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Version	Date	Action
10959-24171-1-ED.docx	2020-08-03	
10959-24171-2-ED.pdf	2020-08-03	
10959-24028-1-ED.docx	2020-07-26	Delete
10959-24028-2-ED.docx	2020-09-19	Delete
10959-24028-3-ED.docx	2020-10-30	Delete

If this article aims to be published, huge revision will be needed.

Remarks:

1. 3. The length of the paper: the paper is too short and does not meet the requirement of the length specified by the journal; the number of words;
2. 5. The data shown in this article is not sufficient and also cannot be claimed under the phenomenological approach or in the glasses of ethnographic study at all. The method of this study is absurd. The results are not properly concluded.
3. 6. The structure of the paper: method and discussion need to be reviewed
4. 9. The technical errors must be revised; the putting of numbers of the references!
5. 10. This article contains many grammatical mistakes, unclear sentences and incoherent statements.

THE CONCEPT OF KAFA'AH AS THE PRE-REQUIREMENT OF BANJAR COMMUNITY MARRIAGE

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 a 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.

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.

Introduction

Marriage is a sacred thing dreamed of by every human being. Marriage is the way of Allah Almighty to unite the hearts of every person lawfully.¹ 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).²

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

² 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.

With the fulfillment of conditions and harmony in marriage, a marriage can be said to have been valid in the view of Islam. 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".³ However, the rule of law regarding Kafa'ah in religion does not become a requirement for legal aa marriage.

Kafa'ah is a rule of law that regulates the suitability, equality, or suitability of someone with someone else. Kafa'ah has existed since the time of the Prophet to become a problem in the present.⁴ 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.⁵ 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 مَسَدَّدٌ حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ حَدَّثَنَا سَعِيدُ بْنُ أَبِي عُبَيْدٍ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ تَنْكُحُ الْمَرْأَةُ لِأَرْبَعٍ لِمَالِهَا وَلِحَسَبِهَا وَجَمَالِهَا وَلِدِينِهَا فَاظْفَرُ بِدَاتِ الدِّينِ تَرِبَتْ يَدَاكَ

Means: "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".

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. Other considerations become Kafa'ah criteria for each candidate or family of the parties.⁶ 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.⁷ 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 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.

³ 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).

⁴ 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).

⁵ 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).

⁶ Arif Rahman Hakim, Ahmad Badi, and Melvien Zainul Asyiqien, "Implementasi Konsep Kafaah Dalam Perkawinan Campuran," *Legitima: Jurnal Hukum Keluarga Islam* 1, no. 2 (2019): 80–107.

⁷ Muhammad Farooq, "Walayah (Guardianship) and Kafa'a (Equality) in Muslim Marriage Verses the Woman's Consent," *Available at SSRN 3497607*, 2019.

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.⁸

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.⁹

Research And Discussion Results

Kafa'ah Manuscript in the Kitab An-Nikah

Sheikh Muhammad Arsyad Al-Banjary¹⁰ 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:

مك پتاله درفداڠ بهواسن كاي ايت تبادا اي دبيلغن درفداسڠال فركارا كوفودرى كرن ارتا ايت فرني داتغ تبادا مغمبيل كمكاهن دغندي سڠال مريك يغ ممفو پائ فراغي ، ممفو پائ مات هاتي. درى كرن اينله سكوفو لاي ۲ يغ فاف دغن فرامفوان يغ كاي. دان دمكينلائي مودا دان بايك روف دان سلامة درفد بوت دان ترفوتغ تاغن دان بارغسباڠين درفد سڠال عيب يغت منتابنن خيار فد ممفسخن نكاح ، سكلين ايت دبيلغن اي درفد سڠال فركارا تبادكوفو، دري كرن اين اداله مك لاي سكوفو 2 روف دغن فرامفوان يغ تباد جاهتوبت، لاي سكوفو 2 يغ ترفوتغ تاغن دغن فرامفوان يغ تباد ترفوتغ¹¹.

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 look, 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). "

⁸ Scott Davidson and Marc-Antoine Vallée, *Hermeneutics, and Phenomenology in Paul Ricoeur: Between Text and Phenomenon* (Springer, 2016).

⁹ Bubaker F. Shareia, "Qualitative and Quantitative Case Study Research Method on Social Science: Accounting Perspective," *Dimension 2*, no. 5 (2016): 23.

¹⁰ 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 AD at the age of 102 years or 15 Shofar 1122 - 6 Shawwal 1227 H)

¹¹ Muhammad Arsyad Al-Banjary, *Kitab An-Nikah* (Martapura Kalimantan Selatan: Yayasan Pendidikan Islam Dalam Pagar, n.d.), 25-26.

Analysis of Manuscript Study of the An-Nikah Book of Sheikh Muhammad Arsyad Al-Banjary and the Book of Kafa'ah Fii Marriage of Alwi Bin Hamid Bin Syihabuddin

Kafa'ah 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, social, moral, and economic.¹² 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 كفاء - يكافئ*. the word *كفاء* means *المساواة* (the same) or *المماثلة* (balanced). Therefore, it can be said that Kafa'ah from the meaning of the language means equal or balanced.¹³ 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.¹⁴

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.¹⁵ 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

¹² 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).

¹³ 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.

¹⁴ 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.

¹⁵ Ibid.

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.

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.¹⁶ This is based on the word of Allah SWT in QS An-Nur (24) verse 26 which reads:

الخبثات للخبثين والخبثون للخبثات صلى 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.¹⁷

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

تخيرولنظفكم, واتكحوا الأكفاء, واتكحوا 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-he, 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

¹⁶ Ahmad Muzakki, "Kafaah Dalam Pernikahan Endogami Pada Komunitas Arab Di Kraksaan Probolinggo," *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 1, no. 1 (2017): 15–28.

¹⁷ 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.

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

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 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 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 درفداڻ بهواسن ڪاي ايت تيادا اي ديبلڻن درفداسڻال فرڪارا ڪوفودري ڪرن ارتا ايت فرڪي داڻڻ تيادا مڱمبيل ڪمڱاهن دڱندي سڱال مريڪ يڱ ممفو پائ فراڱي ، ممفو پائ 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 المال¹⁸
Means: "Had Prophet said.: Truly, glory for world experts is a treasure "

Based on this hadith, if connected with an explanation 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.

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

¹⁸ IslamKotob, *فتح المنعم شرح صحيح مسلم - ج 6*, 35.

the woman is not problematic about kafa'ah her based on the pleasure 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, Kafaah '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.

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