



KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI ANTASARI BANJARMASIN

Jalan A. Yani Km. 4.5 Banjarmasin 70235
Telepon (0511) 3257627 Faksimili (0511) 3254344
e-mail: info@uin-antasari.ac.id website: www.uin.antasari.ac.id

SURAT KETERANGAN HASIL UJI KEMIRIPAN

No: 67/Un.14/IV/TV-CP/09/2022

Anggota Tim Verifikasi dan Validasi Karya Ilmiah Dosen UIN Antasari di bawah ini,

Nama Verifikator : H. M. Kamil Ramma Oensyar
Jabatan : Anggota TIM

telah melaksanakan uji kemiripan terhadap karya ilmiah yang berjudul “[The concept of kafa'ah as the pre-requirement of Banjar community marriage](#)”, karya:

Nama : Dr. H. Anwar Hafidzi, Lc., MA.Hk
NIP/NIDN : 2128078501
Pangkat/Gol : III/c, III/d
Jabatan : Lektor

Berdasarkan hasil pemeriksaan dengan menggunakan www.turnitin.com kemiripan karya di atas adalah 18%.

Demikian surat keterangan ini dibuat untuk dapat dipergunakan sebagaimana mestinya.

Banjarmasin, 20 September 2022
Koordinator Tim,



Muhammad Iqbal, S. Th.I., MSI., Ph. D
NIP 197709062008011011



9

by Anwar Hafidzi

Submission date: 16-Sep-2022 11:20AM (UTC+0700)

Submission ID: 1901056441

File name: kafa_ah_as_the_pre-requirement_of_Banjar_community_marriage.pdf (638.29K)

Word count: 5873

Character count: 29436



The concept of *kafa'ah* as the pre-requirement of Banjar community marriage

Anwar Hafidzi

Universitas Islam Negeri Antasari

Jalan Ahmad Yani Km. 4.5 Banjarmasin, Kalimantan Selatan

e-mail: anwar.hafidzi@gmail.com

Nurdin

Universitas Mulawarman

Jalan Kuaro, Tanah Grogot, Gn. Kelua, Kec. Samarinda Ulu, Kalimantan Timur

e-mail: buya.cece@gmail.com

Abstrak

Penelitian ini akan membahas tentang konsep dan praktik *kafa'ah* (mampu) ketika akan melakukan prosesi pernikahan di masyarakat Banjar berdasarkan Kitab *an-Nikah* Syekh Muhammad Arsyad Al-Banjary. *Kafa'ah* pada dasarnya dalam pernikahan adalah kesetaraan derajat dalam memilih calon istri atau suami ketika akan melakukan akad pernikahan. Akan tetapi, bagi masyarakat Banjar, *kafa'ah* dijadikan tolak ukur dalam memilih seorang pasangan. Penelitian memberikan solusi yang berbeda dengan yang lainnya bahwa *kafa'ah* tidak hanya terbatas pada mampu dari materi saja seperti yang ditulis dalam kitab *an-Nikah* abad ke-17 M sebagai dasar *kafa'ah* dalam hukum Islam. Metode yang digunakan dalam penelitian ini adalah studi pustaka dengan sumber primer kitab *an-Nikah* karya Syekh Muhammad Arsyad al-Banjary. Hasil penelitian ini menemukan bahwa konsep *kafa'ah* yang ditawarkan pada masyarakat Banjar pada abad ke-17 berdasarkan kemampuan dalam menjalankan kewajiban sebagai suami dan tanggung jawab agama.

Kata kunci: Konsep, *kafa'ah*, pra-persyaratan, Banjar, pernikahan

Abstract

This research will discuss the concept and practice of *kafa'ah* (capable) when going to a marriage procession in the Banjar community based on the *an-Nikah* Book of Shaykh Muhammad Arsyad al-Banjary. *Kafa'ah* basically in marriage is equality of degrees in choosing a prospective wife or husband when going to a marriage contract. However, for the Banjar community, *kafa'ah* is used as benchmark in choosing a partner. The solution is with this research because it was written in the 17th century AD as a basis for the use of *kafa'ah* in Islamic law in general. The method used in this research is a literature study with a primary source of the Book of *an-Nikah* by Sheikh Muhammad Arsyad al-Banjary. The results of this study found that the concept of *kafa'ah* offered to the Banjar community in the 17th century was based on their ability to carry out their obligations as husbands and religious responsibilities.

Keywords: Concept, *kafa'ah*, pre-requirement, Banjar, marriage

Introduction

Marriage is a sacred thing dreamed of by every human being.¹ Marriage is the way of Allah Almighty to unite the hearts of every person lawfully.² The purpose of the marriage itself is as stated in the word of God Almighty ar-Rum [30]: 21, which reads:

ومن آياته أن خلق لكم من أنفسكم أزواجا

Means: "And among the signs of (greatness) His has He created spouses for you from your kind itself, that ye inclined and feel at ease with him, and He makes among you a sense of love and affection. Indeed, in that, there are signs (the greatness of God) for people who think (QS ar-Rum [31]: 21).

Marriages legitimate according to religion, especially Islam, are marriages that have fulfilled the harmony and conditions of marriage, namely, The prospective bride (male and female), Guardian, Witness, *Ijab qabul* (solemnization of marriage).³

With the fulfillment of conditions and harmony in marriage, a marriage can be said to have been valid in the view of Islam.⁴ However, in addition to the provisions regarding the terms and pillars, some rules can affect the continuation of a marriage which in law marriage is governed Islamic, in which these rules are then governed by the Muslim scholars and the laws of each State called the rule of law "*kafa'ah*".⁵ However, the rule of law regarding *kafa'ah* in religion does not become a requirement for legal marriage.

Kafa'ah is a rule of law that regulates the suitability, equality, or suitability of someone with someone else.⁶ *Kafa'ah* has existed since the time of the Prophet to

¹ Mudofir Abdullah, "Marriage In Islam and the Problem of Gender Equality: A Philosophical Perspective," *Ulumuna* 22, no. 1 (2018): 57–76; Mulki Al-Sharmani, "Marriage in Islamic Interpretive Tradition: Revisiting the Legal and the Ethical," *Journal of Islamic Ethics* 2, no. 1–2 (2018): 76; Keera Allendorf and Dirgha J. Chimire, "Determinants of Marital Quality in an Arranged Marriage Society," *Social Science Research* 42, no. 1 (January 1, 2013): 59–60, doi:10.1016/j.ssresearch.2012.09.002.

² M. Ahim Sulthan Nuruddaroini, "Adat Pernikahan Suku Banjar Dan Suku Bugis," *Sosial Budaya* 16, no. 1 (2019): 25–36. Muhammad Fadhlul Ilmi, "Perjodohan Dan Kafa'ah Dalam Pernikahan Anggota LDII Dan Lader DPD PKS," *Sakina: Journal of Family Studies* 3, no. 2 (2019).

³ Anwar Hafidzi, "Penolakan Nasab Anak Li'an Dan Dhihar Dengan Ta'liq (Analisis Komparatif Naskah Kitab Fiqh al-Islam Wa Adillatuhu Dengan al-Mughni)," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 1, no. 2 (2018): 77–94.

⁴ Muhammad Farooq, "Walayah (Guardianship) and Kafa'ah (Equality) in Muslim Marriage Verses the Woman's Consent," Available at SSRN 3497607, 2019; 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.

⁵ 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).

⁶ Abdullah, "Marriage in Islam and the Problem of Gender Equality," 59–63.

become a problem in the present.⁷ The problem that arises in the present is not only the question of comparability in religion but also in other matters, namely in terms of wealth.⁸ Society considers that in building and establishing a complete household is to consider the wealth owned by the prospective bridegroom to fulfill his obligations in providing support to his wife and meeting other basic needs in marriage.

In the hadith of the prophet it has been stated that the criteria for choosing a mate are the traditions of the prophet Muhammad SAW, which reads:

حَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرِينٍ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ تَنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ لِمَالِهَا وَلِحَسَبِهَا وَجَمَالِهَا وَلِدِينِهَا فَاطْفَرْ بِذَاتِ الدِّينِ تَرِبْتُ يَدَاكَ

Means: ⁴ "From Abu Hurayrah from the Prophet Muhammad PBUH, he said: "A woman is married because of four matters, because of her wealth, because of her position, because of her beauty, (or) because of her religion. Choose religion, then you will be lucky, (if not, hopefully, you) be poor".

⁴ *Kafa'ah* is only based on religion. But in fact, at this time not only the issue of religion is their consideration in choosing a partner in a marriage.⁹ Other considerations become *kafa'ah* criteria for each candidate or family of the parties.¹⁰ This also happened because of differences of opinion that occurred among Islamic scholars regarding the *kafa'ah* criteria as a result of differences in *ijtihad* carried out by these scholars. Some scholars say that *al-maal* (wealth) belongs to the *kafa'ah* criteria.¹¹ However, some people say that *al-maal* is not included in the *kafa'ah* criteria. So, seeing from this problem, the author wants to describe ³ how the position of *al-maal* in the *kafa'ah* by studying the *An-Nikah Book of Sheikh Muhammad Arsyad Al-Banjary* written in the 17th century AD.

⁷ Achmad Zainal Abidin, "Pelaksanaan Kafa'ah Dalam Perkawinan: Studi Di Pondok Pesantren MIftahul Huda Al-Musri' Cianjur" (PhD Thesis, UIN Sunan Gunung Djati Bandung, 2019).

⁸ Fiqi Taufiq Rahman, "Konsep Kafa'ah Dalam Perkawinan Menurut Pandangan Masyarakat Desa Haurpugur Kecamatan Rancaekek Kabupaten Bandung" (PhD Thesis, UIN Sunan Gunung Djati Bandung, 2017).

⁹ Hafidzi, "Penolakan Nasab Anak Li'an Dan Dhihar Dengan Ta'liq (Analisis Komparatif Naskah Kitab Fiqh al-Islam Wa Adillatuhu Dengan al-Mughni)"; Muhammad Taufiq and Anis Tyas Kuncoro, "Pasuwitan Sebagai Legalitas Perkawinan: Telaah Hukum Islam Terhadap Perkawinan Suku Samin Di Kabupaten Pati," *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam* 1, no. 2 (May 5, 2018): 53-71. doi:10.30659/jua.v1i2.2768.

¹⁰ Arif Rahman Hakim, Ahmad ¹⁹ Li, and Melvien Zainul Asyiqien, "Implementasi Konsep Kafaah Dalam Perkawinan Campuran," *Legitima: Jurnal Hukum Keluarga Islam* 1, no. 2 (2019): 80-107.

¹¹ Farooq, "Walayah (Guardianship) and Kafa'a (Equality) in Muslim Marriage Verses the Woman's Consent."

Research methods

This study uses a literature study method with its primary source being *the an-Nikah* book of Shaykh Muhammad Arsyad al-Banjari in a marriage that took place in the 16th century in the Banjar community, South Kalimantan. This research uses a hermeneutic approach to what has been written in the book of marriage to the phenomenon of *kafa'ah* in the Banjar community.¹²

The descriptive-analytical approach becomes a part of analyzing data taken in the book to look for relevance to the Banjar community. This research was conducted for five months from January to June 2020 with the study of the words and meanings written in the book of marriage. Qualitative data analysis is shown so that the findings are truly original and under the authors' objectives for the Banjar community because they are written in the Malay language of Banjar.¹³

Al-Banjari's biography and principles

Shaykh Muhammad Arsyad al-Banjari he was born in Lok Habang, March 17, 1710, he is a *fiqh* scholar of the Syafi'i School of *fiqh* from the city of Martapura in Banjar (Sultanate of Banjar), South Kalimantan. He lived during the years 1122-1227 H. He is also called the posthumous nickname Datu Kalampaian.¹⁴ Several biographers of Syekh Muhammad Arsyad al-Banjari, including the Mufti of the Indragiri Kingdom Abdurrahman Siddiq, argue that he is a descendant of Alawiyyin through Sultan Abdurasyid Mindanao's route.¹⁵ The line of passage is Maulana Muhammad Arsyad al-Banjari bin Abdullah bin Tuan Penghulu Abu Bakr bin Sultan Abdurasyid Mindanao bin Abdullah bin Abu Bakr Al Hindi bin Ahmad Ash Shalaibiyah bin Husein bin Abdullah bin Shaykh bin Abdullah Al Idrus Al Akbar (father of the entire Al Aidrus family) bin Abu Bakr As Sakran bin Abdurrahman As Saqaf bin Muhammad Maula Dawilah bin Ali Maula Ad Dark bin Alwi Al Ghoyyur bin Muhammad Al Faqih Muqaddam bin Ali Faqih Nuruddin bin Muhammad Shahib Mirbath bin Ali Khaliqul Qassam bin Alwi bin Muhammad Maula Shama'ah bin Alawi Abi Sadah bin Ubaidillah bin Imam Ahmad Al Muhajir bin Imam Isa Ar Rumi bin Al Imam Muhammad An Naqib bin Al Imam Ali Uraidhy bin Al Imam Ja'far As Sadiq bin Al Imam Muhammad Al Baqir bin Al Imam Ali Zainal Abidin bin Al Imam Sayyidina Husein bin Al Imam Amirul Mu'minin Ali Karamallah wajah wa Sayyidah Fatimah Az Zahra binti Rasulullah SAW. Since his birth, Muhammad Arsyad spent his childhood in the village of his birth Lok Gabang, Martapura.¹⁶

¹² Scott Davidson and Marc-Antoine Vallée, *Hermeneutics, and Phenomenology in Paul Ricoeur: Between Text and Phenomenon* (Springer, 2016).

¹³ Bubaker F. Shareia, "Qualitative and Quantitative Case Study Research Method on Social Science: Accounting Perspective," *Dimension 2*, no. 5 (2016): 23.

¹⁴ Muhammad Iqbal and Shahid Rahman, "Arsyad Al-Banjari's Dialectical Model for Integrating Indonesian Traditional Uses into Islamic Law," *Argumentation*, 2020, 5.

¹⁵ M. Rusydi, "Analisis Atas Tuhfah Ar-Râghibîn Karya Muhammad Arsyad Al-Banjari," n.d.

¹⁶ Khairullah Khairullah, Akhmad Rizkhi Ridhani, and Aminah Aminah, "Karakteristik Konselor Islami (Kajian Empiris Nilai-Nilai Pendidikan Karakter Syekh Muhammad Arsyad Al-Banjari)," *Jurnal Bimbingan Dan Konseling Ar-Rahman 4*, no. 2 (2018): 50–52.

Like children in general, Muhammad Arsyad socialized and played with his friends. However, in Muhammad Arsyad, his intelligence was evident beyond his peers. Likewise, the morals are subtle and love beauty. Among his skills are painting and writing. So that anyone who sees the results of his paintings will be amazed and amazed. When Sultan Tahlilullah was visiting Lok Gabang village, the sultan saw a painting of Muhammad Arsyad who was 7 years old. Impressed by this incident, the Sultan asked his parents that the child should stay in the palace to study with the Sultan's children and grandchildren.

When he grew up, he went to Mecca to study religion. In the Holy Land, Muhammad Arsyad recited the Koran to the leading teachers at that time. Among his teachers were Shaykh 'Athaillah bin Ahmad al-Mishry, al-Faqih Shaykh Muhammad bin Sulaiman al-Kurdi and al-'Arif Billah Syekh Muhammad bin Abdul Karim al-Samman al-Hasani al-Madani. After this was enough, Syekh Muhammad Arsyad and Syekh Abdul Wahab Bugis sailed to their hometown to Martapura, Banjar.¹⁷ In the month of Ramadan 1186 AH, which coincided with 1772 AD, Muhammad Arsyad arrived at his hometown, Martapura, the center of the Banjar Sultanate at that time. The first things he did were: 1. Opening new settlements 2. Making irrigation 3. Preaching intensively 4. Forming a Sharia Court.¹⁸

The methods used by Syekh Muhammad Arsyade al Banjari included 1) *Bilhal Da'wah* Method, 2) *Da'wah* Method by *billisan* (oral) and 3) *Da'wah bil al-kitabah* (writing) method.¹⁹ As for the works written by al-banjari are: 1. *Tuhfah ar-Raghibin fi Bayani Haqiqah Iman al-Mu'minin wa ma Yufsiduhu Riddah ar-Murtaddin*, completed in 1188 H / 1774 AD; 2. *Luqtah al-'Ajlal fi al-Haidhi wa al-Istihadhah wa an-Nifas an-Nis-yan*, completed in 1192 H / 1778 AD; 3. *Sabil al-Muhtadin li at-Tafaquhi fi Amri ad -Din*, completed on Sunday, 27 Rabiulakhir 1195 H / 1780 AD; 4. *Risalah Qaul al-Mukhtashar*, completed on Thursday 22 Rabiulawal 1196 H / 1781 AD; 5. *Kitab an-Nikah*; 6. *Bidayah al-Muhtadi wa 'Umdah al-Auladi*; 7. *Kanzu al-Ma'rifah*; 8. *Ushul ad-Din*; 9. *Kitab al-Faraid*; 10. *Hashiyah Fat-h al-Wahhab*; 11. *Mushhaf al-Quran al-Karim*; 12. *Fat-h ar-Rahman*; 13. *Arkanu Ta'lim as-Shibyan*; 14. *Bulugh al-Maram*; 15. *Fi Bayani Qadha 'wa al-Qadar wa al-Waba'*; 16. *Tuhfah al-Ahbab*.²⁰ The most famous book by Syekh Muhammad Arsyad is the *Kitab Sabil al Muhtadin*, or in full, the Book of *Sabil al Muhtadin lit-tafaquh fi amridin*, which means in free translation is "The way for people who are instructed to explore religious matters". Syekh Muhammad Arsyad has written for teaching and educational purposes, as well as

¹⁷ maimunah Zarkasyi, "Sheikh Muhammad Arsyad Al-Banjari, Ketokohan Dan Sumbangannya," *Jurnal Pengajian Melayu* 23, no. 1 (2020): 185–90.

¹⁸ Ahmadi Hasan, Anwar Hafidzi, and Yusna Zaidah, "Modern Law Aspect on Procedural Decision of Sultan Adam Law," *Al-Ahkam* 29, no. 2 (2019): 165.

¹⁹ Ahmad, "Pokok Pemikiran Syekh Muhammad Arsyad Al-Banjari Dalam Kitab An-Nikah," N.D.

²⁰ Ahmad Suriadi, "SYEKH MUHAMMAD ARSYAD AL-BANJARI DALAM DINAMIKA POLITIK KERAJAAN BANJAR ABAB XIX.," *Pusat Penelitian Dan Penerbitan LP2M IAIN Antasari*, 2014.

in the Kitab an-Nikah which discusses the Islamic marriage system in the Adat Banjar Community.

Kafa'ah manuscript in the kitab *an-Nikah*

Sheikh Muhammad Arsyad Al-Banjary²¹ in his Book, *the Kitab An-Nikah* revealed that according to him that *kafa'ah* was not related to wealth. The sound of the text in the book is:

7
 مك پتاله درفدان بهواسن كاي ايت تيادا اي د⁷ لڭكن درفداسكال
 فركارا كوفودرى كرن ارتا ايت فركي داتڭ تيادا مغمبيل كمكاري⁷
 دڭندي سكال مريك يڭ ممفو پاي فراڭي ، ممفو پاي مات هاتي.
 درى كرن اينله سكوفو لاي 2 يڭ فاف دڭن فرامفوان يڭ¹⁸ كاي. دان
 دمكينلاكي مودا دان بايك روف دان سلامة درفد بوت دان ترفوتڭ
 تاڭن دان بارغسباكيڭ درفد سكال عيب يڭت منتابنكن خيار فد
 ممفسخن نكاح ، سكلين ايت دبيلڭكن اي درفد سكال فركارا
 تيادكوفو، دري كرن اين اداله مك لاي سكوفو 2 روف دڭن
 فرامفوان يڭ تياد جاهتوبوت، لاي سكوفو 2 يڭ ترفوتڭ تاڭن دڭن
 فرامفوان يڭ تياد ترفوتڭ²².

Means: "So it turns out that wealth is not or does not matter in *kafa'ah*. Because of the treasures that can be lost and there, someone who has the temperament and a deep feeling he will not be a problematic treasure in his, therefore, life, a poor man who is said to be *kufu'* with women rich. if young people, both looks, physically perfect (not blind or disabled) and do not have a 'disgrace or lack that will cause *khiyar* in *fasakh* marriage is not included in the case of *kafa'ah*. That to an essay: A man unfavorable *kafa'ah* with a good woman, A man who was blind *kafa'ah* with women who did not become blind, and Men with disabilities (severed hand) *kafa'ah* with women who are not disabled (not severed his hand / physical perfect). "

Analysis of manuscript study of the *an-Nikah* book of Sheikh Muhammad Arsyad al-Banjary

*Kafa'ah*⁴ is a problem that has existed since the time of the Prophet Muhammad. *Kafa'ah* in marriage interpreted as the suitability of the situation between the prospective wife and her future husband, both in terms of religion,

²¹ Sheikh Muhammad Arsyad bin Abdullah bin Abdur Rahman al-Banjari or better known as Sheikh Muhammad Arsyad al-Banjari was born in Lok Gabang, 17 March 1710 AD died in Dalam Pagar, 3 October 1812 A⁷ at the age of 102 years or 15 Shofar 1122 - 6 Shawwal 1227 H)

²² Muhammad Arsyad Al-Banjary, *Kitab An-Nikah* (Martapura Kalimantan Selatan: Yayasan Pendidikan Islam Dalam Pagar, n.d.), 25-26.

social, moral, and economic.²³ The thing that becomes the case of *kafa'ah* is essential and the main thing is the case of religion, a person who is Muslim is not as *kafa'ah* as people who are not religious or non-Muslim. Likewise, a believer is said to be not as *kufu* as a person who is a *fasid* (damaged).

In the Arabic dictionary, *kafa'ah* comes from the word مكافأة كفاءة - يكافئ. the word كفاءة means المساواة (the same) or الممثلة (balanced). Therefore, it can be said that *Kafa'ah* from the meaning of the language means equal or balanced.²⁴ Whereas in terms of *kafa'ah* always associated with marital problems. Where *kafa'ah* in marriage according to Islamic legal terms is a balance or harmony between the prospective wife and husband in terms of social, moral, economic level, so that each candidate does not feel hard to hold a marriage.

Ibnu Manzur defines *kafa'ah* as a state of balance, compatibility, or harmony. When associated with marriage, *kafa'ah* is defined as a condition of balance between a prospective husband and wife in terms of position, religion, descent, independence, work, and so on. There is no doubt that the position between men and women is equal, it will be a factor in the life of a husband and wife and better guarantee the safety of women from domestic failure or turmoil.²⁵

Based on the description above, it can be concluded that *kafa'ah* in marriage is equality or suitability of the prospective husband's situation with his prospective wife, so that with this equality or suitability of both the prospective husband and prospective wife in terms of religion, a social, moral, and economic level so that no one feels it hard to carry out the marriage.²⁶ As for the determination of *kafa'ah* is the right of women who will marry or women who are prospective wives. So, if he is married by his guardian to someone who is not *kufu* with it he can refuse or not accept the marriage.

The development of human life will also develop the needs and thoughts of every human being in life. *kafa'ah* is not seen as equality in religion. However, many problems have arisen which became a discussion among legal experts and even became a conversation among the people, especially in the case of this *kafa'ah*. Among the problems that became the discussion among Islamic jurists was the existence of the *al-Maal* (wealth) case in marriage. Differences in interpretation among the scholars or jurists towards a rule or law cause different interpretations and will lead to a debate among the community as a reference in resolving or answering a problem that occurs.

²³ Sunandar Endang, "Tinjauan Hukum Islam Terhadap Implementasi Kafa'ah Nasab Dalam Pernikahan Para Pedagang Etnis Arab Di Wisata Ampel Kota Surabaya" (PhD Thesis, UIN Sunan Ampel Surabaya, 2017).

²⁴ Andri Andri, "Urgensi Nilai Kafaah Dalam Kompilasi Hukum Islam Pada Pasal 15 Ayat 1," *Al-Fikri: Jurnal Ilmiah Keislaman* 18, No. 1 (2020): 81–91.

²⁵ Abu Bakar Khazali, "Kafaah Sebagai Pertimbangan Dalam Perkawinan Menurut Mazhab Syafi'i," *Jurnal Hukum Kaidah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat* 18, no. 1 (2018): 52–65.

²⁶ Ibid.

So that the woman or her guardian has the right to accept or reject if the man who wants to propose is not as *kufu* as he is.²⁷ This is based on the word of Allah SWT in QS An-Nur (24) verse 26 which reads:

الخبيثات للخبثين والخبيثون للخبيثات صلي والطيبات للطيبين والطيبون

Means: "The women are vile is for men vile, and men are vile is for women who are vile (anyway), and the women are good for men is good and man- guy a good is for good women (too). they (accused) was clean from what was alleged by them (the accused's). for them forgiveness and provision a noble (Paradise)." (Surat An-Nur (24): 26).

The above verse shows the sanctity of 'Aisha RA. and Shafwan from all the accusations directed against them. Rasulullah is the best person, so it must be a good woman who becomes his wife. Based on the verses of the Quran above all, it is clear that there are criteria for each candidate either of men or women in marriage in the form of *kafa'ah*.²⁸

In addition to a verse of the Qur'an, the argument *kafa'ah* in marriage also contained in the hadith of the Prophet:

تخيروا لنطفكم, وانكحوا الأكفاء, وأنكحوا إليهم

Means: "Choose (place) for semen of you, and marry people

Kafa'ah al-Maal is the suitability or equality of someone with another person in terms of the economy or from the wealth they have in. In the case of *kafa'ah*, there was a difference of opinion regarding the existence of *al-Maal* (wealth) to *kafa'ah* in marriage. Some scholars believe that wealth is one of the cases of *kafa'ah*, however, some scholars believe that wealth is not a *kafa'ah* case, as in the Book of *an-Nikah* by Muhammad Arsyad al-Banjary.

Book of *an-Nikah* by Shaykh Muhammad Arsyad al-Banjary, in his work, mentioned that *kafa'ah* is equality between the prospective wife and the prospective husband who wants to get married. In his work also he said that the rights or those who wanted *kafa'ah* were from the woman and her guardian. As for the case of *kafa'ah*, there are five, namely:

1. No defects or disgrace;

The disgrace referred to in this case is the 'disgrace that set him to be able to do *khiyar fasakh* (divorced) in his marriage.

²⁷ Ahmad Muzakki, "Kafaah Dalam Pernikahan Endogami Pada Komunitas Arab Di Kraksaan Polinggo," *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 1, no. 1 (2017): 15–28.

²⁸ Nadav Samin, "Kafāa Fī L-Nasab in Saudi Arabia: Islamic Law, Tribal Custom, and Social Change," *Journal of Arabian Studies* 2, no. 2 (December 1, 2012): 109–26, doi:10.1080/21534764.2012.735456.

Like a crazy person, people who have measles, ringworm, or who are cut testicles and weak testicles are not as *kufu* as women who do not have a 'disgrace on themselves. So that people who do not have 'disgrace as *kufu* as people who do not have 'disgrace.

2. Independent

In this case, it is said that a slave man ¹⁴ is not as *kufu* as a free woman. Even a man who has been freed then he becomes king even though he is still said to be not as *kufu* as a free woman because of his descendants.

3. Descendant

Descendant in *kafa'ah* is based on his father. In other words, what is meant by descent here is the Islamic descent. Then the man who is Islam by himself while his father is still infidel (Non-Islamic) is not as *kufu* as the woman who is Muslim because of descendants (his father / third generation and above). In addition to religious matters, the matter of national descent is also included in this matter, such as men '*ajam* (foreigners) ie men not from Arabs are not as *kufu* as women of Arab nationality.

4. '*Iffah*

'*Iffah* is to refrain from illegal work. Therefore, it not is as *kufu* men *fasiq* with women who did not *fasiq*, not as *kufu* men, whose *bid'ah* (heresy) with women who are experts sunnah, even male children of people who *fasiq* no lah as *kufu* with women from people who are experts on the sunnah. So that *iffah* people are only as *kufu* as *iffah* people too.

5. *Hirfah*

Hirfah is clever in seeking fortune or someone who is good at trying (looking for sustenance). In other words, what is meant by *hirfah* among the scholars is known as work. In the An-Nikah Book, it is mentioned that a man who does not have the intelligence in seeking fortune is said to be not as *kufu* as a woman who has the intelligence in looking for sustenance. Also, someone who has a job respectable is not as *kufu* as someone who has menial work. For example, a garbage man, a tanner, and a shepherd animal, their children are not as *kufu* as the children of a tailor, and the child of a maid is not as *kufu* as the child of a merchant (trader). So, what is said as *kufu* is when the child of a merchant with the child of a merchant too, so do other jobs.

From the description above, it can be concluded that there were ³ only five *kafa'ah* cases for Sheikh Muhammad Arsyad al-Banjary, namely: survived 'disgrace, independent, decent, '*iffah* and *hirfah*. While wealth is not a case of *kafa'ah* in marriage. This can be seen from the *an-Nikah* also he states that:

مك كتاله درفدان بهواسن كاي ايت تيادا اي دبيلغكن درفداسكال
فركارا كوفودرى كرن ارتا ايت فركي داتغ تيادا مغمبيل كمكاهن
دغندي سكال مريك يغ ممفو پاي فراغي ، ممفو پاي مات هاتي.

"So, it turns out that wealth is not or does not matter in *Kafa'ah*. Because the treasure can be lost and there, someone who has a

temperament and a deep feeling then he will not dispute wealth in his life".

According to the Shaykh Muhammad Arsyad al-Banjary, wealth is not a case in *kafa'ah*. That is because wealth or property is only like an object that can be lost and can be sought. Wealth is a grandeur or pride for people who are experts in the world. As for those who have a good temperament and have a heart that will not be proud of their wealth. So that they are no problem wealth in all *kafa'ah* with others.

As the previous explanation, that in the book of marriage a matter of wealth does not become a *kafa'ah* because that wealth can be lost and can be sought and said that a woman who has a good temperament and has a deep heart (good) does not matter and prioritizes wealth in his *kafa'ah* with a man. So, a man who is not rich or does not have anything is said to be *kufu* with a rich woman.

In the *kafa'ah* explanation, the riches contained in this book also mention the hadith of Rasullullah peace be upon him. which reads that:

قال رسول الله صلى الله عليه وسلم: إن أحساب أهل الدنيا الذي يذهبون إليه
المال²⁹

Means: "Had Prophet said.: Truly, glory for world experts is a treasure"

Based on this hadith, if connected with an explanation ⁴ in the book of *kafa'ah*, then the benchmark of wealth in *kafa'ah* is not his wealth but his ability to meet the dowry and income. However, if he is an expert in the world, prioritizing the life of the world then he makes wealth a matter in his *kafa'ah*.

Wealth in the case of *kafa'ah* in the book of marriage there is the intervention that if the person is not a world expert, has a good temperament and has a deep heart then he will not be concerned with wealth in his life and did not include this case in all *kufu'* her. Because the property is just a deposit from Allah SWT. which can be lost and can be searched for.

However, what if connected with the mass now? everything in life is often associated with wealth owned by someone. In solving or answering problems in life, it can be seen from the benefit that will arise later. If it is feared that it will cause problems later on, it would be better to avoid it. If a woman who has a lot of wealth is married to an ordinary man or has a wealth below her, which is feared in running a man's household is unable to fulfill his livelihood to the woman and cannot build a household. prosperous compassion, then it can be said that the man and woman were not *kafa'ah* because of his inability.

¹² In the determination of all *kafa'ah*, a person with another person is not only based on wealth alone. Determination *kafa'ah* is a right off was a woman and his guardian, if the woman is not problematic about *kafa'ah* her based on the pleasure

²⁹ IslamKotob, فتح المنعم شرح صحيح مسلم - ج 6, 35.

he is said to *kafa'ah* with people who should not as *kafa'ah* with him. As is the case with wealth, if a wealthy woman is in *kafa'ah* with a man who is ordinary or has wealth below him, but he accepts and is pleased with it, then the woman and man in say *kufu* in his marriage.

Conclusion

Kafa'ah in marriage is the equality of men and women in terms of religion, social, moral and economic. As for the case, *kafa'ah* 'fundamental based on opinion among the scholars of Islamic law is; religion, offspring, independent, *hirfah*, wealth, and survived 'disgrace. While Shaykh Muhammad Arsyad al-Banjari in the An-Nikah Book states that wealth is not included in the case of *kafa'ah* because wealth is just merely entrusted by Allah SWT. which can be lost and sought or owned. the focus of problems in the Banjar community at that time seemed to tend to be the ability of husband and wife to be responsible for their lives in terms of religion as part of *kafa'ah*. Al-banjari also does not include wealth in *kufu* because the responsible factor is considered to have represented all forms of *kafa'ah*

References

- Abdullah, Mudofir. "Marriage in Islam and the Problem of Gender Equality: A Philosophical Perspective." *Ulumuna* 22, no. 1 (2018): 57–76.
- Abidin, Achmad Zainal. "Pelaksanaan Kafa'ah Dalam Perkawinan: Studi Di Pondok Pesantren Miftahul Huda Al-Musri' Cianjur." PhD Thesis, UIN Sunan Gunung Djati Bandung, 2019.
- Ahmad,. "Pokok Pemikiran Syekh Muhammad Arsyad Al-Banjari Dalam Kitab An-Nikah," n.d.
- Aijazi, Omer, and Erin Baines. "Relationality, Culpability and Consent in Wartime: Men's Experiences of Forced Marriage." *International Journal of Transitional Justice* 11, no. 3 (2017): 463–483.
- Al-Banjary, Muhammad Arsyad. *Kitab An-Nikāh*. Martapura Kalimantan Selatan: Yayasan Pendidikan Islam Dalam Pagar, n.d.
- Allendorf, Keera, and Dirgha J. Ghimire. "Determinants of Marital Quality in an Arranged Marriage Society." *Social Science Research* 42, no. 1 (January 1, 2013): 59–70. doi:10.1016/j.ssresearch.2012.09.002.
- Al-Sharmani, Mulki. "Marriage in Islamic Interpretive Tradition: Revisiting the Legal and the Ethical." *Journal of Islamic Ethics* 2, no. 1–2 (2018): 76–96.
- Andri, Andri. "Urgensi Nilai Kafaah Dalam Kompilasi Hukum Islam Pada Pasal 15 Ayat 1." *Al-Fikra: Jurnal Ilmiah Keislaman* 18, no. 1 (2020): 81–91.
- Davidson, Scott, and Marc-Antoine Vallée. *Hermeneutics and Phenomenology in Paul Ricoeur: Between Text and Phenomenon*. Springer, 2016.
- Endang, Sunandar. "Tinjauan Hukum Islam Terhadap Implementasi Kafa'ah Nasab Dalam Pernikahan Para Pedagang Etnis Arab Di Wisata Ampel Kota Surabaya." PhD Thesis, UIN Sunan Ampel Surabaya, 2017.
- Farooq, Muhammad. "Walayah (Guardianship) and Kafa'a (Equality) in Muslim Marriage Verses the Woman's Consent." Available at SSRN 3497607, 2019.

- Hafidzi, Anwar. "Penolakan Nasab Anak Li'an Dan Dhihar Dengan Ta'liq (Analisis Komparatif Naskah Kitab Fiqh al-Islam Wa Adillatuhu Dengan al-Mughni)." *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 1, no. 2 (2018): 77–94.
- Hakim, Arif Rahman, Ahmad Badi, and Melvien Zainul Asyiqien. "Implementasi Konsep Kafaah Dalam Perkawinan Campuran." *Legitima: Jurnal Hukum Keluarga Islam* 1, no. 2 (2019): 80–107.
- Hasan, Ahmadi, Anwar Hafidzi, and Yusna Zaidah. "Modern Law Aspect on Procedural Decision of Sultan Adam Law." *Al-Ahkam* 29, no. 2 (2019): 159–166.
- Ilmi, Muhammad Fadhlul. "Perjodohan Dan Kafa'ah Dalam Pernikahan Anggota LDII Dan Lader DPD PKS." *Sakina: Journal of Family Studies* 3, no. 2 (2019).
- Iqbal, Muhammad, and Shahid Rahman. "Arsyad Al-Banjari's Dialectical Model for Integrating Indonesian Traditional Uses into Islamic Law." *Argumentation*, 2020, 1–27.
- IslamKotob. *فتح المنعم شرح صحيح مسلم - ج 6*. IslamKotob, n.d.
- Ismail, Abdul Hadi. "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).
- Khairullah, Khairullah, Akhmad Rizkhi Ridhani, and Aminah Aminah. "Karakteristik Konselor Islami (Kajian Empiris Nilai-Nilai Pendidikan Karakter Syekh Muhammad Arsyad Al-Banjari)." *Jurnal Bimbingan Dan Konseling Ar-Rahman* 4, no. 2 (2018): 47–54.
- Khazali, Abu Bakar. "Kafaah Sebagai Pertimbangan Dalam Perkawinan Menurut Mazhab Syafi'i." *Jurnal Hukum Kaidah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat* 18, no. 1 (2018): 52–65.
- Muzakki, Ahmad. "Kafaah Dalam Pernikahan Endogami Pada Komunitas Arab Di Kraksaan Probolinggo." *Istidial: Jurnal Ekonomi Dan Hukum Islam* 1, no. 1 (2017): 15–28.
- Nuruddaroini, M. Ahim Sulthan. "Adat Pernikahan Suku Banjar Dan Suku Bugis." *Sosial Budaya* 16, no. 1 (2019): 25–36.
- Rahman, Fiqi Taufiq. "Konsep Kafa'ah Dalam Perkawinan Menurut Pandangan Masyarakat Desa Haurpugur Kecamatan Rancaekek Kabupaten Bandung." PhD Thesis, UIN Sunan Gunung Djati Bandung, 2017.
- Rusydi, M. "Analisis Atas Tuhfah Ar-Râghibîn Karya Muhammad Arsyad Al-Banjari," n.d.
- Samin, Nadav. "Kafā'a Fī L-Nasab in Saudi Arabia: Islamic Law, Tribal Custom, and Social Change." *Journal of Arabian Studies* 2, no. 2 (December 1, 2012): 109–26. doi:10.1080/21534764.2012.735456.
- Shareia, Bubaker F. "Qualitative and Quantitative Case Study Research Method on Social Science: Accounting Perspective." *Dimension* 2, no. 5 (2016): 23.
- Suriadi, Ahmad. "Syekh Muhammad Arsyad Al-Banjari Dalam Dinamika Politik Kerajaan Banjar Abad XIX." *Pusat Penelitian Dan Penerbitan LP2M IAIN Antasari*, 2014.

- Taufiq, Muhammad, and Anis Tyas Kuncoro. "Pasuwitan Sebagai Legalitas Perkawinan: Telaah Hukum Islam Terhadap Perkawinan Suku Samin Di Kabupaten Pati." *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam* 1, no. 2 (May 5, 2018): 53–76. doi:10.30659/jua.v1i2.2768.
- Zarkasyi, Maimunah. "Sheikh Muhammad Arsyad Al-Banjari, Ketokohan Dan Sumbangannya." *Jurnal Pengajian Melayu* 23, no. 1 (2020): 185–218.

ORIGINALITY REPORT

18%

SIMILARITY INDEX

16%

INTERNET SOURCES

8%

PUBLICATIONS

9%

STUDENT PAPERS

PRIMARY SOURCES

1

zakat.laduni.id

Internet Source

3%

2

gen35ahlulbait.blogspot.com

Internet Source

2%

3

journal.iaincurup.ac.id

Internet Source

2%

4

lim lim, Syarial Dedi, Hartini Hartini. "The Concept of Kafa'ah in Marriage (Study of Thought of Madrasah Teachers in Rejang Lebong)", Al-Madrasah: Jurnal Pendidikan Madrasah Ibtidaiyah, 2022

Publication

2%

5

core.ac.uk

Internet Source

1%

6

jurnal.radenfatah.ac.id

Internet Source

1%

7

Submitted to Institut Agama Islam Negeri
Curup

Student Paper

1%

8	xxxiyan.wordpress.com Internet Source	1 %
9	Akhmad Sofyan, Risma Monirah. "Husband and Wife Relationship of Early Marriage in Tangga Ulin Village (According to the Review of the Book of Uqud Al-Lujain Fi Bayan Huquq al-Zaujain)", <i>Ulumul Syar'i : Jurnal Ilmu-Ilmu Hukum dan Syariah</i> , 2021 Publication	1 %
10	garuda.ristekbrin.go.id Internet Source	1 %
11	pps.iain-tulungagung.ac.id Internet Source	1 %
12	www.researchgate.net Internet Source	1 %
13	jurnal.uin-antasari.ac.id Internet Source	1 %
14	ejournal.umm.ac.id Internet Source	<1 %
15	digilib.uin-suka.ac.id Internet Source	<1 %
16	Myriam Denov, Pok Panhavichetr, Sopheap Suong, Meaghan Shevell. "We vowed by force, not by our heart': men's and women's perspectives on forced marriage during the	<1 %

Cambodian genocide", The International Journal of Human Rights, 2022

Publication

17	Submitted to Universitas Pamulang Student Paper	<1 %
18	digilib.uinkhas.ac.id Internet Source	<1 %
19	www.ejournal.iai-tribakti.ac.id Internet Source	<1 %
20	Submitted to School of Oriental & African Studies Student Paper	<1 %
21	mistikus-sufi.blogspot.com Internet Source	<1 %

Exclude quotes On

Exclude matches < 15 words

Exclude bibliography On