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Arranged Marriage: Adjusting *Kafa'ah* Can Reduce Trafficking of Women

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Abstract

This study aims to find the concept of match making or coercion in marriage against women. Women are more sensitive to match making issues and express disagreement with practices that violate women's rights and endanger their future. However, previous researchers also considered match making coercion, so we tried to research what if it was adapted to the concept of *kafa'ah* according to Shariah. The method used in this research is a literature review by looking at the book *an-nikah* by Shaykh Muhammad Arsyad Al-Banjari, written in the 17th century AD. Through a hermeneutical approach, the researcher explores the marriage problems that her parents thought to be cornering women in marriage problems. We try to uncover marriage problems that are sometimes considered to push women into marriage problems by their parents. This research proves that the concept of *kafa'ah* in al-Banjari theory can eliminate the perception of match making with a coercive system, because in the *kafa'ah* what is prioritized is a person's faith relationship which is ultimately able to maintain the honor of his wife and family. Not only in terms of material, but more inclined to approach immaterial needs. The immaterial approach is evidenced by the harmonious relationship between the two families of the bride and groom.

Keywords: Marriage, *kafa'ah*, forced, crime, women.

Abstrak

Penelitian ini bertujuan untuk menemukan konsep tentang perijodohan atau pemaksaan dalam pernikahan terhadap perempuan. Meskipun perempuan lebih sensitif terhadap masalah perijodohan dan menyatakan ketidaksepakatan dengan praktik yang melanggar hak dan membahayakan perempuan pada masa depannya. Para peneliti sebelumnya juga menganggap perijodohan itu sebuah pemaksaan, sehingga peneliti mencoba untuk melihat bagaimana jika hal tersebut disesuaikan dengan konsep *kafa'ah* sesuai dengan Syariah. Metode yang digunakan dalam penelitian ini adalah kajian pustaka dengan melihat kitab an-nikah karya Syaikh Muhammad Arsyad Al-Banjari yang dikarang pada abad ke-17 M. Melalui pendekatan hermeneutika, peneliti mencoba untuk mengungkap permasalahan pernikahan yang terkadang dianggap menyudutkan perempuan dalam masalah pernikahan oleh orang tuanya. Penelitian ini membuktikan bahwa konsep *kafa'ah* dalam teori al-Banjari dapat menghilangkan persepsi perijodohan dengan sistem pemaksaan, karena dalam *kafa'ah* tersebut yang diutamakan adalah hubungan keimanan seseorang yang pada akhirnya mampu menjaga kehormatan istri dan keluarganya. Bukan hanya dari segi materi saja, tapi lebih cenderung pada pendekatan kebutuhan immateri. Pendekatan immateri dibuktikan dengan harmonisnya hubungan antar calon dua keluarga mempelai.

Kata kunci: Pernikahan, *Kafa'ah*, Kejahatan, Perempuan

Introduction

3 According to Shyamal, due to natural shocks in Bangladesh, the conditional payment from husbands to wives in the event of divorce and dowry, a move from the bride's family to the groom's at the time of marriage, has fluctuated in Bangladesh.¹ We are creating a marriage market model in which dowry functions as a price for grooms, while more serves to avoid inefficient divorces.² Our comparative statics findings show that in shocks that increase (lower) profits, more and dowry are both increasing (decreasing).³

Traditionally arranged marriages take place in Africa, South-East Asia, Latin America, and the Near East. The activity has been brought to western nations (SURGIR) through migratory phenomena. In reaction to this, using

⁵ ³Shyamal Chowdhury, Debdulal Mallick, And Prabal Roy Chowdhury, "Natural Shocks And Marriage Markets: Fluctuations In Mehr And Dowry In Muslim Marriages," *European Economic Review* 128 (September 1, 2020): 128, <https://doi.org/10.1016/j.eurocorev.2020.103510>.

²Vicky Barham, Rose Anne Devlin, And Jie Yang, "A Theory Of Rational Marriage And Divorce," *European Economic Review* 53, No. 1 (January 1, 2009): 106, <https://doi.org/10.1016/j.eurocorev.2008.02.002>.

³Chowdhury, Mallick, And Roy Chowdhury, "Natural Shocks And Marriage Markets," 129.

legislative steps, hardening immigration laws, and requesting family reunification conditions, European countries seek to avoid this situation.⁴ It is common practice in many countries to pay a dowry to the family of the bride.⁵ Since marrying a daughter provides the family with money, the future husband is selected according to his wealth.⁶ In return for a dowry, in which women accept marriage to a man chosen by their parents, this hidden selling reduces the woman to goods, with the subsequent arranged marriages. This practice ensures that young brides are frequently required to marry men twice their age, or even very old.⁷

There are arranged and forced marriages that must be distinguished; the latter happens when one of the partners does not approve or is forced to enter marriage.⁸ Forced marriages are also forced marriage when one partner is under 18 years of age or early marriage.⁹ Forced marriages are not purely for economic purposes but are also made to restore the family's dignity. Forced and organized marriages will lead women into a cycle of poverty and lack of security, most of which being subjected to rape, violence, and forced sexual intercourse.¹⁰

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⁴Keera Allendorf And Dirgha J. Ghimire, "Determinants Of Marital Quality In An Arranged Marriage Society," *Social Science Research* 202, No. 1 (January 1, 2013): 59, <https://doi.org/10.1016/j.sresresearch.2012.09.002>; Amitrajeet A. Batabyal, "On The Likelihood Of Finding The Right Partner In An Arranged Marriage," *The Journal Of Socio-Economics* 30, No. 3 (May 6, 2001): 273, [https://doi.org/10.1016/S1053-5357\(01\)00095-6](https://doi.org/10.1016/S1053-5357(01)00095-6); María Del Mar Pastor Bravo, Pilar Almansa Martínez, And Ismael Jiménez Ruiz, "Arranged Marriages: Women For Sale," *Procedia - Social And Behavioral Sciences*, 6th International Conference On Intercultural Education "Education And Health: From A Transcultural Perspective", 132 (May 15, 2014): 564, <https://doi.org/10.1016/j.sbspro.2014.04.354>.

⁵Zobaida Akhter, "Girls Not Brides: Concern Of Distance Learning: Strategies To Prevent Child Marriage And Curse Of Dowry: Bangladesh Perspective," 2019; GustiMuzainah, "Baantarjujuran Dalam Perkawinan Adat Masyarakat Banjar," *Al-Insyirah* 16 *Jurnal Studi Keislaman* 5, No. 2 (2019): 10–32; Anwar Hafidzi, "Prasyarat Poligami Dalam Kitab Fiqih Islam Dan Kompilasi Hukum Islam Perspektif *Maslahah Mursalah*," *al-Daulah: Jurnal Hukum dan Perundang-Undangan Islam* 7, No. 2 (2017): 366–392.

⁶Gaurav Chiplunkar And Jeffrey Weaver, "Marriage Markets And The Rise Of Dowry In India," *Available SSRN* 3590730, 2019.

⁷Nadia G. Diamond-Smith Et Al., "Semi-Arranged Marriages And Dowry Ambivalence: Tensions In The Changing Landscape Of Marriage Formation In South Asia," *Culture, Health & Sexuality* 22, No. 9 (2020): 971–74.

⁸Barham, Devlin, And Yang, "A Theory Of Rational Marriage And Divorce," 93; Omer Aijazi And Erin Baines, "Relationality, Culpability And Consent In Wartime: Men's Experiences Of Forced Marriage," *International Journal Of Transitional Justice* 11, No. 3 (2017): 463.

⁹Tamás Fleiner, Robert W. Irving, And David F. Manlove, "Efficient Algorithms For Generalized Stable Marriage And Roommates Problems," *Theoretical Computer Science* 381, No. 1 (August 22, 2007): 163–65, <https://doi.org/10.1016/j.tcs.2007.04.029>.

¹⁰Isabelle Poutrin, "Theorizing Coercion And Consent In Conversion, Apostasy, Ordination, And Marriage (Sixteenth And Seventeenth Centuries)," In *Forced Conversion In Christianity, Judaism And Islam* (Brill, 2019), 86–109; Mehrdad Rayejian Asli And Mojgan Amrollahi Byouki, "Forced Marriage In Islamic Countries: The Role Of Violence In Family

There are also cases in which marriages are neither arranged nor coerced since either the girls are young or the child refuses to marry the man the family has chosen for it. Such marriages may have significant repercussions for women's physical and mental health and lead to suicide at times. We remember that women are more open to the issue by arguing that the practice contradicts the Koran and their disagreement.¹¹ Unlike marriage in Islam, Islam accepts a *kafa'ab* (equality) approach to maintaining a harmonious marriage relationship.¹²

In fact, in marriage, *kafa'ab* is equity, harmony, or proportionality between the future wife and the future wife.¹³ *Kafa'ab* is a Muslim need for marriage in the sense of faith. Before marriage, one important thing to do is concentrate on many things, including lineage, faith, belief, occupation, liberty, and land.¹⁴ However, many couples do not comply with the *kafa'ab* requirements, and there are also many marriages between men and women with significant age gaps. For example, marriage between older women and men who are very young, or vice versa. Seeing this pattern in culture, according to Qadariyah Barkah,¹⁵ Indicates that most couples who get married pay more attention to age, attractive faces, and their partner's emotions. In Islam, this kind of marriage is not contrary to the laws of the Shari'ah since Islam does not explicitly clarify the age limit to be counted as an adult. This kind of pattern helps to cultivate feelings of emotion in the household.

The problem of *kafa'ab* in marriage began to grow in contrast to Iffatin,¹⁶ By looking at the physical-spiritual state, heredity, freedom status, occupation, income, education level, to again in a broad sense, in reality, requiring only an agreement between the two sides of the bride and groom. Zuhri also believes that marriage, especially in Islam, should be needed for

Relationships," In *Women And Children As Victims And Offenders: Background, Prevention, Reintegration* (Springer, 2016), 729.

¹⁸ Aijazi And Baines, "Relationality, Culpability And Consent In Wartime," 463–66; Aisha K. Gill And Taher Hamed, "Muslim Women And Forced Marriages In The Uk," *Journal Of Muslim Minority Affairs* 36, No. 4 (2016): 540–42.

¹² Abdul Hadi Ismail, "Kafa'ah In The Muslim Community Marriage: A Study Of The Social History Of Islamic Law," *Indonesian Journal Of Education, Social Sciences And Research* 1, No. 1 (2020).

¹³ Achmad Zainal Abidin, "Pelaksanaan *Kafa'ab* dalam Perkawinan: Studi di Pondok Pesantren Miftahul Huda Al-Musri'cianjur" (Phd Thesis, Uin Sunan Gunung Djati Bandung, 2019).

¹⁴ Abdul Hadi Ismail, "Kafa'ab In The Muslim Community Marriage: A Study Of The Social History Of Islamic Law," *Indonesian Journal Of Education, Social Sciences And Research (Ijessr)* 1, No. 1 (2020): 16–23.

¹⁵ Qodariyah Barkah And Andriyani Andriyani, "Maqashid al-Syari'ah Concept Of *Kafa'al* in Marriage," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 20, No. 1 (June 30, 2020): 107–9, <https://doi.org/10.19109/Nurani.V20i1.5651>.

¹⁶ Iffatin Nur, "Kafa'ah In Islam," *Epistemé: Jurnal Pengembangan Ilmu Keislaman* 9, No. 1 (June 2014): 85–90.

kafa'ab. Non-Muslims, because of imbalances in religion, should not *kafa'ab* with Muslims.¹⁷

This study becomes interested when the researcher finds a principle in selecting the bride and wife in marriage, sometimes under different models of coercion systems of marriage systems. This idea is now intended to minimize the occult crime of marriage.¹⁸ This study will eventually address that al-Banjari's idea of *kafa'ab* is considered capable of fixing marital problems, such as believing that women are sold according to dowry or *jujuran*.¹⁹ Suppose the marriage arrangement fails to comply with the family's request, and the child's choice is assumed to be based solely on appearance or content. In that case, this is often considered to be less critical since many divorces are exclusively due to economic factors. This paper is deemed worthy of addressing these issues. This research shows that in the theory of al-Banjari the idea of *Kafa'ab* will eradicate the impression of a coercive structure, as the focus is the relationship of faith between a person and his wife and his relatives, essentially. This is the way the *kafa'ab* works.

Equity theory focuses on the alignment of shareholdings and donations. Could not all equally value equity.²⁰ Nawid Siassi (2019) suggests that in close relationships, inequality is less satisfied. If ties are unequal, people feel like they have little to no benefit. Under-benefited discrimination exists if the benefit of individuals is smaller than the benefit of their parents. However, there are unfair inequities if people are paying more than their spouses because of donations. Many studies have shown that females are less exposed than males. Under the theory of justice, people should be attracted by unequal marriages and suffer from unjust marriages and the degree of injustice.²¹

At present, it seems that there has been a shift in the meaning of the *kafa'ab* pattern conveyed in the Hadith of the Prophet Muhammad SAW.

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¹⁷Sarifudin Zuhri, "Proses Perjudohan Dan Kriteria Kafa'ah Di Dunia Pesantren Dalam Perkawinan Anggota LDII Desa Medaeng Kecamatan Waru Kabupaten Sidoarjo," *Al-Hukama': The Indonesian Journal Of Islamic Family Law* 8, No. 1 (2018): 53–58.

¹⁸Aisha K. Gill, Pamela Cox, And Ruth Weir, "Shaping Priority Services For Uk Victims Of Honour-Based Violence/Abuse, Forced Marriage, And Female Genital Mutilation," *The Howard Journal Of Crime And Justice* 57, No. 4 (2018): 576.

¹⁹Muzainah, "Baantar Jujuran Dalam Perkawinan Adat Masyarakat Banjar," 10–12.

²⁰Bravo, Martínez, And Ruiz, "Arranged Marriages," 566. Elisabeth Mantl, "Legal Restrictions On Marriage: Marriage And Inequality In The Austrian Tyrol During The Nineteenth Century," *The History Of The Family* 4, No. 13 (June 1, 1999): 185, [https://doi.org/10.1016/S1081-602x\(99\)00011-1](https://doi.org/10.1016/S1081-602x(99)00011-1); NawidSiassi, "Inequality And The Marriage Gap," *Review Of Economic Dynamics* 31 (January 1, 2019): 160–81, <https://doi.org/10.1016/J.Red.2018.06.004>.

²¹Mantl, "Legal Restrictions On Marriage," 185; Siassi, "Inequality And The Marriage Gap," 160.

أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : (تُنكَحُ الْمَرْأَةُ لِأَرْبَعٍ : لِمَالِهَا، وَلِحَسْبِهَا، وَلِجَمَالِهَا، وَلِدِينِهَا، فَظَفَرُ بَدَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ)

From Abu Hurairah Radliyallaabu 'anbu that the Prophet Muhammad Saw. said: "Women marry for four reasons, namely: property, descent, beauty, and religion. Get a woman who is devout in religion. Then you will be happy."

وعن ابن عمر - رضي الله عنهما- قال: قال رسول الله صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (العرب بعضهم أكفاء بعض، والموالي بعضهم أكفاء بعض، إلا حائك أو حجام) رواه الحاكم، وفي إسناده راو لم يسم، واستنكره أبو حاتم وله شاهد عند البزار: عَنْ مُعَاذِ بْنِ جَبَلٍ بِسَنَدٍ مُنْقَطِعٍ

From Ibn Umar Radliyallahu' anhumu that Muhammad Rasulullah Saw. Said: "Arabs are equal to each other and mawali (former servants who have been freed) with each other, except the shamans and cupping workers.

It cannot be effortless for certain people to decide on an acceptable partner. In the end, this issue can cause several problems, including *sirri* marries, marriages with the guard judge, or even marriage without their parents' or other people's permission. The issue can also be caused if the rules and conditions are difficult for the couple.

Literature analysis with a hermeneutical approach to analyzing the principle of *kafa'ah* in deciding whether a marriage application is approved is the tool used in this study. The source used in this research is more based on Shaykh Muhammad Arsyad al-Banjari's book *an-Nikah*. This work is considered an insightful solution because, in the 18th century, the people of Banjar recognized the idea of marriage as a choice in marriage with a religious approach.

This analysis appears to look at the marriage issues of the 18th century. However, restrict the principles given by al-Banjari in the resolution of matchmaking marriage disputes. This study is different from other studies because it focuses on resolving the fear of the current people in Indonesia and other Islamic countries about matchmaking for money purposes. The hermeneutic method is used to analyze the text of a book written by al-Banjari in Arabic Jawi, whose contribution to solving the problem that girls can be matched to men who are considered more economically stable is considered to be necessary so far.

Result and Discussion

The concept of Al-Banjari and *Kitab al-Nikah*

Syekh Muhammad Arsyad is from Martapura, South Kalimantan, Banjar. He was born in Lok Gabang on 6 March 1710, and died in DalamPagar, South Kalimantan, on 3 October 1812. *Sabi al-Muhtadin li at-Tafaqqub fi Amriddin, Kitab Kanj al-Makrifab, Kitab Ushuluddin, Kitab NuqtatulAjlal, Tuhfat al-Raghibin, Luqtat al-Ijlan fi Bayan al-Haidwa Istibada wa Nifas al-Niswan, al-Qawl al-Mukhtasar, and Kitab Fara'id* are among his works. Shaykh Muhammad Arshad al-Banjari composed *Kitab al-Nikah*, concentrating on marriage. According to Abu Daud, on 13 Safar 1289 H (1872 AD), the book was written in Banjar Jawi Arabic.²²

In general, as taught by the Prophet Muhammad and adapted to the Banjar community's customs at that time, the book addresses the rule of marriage and its implementation. This book was written because, in the 17-18 century AD, it was based on the Banjar people's situation. At that time, the Islamization system process was relatively new, so we needed a system to strengthen the values of sorrow in the Banjar culture.²³

The Concept of *Kafa'ah* According to al-Banjari

The topic of *kafa'ah* is stated in the *Kitab al-Nikah* in the first chapter, "*menyatakan Kufu*". al-Banjari revealed, beginning with his clarification, that women wanted this *Kafaab*, not men. It is consistent with scholars' view that a right granted to a woman and her guardian is *kafa'ah*. The consideration of *kafa'ah* referred to in this case, as mentioned earlier, is from the man's side, not from the woman's side, implying that a woman is considering whether or not the man will marry her is *sekuflu*. Besides, al-Banjari then cites five *kafa'ah* credentials, namely non-defect (free from all shame), liberty, lineage, *iffah* (goodness), and *hirfab* (work skills/intelligence).²⁴

The quotes in the text of the book are:

Concerning the first ranking, al-Banjari stated:

برمول ي غ م غ هندكى كوفو ايت فرمفوان جوا تباد لاکي ۲ مک ادله س کمال فرکارا کوفو
هیت لیم فرکار:

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²²"Kitab An Nikah Karya Syekh Muhammad Arsyad Al Banjari, UU Perkawinan No 1 Tahun 1974 Dan KHI (Studi Perbandingan) - Idr UIN Antasari Banjarmasin," Accessed July 26, 2020, <https://id.27n-antasari.ac.id/6713/>.

²³Dede Hidayatullah, "Peran Kerajaan Banjar Dalam Penulisan Naskah di Tanah Banjar," *Mamuskripta* 2, No. 1 (2012): 163–70. Anwar Hafidzi, "Urang Banjar Philosophy: Education And The Social Affairs Of The Community," *Al-Insyiroh: Jurnal Studi Keislaman* 6, No. 2 (2020): 85–94.

²⁴Muhammad Arsyad Al-Banjary, *Kitab An-Nikah* (Martapura Kalimantan Selatan: Yayasan Pendidikan Islam DalamPagar, N.D.), 25–30.

۱. فرتام سلامت درى سرکال عيب ي غ مئابتکن اي بانگي خيار فسح نکاح سفرتي کليل چامفه کورغ اتو چلق اتو کورف لوسغ دان ترفوت غ ذکر دان لمه ذکر، مک لاکي ۲ ي غ بر عيب دغ ن ساله ساتو دارفد ي غ دمکين ايت تيادله سکوفو دغ ن فرمفوان ي غ بر عيب، دان فرمفوان ي غ بر عيب دان جکالوا عيب فرمفوان ايت سجنس دغ ن عيب لاکي ۲ ايت سکالفون.

*First, safe from all the disgrace that caused him to be married to a kbiar fasakh like mad or mingled brackets or celak, or worn ringworm and cut off by his testicles and weak testides, then a man who goes missing with one of these conditions is not a scholar with a woman who doesn't exist. And women who have ever stood over a woman of the same type even with the disgrace of that man. The disgrace that blows kbiar is like being blind and cutting off his hands and being evil in appearance, so there is no harm.*²⁵

Based on that explanation, al-Banjari has demonstrated a first qualification or *kafa'ah* requirement, which is not disgraced or handicapped if a marriage can be canceled. Disabled people are not deemed to be on the same line as non-disabled people. The impairment encompasses both the physical and psychological aspects of impairment. A woman has the right to vote (to take or refuse marriage), not that the woman alone has this problem due to a lack of a man's physical inability in the woman. A guardian is therefore entitled to deny marriage to a paralyzed, leper, or foolish male.

As for the second qualification of *kafaah*, al-Banjari stated:

۲. کدوا فرموان ي غ مردیک مک لاکي ۲ همب اورغ تياد سکوفو دغ ن فرمفوان ي غ مردیک سکالين ئاتو ست غ هت. دان لاکي ۲ ي غ فرمدهیک أن اورغ جکا ديا جادي راج سکالفون تياد سکوفو دغ ن فرمفوان ي غ مردهیک دان ايپوت فمر دهیک أن اورغ نس چاي کوفو له دغ ن فرمفوان ي غ مردهیک کرن م غ يکوت بفاث والله اعلم.

*Second, women who are free, then men who are servants of people who are not in line with women who are free at all or half of it, and men who liberate people if there is he becomes king even though there is no partner with women who are free, and if the father is a free man and his mother liberation people undoubtedly kufu with free women because they follow their father.*²⁶

al-Banjari said in the above paragraph that a woman free was not along the same lines as a slave. Men who were slaves do not have the same

²⁵al-Banjary, 25.

²⁶al-Banjary, 26.

requirements as women who were never slaves. This data shows that freedom is one of *kafa'ab's* qualifications. The slavery issue that existed when the Prophet was now abolished seems to be still equality of occupation, which some Banjar people consider to shame the household. The divorce eventually came to an end. Slave abolition does not guarantee fair jobs.

The third qualification of *kafa'ab* is *nasab* (descent). al-Banjari said:

۳. کتیک درفد فرکار کوفو ایت نسب ارتیث ب غ سا دیبل غ کن ب غ سا ایت د غ ن باف
جوا سفرتی اسلام، مک لاکي ۲ ی غ اسلام د غ ن سندریث دان بفاث ماسه کافر ایت
تیاد سکوفو د غ ن فرمفوان ی غ اسلام د غ ن بفاث، دان لاکي ۲ ی غ اسلام د غ ن
بفاث دان نینیث تیاد سکوفو ای د غ ن فرمفوان ی غ اسلام ای د غ ن بفاث دان نینیث
دان داتوٹ. دان لاکي ی غ عجم یایت ی غ لاین دار فد عرب تیاد سکوفو د غ ن
فرمفوان عرب .

*Third, from the case of kufu, nasab means nation, and the nation is eliminated with a father like Islam, so men who are Muslim by themselves and their fathers are still infidels are not aligned with women who are Muslim with their fathers and men who are Muslim with their fathers and niniknya has no alignment with women who are Muslim he is with his father and nininya and data, and men' ajam who are different from Arabs have no alignment with Arab women.*²⁷

The lineage of al-Banjari, as a country, refers only to Arabs. What does it mean? That is whether or not a person has a dad, a grandfather, and so on who is Muslim. As for the Arabs, this problem may not need to be taken care of because they had enough to consider the lineage problem. They are proud of their lineages, not because they are Muslim or not their forefathers. Therefore, the *nasab* (descent) approach to ethnicity is considered to be similar to the issue of al-Banjari. The Banjari peoples and people living in Kalimantan appear to be the same. Thus *kafa'ab* would be the same in life as a right tribe in a good tribal approach.

The fourth qualification of *kafa'ab* is related to diversity (*'iffab*); al-Banjari explained that:

۴. کأمفة درفدث عفه ارتیث مناھن دیری درفد فکرج أن ی غ حرام سبب ایتوله تیاد کوفو
لاکی ۲ ی غ فاسق د غ ن فرمفوان ی غ تیاد فاسق.

²⁷al-Banjary, 27.

Fourth, instead of 'iffab' means not to work haram and that is the reason why there is no *kufu* of bad men and women who are not wicked, and there is no *kufu* of men who are bid' ab with women who are *ablussunnab*²⁸

Thus again, the sons of the wicked or the sons of the heretics are not *sekufu* with the daughters of those who are not bad or the children of those who are *ablussunnab*; this differential is a distinctive characteristic of al-Banjari, which means that women or men have to have the character of *ablusunnab*, not people who like to do wickedness.

While the qualifications of *kafaah*, the five al-Banjari explained:

٥. کلیم درفدکوفو ایت حرفه یایت سوات کفنداین یغ دتونتوة دغن دیرزقی، مک
لاکی ٢ یغ ممفویائی کفنداین یغ هنا تیاد سکوفو دغن فرمفوان یغ ممفویائی
کفنداین یغ ترلبه درفدات.

*The fifth of kufu is hirfab, which is the intelligence required by him is rizqi, so men who have low intelligence are not in line with women who have intelligence that is superior to them.*²⁹

So, the man who throws blood and who throws blood and who is a tanner and who shepherds goats or cows or adangan and their children have no relationship with the woman who is a tailor, and the child who is a correspondent has no agreement with them with the merchant's daughter. The child who is a cloth seller and a male merchant, and the one who sells cloth, and the child who is both of them are not partners.

Awareness and piety figure, as well as Islamic attitudes and understanding. If the future husband or ancestor, in this parameter, is superior to the future wife, it is called the same. Conversely, if both the prospective woman and her ancestors are nobler than the masculine regarding the above conditions, they cannot be counted as equivalent.

Determination of Immateriality in Coercive Settlement

There are only five *kafa'ab* for Syekh Muhammad Arsyad al-Banjari: a survivor from disgrace, religion, descent, 'iffab, and *hirfab*. Meanwhile, wealth (*al-Mal*) is not a matter for *kafa'ab* in marriage. It can be seen from the Book of An-Nikah as well as he states that:

²⁸al-Banjary, 27–28.

²⁹al-Banjary, 28–29.

مك ن تاله درفدات بهواسن كاي ايت تبادا اي دبيل غ كن درفدا س كفال فركارا كوفو درى
 كرن ارتا ايت فرلغي دات غ تبادا م غ ميبيل كم كاهن دغن ديس كفال مريك ي غ ممفون ائى
 فراغي، ممفون ائى مات هاتي.

So it is clear that wealth is not or does not matter in Kafa'ab. Because the treasure can be lost and exists, someone who has a deep disposition and feelings will not make a problem with the wealth in his life.³⁰

Wealth is not a matter in *kafa'ab*, according to Syekh Muhammad Arsyad al-Banjary. It is because wealth or property is like lost and found things. Richness is pomp or prestige among the world's experts. Meanwhile, the person with a healthy (moral) character and a deep (strong) heart will not be proud of his money. So they do not challenge other people's riches in *kafa'ab*.

In general terms, it can be defined as having a *kafa'ab* element as the standard criterion for formulating the ulama as a *kafa'ab* element in religion (religious equality) and *kafa'ab* in the social sector (social equality). The *kafa'ab* elements are divided into two aspects. *Kafa'ab* is equality or equivalence determined in faith based on moral principles, dignity, and religious piety. *Kafa'ab*'s criteria in religion are all scholars' consensus that it is the primary factor used to define *kafa'ab* in marriage. *Kafa'ab* is calculated based on local social values and customs in the social sector. In this group, the elements of *kafa'ab*, including descent, social standing, occupation, income, etc. do not have a consensus agreement on their application in terms of marriage from different scholars.

مك درى كرن انيله جك رضى س وراغ فرمفوان برسوامي دغن لاکى ۲ ي غ تباد سکوفو
 دغن دي مك دنکاحکن اکن دي اوله بغاث اتو سودارات دغن دي نسچاي صح
 نکاحث

So if the woman is happy with her future husband, even though she is not in agreement with him, then it is permissible to marry her parents or siblings, and the marriage is still valid.

Therefore, if each family member matches, particularly for the partner, the significant gain would be easier to achieve. The role of *kafa'ab* in marriage is, therefore substantial) and essential. If each party understands each other, is open to each other, and respects each other, which comes with the nature of equilibrium and harmony between husband and wife, it can mitigate or even avoid conflict or household problems. If the definition of *kafa'ab* is well known, it will be imposed proportionally. Meanwhile, a rigid interpretation of the *kafa'ab*

³⁰al-Banjary, 30.

definition has repercussions for stabilization disruption. If so, it will not be right for you; it will do you harm and even damage.

Conclusion

The importance of *kafa'ab* is that the husband should be associated with his wife. It means that he is equal in social, moral, and economic roles to his wife. *Kafa'ab* will foster husband and wife satisfaction in the sense of marriage and better guarantee women's protection from failure or household shocks. *kafa'ab* in al-Banjari emphasizes more on equality and harmony in the household. These findings can ultimately provide changes to the prospective bride and groom who are arranged in marriage. In the Banjar community, the object of *kafa'ab* tends to look at his ability to create a household owned with the aid of adequate knowledge of Islam and family law with a focus on faith. Although sometimes there is still matchmaking without the knowledge of the spouse, this is called *kafa'ab*. However, if the idea of *kafa'ab* provided by al-Banjari is accomplished, then the marriage will also run well and harmoniously. At least this finding will minimize the type of violence in the name of matchmaking.

There are still several flaws in this study, such as the matching model by pressuring girls to marry a variety of *jujuran* or the influence of *jujuran* on nominal matchmaking. The custom almost seems that women are sold at a high nominal price. They are going to deny it if it is too tiny. This recommendation can at least drive the next researchers' ideas for improving the initial findings of al-Banjari Book of Kitab an-Nikah.

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