



Kafa'ah Dysfunction in Building a Harmonious Family Among Urban Muslims: Sayyid Ustman's Perspective in a Review of The Compilation of Islamic Law and Maqasid Sharia

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ABSTRACT: The concept of kafa'ah (equivalence) in Islamic marriage law among Arabs (sayyid) in Indonesia has its own characteristics that are rarely researched. Therefore, this study aims to analyze how the concept of kafa'ah was formulated by scholars of Arab descent in Batavia during the Netherlands colonial period, namely Sayyid Uthman (1913), and its relevance in contemporary times. He issued a fatwa (religious opinion) that prohibits marriage between sharifah (female descendants of the Prophet Muhammad SAW) and non-sayyid in modern times. This study uses a method of analysis of primary and secondary sources based on literature, this study finds that the concept of Kafa'ah Sayyid Ustman, which is based on several classical fiqh books and hadiths,

may be relevant for that time but was not adopted by the Compilation of Islamic Law in Indonesia for the present day. The results of this study conclude that the Concept of Islamic Law does not have a problem with sharia marriage with individuals who are not of the same religion as him. However, Sayyid Uthman's opinion that nasab is part of kafa'ah in certain contexts can be seen as a pendeapat that is in accordance with the principle of hifz nasl (safeguarding offspring) in maqasid al-shhari'a.

Keywords-Kafa'ah dysfunction, Kafa'ah Sayyid Ustman, Compilation of Islamic Law, Kafa'ah Maqosyid Sharia, Harmonious Family

I. INTRODUCTION

From an Islamic point of view, marriage is not just a sacred celebration, but in it every activity carried out such as in terms of goodness can become a deed of worship if it is carried out in accordance with the teachings of religious sharia (Hasanah et al., 2021). Marriage is a process in uniting a couple of people in a bond with the aim of creating a life that is sakinah (tranquility), mawadah (love) and waramah (affection) (Arsy et al., 2022). In addition, marriage is an effort to perfect some religious teachings. Therefore, one of the goals of marriage other than as a worship is to be able to create a tranquility in a household by making love and affection the main foundation and staying away from everything that can threaten the integrity of a household (Yanti, 2020).

One way to form an ideal family is by choosing a prospective husband or wife who is suitable or commensurate with the individual's personality (Yanti, 2020). The choice of appropriate or appropriate words often has many meanings that can be understood by each individual. Choosing a suitable husband or wife is the same as building a house foundation, if one of them chooses the right husband or wife, it will later produce a peaceful household and grow the seeds of love and affection between the two (Didik Himmawan & Hayati, 2021). However, if one of them is not right in looking for a suitable husband or wife, it is feared that it will endanger both. Therefore, it is highly recommended for every couple who wants to get married to find a partner who is suitable or commensurate with each individual so that later they can create a harmonious



family environment and keep their family away from divorce (Riyanti, 2018).

In the customs that apply in Javanese society in general, there is a philosophy in choosing a prospective husband or wife to marry, namely seeds (from good offspring), weight (having a good personality), bebet (good socioeconomic status) (Noor et al., 2023). In addition, in Islamic teachings, the word appropriate or commensurate in a marriage has a term known as "sekufu or kafa'ah" (Aminudin, 1999). According to fiqh scholars, the word sekufu or kafa'ah has an important role in an effort to form a happy and harmonious family. According to fiqh terminology, sekufu or kafa'ah is equality in terms of morals, position, social status and property if a man or woman wants to hold a marriage (Rahmawati, 2021).

Among scholars who are experts in fiqh, often the word kafa'ah has a different interpretation between one madhhab imam and another imam (Anas et al., 2023). These differences are normal and not a problem between them. However, in its application in daily life, often these differences are used as a malachi in the use of the word kafa'ah. For example, in some cases of marriage prohibition among descendant families, kafa'ah is often used as a condition to determine the validity of a marriage or not (Munawaroh, 2021). Kafa'ah is used as a benchmark if a descendant family wants to hold a marriage which in this case is in the lineage or nasab. Others use the word kafa'ah in terms of property and education. Therefore, the misuse of the word kafa'ah can later create a new term that is not in accordance with the teachings of purity that do not discriminate against a race, tribe or nation (Nasution, 2003).

One of the problems that often occurs until now is the concept of marriage prohibition between sharifah and non-sayyid which in this case is related to the concept of kafa'ah (Masruroh, 2014). The prohibition of marriage is due to the inequality between the female family from the hereditary family and the male family from an ordinary family. Before the discussion refers to the concept of kafa'ah in accordance with the problems mentioned earlier, it would be good for the researcher to first explain that the simple definition, namely sayyid, is a title for male descendants whose descent is connected to the Prophet PBUH (Awalia, 2021). As for Sharifah, it is a title given to female descendants whose descent is connected to the Prophet Saw (Editorial Board of the Islamic Encyclopedia, 1887).

According to Sayyid Uthman bin Yahya, marriages that occur between a sharifah and a non-sharied are considered invalid and the law is haram (Suriansyah & Rahmini, 2019). The reason why the

marriage becomes invalid and even haram is because the marriage will later decide and not take care of the lineage or nasab to the Prophet (saw). In addition, the marriage is said to be invalid and even haram because the marriage is not based on the assessment of sekufu between the two and will later cause social jealousy among the descendant families (Masruroh, 2014). Sayyid Uthman's statement is based on several hadiths and two of us entitled Bugiyyah al-Musyatarsyidin and Tarsyikhul Muatafidin Hasyiah Fath al-Mu'in. Both books were used by Sayyid Ustman as a basis for expressing opinions on the concept of the meaning of kafa'ah in marriage (Suriansyah & Rahmini, 2019).

Based on the above explanation, the thoughts put forward by Sayyid Ustman about the meaning of the concept of kafa'ah in Islam, especially in a marriage, are very interesting to study and used as an object of research. In addition, this thought will be an interesting discussion if it can be related to its relevance in modern times by being associated with development issues in the compilation of Islamic law and linking the concept of kafa'ah with the concept of sharia maqosyid. So this research will later try to explain Sayyid Ustman's thinking in terms of kafa'ah reviewed through the perspective of compilation of Islamic law and sharia maqosyid.

II. METHOD

This research is qualitative research with the method used is a literature study. The goal. Literature study has four stages before conducting a research such as preparing the necessary tools, preparing a work bibliography, organizing time and reading and recording research materials In addition, in compiling a data, the literature study method requires several sources such as books, journals, and other researches that have an attachment to the one to be researched. The data materials that have been obtained will be analyzed critically and in-depth in order to get maximum results later. The purpose of this study is to find out about the concept of kafa'ah in sharia marriage with non-sayyid and reviewed through the perspective of the Compilation of Islamic Law Article 61 and Maqosyid Sharia

III. RESULT

A. *Biography of Sayyid Ustman*

Sayyid Ustman is a person who served as a mufti in Batavia during the Dutch colonial period who was born on December 1, 1822 or precisely on 17 Rabiul Awal 1238 H. He was born through a pair of successors who came from the marriage of Sayyid and Non Sharifah whose descent reached the Prophet



Muhammad Saw, his father was named Sayyid Abdullah bin Aqil bin Umar bin Yahya while his mother was named Aminah (Captain, 2014) Starting from the age of 3, Sayyid Ustman was left behind by his father who lived in the city of Makkah and Sayyid Ustman was raised by his maternal grandfather who happened to be a great scholar named Abdurrahman Al-Misri. Therefore, it can be known that Sayyid Ustman was a person who had Sayyid blood through his father's descent and had a bloodline as a native through his mother. \

The knowledge obtained by the little Sayyid Ustman was given by his grandfather who was a great scholar at that time. The grandfather is a person who has expertise in science in the fields of astronomy and astrology. Shaykh Abdurrahman al-Mishri educated the little Sayyid Ustman by prioritizing instilling Islamic values, starting from simple things about morals such as manners and polite customs. In addition, the grandfather also teaches about the procedure of writing or reading Arabic letters, how to read the Quran and accompanied by other learning such as theology, fiqh and Sufism as well as other sciences related to Arabic languages. This knowledge will later lead a sayyid ustman to explore by teaching each of his teachers both in Makkah and Hadramaut.

In the next stage, Sayyid Ustman was taught other knowledge in the form of tafsir, hadith, astronomy and other Islamic sciences by his grandfather. The absence of the father at a young age, made the closeness between Sayyid Ustman and Abdurrahman al-Misri very close. Right at the age of 19, young Sayyid Ustman traveled to Makkah and studied until he settled in Makkah for approximately six years. Sayyid Ustman had two teachers, namely Ahmad Al-Dimyati and Ahmad Bin Zaini Dahlan who were known as the Mufti of Makkah. After he finished his studies in Makkah, Sayyid Ustman continued his journey to his father's hometown, Hadramaut and lived there for approximately 15 years, when in Yemen at that time he had two great mentors named Al-Habib Abdullah bin Husain bin Thahir and Al-Habib Umar bin Yahya. After that, Sayyid Ustman also traveled to several countries such as Egypt, Tunisia, Algeria, Turkey and Jerusalem and after that returned to Hadramaut, Yemen.

The attitude of perseverance possessed by Sayyid Ustman brought him to the peak of science by making himself a productive scholar by having several book compositions as many as 47 works such as Al-Adillah'ala Syuruth Syuhud al-Ahillah, al-Qawanin al-Syar'iyah li Ahl al-Majalis al-Hukumiyah wa al-Ifta'iyah, Ta'bir aqwa Adillah, Jami'ah al-Fawaid and others (Ilyas, 2018). The

above presentation is a small picture of the biography of the scientific journey owned by a sayyid ustman who made himself a scholar who had deep knowledge. Furthermore, the discussion will refer to how the fatwa issued by Sayyid Uthman regarding kafa'ah in terms of marriage among hereditary families and the prohibition of marriage between a woman (sharifah) who comes from a hereditary family and a man who does not come from a hereditary family.

B. Kafa'ah According to Sayyid Ustman's Perspective

In the teachings of Islam, marriage can be understood with the term bond, the bond will later bind each other both from the male and female side based on a sense of mutual like, love and without coercion between each other. On the other hand, marriage in Islam is considered not only a biological necessity, but in it there is a noble purpose in order to create a harmonious family concept by obeying every command given by Allah and his Messenger and staying away from every prohibition. In addition, marriage in Islam is expected to produce a offspring that can later provide many benefits in the midst of community life.

Choosing a suitable or worthy partner is one way to create a family that is sakinah, mawadah and waramah. In Islamic teachings, the term commensurate is known as the word sekufu/kafa'ah. Sekufu or kafa'ah in Islam means equality or balance between husband and wife in various things, such as social status, morals, wealth, etc. To create a harmonious family, these criteria will help each married couple in avoiding conflicts in their household. The word sekufu is often a problem when one person wants to get married. The meaning of sekufu is often clashed and interpreted with many interpretations by some groups, in which case sekufu is interpreted in terms of descendants.

In the book Al-Qawaninasy Ash-Sar'iyah, it is explained by Sayyid Uthman that, the concept of kafa'ah has other meanings outside of Islam, such as heredity and work, if it is found that a person from a descendant family (Sharifah) marries an ordinary man, then the marriage is considered invalid on the grounds that it is feared that it will lower his social status among other descendant families (Sayid usman bin Yahya, n.d.). The cultivation of this concept is often a problem, especially among the family, the marriage is considered invalid and haram according to Sayyid Ustman. This is due to the fact that the marriage will decide the nasab without regard to the lineage or nasab of the Prophet (peace be upon him).



The concept of kafa'ah according to Sayyid Ustman is often used by some parents from the descendants (Sayyid and Sharifah) in the current modern era. Some of these parents forbid their daughters (Sharifah) to marry non-sayyid men on the grounds of maintaining the line of descent. However, others do not really care about the marriage and are soft in responding to these differences on the grounds that the times are developing rapidly so that the sharifahs are not required to marry the sayyids and must be based on a sense of consensuality, love and affection for each other in order to build a harmonious household (Masruroh, 2014). Thus, there is a difference in attitude in responding to the prohibition of marriage between a person who comes from a hereditary family (Sharifah) and a man who does not come from a hereditary family.

On the other hand, the difference in attitude shown by Sayyid Ustman in terms of having a marriage among a descendant family (Sayyid) and a woman who comes from a non-descendant family. In this case, sayyid ustman does not have much of a problem with the marriage, even though in the marriage a woman has a higher social status when compared to the groom's family who comes from a descendant family. The marriage will be considered valid as long as it has received the blessing and willingness of the guardian of the woman in marrying the two (Harahap & Syarif, 2021). Through the previous explanation, it can be known about the attitude expressed by Sayyid Ustman by tolerating marriage between hereditary families (sayyid) and women who do not come from hereditary families.

Through the elaboration of the concept of kafa'ah according to Sayyid Ustman, it can be seen that his opinion on kafa'ah is based on the opinion of two previous scholars, namely Sayid Abdurrahman Ba'alawi who wrote the book *Bugiyah al-Musyatarsyidin* and Sayid 'Alawi bin Ahmad al-Saqaf who wrote the book *Tarsyikhul Mustahdin Bitausihi' Fathul Mu'n*. Both agreed that marriage between sharifah and non-Sayyid is strictly forbidden. It is even considered to be haram if the marriage is still carried out, even though on the other hand a sharifah and his guardian want each other to have the marriage. The purpose of the prohibition is to maintain the line of descent that is highly respected and so that there is no social jealousy among descendant families, namely by maintaining the feelings of the sayyid among other descendant families (Suriansyah & Rahmini, 2019).

Therefore, looking at this, the researcher is of the opinion that any fatwa or decision that has a relationship with wishes or other human life affairs should be studied first and reviewed more carefully,

especially in terms of its benefits and not to unite the ego of the individual, which in this case prohibits the marriage of a descendant family (sharifah) with someone who comes from a non-descendant family. The determination of the fatwa will later have an effect among the community, especially in the family environment. In addition, every fatwa or decision should follow the development of the times and adjust to the prevailing times by being more moderate and not too rigid so that later there will be no social conflicts between descendant families and those who come from non-descendant families.

C. *Kafaah Reviewed from the Perspective of Compilation of Islamic Law*

Women and men have the same role in the modern world. Before the times, women only spent time in the kitchen and mattress. However, in the modern era, many women do activities like men. Among these activities are in the fields of education, career, and politics. This change has an impact on daily life, for example, when choosing a partner to marry, a forward-looking woman will have high requirements for her potential partner, such as religion, ancestry from her home family, employment, and education. On the other hand, if both of them come from less advanced families, it will cause disharmony between them.

In the teachings of Islam, a person who wants to get married should choose each candidate from both men and women based on his religious knowledge. This is highly recommended in the teachings of Islam, in addition to the command in obeying religious teachings, choosing a good religion will make the marriage to the level of happiness and harmony in the household. According to Syafrudin Yudowibowo (Yudowibowo, 2012) men who want to marry are only allowed to marry women who have the same position, therefore there are some people who accept the concept of kafa'ah and some others reject the concept of kafaah in a marriage.

The determination of criteria in choosing prospective spouses of madzhab scholars has similarities and differences in opinions. According to Imam Malik, the concept of kafa'ah only discusses religion and is not defective (physical perfection) (NUZULIA FEBRI HIDAYATI, 2016). According to Imam Shafi'I, kafa'ah includes religion, nasab, independence (free slaves), work (adjusting to the region and the prevailing era) and not being defective. According to Imam Hambali, equality between men and women is related in terms of religion, descent (nasab), profession, property and independence (Zabidi & Noor, 2020). Thus, it can be seen that the three scholars argue that the most



important thing in determining the criteria for a couple according to the teachings of Islam is about their knowledge of religion.

The research conducted by Anas et al. (Anas et al., 2023) explained the concept of kafa'ah through the perspective of Wahbah az-Zuhaili through his work entitled *Fiqh Islam Wa Adillatuhu* which explained that the concept of kafa'ah is only centered on two cores, namely religion and condition. The maximum condition in the determination of kafa'ah in the marriage is what makes the woman feel comfortable when having her prospective partner and avoid the disgrace of the candidate. In addition, the essence of the condition in determining kafa'ah in marriage is that the prospective partner does not have a disability in terms of physical condition. This opinion is based on the opinion of Imam Malik as an individual who has faqihan in the field of fiqh. The goal with the concept of kafa'ah is to be able to create a happy and harmonious family through equality or equivalence between the female family and the male family.

In the book *Bughyah Mustarsyidin* by Sayid Abdurrahman Ba'alawi (Abdurrahman bin Muhammad Ba 'Alawi, 2006) several criteria for kafa'ah in choosing a partner are explained. The first criterion is explained that there is a similarity between the male and female families in terms of nasab, iffah (maintaining religion), independence (not a slave) and having a good understanding of religion. The second criterion is similarity in terms of nasab (descendants) iffah, independence and having a good understanding of religion and the third criterion is similarity on the part of men and women without including their respective parents. Therefore, through the explanation of these criteria, it can be seen that the meaning of kafa'ah is not only seen through the prospective partner, but both families must be involved and in this case both must have the same equality.

A study conducted by Aba Fahmi Roby (Roby, 2020) explained that if a woman of descent (Syarifah) wants to hold a marriage, it is highly recommended to choose a partner from among the descendants of men (Sayyid). This is aimed at maintaining the lineage of descent because the lineage of descent can only be passed down through male genes, in this case male descendants (Sayyid). In addition, another reason is to avoid social jealousy that occurs among descendant families. Therefore, due to several things, there are deviations that are carried out among the descendant families in marriages between sharifah and non-sayyid, such as parents with modern styles, lack of association

among the habaib, and do not know the meaning of the Prophet's Dzuriyyat.

In the custom of marriage that has a lineage or nasab with the Prophet Muhammad (Syarif and Sharifah), there is often a problem with the concept of kafa'ah. The problem comes from the inequality between the woman (Syarifah) and the man who comes from an ordinary family. Women (Syarifah) are required to marry fellow descendants (Syarif) with the aim of maintaining the cord of descent. While men (Sharif) are allowed to marry women who are not from the Shari'ah, this is because the fate is passed down through the genes of a man. Therefore, if the above concept is very relevant in the modern era, then the above concept becomes the focus of the research to be discussed.

Basically, Islam provides freedom for each of its people in determining the partner they will marry even though there are differences between each other such as in terms of descent, education, wealth or employment. Although in reality, the people themselves limit this freedom by making a binding rule. Islam never distinguishes between one human being and another, just as people with disadvantaged backgrounds can marry people who can afford and non-Arabs (descendants) can marry Arabs (descendants) (Yudowibowo, 2012). Thus, Islam always towers high on every human honor without distinguishing between each other and what only distinguishes between each other is the level of faith and devotion to Allah SWT.

In the Islamic compilation law, precisely in article 61, it states that a person who wants to get married but he has not been said to be sekufu other than outside religion, then it cannot be used as a reason to cancel a marriage (Munawaroh, 2021). Therefore, if there are still often annulments of marriage between the two parties due to non-sekufu, one of which is especially in the realm of nasab or descent, employment and education, then this concept is very contradictory and not in accordance with the compilation of Islamic law, especially in modern times. This is in line with the case of the prohibition of marriage that occurs among descendant families (syarifah) with those who do not come from descendant families is considered very contradictory and not in line with the compilation of Islamic law applicable in Indonesia.

Thus, the issues discussed in the compilation of Islamic law which will later become a basis in determining the criteria for marriage are good religious knowledge. As for the difference in terms of descent, work and education is not a problem as long as a person has good knowledge of religion, virtuous and honest even though a person comes from a



disadvantaged family, if you want to be associated with the phenomenon that occurs in the modern era today, especially marriage among descendants (sharia and non-sharif) by having the concept of kafa'ah, then the marriage is very inconsistent with the compilation Islamic law. In addition, marriage severely restricts the freedom that women have in determining their preferred partner

IV. DISCUSSION

A. *Kafa'ah Reviewed from the Perspective of Sharia Maqosyid*

Every individual who wants to get married is given the freedom to determine the criteria related to their prospective partner in the future. One of the problems that is often found in before going to the level of marriage in choosing a partner is about the meaning of the concept of kafa'ah. Kafa'ah is a right for women and their guardians. In the teachings of Islam, kafa'ah is not a condition for the validity of a marriage or not, but the determination of the criteria (kafa'ah) of the couple before marriage is highly recommended in order to create a harmonious family environment of sakinah, mawaddah and waramah and to avoid major conflicts in the household and can cause divorce (Ghozali, 2010).

Confusion about the concept of kafa'ah is often found in the marriage of offspring between a person (sharifah) and a non-sayyid. According to the descendant families (sayid and syarifah), the understanding of the concept of kafa'ah discusses only two criteria, namely the first on the quality of religion and the second on the nasab of Alif Ayu Aimatul Huda, "The Implications of the Criteria of Fa'ah in Nasab on Family Harmony Among Arabs (Study in Kasin Village, Klojen District, Malang City).," Maulana Malik Ibrahim State Islamic University, Malangalang (2017) p. 69.. Meanwhile, in the hadith of the prophet, it is said that it was narrated by Imam Bukhori in the 4700th hadith that the Prophet Muhammad (saw) said

تُنكِحُ الْمَرْأَةَ لِأَرْبَعٍ : لِمَالِهَا وَلِحَسْبِهَا وَلِجَمَالِهَا وَلِدِينِهَا،
فَاطْفِرُ بَدَاتِ الدِّينِ تَرَبَّتْ بِذَاكَ

Meaning: "*From Abi Hurairah Ra., from the Prophet (peace be upon him) said: A woman is married because of four things, because of her wealth, because of her offspring, because of her beauty, and because of her religion, so hold on to her religion so that you can get happiness*".

Thus, there is a difference in the understanding of the meaning related to the concept of kafa'ah between the descendant families (sayyid and syarifah) and the fuqoha who refer to the hadith of the Prophet Muhammad (PBUH). The

understanding of the concept of kafa'ah above among descendant families makes marriage prohibition between a sharifah (female descendant) and a non-sayyid man. The reason for the prohibition of marriage is to be able to maintain the line of descent among the descendant family and avoid social jealousy among the descendant family if a marriage between a sharifah and a non-sayyid occurs. In addition, the understanding of this concept is related to one of the aspects in sharia maqosyid, namely hifdzul an-nasl (protecting offspring).

The aspect of sharia maqosyid (hifdzul an-nasl) is a major benefit that has an important role in maintaining offspring so that they can continue to survive and prevent extinction through the prohibition of marriage between descendant families (syarifah) and non-sayyid groups. In a study conducted by Achmad Beadie Busyroel Basyar (Achmad Beadie Busyroel Basyar, 2020), according to him, the prohibition of marriage aims to hifdzul an-nasl (taking care of offspring) with several kinds of efforts such as choosing a good partner in order to create good offspring, requiring every parent to educate their children in the future using Islamic concepts, maintaining the health of the reproductive organs.

Another aspect of sharia maqosyid that has a relationship with the concept of kafa'ah in the prohibition of marriage between descendant families and non-sayyid is the aspect of Al-Hajjiyat (secondary level). According to Ash-Syatibi, the simple definition related to Al-Hajjiyat is a secondary need that if not fulfilled does not threaten his safety or destruction but will still encounter difficulties if forced. Thus, when associated with the prohibition of marriage between descendant families (sharifah) and non-sayyid, it produces several benefits such as creating a harmonious family, avoiding social disgrace among the family and society, and avoiding internal and external conflicts between the two extended families.

Maintaining offspring through marriage bonds in accordance with religious rules is an expected benefit both legally and for each individual and is included in maṣlahah adh-dharuriyyah. And the spread of biological needs between men and women through marriage to avoid adultery is also included in adh-daruriyyah. Every family bond formed through marriage must want peace of mind that is overwhelmed with affection, the eternity of the marriage bond that is mitsaqon ghalidzan, and the harmony of husband and wife that results from equality (Zuhaili, 1986). In order to achieve a sakinah mawaddah wa rohmah family without social disputes and disgraces, therefore every couple who wants to



get married should be needed to understand the concept of kafaah between the two of them.

This hajiyat helps and facilitates man's relationship with his Khaliq and his fellow man and avoids constant difficulties and difficulties. Hajjiyat can also mean benefits that although they do not cause damage, they are not at the level of damage that occurs in dharuriyat. Hajjiyat, according to Syatibi, is everything that is needed to support and avoid difficulties and complications. If these hajjiyat things are not protected, they will cause greater damage than the damage arising from general benefits (dharuriyat). With the mashlahat obtained, namely maintaining the glory of the Prophet Muhammad PBUH's nasab so that it is not mixed with other nasab, the concept of kafaah related to the Prophet's nasab is very important considering the purpose of maintaining the glory of the prophet's nasab. However, according to the majority of scholars, the kafaah in question is that kufu (kafaah), which is the measure, is found in the religion and daily morals to Allah SWT and to other human beings and not in the amount of property owned or social status or the lineage of the nasab that he has.

Some fiqh scholars agree that the similarity between the two prospective couples in marriage both in terms of social and religious is an effort to create a harmonious family. The concept of benefits offered by the aspect of Al-Hajjiyat in an effort to create a lasting and harmonious family is a form of sustainability of the concept of kafa'ah when viewed through the maqosyid of sharia. The benefits in the conflict of prohibiting marriage between a sharifah and a non-sayyid are an effort to achieve sharia maqashid, both emergency (adh-dharuriyyah), al-hajjiyat and tahsiniyyat. Therefore, indirectly such a thing is related to the aspect of hifdzul an-nasl which is included in the five aspects of sharia maqosyid (Zabidi & Noor, 2020).

B. Marriage Conflict in Forming a Harmonious Family Among Hereditary and Non-Hereditary Marriages.

1. Conflict Between Large Families (Both Families)

A harmonious family is known to be a dream for every individual. One of the goals of marriage is to create a family that is sacred, mawadah and waramah of mutual affection for each other, complementing each other's shortcomings, helping each other and cooperating in goodness (Qaimi, 2002). However, it is often found that there are conflicts that occur in a marriage, especially a marriage that has differences whether it is ethnicity, ethnicity or race which has an impact on conflicts between extended families.

As revealed in a study conducted by Hafidzah, et al. entitled *Marriage Dynamics in Arab Ethnicity in West Sumbawa Regency, West Nusa Tenggara* (Awalia, 2021) there is a problem that occurs among large families. Among them are:

a. Lack of support from one of the families. This problem usually occurs in marriages that have different family backgrounds, in which case there is a difference in terms of descent (Sharifah) and ordinary men (non sayyid). In this case, the woman's family did not agree with the marriage that took place with the man, it was due to the class difference that occurred between the two, even though the male side did not mind the difference.

b. Excluded from one of the family. Another problem is the exclusion carried out by one of the families, which in this case is carried out by the woman's family (Syarifah) by not attending the wedding. As the belief held by every Arab, if there is a Sharifah who marries a non-sayyid, he will be ostracized by his extended family and will be cut off from all good relations between himself and his extended family because he is considered dead (Assagaf, 2000).

Therefore, through the discussion above, a conclusion can be drawn, namely in creating a harmonious family by involving both parties, one of which is necessary with a blessing. The obstruction of a blessing from one of the family parties is often a trigger for commotion in a household. This is found in the example of a marriage case that occurred in Sumbawa between a descendant family (Syarifah) and an ordinary man. A marriage that begins without the blessing of one of the families or both, is usually very vulnerable to finding a problem and making the marriage uncomfortable. This can be seen through the level of satisfaction felt by the two couples (Williams, B.K., Sawyer, S.C., & Wahlstrom, 2006).

2. Tension between husband and wife

In a marriage we often find a conflict between husband and wife. The conflict usually begins with a form of misunderstanding between the two who do not understand each other or indeed a mistake made by one of them cannot be tolerated. Marriages that have different backgrounds are very vulnerable to conflicts in the values of beliefs and beliefs adhered to. According to Soekanto (Soekanto, 2017), the tension that occurs where each individual or group has different visions and missions and conflicts with each other in order to achieve their goals.

As explained in a study conducted by Syarifah et al entitled *The Picture of Marriage Satisfaction in Women of Arab Descent Who Marry*



Other Ethnicities (Ragoan et al., 2017), there is a conflict that occurs between the married couples who have different backgrounds. The conflict occurred when the husband was caught cheating on his wife. This incident made the wife feel disappointed in her husband so that it greatly affected how the satisfaction of the marriage was in the wife's assessment. However, after the wife listened to her husband's explanation, the wife forgave the incident. In addition, there is a reason why the informants in the study prefer to marry non-sayyids. The reason for this is because of the trauma experienced by the informant due to the marriage that occurred with his departure not going harmoniously and the father (Sayyid) had more than two wives. In addition, according to him, men of Arab descent (sayyid) treat every woman not in a good way and lack a sense of responsibility as their father did as an example in the family. This will certainly be a conflict in the household.

Therefore, based on the results of the above presentation, it can be concluded that in responding to every problem, especially in a family, it is necessary to build good communication between the two so that there is no misunderstanding between the two. In addition, it can be known that it is a reason why in this modern era women (Sharifah) are reluctant to marry men of descendants (Sayyid) because of several things such as the lack of good treatment and lack of responsibility when providing for the family.

3. ***Hereditary Selfishness/Nasab***

In a study by Maruroh that discusses the *Marriage of Sharifah with Non Sayyid in the Benchmark of Kraksaan Probolinggo, the Perspective of Imam Malik and Imam Syafii'I*. The researcher revealed about how the habaib thinks about the marriage of sharifah with a non-sayyid man, namely that there are two different responses from the habaib about the marriage. Some habaib forbade the marriage on the grounds that the sharifahs should keep the line of descent by marrying the descendants of the sayyids. In the modern era, the prohibition on marriage is often ignored by some sharifahs, which makes the sharifahs get a sanction, namely being excluded from the extended family and even considered dead.

On the other hand, some habaib did not have a problem with the marriage ban. The habaib were more lenient by not requiring their daughters to marry the sayyids. This is due to the rapid development of the times so that the sharifahs are no longer required to marry the sayyids. Another thing that makes the habaib not have a problem with sharia

and non-sayyid marriages is because in a marriage the importance of mutual consent between the couple by not prioritizing the ego of each family with the aim of creating a harmonious relationship.

Therefore, through the above discussion, a conclusion can be drawn that there is a difference of opinion among the habaib regarding marriage between sharifah and non-sayyid. Some habaib forbade the marriage on the grounds that they would maintain the line of descent, which indicates how strong the ego of the family is. Meanwhile, on the other hand, some habaib do not make this provision something that must be lived by every sharifah, the habaib is more lenient and keeps pace with the development of the times.

V. CONCLUSIONS

Based on the results of the analysis of the above discussion, it can be concluded that the concept of Kafa'ah proposed by Sayyid 'Uthman, especially regarding the prohibition of marriage between sharifah and non-sayyid, is no longer relevant in today's society. Injustice is felt by the sharifah who want to get married soon, and this tradition is slowly starting to be abandoned because the purpose of marriage is to create a peaceful and happy household, not just to maintain equality of status. Sekufu marriage between sharifah and sayyid does not always guarantee happiness, nor does a shari'a marriage with a non-sayyid mean that it will not last. Differences can actually enrich the relationship as long as the couple accepts each other and provides comfort. In the modern context, Kafa'ah is no longer considered a valid condition for marriage as long as there is a blessing of the guardian and there is no difference in religious beliefs. The Compilation of Islamic Law Article 61 also emphasizes that not sekufu is not a reason to annul a marriage except for religious differences. In maqasid sharia, this prohibition is related to Hifdzul An-nasl to protect offspring, but this prohibition is also considered to create social and religious benefits, as well as prevent extended family conflicts.

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