The concept of kafa'ah as the pre-requisite 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

Abstract

Kata kunci: Konsep, kafa‘ah, pre-persyaratan, Banjar, pernikahan

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-requisite, Banjar, marriage
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. 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 أزواج

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).

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". 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. Kafa’ah has existed since the time of the Prophet to

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The concept of kafa’ah as ...

become a problem in the present. 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. 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:

 حدّثنا مسّدُّ حدّثنا يحيى عن عبيد الله حدثنا سعيد بن أبي عن أبيه عن أبي هريرة
رضي الله عنه عن النبي صلى الله عليه وسلم قال نَكُحُ الْمَرْأةُ لِأرْبَعٍ لأمَالِأَا وَلِأَسَبأهَا وَجَََالِأَا وَلأدأيْنأها فَاظْفَرَ بأذَاتأ الدّأيْنأ تَرأبَتْ 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. 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. 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.

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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 *ka'fii'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 Alawiiyyin through Sultan Abdurrasyid Mindanao’s route.15 The line of passage is Maulana Muhammad Arsyad al-Banjari bin Abdullah bin Tuan Penghulu Abu Bakr bin Sultan Abdurrasyid Mindanao bin Abdullah bin Abu Bakr Al Hindi bin Ahmad Ash Shalaibiyyah 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 wajhah 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

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13 Bubaker F. Shareia, “Qualitative and Quantitative Case Study Research Method on Social Science: Accounting Perspective,” *Dimension* 2, no. 5 (2016): 23.
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-Faqiq 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. 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 settlement 2. Making irrigation 3. Preaching intensively 4. Forming a Sharia Court.


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19 Ahmad, “Pokok Pemikiran Syekh Muhammad Arsyad Al-Banjari Dalam Kitab An-Nikah,” N.D.
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-Banjary\(^{21}\) 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:

مكّتَه درفداً بهواس كاَي ايت تيادا أي دبيلغكن درفداً الكارا كوفكدرى كرن ارتا ايت فرْكْي داتّغ تيادا مغميل كمّاهن دَغْندي سَجْال مريك يغ ممفوّيّي فراغيّي، ممفوّيّي مات هاتي. درى كرن اينله سكوّو لاكي ٢ يغ فاف دُغْن فرامفوان يغّ كاى. دان دمكلاّكى مودا دان بايك روف دان سلامة درف بوت دان تروفّتْ تاغن دان بارغسباكين درف سجال عيب يغت مُمثابتٌنى كيّار قد ممفسخن نكاح، سكّلين بايت دبليغكن اى درف دسجال الكارا تيادكوفو، دري كرن اين اداله مكّ لاكي سكوّو ٢ روف دُغْن فرامفوان يغ تياد جاهبوتر، لاكي سكوّو ٢ يغ تروفّتْ تاغن دُغْن فرامفوان يغ تياد تروفّتْ\(^{22}\).

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

social, moral, and economic. 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 كافاة (the same) or المماثلة (balanced). Therefore, it can be said that Kafa’ah from the meaning of the language means equal or balanced. 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.

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. 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.

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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:

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	ext{الخبيثات للخبثين والخبيثون للخبيثات 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.\(^{28}\)

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

\[
	ext{تخبرونطفلكم، وانكحواالأكفاء، وأنكحوا إليهم}
\]

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

\textit{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 \textit{an-Nikah} by Muhammad Arsyad al-Banjary.

Book of \textit{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.


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:

   "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 \textit{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 \textit{kafa'ah} with others.

As the previous explanation, that in the book of marriage a matter of wealth does not become a \textit{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 \textit{kafa'ah} with a man. So, a man who is not rich or does not have anything is said to be \textit{kufu} with a rich woman.

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

\begin{center}
قال رسول الله صلى الله عليه وسلم: إن أحساب أهل الدنيا الذى يذهبون إليه
\end{center}

:\text{35.}

\begin{center}
Mean: "Had Prophet said.: Truly, glory for world experts is a treasure 
\end{center}

Based on this hadith, if connected with an explanation in the book of \textit{kafa'ah}, then the benchmark of wealth in \textit{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 \textit{kafa'ah}.

Wealth in the case of \textit{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 \textit{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 \textit{kafa'ah} because of his inability.

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

\begin{center}
فضل المنعم شرح صحيح مسلم - ج 6 (IslamKotob, n.d.), 35.
\end{center}
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*

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