِ بْنِ مُسْلِمٍ
بِْنِ هُرْمُزٍ، عَنْ مُحَمَّدٍ وَ سَعِيدِ ابْنَيْ عُبَيْدٍ عَنْ أَبِي حَاتِمِ الْمُزَنِيِّ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا جَاءَكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَخُلُقَهُ فَأَنْكِحُوهُ إِلَّا تَفْعَلُوا تَكُنْ فِتْنَةً فِي الْأَرْضِ

¹⁷ Sayyid Sabiq, *Fiqh Sunnah* (Jakarta: Pena Pundi Aksara, 2006), 495.

¹⁸ Al-Quran Digital

¹⁹ Al-Quran Digital

وَ فَسَادٌ، قَالُوا : يَا رَسُولَ اللَّهِ وَإِنْ كَانَ فِيهِ؟ قَالَ: إِذَا جَاءَكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَحُلُقَهُ
فَأَنْكِحُوهُ، ثَلَاثَ مَرَّاتٍ

Meaning: "Muhammad bin Amr as Sawwaq Al Balkhi told us, bin Hurmuz, from Muhammad and Sa'id Hatim bin Ismail told us from Abdullah bin Muslim both sons of Ubaid from Abu Hatim al Muzani, he said: Rasulullah SAW said, "When the to you a person whose religion and character are good, then marry him (to your daughters). If you don't they (the companions) ask "O Messenger of Allah, carry it out, then there will be slander and corruption on earth. SAW, Even though they are not rich?" Rasulullah SAW said, "When he comes to you". The Prophet (applied) a person who is good in religion and manners, then marry SAW said it three times"²⁰.

The hadith is addressed to marriage guardians to marry off women under their guardianship to anyone who proposes to them among people who have religion, are trustworthy, and have noble morals. If they don't do that, but they want honor, lineage, position, and wealth, then there will be a big disaster and endless damage.

In a hadith from Abu Hurairah r.a. which was narrated by Imam Bukhari and Muslim:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : (تُنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ :
لِمَاهِهَا ، وَلِحَسَبِهَا ، وَلِجَمَاهِهَا ، وَوَلَدِيْنَهَا ، فَاطْفُرُ بَدَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ

Meaning: "Abu Hurairah r.a. It was narrated that the Prophet SAW said, "A woman is married for four reasons: because of her wealth, because of her lineage, because of her beauty, and her religion. Get lucky by marrying a woman because of her religion, then you will get blessings "(History of Bukhari and Muslim)²¹

From this Hadith, the meaning is taken that a woman who is noble and has a good lineage is preferred to marry. When faced with women who have good lineage but minimal religion and women who do not have good lineage but good

²⁰ Muhammad Nashiruddin Al-Albani, *Shahih Sunan Tirmidzi Buku 2 : Seleksi Hadits Shahih Dari Kitab Sunan Tirmidzi*, trans. Fachrurazi (Jakarta: Pustaka Azzam, 2006), 831.

²¹ Muhammad Nashiruddin Al-albani, *Ringkasan Shahih Muslim*, trans. Elly Lathifah (Jakarta: Gema Insani Press, 2005), 375.

religious commitment, then the one with good religion should be prioritized²².

3) Right to Kafa'ah

A wali may not marry a woman to a man who is not in the same league as her except with the pleasure of her and the pleasure of all her guardians. Also, most of the fuqoha are of the opinion that kufu' is a right for women and their guardians. This is because marrying a woman to a man who is not kufu means bringing disgrace to her family.

If the guardians and the woman are pleased, she may be married off because the guardians have the right to prevent a woman from marrying a man who is not kufu. So if they agree, the reason for not being in ally is gone²³.

4) Criteria for Kafa'ah Size

The parameters of kafa'ah in marriage include:²⁴

(a) Istiqamah dan Moral

A group of Ulama' is of the opinion that kafa'ah is taken into account, but it is measured by istiqamah and morals alone. Lineage, work, wealth, and other matters are not taken into account.

(b) Lineage / Descendants

The Arabs are allies among themselves. Likewise, the people of Quraysh. Non-Arab men are not equal to Arab women. And Arab men (apart from the Quraysh tribe) are not equal to Quraysh women.

(c) Independent

It is not said to be sekufu for free people who are married. So male slaves are not kufu with free women. Freed male slaves are not kufu with free women from their origin. Men whose grandmothers were slaves are not kufu with women whose grandmothers were never slaves. This is because if a free woman marries a slave man it is considered disgraceful. Likewise if she is married to a man whose grandmother was once a slave.

(d) Religion of Islam

²² Ibnu Hajar Al Asqalani, *Fathul Baari 25 : Penjelasan Kitab Shahih al Bukhari*, trans. Amiruddin (Jakarta: Pustaka Azzam, 2008), 113.

²³ Sayyid sabiq, *Fikih Sunnah Juz 3* (al-ma'arif, 1978), 37.

²⁴ Sayyid Sabiq, *Fiqh Sunnah*, 460.

The meaning of equivalence in Islam is related to their ancestors (parents). This applies to non-Arabs. As for the Arab nation, this does not apply because they feel kufu with the height of lineage and they feel that they will not be worthy of Islam. As for outside the Arab nation, namely former slaves and other nations, they feel themselves uplifted by becoming Muslims. Therefore, if a Muslim woman whose father and grandmother are Muslim, she is not in conflict with Muslim men whose father and grandmother are not Muslim.

(e) Work

A woman and a family whose work is respectable, she is not kufu with men whose work is menial. However, if the work is almost the same level between one and another, this is not considered a difference. To find respectable or unskilled work, this can be measured by the habits of the local community. Sometimes honorable work in one place may be seen as dishonorable in another place and time.

(f) Wealth

The Shafi'i group has a different opinion on this matter. One of them is taking it into account and some are not taking it into account. The first group says that poor men are not equal to rich women. This is based on the history of Samurah that Rasulullah saw said:

عَنْ سَمْرَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الْحُسْبُ الْمَالُ، وَالكَرْمُ التَّقْوَى»
أَخْرَجَهُ أَحْمَدُ وَالتِّرْمِذِيُّ

Meaning: "*Honor (between humans) is a treasure. And glory with Allah is piety*".

(g) Not Disabled

Men who have significant physical disabilities, he is not kufu with women who are healthy and normal. If the disability is not so prominent, but is not liked from an outward view, such as blindness, stubby hands, or ugly stature, in this case there are two opinions. Rauyani argues that men like this are not kufu with healthy women, but the Hanafi and Hanbali groups do not accept this opinion.

4) The view of the Shafi'i School

Shafi'iyah, as noted by Abu Zahra, has almost the same stance as Hanafiyah, only a few additions and subtractions, as well as emphasis and lightening. As-Syafii added that the future husband has no defects ('disgrace). Syafi'iyah also emphasized the element of independence. Then As-Syafi'i did not make wealth a qualification for kafa'ah.

As a comparison with what Abu Zahra wrote, Abu Zakariya Yahya An-Nawani, also from the As-Syafii school, recorded 6 qualifications. First, free from diseases that can give birth to khiyar. Second, independence, provided that the status of a servant from the mother's side is not a barrier. So a person who has a servant mother but has an independent father still qualifies as an independent. The third element is heredity.

In the case of the descendants of An-Nawawi, he gave the same explanation as Hanafiyah and emphasized that Quraysh were not the same as non-Quraysh, neither was Hashimi with Mutalibi. The four religions and moral goodness, which also have the same explanation as Hanafiyah. The five jobs (hurfah). This qualification also has an explanation, that work is an element of one's kafa'ahan. Meanwhile, wealth (siyar) was not used as a qualification by An-Nawawi. Even though it is also noted, if this element is still used as an element of kafa'ah, then the ability referred to is merely the ability to pay a dowry and maintenance.

The term kufu itself when viewed from the side of Islamic law, namely balance and harmony between the prospective wife and the prospective husband so that each candidate does not find it difficult to marry, or the man is equal to his prospective wife, equal in position, comparable in social level and equal in morals and wealth²⁵.

It has become a culture in Islam before carrying out a marriage, one needs to pay attention to the criteria of his partner. That's why there is such a thing as ta'arufan, but the correct ta'arufan is only limited to seeing the hands and face as representatives of other body parts. It's not like today, where the ta'aruf is going out for months or even years.

However, in modern times like today, it is not uncommon for a small group

²⁵ Ghozali, *Fiqh munakahat*, 96.

of parents who seem to have materialistic thoughts to put aside religious considerations and pay more attention to balance of position, glory, social status, and offspring.

Actually, kafa'ah is not included in the legal requirements of marriage but is the right of a prospective bride or her guardian. Although only as a complement, marriages that occur without heeding the elements of kafa'ah will result in various kinds of problems in marriage, and can even lead to divorce. In Islamic law, the madzhab scholars themselves have many differences in defining kafa'ah.

Kafa'ah is a recommendation that has been narrated by Rasulullah SAW, namely with the aim of fostering a family that is sakinah mawaddah warahmah and avoids defects in a marriage, by adhering to the rules in accordance with the Shari'a taught by Islam, God willing, it will be realized. But in Islam, kafa'ah is more prioritized on the quality of one's faith and piety and morality. Allah SWT only looks at someone with the degree of piety, not from the rich or poor. Therefore, for parents who still have a materialistic way of thinking, it would be wonderful if all of that was abandoned, and followed what has been explained in the Qur'an and the hadith of the Prophet Muhammad SAW.

That is, for a woman to choose a pious man and a man by choosing a pious woman. As explained in QS. An Nisa Verse 34:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۗ فَالصَّالِحَاتُ قَنَاطٌ حَفِظَتْ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۗ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Meaning: "Men are leaders for women, because Allah has exaggerated some of them (men) over others (women), and because they (men) have spent some of their wealth. Therefore, a pious woman is one who obeys Allah and takes care of herself when her husband is not around, because Allah has taken care of (them). The women you are worried about nusyuznya, then advise them and separate them in their beds, and beat them. Then if they obey you, then don't look for ways to trouble them. Verily, Allah is Most High, Most Great"²⁶.

Because a wife is a shelter for her husband and a friend for life, a household manager, a mother for her children, a place to pour out her heart and so on, people

²⁶ Al-Quran Digital

who are about to get married should be careful when choosing a wife if they have found a woman who is pious, religious, or religious. , from among the good, should immediately propose to his guardian.

Vice versa, it is obligatory for a man to choose a woman who is religious and has good morals, who obeys him when ordered, is pleasant when he sees her, and is able to look after himself and his property when he is away. If a woman like this is found, one should not waste it ²⁷.

A man is ordered to be careful in choosing a wife, in order to get a mate who is good and religious, so a guardian must also be careful in finding a mate for his children, for the sake of his honor and glory. He should not look for a son-in-law who is not religious, has no morals. Because a person who is good, religious and has good morals will treat his wife well. As in the hadith of the Prophet narrated by Tirmidhi:

حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو السَّوَّاقُ الْبَلْخِيُّ، حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ عَبْدِ اللَّهِ بْنِ مُسْلِمِ بْنِ هُرْمُزٍ، عَنْ مُحَمَّدٍ وَ سَعِيدِ ابْنَيْ عُبَيْدٍ عَنْ أَبِي حَاتِمِ الْمُزَنِيِّ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا جَاءَكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَحُلُقَهُ فَأَنْكِحُوهُ إِلَّا تَفْعَلُوا تَكُنْ فِتْنَةٌ فِي الْأَرْضِ وَ فَسَادٌ، قَالُوا: يَا رَسُولَ اللَّهِ وَإِنْ كَانَ فِيهِ؟ قَالَ: إِذَا جَاءَكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَحُلُقَهُ فَأَنْكِحُوهُ، ثَلَاثَ مَرَّاتٍ

Meaning: "*Muhammad bin Amr as Sawwaq Al Balkhi told us, Hatim bin Ismail told us from Abdullah bin Muslim bin Hurmuz, from Muhammad and Sa'id both children of Ubaid from Abu Hatim al Muzani, he said: Rasulullah SAW said, "If someone comes to you whose religion and character are good, then marry him (to your daughters). If you don't do it, there will be slander and corruption on earth. They (the companions) asked "O Rasulullah SAW, even though they are not rich?" Rasulullah SAW said, "When you come to (apply) a person who is good in religion and character, then marry him". The Prophet SAW said it three times*"²⁸.

Allah SWT. said in surah A- Hujurat verse 10:

²⁷ Abdul Aziz Fathi As-Sayyid Nada and Abu Ihsan al-Atsari, *Ensiklopedi Adab Islam Menurut Al-Qur-an Dan as-Sunnah* (Jakarta, IO.: Pustaka Imam Asy-Syafi'i, 2007), 493.

²⁸ Nashiruddin Al-Albani, *Shahih Sunan Tirmidzi Buku 2 : Seleksi Hadits Shahih Dari Kitab Sunan Tirmidzi*, 831.

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ

Meaning: "*The believers are actually brothers*"

The verse above was used by Ibn Hazm in his opinion, that "*any Muslim as long as he is not an adulterer has the right to marry any Muslim woman, as long as he is not an adulterer*". He added that "all Muslims are brothers. A Muslim who is ungodly to a certain extent, that is, does not commit adultery, is also suitable for a ungodly Muslim woman, as long as she is not an adulterer".

That a group of scholars have argued that kufu deserves attention. the only thing that becomes the measure is the firmness of religion and morality, not lineage, effort, wealth or anything else. So for a pious man, even if he is not from a respected lineage, he may marry any woman. And men who are seen as lowly jobs, may marry women who have high positions. Men who do not have influence may marry women who have influence and are famous. Even poor men may marry wealthy women, as long as they are Muslim and good at protecting themselves from heinous acts and meet the criteria required by the guardian of the contract holder, namely if the prospective wife also accepts the marriage with pleasure.

Abu Hurairah r.a. It was narrated that the Prophet SAW said, "*A woman is married for four reasons: because of her wealth, because of her lineage, because of her beauty, and her religion. Get lucky by marrying a woman because of her religion, then you will get blessings (History of Bukhari and Muslim)*²⁹.

The understanding of a community in interpreting kafa'ah is very diverse, namely among others:

- (a) Religious criteria, namely on the grounds that with a good religion, a person will be able to guide and educate his family by hoping for the blessing of Allah and it is hoped that the ideals of becoming a *sakinah mawaddah warahmah* family will be realized.

²⁹ Imam Zakiyuddin Al-Mundziri, *Mukhtashar Shahih Muslim*, trans. Rohmad Arbi Nur Shoddiq, Arif Mahmudi, and Nila Noer Fajriyah (Jakarta: Ummul Qura, 2016), 375.

- (b) Criteria for compatibility and love for each other, with the reason that with compatibility between the two, communication within the family will quickly be established, and will have thoughts that are in line.
- (c) The criteria for work and wealth, namely by having an established job, will be able to meet all the necessities of life in his family.

Actually there is nothing wrong if each of them has the criteria as above, but more importantly by prioritizing religion everyone will get blessings. because it has been explained in a hadith of Rasulullah SAW which was narrated by Bukhori and Muslim:

حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ وَ مُحَمَّدُ بْنُ الْمُثَنَّى وَعُبَيْدُ اللَّهِ بْنُ سَعِيدٍ قَالُوا حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ
عُبَيْدِ اللَّهِ أَخْبَرَنِي سَعِيدُ بْنُ أَبِي سَعِيدٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
قَالَ تُنكَحُ الْمَرْأَةُ لِأَرْبَعٍ لِمَالِهَا وَلِحَسَبِهَا وَلِجَمَالِهَا وَلِدِينِهَا فَاظْفَرْ بِذَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ

Meaning: *Abu Hurairah r.a. It was narrated that the Prophet SAW said, "A woman is married for four reasons: because of her wealth, because of her lineage, because of her beauty, and her religion. Get lucky by marrying a woman because of her religion, then you will get blessings (History of Bukhari and Muslim)³⁰.*

D. Conclusion

After conducting research and analysis of the Islamic Law of the Syafi'i Madzhab Regarding Kafa'ah, it can be concluded as, The best kafa'ah is in the way that has been taught or recommended by the Prophet SAW., namely by prioritizing four things including (wealth, lineage, good looks/beauty, and religion). But there are also some people who focus on education and wealth. And how luckier it would be in a marriage if the community prioritized religion, it would be able to create a happy family. However, if society later puts aside the importance of religion and the nobility of morality, then there will be a loophole for damage to the marriage.

³⁰ Al-Mundziri, 375.

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