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## **The Concept of *Kafa'ah* in the Nineteenth Century Javanese Muslim Scholars' View: A Study on the Ulama Rifa'iyah's Thought**

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### **Abstract:**

This study aims to analyze the views of the Rifa'iyah scholars in Kandeman District, Batang Regency, regarding the concept of *kafa'ah* in marriage, as well as to know and understand the factors behind the concept of *kafa'ah* that they constructed. This juridical-sociological research used a historical-sociological approach. The results showed that in the views of the Rifa'iyah scholars in Kandeman District, Batang Regency, towards the concept of *kafa'ah*, which is interpreted as equal or balanced, Rifa'iyah scholars in the area understand that the urgency function of *kafa'ah* lies in creating a harmonious family even though *kafa'ah* does not determine whether or not a marriage is valid. According to Ulama Rifa'iyah, the essential criterion for *kafa'ah* must be of the same religion. Then, the scholars provide recommendations following the formation of the *kafa'ah* conception contained in the *Tabyinal al-Islah* Book that a prospective wife must be of a lower degree than a prospective husband so that a wife respects/obeys her husband. However, if the context is the other way around, it is not a problem as long as the wife obeys her husband. The concept of *kafa'ah*, formed among the Rifa'iyah scholars in Kandeman District, Batang Regency, was caused by various factors, including religion, beauty, lineage, and wealth. There are supporting factors, namely educational, social and cultural factors.

**Keywords:** Harmonious Family, *Kafa'ah*, *Tabyinal al-Islah* Book, Ulama Rifa'iyah

### **Introduction**

Rifa'iyah is one of the Islamic social organizations in Indonesia. The initial form of this organization was the protest movement in 1850, which K.H. Ahmad Rifa'i pioneered from Tempuran, Kendal. Departing from this historical fact, the

Rifa'iyah movement is also referred to as social resistance and not merely an Islamic da'wah movement. K.H. Ahmad Rifa'i, the founding figure of this movement, carried out political resistance through the movement of writing and teaching *Tarjumah* books as a form of political resistance, aimed at the Dutch colonial government and traditional bureaucrats who worked for the colonial by disobeying orders from existing formal institutions.

The condition of Muslims, especially in Java, is described as thick with mystical elements, which result in Muslims ignoring Islamic law. Therefore, after returning from Mecca in the 1840s, K.H. Ahmad Rifa'i made improvements to the condition of Muslims, which according to him, had been filled with bid'ah. The method taken by K.H. Ahmad Rifa'i is the teaching of his book called *Tarjumah*. This book is the result of translating Arabic books into Javanese using the Arabic Pegon letters. It is hoped that the presentation of such a book will make Islamic teachings easy to memorize, understand and practice by ordinary people. In general, *Tarjumah* discusses the issue of *Ushuluddin* (knowledge of the basics of Islam), *Fiqh* (knowledge of Islamic law), and Sufism (way to get closer to Allah SWT).<sup>1</sup> KH. Ahmad Rifa'i teaches pure religious teachings and their values through art, culture, and artistic and literary creations relevant to the Javanese people's local wisdom values.<sup>2</sup>

One of their teachings that he taught is about *kafa'ah*, where the concept of *kafa'ah* he constructed is different from the concept of *kafa'ah* from classical to contemporary scholars. Rifa'iyah scholars believe that *kafa'ah* is very important because, in Islam, *kafa'ah* is recommended for prospective husbands/wives as a form of effort to create harmony in the household, safeguarding the safety of prospective wives from failure or collapse of the household. An unbalanced and disharmonious marriage will cause prolonged problems and become one of the causes of household failure. Therefore it is imperative to consider the practice of *kafa'ah* in marriage.<sup>3</sup> The diversity of a person is a benchmark to consider in the matter of *kafa'ah*. If the prospective husband is of low rank but has a pious personality, then he has the right to marry a candidate with a higher degree. A man who is good in religion, even though he has no wealth, may marry a woman with wealth. It is not the same as the case where a person whose religion is good marries a wicked person.<sup>4</sup> In general, *kafa'ah* includes *luzum* or standard requirements for marriage even though it is not included in the pillars or legal requirements of marriage. This means that if a person enters into a marriage without considering *kafa'ah*, then his marriage is still valid, but if he has a family and there is an everyday basis or understanding between the two, then the household relationship will feel harmonious and happy.<sup>5</sup> All this indicates

<sup>1</sup> Nila Asna Fadhila and Rabith Jihan Amaruli, "Organisasi Rifa'iyah Dan Eksistensinya Di Kabupaten Wonosobo, 1965-2015: Pengajian, Pesantren, Dan Sekolah," *Historiografi* 1, no. 1 (2020): 89–90, <https://ejournal3.undip.ac.id/index.php/historiografi/article/view/27810/0>.

<sup>2</sup> Muhammad Jaeni, "Seni Budaya Rifa'iyah: Dari Syi'ar Agama Hingga Simbol Perlawanan (Menggali Nilai-Nilai Seni Budaya Dalam Kitab Tarajumah Dan Kehidupan Masyarakat Rifa'iyah)," *Jurnal Kajian Kebudayaan* 10, no. 1 (2017): 2, <https://doi.org/10.14710/sabda.10.1.1-26>.

<sup>3</sup> Abdul Rahman Ghozali, *Fiqh Munakahat* (Jakarta: Prenadamedia Group, 2003), 96–97.

<sup>4</sup> Tihami Tihami and Sohari Sahrani, *Fikih Munakahat Kajian Fikih Nikah Lengkap* (Depok: PT Rajagrafindo Persada, 2014), 57–58.

<sup>5</sup> Jumni Nelli and Sobhan Lubis, "Community Support for Divorced Women: A Study in Riau Province," *Samarah* 6, no. 1 (2022): 407–22, <https://doi.org/10.22373/SJHK.V6I1.12467>.



that finding an equal life partner is important.<sup>6</sup> In the current era of modernization, equality is often interpreted as being equal in social position, equal in lineage, and balanced in terms of property ownership.<sup>7</sup> Islam is a religion providing foundations and solutions in its teachings with a message of peace and kindness. Likewise, in the dimension of family law<sup>8</sup>, equality becomes a concern. This aims to realize a household life that embraces the principles of *sakinah*, *mawaddah*, and *rahmah*.<sup>9</sup>

Noting the importance of equality or balance in marriage between husband and wife or *kafa'ah*, it would be appropriate if every Muslim practised this *kafa'ah* before getting married even though *kafa'ah* is not one of the pillars of marriage that must be fulfilled. Every scholar certainly has a different view of the concept of *kafa'ah*. In fact, several Islamic organizations in Indonesia have the concept of *kafa'ah* according to their views. The *Jama'ah Rifa'iyah* in Kandeman District, Batang Regency considers that the meaning of *kafa'ah* is equal in terms of religion, and the book *Tabiyin al-Islah*—the guidebook of *Jama'ah Rifai'iyah*—explains that the essential *kafa'ah* should ensure that the woman in this marriage context does not hold a noble position higher than that of the man marrying the woman. be done not let it happen that the woman to be married has a more noble level than the man to be her husband. This means that the concept of *kafa'ah* from the Rifa'iyah scholars is very different from the concept of *kafa'ah* formed by other scholars, such as the scholars of four *mazhabs* (school of thought).

Several studies discuss *kafa'ah*, such as the work of Sawaluddin Siregar which examines *kafa'ah* at Mandailing Batak traditional marriages in Tabagsel, where many people in the area marry without regard to *kafa'ah* in the household. There are often discrepancies, quarrels, discrediting each other, and ending up in court (divorce) is not something uncommon because they do not heed the *kafa'ah* element, and it becomes an issue.<sup>10</sup> Insiyah Abdul Bakir and Maida Hafidz's work focuses on building family resilience by implementing the concept of *kafa'ah* before and after marriage.<sup>11</sup> Said Syaripuddin and Andi Banna's work discusses the attitude of the syarifah women's community in Lau sub-district which sets specific criteria for

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<sup>6</sup> Otong Husni Taufik, "Kafāah Dalam Pernikahan Menurut Hukum Islam," *Jurnal Ilmiah Galuh Justisi* 5, no. 2 (November 22, 2017): 179, <https://doi.org/10.25157/jigj.v5i2.795>.

<sup>7</sup> Mhd. Rasidin, Natardi Natardi, and Doli Witro, "The Impact of Unequal Marriage on Household Harmony (Case Study in Sungai Penuh City, Jambi)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 2 (2020): 313–36, <https://doi.org/10.22373/sjhk.v4i2.8083>.

<sup>8</sup> Lukman Santoso and Bustanul Arifin, "Perlindungan Perempuan Korban Kekerasan Perspektif Hukum Islam," *De Jure: Jurnal Hukum Dan Syar'iah* 8, no. 2 (2017): 113, <https://doi.org/10.18860/j-fsh.v8i2.3732>; Musda Asmara, Rahadian Kurniawan, and Linda Agustian, "Teori Batas Kewarisan Muhammad Syahrur Dan Relevansinya Dengan Keadilan Sosial," *Journal de Jure* 12, no. 1 (June 15, 2020): 18, <https://doi.org/10.18860/j-fsh.v12i1.7580>.

<sup>9</sup> Nanda Himmatul Ulya, "Pola Relasi Suami-Istri Yang Memiliki Perbedaan Status Sosial Di Kota Malang," *De Jure: Jurnal Hukum Dan Syar'iah* 9, no. 1 (2017): 56, <https://doi.org/10.18860/j-fsh.v9i1.4854>.

<sup>10</sup> Sawaluddin Siregar and Misbah Mardia, "Relevansi Term Kafa'ah Pada Pernikahan Adat Batak Mandailing Di Tabagsel," *Jurnal AL-MAQASID: Jurnal Ilmu Kesyarifan Dan Keperdataan* 7, no. 2 (April 4, 2022): 290–302, <https://doi.org/10.24952/almagasid.v7i2.4688>.

<sup>11</sup> Insiyah Abdul Bakir and Maida Hafidz, "Konsep Kafa'ah Sebagai Upaya Membangun Ketahanan Keluarga Dalam Membentengi Campur Tangan Orang Tua/Mertua," *Al-'Adalah: Jurnal Syariah Dan Hukum Islam* 7, no. 2 (December 28, 2022): 204–32, <https://doi.org/10.31538/adlh.v7i2.2516>.

choosing their future husbands in the form of lineage equivalence.<sup>12</sup> The work of R. Zainul Mushtofa and Siti Aminah explores Islamic law regarding the practice of *kafa'ah* as an effort to form a Sakinah family, where these practices can be obtained at the Sunan Drajat Islamic Boarding School Foundation.<sup>13</sup> Imam Subchi's work explains how the Hadrami Arab community maintains the law of sekufu marriage or endogamous marriage in the Malay world, such as in Indonesia, Malaysia and Singapore from the 1990s to the present.<sup>14</sup> The work of Akhmad Haries and Agus Setiawan discusses several topics related to marriage in the Banjar community, with a focus on the book *Kitab an-Nikah* by Sheikh Muhammad Arsyad al-Banjari. Some of the topics discussed in the research include maintenance in marriage, granted consent, and *kafa'ah*.<sup>15</sup>

The work of Sayed Sikandar Shah Haneef et al. discusses the development of local fiqh, among other things, emphasizing the customary approach in the development of fiqh by highlighting the weaknesses in the dominant approach to reform and renewal of family law. One of their methodological tools is to examine existing family fiqh from 'urf-based content and explore ways of dealing with new customs and customs that are different from those of people in the rest of the Muslim world.<sup>16</sup> Muhammad Farooq's work explores the consent of an adult woman as the main element in carrying out a Muslim marriage, where the main conclusion of this paper is that the two concepts are used to maintain power in marriage. On the one hand, marital protection is the desire to control the position of men, and on the other hand, *kafa'ah* limits women's choices in choosing a life partner.<sup>17</sup> The work of Nawiroh Vera et al. seeks to reveal the identity of Indonesian Arab women in terms of lineage and *kafa'ah* marriage. The conclusion is that the identity of Arab women has historically been shaped by the patriarchal culture of the ethnic Arabs from their region of origin in Yemen. The position of Solo Arab women as a socially marginalized lower group is caused by the limited space of women. Women are considered a group that does not have extensive knowledge about lineage traditions

<sup>12</sup> Said Syaripuddin and Andi Banna, "Kafa'ah Nasab Sebagai Syarat Utama Bagi Pernikahan Wanita Syarifah Di Kecamatan Lau," *Al-Tafaqquh: Journal of Islamic Law* 3, no. 2 (July 31, 2022): 73–87, <https://doi.org/10.33096/altafaqquh.v3i2.171>.

<sup>13</sup> R. Zainul Mushtofa and Siti Aminah, "Tinjauan Hukum Islam Terhadap Praktek Kafa'ah Sebagai Upaya Membentuk Keluarga Sakinah (Studi Praktek Kafa'ah Di Kalangan Yayasan Pondok Pesantren Sunan Drajat)," *Ummul Qura: Jurnal Institut Pesantren Sunan Drajat (INSUD) Lamongan* 15, no. 1 (April 30, 2020): 11–23, <https://doi.org/10.55352/uq.v15i1.110>.

<sup>14</sup> Imam Subchi, "Kafa'ah among the Hadrami Arabs in the Malay World (Anthropology of Law Approach)," *Jurnal Cita Hukum* 8, no. 2 (August 1, 2020): 415–34, <https://doi.org/10.15408/jch.v8i2.16574>.

<sup>15</sup> Akhmad Haries and Agus Setiawan, "The Study On Guardianship In Marriage, Marriage Consent (Ijab Kabul), and Kafa'ah In Kitab An-Nikah by Sheikh Muhammad Arsyad Al-Banjari," *Baltic Journal of Law & Politics* 15, no. 1 (2022): 1904–14, <https://doi.org/10.2478/bjlp-2022-00121>.

<sup>16</sup> Sayyid Sikandar Shah Hanif, Miszairi Bin Sitiris, and Saidatolakma Binti Muhammad Yunus, "Local Family Fiqh in Malaysia : An Analysis of 'urfi Methodological Framework," *Journal of Islam in Asia* 17, no. 3 (2020): 117–33, <https://search.emarefa.net/en/detail/BIM-1284445-local-family-fiqh-in-malaysia-an-analysis-of-'urfi-methodolo>.

<sup>17</sup> Muhammad Farooq, "Walayah (Guardianship): The Authority Over A Woman's Choice in Marriage and How This Reflects A Desire To Control and Kafa'a (Equality): A Barrier To A Woman's Marriage Choice?," *Granite Journal: A Postgraduate Interdisciplinary Journal*: 3, no. 2 (2019): 20–27.



and *kafa'ah* marriages.<sup>18</sup> Sana Binte Haroon's work explores subjects related to the compatibility of partners in the marriage contract in contemporary Muslim marriages. This includes social compatibility, namely the concept of *kufu* or equality between spouses according to Islamic teachings. This research sheds light on the provisions in the Qur'an and Sunnah for suitable partners for marriage, as well as discusses the norms of contemporary Pakistani society and cultural barriers that ignore the Sharia provisions for *kufu*.<sup>19</sup>

Soheb Niazi's work examines social stratification among South Asian Muslims by highlighting the hierarchical conception practised by Muslims in northern India that developed during colonial rule.<sup>20</sup> Ahmad Saifuddin Al Rosyid and Ahdiyatul Hidayah's work discusses the importance of *kafa'ah* (conformity) in the bonds of marriage in Islam. *Kafa'ah* includes conformity in terms of beliefs and heredity between the husband and wife. This research emphasizes that balance between spouses in the household is very important to create true happiness and build harmonious relationships.<sup>21</sup> While this research discusses the epistemology of thought of the Rifa'iyah scholars towards this concept in-depth so that the essence of its construction can be found to the expected goals. According to the problems described above, the discussion can be explained systematically. This paper aims to find out the views of Rifa'iyah scholars in Kandeman District, Batang Regency regarding the concept of *kafa'ah* in marriage and to find out what factors influence the concept of *kafa'ah* according to Ulama Rifa'iyah in Kandeman District, Batang Regency.

This research combines juridical and sociological approaches, using descriptive analysis methods. The data used in this study consisted of primary data and secondary data. Primary data sources or main data were obtained directly from research subjects through direct data collection from relevant information sources. This primary data was obtained by observing research subjects and recording the relevant contents of the subjects involved.<sup>22</sup> The main source in this study was obtained from direct interviews with Ulama Rifa'iyah in Kandeman District, Batang Regency. Meanwhile, secondary data sources were obtained indirectly from a second source. This secondary data includes research results in the form of reports and other sources, including books relevant to the research topic.<sup>23</sup> This study used secondary data sources such as theses, journals, books, and literature related to the theory of *kafa'ah* in marriage. The research subjects involved the ulema in Kandeman District, Batang Regency. Data collection methods used included interviews, documentation,

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<sup>18</sup> Nawiroh Vera et al., "Identity, Nasab, and Kafaah in Marital Life: A Look into Indonesian Arab Women in Solo, Central Java, Indonesia," *Asian Social Science* 14, no. 4 (March 19, 2018): 30–37, <https://doi.org/10.5539/ass.v14n4p30>.

<sup>19</sup> Shahzadi Pakeeza and Sana Binte Haroon, "Compatibility for Marriage in Islam (Kufū) and Societal Perspectives," *Jihat Ul Islam* 15, no. 2 (2022): 1–16, <https://doi.org/10.51506/jihat-ul-islam.v16i1.146>.

<sup>20</sup> Soheb Niazi, "Sayyids and Social Stratification of Muslims in Colonial India: Genealogy and Narration of the Past in Amroha," *Journal of the Royal Asiatic Society* 30, no. 3 (July 18, 2020): 467–87, <https://doi.org/10.1017/S1356186320000358>.

<sup>21</sup> Ahmad Saifuddin Al Rosyid and Ahdiyatul Hidayah, "The Concept Of Kafa'ah In Marriage According To The Views Of Ulama Of Amuntai Tengah District," *Maqasid: Jurnal Studi Hukum Islam* 12, no. 1 (2023): 89–104, <https://doi.org/10.30651/mqsd.v12i1.18347>.

<sup>22</sup> Saifuddin Anwar, *Metodologi Penelitian* (Yogyakarta: Pustaka, 2010), 91.

<sup>23</sup> Amirudin Amirudin and Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: PT Raja Grafindo Persada, 2004), 30.

and direct observation from which related information was recorded. Interviews were conducted with scholars to gain insight and their views on the theory of *kafa'ah* in marriage. Meanwhile, documentation is done by collecting data from theses, journals, books, and other relevant library sources. By combining these three methods, this study will obtain comprehensive information on the topic under study.<sup>24</sup> In this context, researchers will collect information about the concept of *kafa'ah* in marriage according to the views of Ulama Rifa'iyah.. With the interviews as in this research, data collection techniques fall into the category of structured interviews. When conducting the interviews, the researchers used research instruments containing questions related to the concept of *kafa'ah* in marriage. Interview questions were addressed to Ulama Rifa'iyah in Kandeman District, Batang Regency. Furthermore, the documentation method is used to obtain data by studying records of past events documented in the form of archives, books, legislation, and other sources.<sup>25</sup> In this study, researchers carried out reading, studying, and analysis of literature related to the concept of *kafa'ah* in marriage. The research informants consisted of the Muslim community and Rifa'iyah clerics in Kandeman District, Batang Regency. Because the informants have homogeneous characteristics, this research used purposive sampling, meaning that the researchers deliberately determined the sample as their wish, as cited from the view of Soerjono Soekanto.<sup>26</sup> In this study, the criteria used to select informants were: the Muslim community and Rifa'iyah clerics who understand the concept of *kafa'ah*. Data analysis uses analyzing techniques with data reduction, data presentation and conclusions drawn from existing data.<sup>27</sup>

### Views of four Madzhab Imams on the Concept of *Kafa'ah*

Referring to the thought of Hanafi, *kafa'ah* is interpreted as equality between a man and a woman, in this case, husband and wife. These provisions consist of 6 aspects, including, first, descendant that will serve as the basis of consideration for someone to determine a life partner because offspring gives pride. Second, Islam is not only seen by one person but by his descendants. Thirdly, independence and freedom from slavery are also criteria in *kafa'ah*. Fourth is diversity. Fifth is wealth, meaning that a person will be considered equal when he can pay a dowry and can fulfil his living. Six is professions.<sup>28</sup> In the view of this *mazhab*, *kafa'ah* is an important matter, so it becomes a *luzum* requirement; this condition is related to marriage which, of course, will be closely related to the marriage guardian. This means that if the terms of *kafa'ah* cannot be fulfilled properly, then the marriage guardian can directly *fasakh* (remove) their marriage relationship.

<sup>24</sup> Burhan Bungin, *Metodologi Penelitian Kualitatif* (Jakarta: Rajawali Pers, 2011), 143.

<sup>25</sup> Suharsimi Arikunto, *Manajemen Dan Penelitian* (Jakarta: Rineka Cipta, 1995), 200.

<sup>26</sup> Bambang Sunggono, *Metode Penelitian Sosial Dan Hukum* (Jakarta: Rajawali Pers, 2011), 118.

<sup>27</sup> Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook* (California: SAGE Publications, Inc., 2014); Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis (a Source Book of New Methods)* (Beverly Hills: Sage Publications, 1984); Sugiyono Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R & D* (Bandung: Alfabeta, 2013).

<sup>28</sup> Muhammad Abu Zahrah, *Al-Ahwal Asy-Syakhsiyah* (Dar al-Fikr al-'Arabi, n.d.), 165–161.



The view of the Maliki implies that *kafa'ah* is a legal requirement.<sup>29</sup> With a note that the *kafa'ah* must prioritize the element of willingness on the part of the wife and guardian. When the wife and her guardian do not give up the marriage relationship, then the marriage is invalid. In this *mazhab* of thought, the criteria for determining whether or not a male and female candidate is equal is only seen from the side of his piety and whether or not he/she has defects/disgrace. Furthermore, there are waivers in the *mazhab* for the criterion of disability/disgrace, which can be waived in an emergency. In terms of the criteria for independence, there are two conflicting arguments; First, the argument put forward by Imam Malik explains that independence is a legal requirement, but some others argue that independence is not a legal requirement.<sup>30</sup> As time progresses, followers of the Maliki *mazhab* have introduced elements of *kafa'ah*, which are social equality. This happened because people's habits began to develop, and they had new necessities.<sup>31</sup>

The element of *kafa'ah*, with social equality as its nature, represents a condition which, in the view of society, is essential to make a choice, a condition in which a person must be free from physical disabilities which can hinder the implementation of sexual activities in the household and can have harmful effects afterwards, such as madness, leprosy, or leprosy.<sup>32</sup> Next is *kafa'ah* according to the Syafii *mazhab* of thought, *kafa'ah* is something that can cause feelings of shame when ignored, meaning that a man must have equality with a woman in predetermined criteria.<sup>33</sup> According to this *mazhab*, the position of *kafa'ah* itself is social, meaning that all conditions or criteria for equality are returned to the culture/customs of the area they apply, according to which *kafa'ah* is not a condition that can cancel a marriage.

There is the material that has been recorded by 'Umar Faroukh regarding the elements in *kafa'ah*, where according to the Syafii *mazhab*, there are two elements, the *mu'tabar* elements consist of five, and the non-*mu'tabar* elements consist of two.<sup>34</sup> The explanation is as follows: First, the condition where the disgrace that someone carries may give rise to *khiyar* rights, such as leprosy, impotence, madness, and others; second, the freedom from enslaved people; third, offspring that can be ruled out if the wife and guardian do not mind; Fourth, the quality of religion, a measure of quality in *kafa'ah*, namely the wickedness of a man; Fifth, the absence of a lowly profession. Meanwhile, the elements not categorized as *mu'tabar* are divided into two, namely wealth and age, where the former is not represented by the total amount owed, but only the criteria in outline, while the latter, according to scholar Al-Ruyani, explains that a man at an old age will not be comparable to a younger woman.<sup>35</sup> So in this case, long age is also a cause of unequal relationships in a marriage.

According to the Hambali *mazhab*, *kafa'ah* is defined as equality and equivalence between men and women in marital relations. There are five aspects in this *mazhab*: religion, work, wealth to pay dowry and maintenance, freedom from

<sup>29</sup> Ad-Dairobi, *Ahkam Az-Zawaj 'Ala Mazahib Al-Arba'Ah* (Beirut: Dar al-Kutub al-Ilmiyyah, 1986), 159.

<sup>30</sup> Zahrah, *Al-Ahwal Asy-Syakhsyah*, 162.

<sup>31</sup> Hamudah Al-Ati, *The Family Structure In Islam* (Indiana Polis: American Truth Publications, 1977), 90–91.

<sup>32</sup> Abdurrahman Al-Jaziri, *Al-Fiqh 'Ala Al-Madzahib Al-Arba'Ah, Juz. IV* (Beirut: Dar al Fikr, n.d.), 58.

<sup>33</sup> Al-Jaziri, 58–59.

<sup>34</sup> Ad-Dairobi, *Ahkam Az-Zawaj 'Ala Mazahib Al-Arba'Ah*, 155–58.

<sup>35</sup> Muhyi al-din bin syaraf Abu Zakariya Al-Nawawi, *Rawdah Al-Talibin Wa 'Umdah Al-Muftin* (Beirut: Dar al-Fikr, 1995), 175–78.

slavery, and offspring. Then, *kafa'ah* in this *mazhab* has a position in marriage, and its position has two opinions believing that, first, *kafa'ah* is a legal condition for marriage because if a marriage between a man and a woman has no comparability, then it is considered endangering the marriage itself so that in order to prevent this risk, *kafa'ah* is referred to as a legal condition for marriage. Second, *kafa'ah* is not a requirement in marriage because *kafa'ah* is not a requirement, but their rights have no bearing on the validity of a marriage. Five, criteria in *kafa'ah* include diversity, heredity, freedom from enslaved people<sup>36</sup>, wealth/ property, and profession/ occupation. If looked closely, this *mazhab* is the same as the others because it makes the work an element in *kafa'ah*.<sup>37</sup>

Based on the explanations above, it can be simplified that the intent and purpose of the presence of the *kafa'ah* is not to discriminate against one party, ethnicity, or nation. Instead, it aims for the durability or perpetuation of marriage to result in a harmonious marriage. If this *kafa'ah* is judged as discriminatory, of course, it will violate the sources of Islamic law, namely the Qur'an and Hadith, but no one has said so. The purpose of *kafa'ah* in the view of Mu'ammal Hamidi is to build a harmonious household and prevent the occurrence of bad/ catastrophe in the marital relationship that may arise in the time to come. So, the presence of this *kafa'ah* will result in harmonious and prosperous households. On the contrary, if the marriage relationship is not based on equality, there will be fears of the collapse of the household itself.

### The Concept of *Kafa'ah* in the Book of *Tabyinal Al-Islah*

The *Tabyin al-Islah* book was completed on the 24<sup>th</sup> of Shawwal 1264 H/1847 AD. The size of this book is 21 x 17 cm, not too thick, and contains about 11 Koras or 220 pages. Each page consists of 20 to 22 lines divided into two columns. This book is written in Javanese and uses Arabic script or what is known as the Pegon script with vowel marks. The text in this book is written in *khat naskhi*. At each turn of the page, in the lower left-hand corner, there is the initial word for the next page. However, this book does not clearly include page numbers. Red and black ink is used to write text. In particular, sentences originating from the Al-Qur'an, hadith, opinions of scholars, Arabic writing, and each chapter are written in red ink according to the original version. Meanwhile, comments or explanations from Kiai Haji Ahmad Rifa'i were written in black ink.<sup>38</sup>

The *Tabyin al-Islah* book specifically discusses the problem of correct marriage according to KH. Ahmad Rifa'i. Therefore, this book has a full name, namely *Tabyin al-Islah li Murid an-Nikah bi ash-Shawab* (Correct Explanation for Anyone Who Intends to Carry Out Marriage Correctly). This book is a study material for *Jama'ah Rifa'iyah*, especially for those who are about to enter marriage life. *Jama'ah Rifa'iyah* adheres to the principle that a person's actions are not valid according to *qhiyah* (in certain laws) if they do not have sufficient knowledge about them. Therefore,

<sup>36</sup> Ad-Dairobi, *Ahkam Az-Zawaj 'Ala Mazahib Al-Arba'Ah*, 161.

<sup>37</sup> Ali Muhtarom, "Problematika Konsep *Kafa'ah* Dalam Fiqih (Kritik Dan Reinterpretasi)," *Jurnal Hukum Islam* 16, no. 2 (December 23, 2018): 55–56, <https://doi.org/10.28918/jhi.v16i2.1739>.

<sup>38</sup> Shinta Nurani, "Studi Kitab *Tabyin Al-Islah* Karya K.H.A. Rifa'i Kalisalak," *Jurnal Kajian Islam Interdisipliner* 2, no. 1 (2017): 12, <https://doi.org/10.14421/jkii.v2i1.1081>.





studying the *Tabyin al-Islah* is a mandatory tradition for Jama'ah Rifa'iyah before getting married, and it is important to study this book to ensure that they can lead a marriage life parallel to Islamic sharia guidelines. In this book, there is criticism of the implementation of marriage in society. KH. Ahmad Rifa'i revealed the marriage procedures that were in force among the Rifa'iyah, which, in the end, caused controversy and even sparked anti-Rifa'i sentiment on the part of the authorities, both during the reign of the Dutch East Indies in the 19th century and after.<sup>39</sup> Syaikhuna Ahmad Rifa'i, in his *Tabyinal al-Islah* book, explains equality as follows: 1) A slave man is not equal to a free woman; 2) Freedmen are not equivalent to free native women; 3) The men of the Ajam nation are not equal to the women of the Arab nation; 4) Arab men are not equal to Quraysh women; 5) New men convert to Islam as older women convert to Islam; 6) Handsome, ugly men are not suitable for young women; 7) Older men are not equal to young women; 8) Ignorant men are not equal to smart women (*alim*); 9) *Fasiq* men are not equal to righteous (justice) women; 10) Men with disabilities are not equal to safe women; 11) Full-servant men are not the same as half-slave women; 12) The man's father Ajam is not the equivalent of the woman whose father is Arab; 13) Poor men are not equal to the rich women; 15) Ignorant men are not equal to pious women; 16) Men who work hard as labourers are not equal to women who work as fine worker; and 17) *Fasiq* men are as close as *fasiq* women, if men and women both *bid'ah*, then there is no obstacle to getting married because both are equal.

As for men of high rank or noble because of their work, there is no obstacle to marrying a woman of a low rank, such as in the case of an Arab man marrying a woman from the Ajam nation, a pious man marries an ignorant woman, a just man marries a *fasiq* woman, etc because what is essential is that the woman to be married is not at a higher level than the man to be her husband.<sup>40</sup> The concept of *kafa'ah* formed by Kyai Ahmad Rifai, in general, is not much different from the concept of *kafa'ah* formed by the four *madzhab* priests described in the previous sub, the difference is only in the form and needs of the community in which the community lives.

### **The Concept of *Kafa'ah* According to Ulama Rifa'iyah (Epistemological Study)**

Following the interviews with several scholars and several Rifa'iyah people in Kandeman District, Batang Regency, something exciting and unique was found, and what is certain is the form of the *kafa'ah* concept, which shows distinctive characteristics. The results along with the discussion will be reviewed by the researcher, as follows: a) Basically, the Rifa'iyah clerics in Kandeman District, Batang Regency, also agree on *kafa'ah*, which means equal or balanced<sup>41</sup>, This meaning is the same as the understanding of other scholars, one of which was stated by a scholar Amir Syarifudin in his book that *kafa'ah* is defined as equality between men and women, meaning that in a marriage between men and women by their

<sup>39</sup> Abdul Djamil, *Perlawanan Kiai Desa: Pemikiran Dan Gerakan Islam KH. Ahmad Rifa'i Kalisalak* (Yogyakarta: LkiS, 2011), 33.

<sup>40</sup> Ahmad Rifa'i, *Tarjamah Tabyinul Ishlah Li Syaikh Ahmad Rifa'i (Penerjemah) Much. Ehwandi* (Pati: Maktabah Yahyawiyah, 2012), 38.

<sup>41</sup> Zaenal Abidin, *Ulama Rifa'iyah in Kandeman District, Batang Regency* (Kandeman, Batang: Interview, 10 Agustus, 2022).

nature, both must have things in common when entering into marriage;<sup>42</sup> b) In addition to agreeing on the meaning of *kafa'ah*, Rifa'iyah scholars in Kandeman District, Batang Regency, also agree on the urgency of *kafa'ah* in creating a harmonious family, even though *kafa'ah* does not determine whether a marriage is valid or not. However, we know and understand that the purpose of *kafa'ah* is perfect, as explained in the previous material. The presence of *kafa'ah* will make the family calm, prosperous, and harmonious<sup>43</sup> because a relationship needs to have the same perception. If only they have the same perception and goals, the marriage relationship will be more durable and comfortable. On the contrary, if there is much inequality in the marital relationship, there will be different perceptions between the two, this difference is a concern and can ruin the household;<sup>44</sup> c) The most crucial criterion for the Rifa'iyah is that they have the same religion—Islam, in which they must have the exact knowledge and understanding of Islam;<sup>45</sup> d) The difference in the criteria between the Rifa'iyah scholars and other scholars is only found in additional criteria, implying that, according to the Rifa'iyah scholars' view, the prospective wife is lower in rank than her husband because she follows the teaching of K.H. Ahmad Rifa'i. The Rifa'iyah cleric of Kandeman District, Batang Regency, concluded why a person marries a woman whose degree is lower than that of a man because a husband is believed to be a primary leader for women. So, if the wife has a higher degree than her husband, there is concern for the Rifa'iyah that the wife would not respect her husband, which then may result in household disharmony;<sup>46</sup> e) Then the Rifa'iyah scholars in Kandeman District, Batang Regency, did not make it a problem if a woman who was about to marry had a higher degree than her husband, but with the condition that she could protect her husband's honour or, in other words, a wife could obey orders from her husband and has the goal of getting married because she wants to make worship perfect and also love each other.<sup>47</sup>

On the first point, the understanding explained by the Rifa'iyah scholars in the Kandeman District, Batang Regency, is the same as the understanding of other scholars regarding the meaning of *kafa'ah* that is interpreted as كفاءة - كفاء - كفوء meaning equivalence, equality, and the same.<sup>48</sup> The meaning of *kafa'ah* itself in Arabic is clear from the word الكفو - والكفى meaning equivalent or the same, such a word can be found in Surah Al-Ikhlâs: 4 which reads: وَلَمْ يَكُنْ لَهُ كُفُوًا أَحَدٌ - ة meaning “And there is nothing equal to Him.” So the meaning of *kafa'ah* has been agreed to be equality between a man and a woman in a marriage, both in terms of religion, wealth, physique, to honour. All of this aims to maintain harmony in the household.

<sup>42</sup> Amir Syarifuddin, *Hukum Perkawinan Islam Di Indonesia: Antara Fiqih Munakahat Dan Undang-Undang Perkawinan* (Jakarta: Prenada Media, 2006), 140.

<sup>43</sup> Amirin Amirin, *Ulama Rifa'iyyah in Kandeman District, Batang Regency* (Kandeman, Batang: Interview, 11 Agustus, 2022).

<sup>44</sup> Taufik, “Kafâah Dalam Pernikahan Menurut Hukum Islam,” 180.

<sup>45</sup> Kun Faizah, *Ulama Rifa'iyyah in Kandeman District, Batang Regency* (Kandeman, Batang: Interview, 15 Agustus, 2022).

<sup>46</sup> Faizah.

<sup>47</sup> Zumrotun Zumrotun, *Ulama Rifa'iyyah in Kandeman District, Batang Regency* (Kandeman, Batang: Interview, 13 Agustus, 2022).

<sup>48</sup> Ahmad Zuhdi Muhdor, *Kamus Kontemporer Arab-Indonesia* (Yogyakarta: Yayasan Ali Maksum Ponpes Krapyak, 1996), 1511.



In addition, in the hadith, Rasulullah Saw. stated, “A woman is married for four reasons: because of her wealth, offspring, beauty, and religion. When the choice falls on religion, the person concerned will have good luck.” (HR. Al-Bukhari, Hadith No. 4700). The four criteria mentioned by the Prophet above indicate the existence of the concept of *kafa'ah* that must be considered and applied before entering into a marriage. This concept aims to avoid third-party interference in family life. Just as the economy is the main reason for third-party intervention, based on the concept of *kafa'ah*, it is advisable to assess one's economic ability before marriage. Adequate economic capacity in building family relationships is considered capable of helping prevent parental or in-law intervention in children's marriage life. Parents or in-laws are still involved in their child's family life because they feel that their child's needs are not being met or their sons-in-law/children are not able to provide the same life as they have. In the concept of *kafa'ah*, consideration is important to prevent problems from occurring in the future. Thus, there is no loophole for parents to intervene in the household life of their children economically because this has been carefully considered and mutually agreed upon.<sup>49</sup> That is, the concept of *kafa'ah* described by Rifa'iyah scholars at this point is the same as the understanding of other scholars regarding the meaning of *kafa'ah*. The meaning of *kafa'ah* in the context of marriage is equivalence or equality between a man and a woman in various aspects, such as religion, property, physique, and honour. The purpose of this understanding is to maintain harmony in the marriage relationship.

Second, *kafa'ah* is seen as very important even though it does not determine the validity of marriage because *kafa'ah* is formed or presented to strengthen the longevity of marriage and protect the safety of the prospective wife from failure or collapse of the household, an unbalanced and harmonious marriage will cause prolonged problems and become one of the causes of household failure. Therefore, it is vital to consider the practice of *kafa'ah* in marriage.<sup>50</sup> Third, the Rifa'iyah scholars prioritize religion as the most critical *kafa'ah* criterion, especially in households, so they have a strong foundation, then as explained by the jurists that in principle, a durable marriage is based on spiritual aspects and strong morals. As we understand, if humans understand and can carry it out well, they will become good individuals too. It indicates that this marriage leaves a good influence as well. Meanwhile, those who only prioritize things other than moral and spiritual aspects may live an uneasy and ambitious life, thereby leading to lousy household life.<sup>51</sup> In a marriage, if the two couples marry only for material reasons without a strong spiritual foundation, it will cause a moral crisis, which triggers a bad relationship. Conversely, if a marriage is based on solid spirituality, it will positively affect the relationship because the presence of religion is to regulate and provide a good way for those who live it. When a woman is familiar with religious laws, she will quickly educate and guide her family

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<sup>49</sup> Bakir and Hafidz, “Konsep Kafa'ah Sebagai Upaya Membangun Ketahanan Keluarga Dalam Membentengi Campur Tangan Orang Tua/Mertua,” 225.

<sup>50</sup> Ghozali, *Fiqih Munakahat*, 96–97.

<sup>51</sup> Muslich Taman and Aniq Farida, *Kado Membentuk Rumah Tangga Sakinah Mawaddah Wa Rahmah* (Jakarta: Pustaka Al-Kautsar, 2007), 31.

and children later in life, and this is the genuine purpose of the presence of Islam for the family.<sup>52</sup>

This is why the Rifa'iyah scholars are more concerned with the same religion and class than other criteria because this has a major influence on the household's survival. For example, someone about to get married has a different religion or belief, and these different beliefs will surely lead to different perspectives toward law, so a conflict is prone to occur if these differences are often practised in everyday life. As a result, a wife will be prone to *nusyuz* acts.<sup>53</sup> Fourth, the concept of *kafa'ah* is a priority for the Rifa'iyah congregation, especially in the village where this research took place, namely Kandeman District, Batang Regency, they follow what has been explained by K.H Ahmad Rifa'i that a man has a higher degree than a woman, as explained clearly in the book *Tabiyinul al-Islah* by K.H. Ahmad Rifa'i. Fifth, the researchers interviewed several Rifa'iyah scholars in Kandeman District, Batang Regency, revealing that marriage, in which a man's level must be higher than that of a woman, is not a necessity/obligation but only a recommendation. This is the most crucial point according to the scholars interviewed regarding the "wife's obedience to her husband". This point is a principle that must be implemented even though the wife's position is higher than the husband's. When the wife remains obedient to her husband then the recommendation referred to above is unnecessary. However, marrying a woman adhering to an equal belief, as recommended, will not guarantee that the woman will be obedient to her husband. That is, more and more books are needed. So the wife positioned lower than the husband has no obligation to implement it. So, the equal assessment by emphasizing that a woman must be of a lower level than a man in this context is a recommendation that is not mandatory for Rifa'iyah scholars in Kandeman District, Batang Regency.<sup>54</sup>

From the information above, it can be understood that Ulama Rifa'iyah in Kandeman District, Batang Regency, is very close when considering the concept of *kafa'ah* in marriage. The concept they follow complies with the thought of Imam Malik, who recognizes the existence of the concept of *kafa'ah* in terms of his religion and morals alone.<sup>55</sup> Then, the concept of *kafa'ah* formed may be done or not, and there is also the possibility that it is left undone. In other words, the Rifa'iyah scholars elaborated on the substance of the *Tabiyinal al-Islah* book authored by K.H Ahmad Rifa'i. What they hold and believe to be a concept that must be carried out is the meaning of "obey/respect", where a wife can obey/respect her husband despite his higher status than his husband's. If this is the case, this is also included in the recommended criteria in the book. So the writer concludes that the criteria contained in the *Tabiyinal al-Islah* book are not an obligation for everyone, especially the Rifa'iyah congregation, to apply these criteria.

<sup>52</sup> Syarifah Gustiawati and Novia Lestari, "Aktualisasi Konsep Kafa'ah Dalam Membangun Keharmonisan Rumah Tangga," *Mizan: Journal of Islamic Law* 4, no. 1 (June 13, 2018): 77, <https://doi.org/10.32507/mizan.v4i1.174>.

<sup>53</sup> Mustafa Kamal Rokan, Imam Yazid, and Ahmad Makky, "Reconstruction of the Concept of Nushuz of the Wife in the Digital Era," *Samarah* 4, no. 2 (2020): 568–85, <https://doi.org/10.22373/sjhk.v4i2.7259>.

<sup>54</sup> Zumrotun, *Ulama Rifa'iyyah in Kandeman District, Batang Regency*.

<sup>55</sup> Zahrah, *Al-Ahwal Asy-Syakhsiyah*, 162.



### Analysis of the Factors Influencing the Views of the Ulama of Rifa'iyah, Kandeman District, Batang Regency

Researchers found in Kandeman District, Batang Regency, that the Rifa'iyah scholars had a different concept from other scholars, and most people in the sub-district also applied the concept of *kafa'ah*. The concept of *kafa'ah* in question is a concept where the criteria in selecting a marriage partner for a man must have a higher degree than a woman, and they believe that this concept can provide longevity and happiness in the household. From the results of the interviews and observations, several factors influence the concept of *kafa'ah* according to Ulama Rifa'iyah in Kandeman District, Batang Regency, including religion, beauty, lineage, wealth, education, social factors, and culture. First, the religious factor became a major influence on the formation of the concept of *kafa'ah* put forward by the Rifa'iyah scholars in Kandeman District, Batang Regency. One of the scholars argued that religion was one of the factors for the formation of the concept of *kafa'ah*. Specifically, Ustaz Asror said that the factors influencing the concept of *kafa'ah* were religion, wealth, beauty, and lineage or descendant because all these four will be taken into consideration in *kafa'ah* practice for grooms and brides.<sup>56</sup> This statement clearly confirms that religion is the basis for the formation of the concept of *kafa'ah* because *kafa'ah* is a product of religion, especially the Islamic religion itself, where *kafa'ah* is indeed a recommendation found in the Al-Qur'an and Hadith. The legal basis that explains one of the recommendations can be found in the book *Bulughul Maram*:

*Ibn Umar said: Rasulullah SAW. said: Some Arabs are equal to some others. Some of the freed slaves are equal to the rest except soothsayers and cuppers (Riwayah Hakim. There is a sanad (narrator) whose name is unknown. According to Abu Hatim, the hadith is wrong).*<sup>57</sup>

It is also mentioned in another hadith still related to *kafa'ah*: *From Abu Hurairoh r.a. The Prophet SAW said, O children of Bayad, marry Abu Hind (he was a former slave), and marry him. Abu Hind is a cupping therapist (Riwayah Abu Daud and al-Hakim with sanad jaayyid, on the same level as hasan).*<sup>58</sup> The explanation of the hadith above implies that it is important that having a future husband for a wife has special provisions as in the teaching of the Prophet, implying that and selecting a person to marry by looking back at oneself means expecting to have an equal spouse. Therefore, it can be concluded that religion is a factor that influences the formation of the *kafa'ah* concept in Kandeman District, Batang Regency because the purpose of forming the *kafa'ah* is to have a good influence on the household life. Second, beauty is behind the concept of *kafa'ah* in Kandeman District, Batang Regency. The important reason for this explanation is that beauty is the basis on which a man chooses a woman with a beautiful face, while a woman chooses a handsome man. The basis is provided in the words of the Prophet Saw.: *tungkahul mar atu li arba'in: lima liha, wa li hasabiha, wa jamaliha, wa lidiniha. Fad far bi da ti dini taribat yadaka (A*

<sup>56</sup> Asror Asror, *Ulama Rifaiyyah in Kandeman District, Batang Regency* (Kandeman, Batang: Interview, 11 Agustus, 2022).

<sup>57</sup> Al Hafidh Ibnu Hajar Al-Asqalani, *Bulugul Maram* (Surabaya: Mutiara Ilmu, 1995), 429.

<sup>58</sup> Al-Asqalani, 472.

woman is married for four reasons: because of her wealth, heredity, beauty, and religion. Then, choosing a devoutly religious woman undoubtedly leads to a good life ). So, it is not uncommon that the scholars in Kandeman District, Batang Regency categorize beauty as one of the characteristics of the *kafa'ah* itself.<sup>59</sup>

Third, Some scholars in Kandeman District, Batang Regency also believe that a lineage is one of the most critical choices in determining a potential husband or wife in marriage. Because a lineage determines the next generation, apart from that, the provisions for selecting lineages have also been recommended by our Prophet. Thus, the form of nasab for the ulama in the Kandeman District, Batang Regency, is also essential for determining the criteria for *kafa'ah* according to their concepts and thoughts. Fourth, is the wealth factor. Wealth is a criterion in choosing a partner so that household needs can be adequately and properly met. The wealth of a husband must be higher than that of a wife, allowing the wife to better respect the husband as the leader of the family. Therefore, the researchers interpret that the economy is a factor influencing the concept of *kafa'ah* by Rifa'iyah scholars in Kandeman District, Batang Regency.

Fifth, education influences the formation of the concept of *kafa'ah* among scholars in Kandeman District, Batang Regency, especially the concept where a man must have a higher degree than a woman. The educational factor in question is religious education which is the basis for the Rifa'iyah scholars to form this concept.<sup>60</sup> Insight into the knowledge and understanding of the scholars in Kandeman District, Batang Regency regarding the high conception of *kafa'ah*, makes it a supporting factor for the formation of a new *kafa'ah* concept in people's lives in Kandeman District, Batang Regency, especially the Muslim community belonging to the Rifa'iyah group. This was proven when the researchers conducted interviews and observations of some of them who memorized and understood several interpretations of the Qur'an, Hadith, and books, so researchers could simplify that the concepts presented and applied so far have a strong basis and are not contradictory with the Shari'a. Therefore, the religious knowledge that has been learned by the Rifa'iyah scholars became the basis for forming the concept of *kafa'ah* in the life of the Rifa'iyah Muslim community in Kandeman District, Batang Regency.

Sixth, in terms of social factors, the Muslim community in Kandeman District, Batang Regency has a habit of living together, gathering, arguing, and associating. These conditions influence Muslim society to behave and act in deciding their lives; therefore, it makes their life habit that has the principle of cooperation with their families and the surrounding environment. This habit influences the formation of the concept of *kafa'ah* in Kandeman District, Batang Regency. When parents are going to marry off their children, they sometimes first consider the blood running in the family. The selection is more focused on a male candidate who is required to have a higher degree in any aspect than a female candidate because the living habits of the Muslim community in Kandeman District, Batang Regency, believe that when a

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<sup>59</sup> Asror, *Ulama Rifaiyyah in Kandeman District, Batang Regency*.

<sup>60</sup> Abidin, *Ulama Rifaiyyah in Kandeman District, Batang Regency*.



husband has a higher degree than his wife, he will be able to respect her husband as a family leader for the sake of a harmonious household.<sup>61</sup>

Seventh, in terms of culture, the habit performed by the Muslim community, especially the Rifa'iyah congregation in Kandeman District, Batang Regency, has been passed down throughout generations. This is one of the factors that influence the formation of the concept of *kafa'ah* that the Rifa'iyah scholars in the sub-district coined because a custom that has been passed down throughout generations will turn into a culture before it becomes mandatory for the community members to continue to enforce it. The culture of choosing a partner of the same religion enforced in Kandeman District, Batang Regency has been a habit since our ancestors, for example, the Rifa'iyah congregation must be with other Rifa'iyah congregations, meaning that the group must be the same. Apart from that, it is also recommended that a man has a nobler/higher degree than a woman. The criteria that have born a culture establish a belief that serves as a positive provision for the household life of the people in the village.<sup>62</sup> Based on the explanation above, the factors that influence the formation of the concept of *kafa'ah*, according to Rifa'iyah Ulama in Kandeman District, Batang Regency, are due to factors of religion, beauty, lineage, and wealth. These factors are considered/believed to be the main factors that determine the formation of the *kafa'ah* concept in which men must hold a higher degree than women. Apart from that, supporting factors, namely education, social aspects, and culture serve as encouragement that strengthens the main factors.

### Conclusion

First, the views of Rifa'iyah scholars in Kandeman District, Batang Regency, regarding the concept of *kafa'ah* are interpreted as equal or balanced. Rifa'iyah scholars in Kandeman District, Batang Regency also agree on the urgency of *kafa'ah* in creating a harmonious family, even though *kafa'ah* does not determine whether a marriage is valid or not. According to Ulama Rifa'iyah, the most crucial criterion for *kafa'ah* is that it must be of the same religion, which is Islam. The difference in the criteria for Rifa'iyah scholars with other scholars only lies in additional criteria that follow the teaching of K.H. Ahmad Rifa'i, in the book *Tabyinal al-Islah*, implying that when one intends to choose a woman to marry whose degree is lower than a man, according to the Rifa'iyah cleric in Kandeman District, Batang Regency, it is because it is often believed that a husband serves as the primary leader for his wife. If a wife holds a higher degree than her husband, there might be a concern for the Rifa'iyah believing that a wife would not respect her husband, so it would ruin the household harmony. Apart from that, the scholars also agree that an important point that the *Tabyinal al-Islah* book implies is the "Compliance of a wife to her husband". In the current context, the condition where a future wife has a higher degree or level than the will-be-husband man, in reality, the future wife can respect/obey her husband. Hence, the textual implementation of the *Tabyinal al-Islah* book is not mandatory, except for the context as explained by the researcher. On the other hand, if the implementation is textual, the wife disobeys her husband. This condition is prohibited by the scholars from being implemented in the life of the Muslim community of the Rifa'iyah congregation because, according to their version, what

<sup>61</sup> Amirin, *Ulama Rifaiyyah in Kandeman District, Batang Regency*.

<sup>62</sup> Faizah, *Ulama Rifaiyyah in Kandeman District, Batang Regency*.

is obligatory according to their version is the wife's obedience to her husband, not the implementation of the *kafa'ah* concept. Second, the concept of *kafa'ah* that formed among the Rifa'iyah scholars in Kandeman District, Batang Regency, was caused by various factors, including religious aspects, beauty, lineage and wealth. Moreover, supporting factors, such as educational, social and cultural factors become encouragement that strengthens the main factors. These factors have a great influence in shaping the concept of *kafa'ah* among the Rifa'iyah scholars in Kandeman District, Batang Regency, especially the main factors because these factors have indeed been explained in the sources of Islamic law (both the Qur'an and Hadith) and the handbook of the Rifa'iyah Ulama—the book *Tabyinal al-Islah*. The supporting factors are a manifestation of the habit of the local community departing from their established life experiences.

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