

Deconstruction of the Misconception of Kafā'ah: Reinterpretation Based on Comparative Analysis of Madhhab

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Abstract

The concept of kafa'ah in Islamic marriage is often misunderstood as a form of rigid social classification or even considered a requirement for a valid marriage. In fact, kafa'ah in classical fiqh literature is intended to create harmony in the household through the compatibility of spouses in religious, moral, and social aspects. However, there are significant differences in the understanding of kafa'ah among the imams of the madhhab ranging from the criteria set, the level of urgency, to its implications for the validity of marriage. These differences in interpretation have caused confusion among contemporary Muslim communities and require in-depth comparative studies to correct the misconceptions that have developed. The research is centered on Islamic marriage practices and legal thought and seeks to clarify how kafa'ah can be applied more inclusively and justly in the context of modern society. The findings suggest that kafa'ah should not be reduced to rigid standards but seen as a flexible principle rooted in justice and mutual respect, capable of adapting to contemporary realities to ensure sustainable and harmonious marriages.

Keywords: Kafa'ah, Misconception, Islamic Legal Schools.

Abstrak

Konsep *kafa'ah* dalam pernikahan Islam sering disalahpahami sebagai bentuk klasifikasi sosial yang kaku atau bahkan dianggap sebagai syarat sah pernikahan. Padahal, *kafa'ah* dalam khazanah fikih klasik dimaksudkan untuk menciptakan keharmonisan rumah tangga melalui kesesuaian pasangan dalam aspek agama, moral, dan sosial. Namun, terdapat perbedaan signifikan dalam pemahaman kafa'ah di antara para imam mazhab-mulai dari kriteria yang ditetapkan, tingkat urgensinya, hingga implikasinya terhadap keabsahan pernikahan. Perbedaan interpretasi ini menimbulkan kebingungan di kalangan masyarakat Muslim kontemporer dan memerlukan kajian komparatif yang mendalam untuk meluruskan miskonsepsi yang berkembang. Penelitian ini bertujuan untuk melakukan reinterpretasi terhadap makna *kafa'ah* dengan menelaah berbagai miskonsepsi yang berkembang melalui pendekatan kualitatif dan jenis penelitian kepustakaan. Lokus penelitian berada pada praktik pernikahan Islam dan wacana hukum keluarga dalam perspektif mazhab fikih. Temuan penelitian menunjukkan adanya penyempitan makna, dominasi budaya lokal, serta pemahaman masyarakat yang statis yang menyebabkan kesalahan dalam memahami *kafa'ah*. Melalui perbandingan empat mazhab utama, penelitian ini menyimpulkan bahwa *kafa'ah* bukanlah syarat sah nikah, tetapi prinsip fleksibel yang bertujuan menjaga maslahat dan mencegah disharmoni. Reinterpretasi ini diharapkan dapat memperkaya pemahaman dan penerapan *kafa'ah* secara lebih adil dan kontekstual dalam pernikahan modern.

Kata kunci: Kafa'ah, Miskonsepsi, Fikih Mazhab.

Introduction

Islam is a perfect and complete religion, regulating all aspects of human life. The main principle of Islamic law is to achieve the benefit of mankind by upholding justice, balance, and protection of religion, soul, intellect, lineage, and property.¹ Islamic law is flexible and adaptive, allowing for its application in a variety of contexts and times. Islam regulates all aspects of life ranging from trivial issues such as eating and drinking manners, to major problems such as marriage.²

In Islam, marriage is not only a bond between two individuals, but is also a sacred agreement and has the purpose of forming a family that is *sakinah*, *mawaddah*, and *rahmah*. Through marriage, a new generation will emerge that will continue the previous generation. In the Islamic perspective, *nikah* is not only seen as worship, but also as the *sunnah* of Allah جل جلاله and the *sunnah* of His Messenger.³ From this explanation, it can be concluded that marriage is the beginning of a new life for two individuals who previously lived separately, then united with God's permission. As it has been explained in His Word:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَعْتَكِرُونَ

Meaning: Among the signs of His power is that He created for you a wife. wife of your own kind, so that you may be inclined and at peace with her, and He may make love and affection among you. Verily, in such a thing there are signs for the people who think. (QS. Ar-Ruum: 21).

The verse explains that Allah created a life partner of the same sex as a sign of His grace, thus creating harmony that allows husband and wife to feel peace, affection, and peace in marriage. This is a proof for those who are willing to contemplate the signs of God's power.⁴ In order to realize a marriage that is in harmony with its purpose, it should be noted that one of the important concepts in Islamic marriage is *kafa'ah*, which refers to equality or conformity between the prospective husband and wife in various specifications such as religion, descent, social status, and economy.⁵ This concept aims to ensure that the couple who are about to get married has something

¹ Aceng Zakaria et al., "The Perspective of the Qur'an in Religious Balance: Measuring Religious Moderation through Sharia Maqashid," *Al-Tadabbur: Journal of Qur'an Science and Tafsir* 9, no. 02 (2024): 369–86. <https://doi.org/10.30868/at.v9i02.7505>.

² Subhan Mubarak, "The Principles of Islamic Leadership in the View of the Qur'an," *Al-Muhafidz: Journal of the Science of the Qur'an and Tafsir* 1, no. 1 (2021): 1–12, <https://doi.org/10.57163/alruhafidz.v1i1.2>.

³ Ali Sibra Malisi, "Marriage in Islam," *SEIKAT: Journal of Social, Political and Legal Sciences* 1, no. 1 (2022), <https://doi.org/10.55681/seikat.v1i1.97>.

⁴ Markaz Tafsir Riyadh, *Tafsir Al-Mukhtashar* (Riyadh: Markaz Tafsir, 2017), p.406.

⁵ Misbah Mrd, Sawaluddin Siregar, and Nur Aminah Nst, "The Concept of Kafa'ah in Islam: An Application in Marriage Reviewed from Maslahah Mursalah," *AL-MAQASID Journal: Journal of Sharia and Civil Sciences* 9, no. 2 (2023): 227–39, <https://doi.org/10.24952/almaqasid.v9i2.9368>.

in common in fundamental matters, so that it can create harmony and reduce the potential for future conflicts.

Kafa'ah is a tradition that existed before the arrival of Islam, where the Jahiliyah Arab society prioritized tribal and family structures, making nasab a determinant of social status, protection, and even political alliances and inheritance rights.⁶ The advent of Islam brought about significant changes, especially in the view of *kafa'ah* nasab, by emphasizing more the equality of mankind before Allah جل جلاله and putting aside nasab as the main factor in marriage. Islam expands the concept of *kafa'ah* by emphasizing aspects of religion and morality. During the period of madhhab scholars, *kafaah* emerged as a logical necessity in marriage law. *Kafa'ah* functioned as a counterweight to the argument of benefit, adjusted to social conditions and the development of legal logic in each region. Scholars from various madhhabs agree that *kafa'ah* plays an important role in creating balance in the relationship between husband and wife.⁸ Therefore, it is important to learn more about the concept of *kafa'ah*, as well as analyze and discover how this concept developed in Islamic law and influenced different views among the scholars of each sect. In the development of Islamic law, *kafa'ah* is a consideration in determining the suitability of a partner, focusing on social, economic, and religious aspects.

As time went by, the understanding of *kafa'ah* continued to evolve, adapting to the social and cultural conditions in various regions. In practice, the concept of *kafa'ah* may be a topic that can be misunderstood or misused, which can lead to various misconceptions.⁹ Some consider *kafa'ah* to be a form of social discrimination or stratification that is contrary to the principles of justice in Islam.¹⁰ Some people think that *kafa'ah* is only about equality in terms of social status or wealth, when in fact this concept encompasses much more than that.¹¹ *Kafa'ah* is expected to create harmony in marriage, while avoiding discrimination based on social or economic

⁶ Ahmad Muzakki, Roibin Roibin, dan Muhammad Muhammad, "Kafaah and Marriage in Jahily and Early Islam (Studies in the History of Islamic Law)," *TSAQAFAH* 20, no. 2 (2024), <https://doi.org/10.21111/tsaqafah.v20i2.12395>.

⁷ Ahmad Muzakki, Roibin Roibin, dan Muhammad Muhammad, "Kafaah and Marriage in Jahily and Early Islam (Studies in the History of Islamic Law)," *TSAQAFAH* 20, no. 2 (2024), <https://doi.org/10.21111/tsaqafah.v20i2.12395>.

⁸ Paimat Sholihin, "Kafaah in Marriage from the Perspective of the Four Sects," *SEMB-J : Sharia Economic and Management Business Journal* 2, no. 1 (2021).

⁹ Nashih Muhammad, "Kafaah (A Review of Islamic Law, Sociological and Psychological)" (Thesis, Yogyakarta, UIN Sunan Kalijaga Yogyakarta, 2016).

¹⁰ Edi Susilo, "Critical Reasoning on the Concept of Kafa'ah in Islamic Family Law," *Nizham Journal of Islamic Studies* 9, no. 01 (2021): 10–26, <https://doi.org/10.32332/nizham.v9i01.3409>.

¹¹ Ali Muhtarom, "The Problematics of the Concept of Kafa'ah in Fiqih (Criticism and Reinterpretation)," *Journal of Islamic Law* 16, no. 2 (2018), <https://doi.org/10.28918/jhi.v16i2.1739>.

background. Thus, *kafa'ah* in Islamic marriage reflects not only the traditions, but also the principles of justice and equality taught by Islam.

From the perspective of jurisprudence, *kafa'ah* in marriage is an important foundation in living a married life. The principle of *sekufu* according to Islamic law initially focused on four main aspects: economy, nasab, beauty, and religiosity. However, in its development, this parameter has expanded to include various other dimensions such as age range, professional field, and intellectual level.¹² The *sakinah* family needs a balance between husband and wife, so the concept of *kafa'ah* needs to be understood correctly. *Kafa'ah* serves to encourage marital harmony and protect women from domestic instability.¹³

This research is relevant to previous research: *first*, Ali Muhtarom's research in 2018 entitled "The Problematics of the Concept of *Kafa'ah* in Fiqih", which also discusses the concept of *kafa'ah* from the perspective of fiqh. Both focus on a new understanding of the meaning of *kafa'ah*, but this research is more specific to the reinterpretation of the meaning of *kafa'ah* in marriage and existing misconceptions, while Muhtarom's research emphasizes general problems and broader criticism.¹⁴ *Second*, this research is relevant to Edi Susilo's research in 2021 entitled "Critical Reasoning on the Concept of *Kafa'ah* in Islamic Law", which analyzes and interprets the concept of *kafa'ah* in Islamic family law from the perspective of scholars. Both discuss the concept of *kafa'ah* and use an analytical approach, but Susilo's research is more general and critical, while this research is more specific on the reinterpretation and clarification of misconceptions about the meaning of *kafa'ah* in marriage.¹⁵

Third, this research is relevant to Ahmad Muzakki's research in 2024 entitled "Kafaah and Marriage in Jahily and Early Islam", which uses a comparative analysis method to compare the practices and thoughts of *kafa'ah* in two periods. Both aim to provide a better understanding of *kafa'ah* over time as the times progress, but Muzakki's research focuses on evolution and historical context, while this study emphasizes clarification and reinterpretation of misunderstandings about *kafa'ah*.¹⁶

¹² Rafida Ramelan, "Sekufu in the Context of Modern Family Law," *Tabkīm (Journal of Islamic Civilization and Law)* 4, no. 1 (2021): 117–36, <https://doi.org/10.29313/tahkim.v4i1.7560>.

¹³ Humaidi, "The Shift in the Meaning of *Kafa'ah* in Marriage (A Sociological Study of *Kafa'ah* in the Frame of View of Religious Leaders and Gender Equality Activists)" (UIN Maulana Malik Ibrahim Malang, 2011), p. 38.

¹⁴ Ali Muhtarom, "The Problematics of the Concept of *Kafa'ah* in Fiqh (Criticism and Reinterpretation)," *Journal of Islamic Law* 16, no. 2 (2018): 205–21, <https://doi.org/10.28918/jhi.v16i2.1739>.

¹⁵ Edi Susilo, "Critical Reasoning on the Concept of *Kafa'ah* in Islamic Family Law," *Nizham Journal of Islamic Studies* 9, no. 01 (2021): 10–26, <https://doi.org/10.32332/nizham.v9i01.3409>.

¹⁶ Muzakki, Roibin, dan Muhammad, "Kafaah and Marriage in Jahily and Early Islam (Studies in the History of Islamic Law)," 27 November 2024.

So far, the author has not found any research related to further reinterpretation of the misconception of the meaning of *kafa'ah* from the perspective of fiqh. Therefore, the researcher is interested in reinterpreting the meaning of *kafa'ah* in marriage, by focusing on re-identifying, collecting various misunderstandings of the concept of *kafa'ah* from previous studies, overcoming existing misconceptions, and correcting misunderstandings of the misunderstood meaning of *kafa'ah* that have been misinterpreted. This research will examine the concept of *kafa'ah* from the perspective of jurisprudence, as well as explore how this concept can be applied in a more inclusive and equitable manner in modern marriage. Thus, it is hoped that this research can contribute to improving the understanding and practice of *kafa'ah*, so that it can support the creation of a harmonious and sustainable marriage.

Research Methods

The approach used in this study is a qualitative approach. Qualitative research is a type of research that aims to explore and understand the meaning derived from social or humanitarian problems. This process involves important steps such as asking questions and procedures, collecting specific data, analyzing data inductively from specific themes to general themes, as well as interpreting the meaning of the data.¹⁷ This research uses a type of library research that is carried out by tracing various literature sources that discuss and examine the concept of *kafa'ah* in marriage. The main goal is to build theoretical foundations, frameworks of thought, and formulate research propositions through understanding, organizing, and utilizing various literature sources in the field of comparative fiqh. Data collection was carried out by tracing primary sources in the form of fiqh books of the Hanafi, Maliki, Shafi'i, and Hanbali schools that discuss *kafa'ah*, as well as analyzing the concept of *kafa'ah* from literature related to misconceptions that have developed in society regarding *kafa'ah*. Thus, researchers can understand, allocate, organize, and utilize various library sources in the field being studied.¹⁸

Results and Discussion

Kafa'ah in an Etymological Perspective: Tracing the Roots and Their Development

Kafa'ah is etymologically derived from the Arabic root "ك-ف-أ" (kaf-fa-alif) which forms the verb "kafa'a-yakfu'u-kafa'atan" (كفأ-يكفأ-كفاءة). This word has the meaning of equality or similarity.¹⁹ This meaning can be understood from the hadith which states (المسلمون تتكافأ دماؤهم) that

¹⁷ Kusumastuti, *Qualitative Research Methods* (Semarang: Sukarno Pressindo Education Institute, 2019), p. 8.

¹⁸ Hermawan, *Techniques for Writing Scientific Papers Based on Applications and Methodology* (Kuningan: Hidayatul Qur'an, 2019), p. 168.

¹⁹ Abd al-Karīm ibn Muḥammad al-Lāḥim, *al-Muṭṭalī 'alā daqā'iq Zād al-Mustaḥṣin 'Fiqh al-Uṣrah*, 1st ed (Riyadh: Dār Kunūz Ishbīliyyā li-l-Nashr wa-l-Tawzī', 2010), hlm. 205.

Muslims have equality in terms of their blood, which means that they have an equal and equal position.²⁰ This hadith strengthens the meaning of kafaah as the concept of equality without any difference or discrimination. The word "تتكافاً" (tatakafaa) comes from the same root as *kafa'ah*, which means "equal" or "balanced with each other". As explained in classical Arabic dictionaries such as *oral al-Arabic* which explains that "al-kafa'ah" is equality in strength, ability, and position. This word is also related to "al-kufu" which means equal or equal person.²¹ This definition shows that the concept of kafaah in Arabic is not limited to one aspect alone, but encompasses the totality of a person's existence, including values, character, and background that support balanced and fair interactions.

According to the term or in sharia terminology, *kafa'ah* refers to an element that if not fulfilled in a marriage bond can cause imperfections in the relationship. This concept basically refers to the principle of balance between married couples, both in terms of their advantages and disadvantages.²² Meanwhile, fiqh scholars define *kafa'ah* with two main approaches: first, as "المماثلة" (the equality of husband and wife in certain matters) which emphasizes equality in religious, social, economic, and intellectual matters; Second, as "أمر يوجب" (a thing whose absence causes disgrace) which is more preventive to avoid family embarrassment or embarrassment.²³ The term emphasizes the aspect of protection of the dignity of women and their families, which suggests that kafaah is not only an administrative affair but also has a profound psychological and social dimension.

However, to gain a comprehensive and in-depth understanding of the concept of *kafa'ah*, it is not enough to simply understand the definition. The concept of *kafa'ah* in Islam does not appear in a vacuum or was created suddenly without historical roots. Rather, it is the result of a process of transformation, refinement, and sublimation of values that have taken root in pre-Islamic Arab society, particularly in the marriage system and social structure of Jahiliyah society. The discussion of the evolution of the concept of *kafa'ah* can be divided into two important periods that show the continuity as well as the transformation in the marriage practice of the Arab people. This division of periodization helps to see how Islam retains, changes, or eliminates old elements to form the current concept of *kafa'ah*.

²⁰ Abū Dāwūd Sulaymān ibn al-Ash'ath al-Sijistānī, *Sunan Abi Dawūd* (Beirut: Dār al-Fikr, t.t.).

²¹ Ibn Manzur, *Lisan al-Arab* (Beirut: Dar Sadir, t.t.), vol. 15, p.139.

²² Paisal Paisal, "The Concept of Kafa'ah in Marriage," *Journal of Islamic Law El Madani* 3, no. 2 (2024): 15–26, <https://doi.org/10.55438/jile.v3i1.111>.

²³ Syarh Bulugh al-Maram, Bab *al-Kafaah wa al-Khiyar*, in *Maktabah Syamilah*, p. 87.

Long before the advent of Islam, the concept of *kafa'ah* had become a significant part of the traditions of Arab society. The phenomenon of classes in society became common in that era, where the concept of equality was very important to protect the honor of a certain tribe or qabilah. In addition, this concept also plays a role in maintaining power between them.²⁴ Therefore, the application of the concept of *kafa'ah* at that time was more shown to maintain prestige than the actual implementation. In pre-Islamic Arab societies, the concept of *kafa'ah* was rooted in a social structure that was heavily influenced by ethnicity and status. *Kafa'ah* is understood as equality in terms of descent, wealth, and social status, which is an important requirement in marriage.²⁵ Pre-Islamic Arab societies were structured in tribes and subtribes, where blood relations played a major role in determining legitimacy and reward. Women tend to be demeaned and considered as items that reflect family values, so marriage between couples with equal status is highly prioritized to maintain honor and reputation.²⁶ Thus, *kafa'ah* during the period of jahiliyah was greatly influenced by social and economic factors that reflected the hierarchy in society.

During the period of jahiliyah, the understanding of *kafa'ah* was greatly influenced by the caste and tribal systems, where marriage was considered valid if it was between a couple who had equal social status, descent, and wealth.²⁷ In this respect, pre-Islamic Arab societies highly valued nasab (descent) and social standing, so intermarriage between different classes was often seen as a disgrace that could damage the honor of the family. If examined further, the concept of equality in marriage was not exclusively practiced by pre-Islamic Arab societies. This culture was also significantly influenced by Persian traditions, and some Arab groups did not even practice it at all. This concept has been passed down from generation to generation long before the advent of Islam.²⁸ This condition creates a sharp social gap and limits the freedom of individuals to choose a life partner based on more substantive criteria, such as morality and piety.

The entry of Islam into the midst of the ignorant society brought profound changes, especially in the understanding of human values. In the midst of social practices that often

²⁴ Syarifah Gustiawati and Novia Lestari, "The Actualization of the Concept of Kafa'ah in Building Household Harmony," *Mizan: Journal of Islamic Law* 4, no. 1 (2018), <https://doi.org/10.32507/mizan.v4i1.174>.

²⁵ Edi Darmawijaya, "Social Stratification, Kinship Systems and Gender Relations in Pre-Islamic Arab Societies," *Takmul : Journal of Gender and Islamic Studies and Child Protection* 6, no. 2 (2017): 132–51, <https://doi.org/10.22373/t.v1i1.1366>.

²⁶ Ali Muhtarom, "The Problematics of the Concept of Kafa'ah in Fiqih (Criticism and Reinterpretation)," *Journal of Islamic Law* 16, no. 2 (2018), <https://doi.org/10.28918/jhi.v16i2.1739>.

²⁷ Edi Susilo, "Critical Reasoning on the Concept of Kafa'ah in Islamic Family Law," *Nizham Journal of Islamic Studies* 9, no. 01 (2021): 10–26, <https://doi.org/10.32332/nizham.v9i01.3409>.

²⁸ Edi Darmawijaya, "Social Stratification of Kinship Systems and Gender Relations of Pre-Islamic Arab Societies," *Takammul : Journal of Gender and Islamic Studies and Child Protection* 6, no. 2 (December 24, 2017): 132–51, <https://doi.org/10.22373/t.v1i1.1366>.

prioritize ethnicity and social class, Islam introduces the concept of *kefa'ah* which emphasizes equality and respect for every individual, regardless of tribal background or social status. In the time of jahiliyah, society was trapped in a strict system of stratification, where honor and social status were often determined by lineage and wealth. However, the arrival of Islam brought the message that all human beings were created equal before Allah. As explained in His words:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۚ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۚ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Meaning: O humans, We have created you from a male and a female and made you into nations and tribes so that you may know one another. Indeed, the most noble among you in the sight of Allah is the most pious among you. Indeed, Allah is All-Knowing, All-Knowing. (QS. *Al-Hujurat*: 13).²⁹

The verse explains how Islam responds to the diversity of different nations, descents, ethnicities, wealth, position, and skin colors so that they know each other, please help and not vice versa, insult and degrade each other. Indeed, the most noble person in the sight of Allah جل جلاله is only the most pious person.³⁰ There are two narrations of asbabun nuzul which are the reason for the descent of the verse. First, the Bilal incident in the Kaaba. According to the narration narrated by Ibn Abi Hatim from Ibn Abi Mulaikah³¹, it is stated that this verse was revealed during the Fathu Makkah event, when Bilal sounded the call to prayer on the Kaaba. After the call to prayer was over, some people mocked Bilal by saying, "How fast is it for a black boy to say the call to prayer here?".³²

In response to this discriminatory attitude, Allah sent down this verse as a rebuke and a lesson. Another narration mentioned in Sunan Abu Daud states that this verse has come down with regard to the profession of Abu Hind as a heir (*hijam*). The Prophet asked the Banu Bayadhah to marry their daughter to Abu Hind, but at that time it was considered a menial job.³³ Both narrations show that this verse came down as a correction to the discriminatory attitude of the Arab society that judged a person based on race, color, or social status. Until Islam came to bring change by emphasizing the equality of mankind before Allah and putting aside honor and social status as the main factor of the concept of *kefa'ah* in marriage by emphasizing aspects of piety, religion, and even morality.

²⁹ Republic of Indonesia, *Qur'an and Translation*.

³⁰ Tafsir al-Muyassar, (Riyadh: Ministry of Religious Affairs of Saudi Arabia, 1430 H), p. 512.

³¹ Ibn abbas, *Tanwīr al-Miqbās min Tafsīr Ibn 'Abbās*, juz 1 (Beirut: Dār al-Fikr, 2007), hlm. 437.

³² Ibn abbas, *Tanwīr al-Miqbās min Tafsīr Ibn 'Abbās*, juz 1 (Beirut: Dār al-Fikr, 2007), hlm. 437.

³³ Abu Daud, *Sunan Abi Daud, Kitab al-Nikah*, Shu'aib al-Arnaut, Juz 5 (Damascus: Dar ar-Risalah al-Alamiyah, 2009).

Misconception Analysis of the Meaning of *Kafa'ah*

Although Islam has established clear principles regarding the concept of *kafa'ah* in marriage as described in the previous chapter, in the practice of the social life of contemporary Muslims, there are still various misconceptions that deviate from the true essence of Islamic teachings. This raises fundamental questions such as "What is the underlying reason for the scholars to establish the concept of kufu or *kafa'ah* as a consideration in marriage? Is this not contrary to the principle of equality in Islam and instead restores the practice of social discrimination as it was during the period of jahiliyah?".³⁴ This misunderstanding not only obscures the spiritual substance of the *piousness-based kafa'ah*, but also gives rise to discriminatory practices that are contrary to the principle of justice brought by Islam.

The phenomenon of misconception of the meaning of *kafa'ah* becomes increasingly complex when it intersects with various external factors such as local cultural traditions, incomprehensive interpretations of Islamic legal sources, and the influence of social structures that are still deeply rooted in society. As a result, the concept of *kafa'ah*, which was originally intended to create harmony and benefits in the household, has turned into an instrument of restriction and restraint that can harm various parties, especially women and certain groups of society. Some previous research has identified common misconceptions about the concept of *kafa'ah*. The findings of the study can be summarized in several main points as follows:

a. Narrowing of the Meaning of *Kafa'ah*

Misunderstanding of the meaning and purpose of the concept of *kafa'ah* causes harmful discriminatory practices, as a result of which this concept that should be aimed at maintaining harmony is actually seen as unfair by some people. They see it as a limitation that limits relationships between individuals, thus creating gaps and negative stigma. This creates a negative perception of *kafa'ah*, which is supposed to be a guide to creating a respectful equality in social relationships. With a better understanding, people should be able to see *kafa'ah* as a positive value that supports harmony, not as a tool to divide.

The concept of *kafa'ah* in marriage is often viewed narrowly. The word equality in choosing a partner dominates the thinking of some people that *kafa'ah* is a caste principle in Islamic law. The distinction in status between the aristocracy and the common people or between the educated and the common people was influenced by the earlier Hindu religious

³⁴ "Kufu', Legal Requirements for Marriage?," accessed June 17, 2025, <https://www.rumahfiqih.com/fikrah/285>.

tradition which applied a system of social stratification based on caste.³⁵ Therefore, if examined further, the misconception that is often encountered is a narrow interpretation of equality that only focuses on the same social or economic status.³⁶

The concept of sekufu or *kafa'ah* in marriage is often a debate among society, especially among those who are materialistic orientalis. Individuals who follow this belief tend to pursue material wealth to gain power, and have a desire to impress, control, and dominate others. They believe that success is measured by material possessions and social status, so they are willing to go to various ways to achieve these goals and often ignore moral values and human relationships.³⁷ It is not surprising, then, that many of them think that sekufu in marriage means that the couple must come from a wealthy background, regardless of whether they have good religious knowledge or morals. Basically, they prioritize the suitability of degrees between wealth, physical quality and social status.³⁸ This can worsen the image of Islam and result in discrimination and obstacles to forming a harmonious marriage, as excessive emphasis on material aspects is considered to override spiritual values and character compatibility between the two parties.

b. Conversion of *Kafa'ah* as a Legal Condition of Marriage

In addition to narrowing the meaning that is the standard of equality, there is a tendency for some people to interpret *kafa'ah* as a valid condition for marriage. The legal condition of marriage is a condition that must be met in order for a marriage to be considered valid according to religious law and state law.³⁹ One form of misconception that states that *kafa'ah* is considered a valid condition for marriage is such as the phenomenon of "wali adhol", which is a wali who is reluctant or refuses to marry his daughter who has reached puberty and has reason with a man of his choice.⁴⁰ This wali adhol often occurs because of the consideration of *kafa'ah* which is considered an absolute requirement. Many guardians refuse to marry their children on the

³⁵ Nursaniah Harahap and Faisar Ananda Arfa, "The Concept of Kafa'ah in Marriage According to Islamic Law," *Scientific Journal of Wahana Pendidikan* 9, no. 7 (2023): 334–41, <https://doi.org/10.5281/zenodo.7817500>.

³⁶ Ahmad Royani, "Kafa'ah in Islamic Marriage; (Analysis of Religious and Social Equality)," *Al-Ahwal* 5, no. 1 (2013), <https://www.academia.edu/download/94075344/417-706-1-SM.pdf>.

³⁷ Devi Aulia Utami, Ris'an Rusli, and Ahmad Farid Farsyad, "Materialism in the Tafsir of Sayyid Qutb: A Study of Q.S Ali Imran Verse 14," *TAJDID: Journal of Ushuluddin Science* 23, no. 2 (2024): 620–47, <https://doi.org/10.30631/tjd.v23i2.519>.

³⁸ Moch. Aufal Hadliq, Tasyifatul Fikriyah, "The Concept of Kafa'ah in Islamic Law (A Comparative Study of Thought between Imam Shafi'i in the Book of Al-um and Imam Ibn Hazm in the Book of Al-Muhalla)," (2025), <https://ejournal.uas.ac.id/index.php/Mabahits/article/view/1023/485>.

³⁹ Aisyah Ayu Musyafah, "Marriage in the Philosophical Perspective of Islamic Law," *CREPIDO* 2, no. 2 (2020): 111–22, <https://doi.org/10.14710/crepido.2.2.111-122>.

⁴⁰ Akhmad Shodikin, "The Settlement of Wali Adhal in Marriage According to Islamic Law and Legislation in Indonesia," *Court: Journal of Islamic Law Studies* 1, no. 1 (2016), <https://doi.org/10.24235/mahkamah.v1i1.102>.

grounds that they are not sekufu, as if kafaah is a legal requirement that cannot be ignored. This misconception results in the rejection of marriage which is not actually contrary to the Shari'a, simply because of the consideration of *kafa'ah* which is interpreted rigidly.

c. Cultural Dominance in Determining *Kafa'ah Standards*

The influence of local culture is often too dominating in determining the standards of *kafa'ah*, to the point of blurring the boundaries between religious teachings and traditions. Some Muslim communities even add criteria that do not have a strong foundation in jurisprudence, such as the need to marry in one particular ethnic group or profession. Fahmi Assulthoni's research in Pamekasan shows that many marriages occur between kyai children and close relatives such as cousins or nephews, aiming to maintain their nasab and continue *da'wah*.⁴¹ Parents generally choose a socially appropriate partner and hold the final decision. There is a strong belief that parental consent is the best option, while rejection of it is considered to have adverse consequences.⁴² The dominance of local culture has shifted the concept of *kafa'ah* from religious principles to socio-cultural interests, where criteria without a *fiqh* basis such as the necessity of marrying one ethnicity become a priority. The practice of endogamy to maintain social status and parental control suggests that *kafa'ah* has been reduced to an instrument of maintaining social structure rather than creating domestic harmony.

d. Understanding a Static Society

A static public understanding of the concept of *kafa'ah* without considering the social changes and the context of the times can refer to a rigid and undeveloped interpretation. Society tends to maintain the same standards of *kafa'ah* from generation to generation without considering contemporary social, economic, and cultural evolutions, so this concept becomes rigid and not adaptive to modern reality. Several field case studies show that if they do not have the same nasab, they are considered not sekufu. For example, research conducted on the Kraksaan Arab Community, precisely in Probolinggo by Ahmad Muzaki, who researched "*Kafa'ah* in Endogamous Marriage", shows that there is an obligation of sameness of nasab in

⁴¹ Fahmi Assulthoni, "Maslahah Analysis of the Concept of *Kafa'ah* in the Tradition of Marriage among Pamekasan Islamic Boarding Schools," *Al-Hukama': The Indonesian Journal of Islamic Family Law* 8, no. 1 (2018): 28–52, <https://doi.org/10.15642/al-hukama.2018.8.1.28-52>.

⁴² Fahmi Assulthoni, "Maslahah Analysis of the Concept of *Kafa'ah* in the Tradition of Marriage among Pamekasan Islamic Boarding Schools," *Al-Hukama': The Indonesian Journal of Islamic Family Law* 8, no. 1 (2018): 28–52, <https://doi.org/10.15642/al-hukama.2018.8.1.28-52>.

the Habaib tradition which prohibits marriage between sharifah women and non-Sayyid men because it is considered unsekufu.⁴³

The static understanding of kafa'ah reflects society's resistance to social change, where rigid marriage standards are maintained without adaptation to contemporary realities. A case study in the Kraksaan Arab Community shows that the nasab criterion is still the main determinant of marital compatibility, indicating that the concept of kafa'ah has been trapped in traditional formalities rather than prioritizing the essence of harmony and benefit in marriage. In fact, fiqh scholars such as Imam Malik, Imam Shafi'i, and Imam Ahmad bin Hanbal have shown the dynamics of thought in determining the criteria of kafa'ah that are relevant to the conditions of society in their time. However, their understanding is often misinterpreted, so the concept of kafa'ah loses its flexibility in the face of changing social realities.

Reinterpretation of the Concept of Kafā'ah: A Comparative Study of the Opinions of the Fiqh School

The continuity of the marital relationship is the main reason why *kafa'ah* is seen as crucial in marriage. However, the absence of evidence from the Qur'an and hadith that clearly and specifically discusses it has made *kafa'ah* a topic of long debate among scholars.⁴⁴ Ironically, discussions about *kafa'ah* sometimes stray to the issue of racism and castism.⁴⁵ The equality criteria set by some scholars for marriage are considered to contain discriminatory elements, because they still prioritize aspects of nobility and social position as a condition for marriage.⁴⁶ Although *kafa'ah* is fundamentally aimed at maintaining domestic harmony, the criteria of equality that are at its core have been interpreted variously by fiqh schools throughout Islamic history.⁴⁷ The absence of a firm legal basis in the Qur'an and hadith has led to various interpretations among fiqh schools.

In the absence of specific evidence regarding the law and the criteria *for kafa'ah*, Ibn Hazm argued that the *kafa'ah* is not recognized in the sharia. For him, every Muslim (other than

⁴³ Ahmad Muzakki, "Kafaah in Endogamous Marriage in the Arab Community in Kraksaan Probolinggo," *Istidlal: Journal of Islamic Economics and Law* 1, no. 1 (2017): 15–28, <https://doi.org/10.35316/istidlal.v1i1.96>.

⁴⁴ Syarifah Gustiawati and Novia Lestari, "Actualization of the concept of Kafa'ah in building domestic harmony," *Mizan: Journal of Islamic Law* 4, no. 1 (2018), <https://jurnalfai-uikabogor.org/index.php/mizan/article/view/174>.

⁴⁵ Sholihin, "Kafaah in Marriage from the Perspective of the Four Sects."

⁴⁶ Edi Susilo and Miswanto Miswanto, "A Critical Analysis of Marriage Equality in Islamic Law Towards Harmonious Marriage," *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 5, no. 1 (2024): 16–31, <https://doi.org/10.24042/el-izdiwaj.v5i1.23000>.

⁴⁷ Siti Jahroh, "Reinterpretation of the Principle of Kafā'ah as a Basic Value in the Pattern of Husband and Wife Relations," *Al-Ahwal: Journal of Islamic Family Law* 5, no. 2 (2012): 57–92, <https://doi.org/10.14421/ahwal.2012.05203>.

adulterers) has the right to marry any Muslim woman (other than adulterers).⁴⁸ He emphasized the principle of Islamic brotherhood, so there is no prohibition for a person who is black or without a clear origin to marry even the caliph's daughter. In fact, a wicked Muslim (not an adulterer) is considered equal to a wicked Muslim woman (not an adulterer).⁴⁹ His view is based on God's words: "*The believers are indeed brothers. Therefore make peace between your two brothers, and fear Allah, so that you may have mercy.*"⁵⁰ This indicates that Ibn Hazm was of the opinion that Islam had abolished differences of caste or social status and made piety the only measure of glory.

In contrast to Ibn Hazm who tended to reject almost all forms of *kafa'ah*, the Maliki school took a more pragmatic position, recognizing the relevance of *kafa'ah* for the benefit and continuity of the household.⁵¹ Although the Maliki school is not as complex as other schools in detailing the criteria of *kafa'ah*, they still view the importance of two main aspects, namely religion (quality of religiosity) and the absence of defects (disgrace).⁵² The argument from a religious point of view is Surah Al-Hujurat verse 13 which states that a person's glory in the sight of Allah is based on piety. This verse is the basis for the implicit evidence of the existence of *kafa'ah* with the main criteria being piety and the glory of morals, not just *nasab* or social position.⁵³ For the Maliki School, a man who marries a Muslim woman must be equal in the quality of his religion. If a man is blatantly wicked (e.g. drunk or neglecting prayer) marries a good woman without the consent of his guardian, then the guardian has the right to annul (*fasakh*) the marriage.⁵⁴

Other aspects such as fate, profession, or property, although recognized as social considerations, are not used as an absolute prerequisite for annulment of marriage in the Maliki School. However, if the absence of equality in these matters can cause real disgrace to the woman and her guardian, then the guardian still has the right to refuse or apply for an annulment.⁵⁵ This demonstrates the Maliki School's flexibility in balancing religious idealism with social realities, focusing on the prevention of *dharar* (loss) and the preservation of family honor. The Maliki school

⁴⁸ Ibn Ḥazm, Abū Muḥammad 'Alī ibn Aḥmad ibn Sa'īd, *Al-Muḥallā bi al-Āthār*, juz 9 (Kairo: Al-Tawfīqiyya Bookshop, 2010) hlm. 557.

⁴⁹ Ismulyadi, "Ibn Hazm's View of Kafa'ah in Marriage in His Book Al-Muhalla and Its Relevance to Marriage Law in Indonesia," 2016, <https://dspace.uui.ac.id/handle/123456789/4008>.

⁵⁰ QS. Al-Hujurat: 10.

⁵¹ Muhammad Hasyim, "Comparison of the Concept of Kafaah in the Perspective of Imam Maliki and Imam Shafii," *JURNAL PUSAKA : Media of Islamic Studies and Thought* 12, no. 2 (2022): 35–48, <https://doi.org/10.35897/ps.v12i2.895>.

⁵² Ibn Rushd, *Bidayatul Mujtahid wa Nihayatul Muqtabid* (Beirut: Dar al-Ma'rifah, 1982).

⁵³ Abi Hasan, "The Concept of Kafa'ah in Marriage and Its Urgency in Building a Household According to Madhhab Fiqh," *Journal of Mediasas: Media of Sharia and Ahwal Al-Syakhshiyyah* 3, no. 1 (2020): 1–20.

⁵⁴ Sayyid Sabiq, *Fiqh Sunnah* (Bandung: Hilal, 2016), p. 669.

⁵⁵ Wahbah az-Zuhaili. *Al-Fiqh Al-Islami Wa Adillatuhu*, Juz 7, Beirut: Dar Al-Fikr, 1986, p. 229.

is of the view that similarity in morals and religion is the form of kafa'ah that is most in accordance with the teachings of Islam. However, not all schools agree, the jurists of the Hanafi, Shafi'i, and Hanbali schools have different views, including additional kafa'ah criteria that are not outlined by the Maliki School.⁵⁶

Scholars from the Shafi'iyah circle consider that there are seven kafa'ah in marriage, namely religion, independence, iffah, nasab, morality, science, disgrace, and age.⁵⁷ According to him, Kafaah is an effort to match prospective husband and wife based on their respective strengths and weaknesses. The meaning of compatibility here does not require total equality, but if anyone cannot accept the shortcomings of his or her future partner, he or she has the right to annul the marriage.⁵⁸ In the Shafi'i madhhab, *kafa'ah* is not included in the legal condition of marriage, because kafa'ah is something that is considered and not to affect the validity or not of the marriage contract. Therefore, if *the kafa'ah* is not fulfilled, the marriage can still be carried out.⁵⁹ The interpretation that can be drawn here is that when viewed from a contemporary point of view, the Shafi'i school emphasizes that kafa'ah aims to prevent psychological and emotional pressure from inequality in marriage, because when equality is not achieved, this can result in the emergence of insecurity or feelings of shame between husband and wife.

Meanwhile, in the view of the Hanafi School, kafa'ah is basically categorized as a prevalent condition in marriage or a condition that is necessary for the contract to be binding and cannot be annulled unilaterally.⁶⁰ The Hanafi school gives the guardian the right to annul a marriage that does not meet the kafa'ah if it is detrimental to the woman and her family. However, kafa'ah is still not a valid requirement for marriage, but only a consideration to maintain benefits and prevent harm.⁶¹ However, according to Wahbah az-Zuhaili in his book *Islamic Fiqh Wa Adillatuhu*, contemporary fiqh scholars (fuqoha muta'akhirin) interpret the concept of kafa'ah as a flexible role depending on the situation faced and in certain circumstances, sometimes it is a legal condition, sometimes it is a condition of implementation, and sometimes it is a prevalent condition.⁶² The majority of

⁵⁶ Gustiawati and Lestari, "Actualization of the concept of Kafa'ah in building domestic harmony."

⁵⁷ H. Ibn Mas'ud, H. Zainal Abidin, *Fiqh madzhab Shafi'i (Complete Edition)*, Book 2 (Bandung: Pustaka Setia, 2007), p. 262.

⁵⁸ Hasyim, "Comparison of the Concept of Kafaah in the Perspective of Imam Maliki and Imam Shafii."

⁵⁹ Zakaria al-Anshari, *Fath al-Wahhab bi Syarh Minhaj al-Thalab*, Juz II (Beirut: Dar al-Fikr, t.t.).

⁶⁰ Habiburrahman Rizapoor dan Mohammad Rashid Rahimi, "Imam Abu Hanifah: The Vanguard of Moderation in Islamic Jurisprudence and the Global Dissemination of Moderate Islam," *Mazabib* 22, no. 2 (2023): 213–42, <https://doi.org/10.21093/mj.v22i2.7088>.

⁶¹ Sahrin Anas, Sutisna Sutisna, and Hambari Hambari, "The Concept of Kafa'ah in Islamic Law \and Its Urgency to the Integrity of the Sakinah Household According to the View of Wahbah Az-Zuhaili," *As-Syar'i: Journal of Family Guidance & Counseling* 6, no. 1 (2024): 145–61, <https://doi.org/10.47467/as.v6i1.3373>.

⁶² Wahbah Az-Zuhaili, *Islamic Fiqh Wa Adillatuhu* 9 (Gema Insani, 2011), p. 219.

fiqh scholars are of the opinion that there are four main criteria, namely religion, heredity, independence, and work. Meanwhile, the Hanafi and Hanbali schools added two more criteria, namely the level of wealth and financial aspects.⁶³ However, both the Hanafi and Hanbali schools agree that physical disabilities are not included in the criteria that affect a person's kufu status.⁶⁴

According to Hanafiyyah, *kafa'ah* is not only based on religion, but also other factors with the determining right are from the women's side. The ⁶⁵ Hanafi school emphasizes the importance of *kafa'ah* to prevent disgrace in the family. If a woman marries a man who is not kufu without the permission of the guardian, then the guardian has the right to *faskh* the marriage if it is considered to cause disgrace.⁶⁶ This shows that the Hanafi school positions marriage as a contract involving three parties, namely the woman as the determinant of the criteria, the guardian as the supervisor in maintaining or *fasakh* the marriage, and the husband as the party who must meet the standards. Thus, *kafa'ah* is not merely a form of gender bias against women, but a form of reflection as women's empowerment and patriarchal control in Islamic law.

As for the view of the Hanbali School, the absence of *kafa'ah* causes the annulment of the marriage, considering the history of Ahmad who places *kafa'ah* as a condition for the validity of marriage.⁶⁷ Nevertheless, women (wives) are given the authority to determine the fate of their marriage, whether it is continued or ended. This authority is only owned by the woman concerned, not her guardian, considering that the impact of the marriage decision will return to both parties who are married.⁶⁸ The Hanbali school has two views on *kafa'ah*: first, *kafa'ah* is a valid condition for marriage because marriage is not a legal condition because marriage is not a *legal* requirement because it is the personal right of the prospective spouse, not the business of the other party.⁶⁹ This school includes five criteria that are considered important, namely the four that have been mentioned previously in the view of many scholars regarding the criteria of *kafa'ah* and add financial conditions which the meaning here is not that they must be rich, but able to fulfill their maintenance obligations.

In essence, the concept of equality intended to compare or even belittle others is clearly not in line with Islamic values and contradicts the prophetic mission of Muhammad (peace be

⁶³ Wahbah Az-Zuhaili, *Islamic Fiqh Wa Adillatuhu 9* (Gema Insani, 2011), p. 214.

⁶⁴ Al-Jazairi, *al-Fiqh 'Ala al-Madhabib al-Arba'ah*, volume IV (Beirut: Dar al-Kutub al-Ilmiyyah, 2023), p. 58.

⁶⁵ Al-Jazairi, *al-Fiqh 'Ala al-Madhabib al-Arba'ah*, p. 38.

⁶⁶ As-Sayyid Alawi, *Tarsih al-Mustafiddin* (Surabaya: Syirkah P. Indah, t.t.).

⁶⁷ Ibn Qudamah, *Al-Mughni*, Juz VII (Beirut: Dar Al-Kitab Scientific, t.t.), p. 371.

⁶⁸ Abi Hasan, "The Concept of *Kafa'ah* in Marriage and Its Urgency in Building a Household According to Madhhab Fiqh," *Journal of Mediasas: Media of Sharia and Ahwal Al-Syakhshiyyah* 3, no. 1 (2020): 1–20.

⁶⁹ Susilo, "Critical Reasoning on the Concept of *Kafa'ah* in Islamic Family Law."

upon him) and contrary to the principles of the Qur'an. For basically, all human beings have the same degree in the sight of Allah, and only the degree of piety is the difference between them. Thus, the discussion of equality in the views of the various schools of jurisprudence is not intended to make comparisons or demean anyone. On the other hand, the concept of equality in marriage aims to create a married life full of happiness and harmony, where husband and wife can live a life together in harmony and mutual understanding. The reinterpretation of the concept of kafaah through this madhhab comparative approach is also expected to prevent the occurrence of unwanted problems in the institution of marriage, such as a crisis of confidence experienced by one of the partners, as well as social stigma from the community that can disrupt domestic harmony.

Conclusion

Kafa'ah is an important foundation for a harmonious marriage, but the absence of explicit postulates leads to various interpretations and misconceptions in society. This misconception includes narrowing the meaning of *kafa'ah* to material/social aspects, the exclusion of *kafa'ah* as a valid condition for marriage, the dominance of local culture in determining *kafa'ah standards*, and static understandings without considering social changes. The reinterpretation of the concept of kafa'ah in various schools of jurisprudence, such as Maliki, Shafi'i, Hanafi, and Hanbali, shows diverse views. In essence, the scholars of the madhhab emphasize piety and morality as the main criteria of kafa'ah. Other additional criteria were chosen to be more flexible in their application, in order to determine the benefits that are relevant to the problems faced. The goal is to facilitate the future of the husband and wife relationship, not to demean the other party. Thus, the reinterpretation of kafa'ah through the comparative approach of this madhhab aims to straighten the understanding to be more fair, inclusive, support harmonious marriage, and prevent discrimination and social stigma.

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