



## DOES KAFA'AH APPLY TO THE DESCENDANTS OF THE PROPHET MUHAMMAD. EXAMINE THE CONCEPT OF KAFAAH TOWARDS THE ALAWITES IN MARTAPURA, BANJAR

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**Abstract:** This study emerged when there were problems among Habib and Syarifah in re -interpreting the concept of kafa'ah in marriage for the Alawiyin in the city of Martapura, South Kalimantan. This study is different from other researchers because the problem of endogamy is seen from sekufu or not in the sociological approach of society. The method used in this study is an empirical study with a sociological legal approach to the Alawiyin community who will hold a marriage. The finding of the research is that *Kafa'ah* in the alawiyin approach is as blood and as a descendant of the Prophet. If no similarity is found, then a discussion approach will be conducted on the agreement of all relatives to determine whether kafa'ah or not for the prospective companion later.

**Abstrak:** Penelitian ini muncul Ketika ada permasalahan di kalangan Habib dan Syarifah dalam memaknai ulang konsep kafa'ah dalam pernikahan bagi kaum Alawiyin di Kota Martapura, Kalimantan Selatan. Penelitian ini berbeda dengan peneliti lainnya karena permasalahan endogami dilihat dari sekufu atau tidaknya dalam pendekatan sosiologi masyarakat. Metode yang digunakan dalam penelitian ini adalah kajian empiris dengan pendekatan sosiologi hukum terhadap masyarakat alawiyin yang akan melangsungkan pernikahan. Temuan penelitian adalah bahwa *Kafa'ah* dalam pendekatan alawiyin adalah sedarah dan senasab dzuriyat Rasulullah. Jika tidak ditemukan yang senasab, maka akan dilakukan pendekatan diskusi terhadap kesepakatan semua kerabat untuk menentukan apakah kafa'ah atau tidak bagi calon pendampingnya nanti.



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## A. Introduction

Before a marriage occurs, there is a concept that is used to regulate the balance between the prospective husband and wife, the concept is called *kafa'ah* or *kufu*. *kafa'ah* or *kufu* means to be similar, balanced or compatible.<sup>1</sup>

As for the difference in the application of the concept of *kafa'ah* that the author found that occurred to the Alawites (*alawiyyin*). The occurrence of this difference can cause a problem that arises due to differences in the concept of *kafa'ah*, namely, the shift in the concept of *kafa'ah* and the occurrence of forced marriage, where many parents who determine a mate for their children by looking at the same level of lineage status.<sup>2</sup> This departs from the understanding that says that the social status of women is the reference for determining *kafa'ah* due to its position as the object of the suitor, therefore the term emerges for men if they lack social status that is "men who are not *sekufu*". Although parents have the right to determine their child's potential spouse, but the child also has the right to choose who he or she wants to be her husband, because he is the one who will get married later.<sup>3</sup>

A head of household named Habib Habib SA and UA, said that he has a strong foundation on why child marriages perempun among his fellow *Alawiyyin*. It has become a habit for the *Alawiyyin*, especially in the Martapura region, if they want to marry their children, they hold fast to the similarity of their lineage with the prospective suitor. As long as the man who applied for the *Alawiyyin* (Syarifah) is a (Sayyid) who is shoheh (proven fame of his lineage) then his application will be accepted.

The case is a problem for the author, because basically the concept of *kafa'ah* is not only judged from the status of lineage, there are still many factors that are a reference in the application of the concept of *kafa'ah* in marriage.

The result of a temporary observation according to Habib SA and Habib UA, *kafa'ah* is equality, equivalence, *sekufu*, or similarity. Before the *Alawiyyin* must know first about the virtues of the lineage of the Prophet Muhammad SAW, After that the *Alawiyyin* can understand why the reason *kafa'ah* lineage is given a higher place even in Islamic law, which according to the *Alawiyyin*, the descendants of the Prophet will be preserved until doomsday is coming. The

<sup>1</sup> Qodariyah Barkah and Andriyani Andriyani, "Maqashid Al-Syari'ah Concept Of Kafa'ah In Marriage," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 20, no. 1 (2020): 107.

<sup>2</sup> Anwar Hafidzi, "Urang Banjar Philosophy: Education and The Social Affairs of The Community," *Al-Insiyrob: Jurnal Studi Keislaman* 6, no. 2 (2020): 85–94; Anwar Hafidzi and Norwahdah Rezky Amalia, "Marriage Problems Because of Disgrace (Study of Book Fiqh Islam Wa Adilâtuḥ and Kitâb al-Nikâḥ)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 2 (2018): 273–90.

<sup>3</sup> Mustamin Fattah, "Al-Kafa'ah Al-Ihtirafiyah Li Mudarris Al-Lughah Al-Arabiyah Fi Al-Madrasah Al-'Aliyah Al-Hukumiyah Bi Kalimantan Asy-Syarqiyah," *Dinamika Ilmu: Jurnal Pendidikan* 20, no. 1 (2020): 147–64.

reason for the *Alawiyyin* is to keep the descendants of Rasulullah Saw so that they remain and are not interrupted, and there are already rules about *kafa'ah* and his book. Therefore, according to Habib SA and Habib UA, *kafa'ah* nasab in marriage must be given priority, if not given priority, automatically *Syarifah* will marry a man who is not of the same lineage, her lineage will be cut off.

Fathurrahman Azhari, Zainal Muttaqien and Sulaiman Kurdi argue that there are several reasons or motivations among the *Alawiyyin* to perform endogamous marriages, among others, to maintain the glory of the lineage of the Prophet, to preserve the lineage of the *Alawiyyin*, and to maintain kinship. As for the consequences that arise from the need to perform endogamous marriages among *Alawiyyin*, that is, many *Syarifah* who do not marry until old age, marriage is not attended if married not with fellow *Alawiyyin*, differentiated in family relationships, lineage is cut off and not entitled to use the title *Habib* or *Syarifah*.

Based on observation and description as previous research, the authors wanted to examine further how the concept *kafa'ah* in the marriage *Alawiyyin* and other forms of *kafa'ah* anything in implementing the

*Alawiyyin* in marriage in Martapura Banjar Regency. Due to examine these issues we can find out how the process of implementation of *kafa'ah* their marriage *Alawiyyin* and other forms of *kafa'ah* what in apply the *Alawiyyin* the marriage in Martapura, Banjar Regency.

## B. Kaf'aah in the Approach of Islamic Law

Etymologically *kafa'ah* comes from the Arabic language, namely كَفَأَ - مُكَفَأَهُ - يُكَفِئُ which means similarity, equivalent and mate. In terms of *kafa'ah*, it is the compatibility or correspondence between a man and a woman who will hold a marriage in terms of religion, science, morals, social status and property. Compatibility or equality between the groom and the bride in religious terms is called *kafa'ah* or *sekufu*.<sup>4</sup>

According to Slamet Abidin and Aminuddin, what is meant by *kafa'ah* is a man who is comparable to his prospective wife, equal in position, comparable in social level and equal in morals and wealth. So the pressure in *kafa'ah* is balance, harmony and harmony, especially in terms of religion, namely morality and worship. Because if *kafa'ah* is defined as equality in wealth or nobility, then it will mean the formation of caste, while in Islam the existence of caste

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<sup>4</sup> Syarifah Gustiawati and Novia Lestari, "Aktualisasi Konsep Kafa'ah Dalam Membangun Keharmonisan Rumah Tangga," *Mizan: Journal of Islamic Law* 4, no. 1 (2018).

is not justified, because human beings on the side of Allah SWT are the same. Only piety distinguishes it.<sup>5</sup>

*Kafa'ah* is a right for women and their guardians. Because an unbalanced, compatible marriage will cause ongoing problems, and most likely lead to divorce, therefore, it can be annulled.<sup>6</sup>

### C. The position of *kafa'ah* in marriage

In this case, the scholars differ on whether *kafa'ah* is one of the legal requirements in marriage or not. In this case there are two opinions, namely:

First opinion, *kafa'ah* is not a legal requirement in marriage. This is the opinion of Jumah ulama, among them are Abu Hanifah, Malik, As-Syafi'i and Ahmad in a narration from him. This opinion is narrated from Umar and Ibn Mas'ud. The majority of scholars argue that *kafa'ah* is considered very important in the continuation of a marriage, although it is not a legal requirement in a marriage. The second opinion, that *kafa'ah* is a legal condition of marriage. This is according to the school of Imam Ahmad in the famous history of him, Ats-Tsauri and some Hanafiah. They refer to a fixed number of propositions (tsabit), they do not explicitly state the enactment of conditions and are not strong in opposing the nash-nash already mentioned above.<sup>7</sup>

### D. Various Concepts of *Kafa'ah*

Opinions of the Imams of fiqh schools agree on the existence of *kafa'ah*, although they have different views in applying it.<sup>8</sup>

- 1) The Hanafi school argues that there are six kinds of *kafa'ah*, namely: descent, Islam, independence, admirable morals, wealth, and profession.
- 2) Madzhab Syafi'i argues that there are six kinds of *kafa'ah*, namely: religion, lineage, work, independence, and free from disability.

<sup>5</sup> Abdul Hadi Ismail, "Kafa'ah in The Muslim Community Marriage: A Study of The Social History of Islamic Law," *Indonesian Journal of Education, Social Sciences and Research (IJESSR)* 1, no. 1 (2020): 16–23; Najmah Sayuti, "Al-Kafa'ah Fi al-Nikah," *Kafaab: Journal of Gender Studies* 5, no. 2 (2015): 179.

<sup>6</sup> Claudia Seise, "Women Remembering the Prophet's Birthday: Maulid Celebrations and Religious Emotions among the Alawiyyin Community in Palembang, Indonesia," *ASEAS-Austrian Journal of South-East Asian Studies* 11, no. 2 (2018): 217–30; Imam Syafi'i, "Konsep Kafaah Dan Keluarga Sakinah (Studi Analisis Tentang Korelasi Hak Kafa'ah Terhadap Pembentukan Keluarga Sakinah)," *Asy-Syari'ah: Jurnal Hukum Islam* 6, no. 1 (2020): 31–48.

<sup>7</sup> Ahmad Harisul Miftah, "Kafa'ah Dan Perubahan Sosial," *Syakhsia: Jurnal Hukum Perdata Islam* 19, no. 1 (2018): 1–12; Sunandar Endang, "Tinjauan Hukum Islam Terhadap Implementasi Kafa'ah Nasab Dalam Pernikahan Para Pedagang Etnis Arab Di Wisata Ampel Kota Surabaya" (PhD Thesis, UIN Sunan Ampel Surabaya, 2017).

<sup>8</sup> Ismail, "Kafa'ah in The Muslim Community Marriage." Dadang Jaya, "Bagaimana Relasi Suami–Istri Perkawinan Tidak Sekufu Dalam Profesi: Dampak Terhadap Keharmonisan Keluarga," *Jurnal At-Tadbir: Media Hukum Dan Pendidikan* 31, no. 1 (2021): 1–28; Hussam Duramae, "Perkawinan Sekufu Dalam Perspektif Hukum Islam," *Bilancia: Jurnal Studi Ilmu Syariah Dan Hukum* 12, no. 1 (2018): 79–110.

- 3) Madzhab Hambali argues that there are six kinds of *kafa'ah*, namely: religion, lineage, profession, independence, and free from disability. However, there is one more thing, which is about wealth.
- 4) Madzhab Maliki argues that there are two kinds of *kafa'ah*, namely: religion and free from physical disabilities.

### **E. Definition of Endogamous Marriage and Its Causes**

Endogamous Marriage is a marriage system that requires marriage with a life partner who is *seklan* (one tribe or descent) with him, or prohibits a person from marrying a person from another clan or tribe. According to Kamus Besar Bahasa Indonesia (KBBI), that per marriage endogamy is a principle of marriage that in its social environment requires people to find a mate in the same environment.<sup>9</sup>

### **F. Research Methods**

The type of research used in this research is *islaw research empirical*, in the form of *field research*. The approach of this research is a descriptive-qualitative approach, namely the data collected in the form of the author's interviews with informants. In this study, the location that the author took is in Martapura District, Banjar Regency. The case that the author found in Martapura District, which is located in Indra Sari Subdistrict and Tanjung Rema Darat Subdistrict.

The data used are primary data and secondary data, the source of data in this study is the informant. Data collection techniques were observation, interviews, and documentation. Data processing and analysis techniques are editing, description, matrix. After the data is collected in full, the author then analyzes the data to obtain research results. Then analysis is done *descriptive Qualitative* based on the theoretical foundation of Chapter II. The research stage is the preliminary stage, the data collection stage, the data processing and analysis stage, the final preparation stage (completion).

### **G. Result of Research and Discussion**

According to Habib Saleh, there are many among the *Alawiyyin* endogamous marriages, they adhere to the advice of the Prophet who advocated same-sex marriage to the descendants of the Prophet's descendants, namely a *Habib* married to *Syarifah* and vice versa. This is done to

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<sup>9</sup> Muhammad Ridwan and Hamzah Hasan, "Perkawinan Sekufu Wanita Syarifah Dengan Laki-Laki Biasa Di Desa Pambusuang Kabupaten Polewali Mandar," *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab Dan Hukum* 2, no. 1 (2021).

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maintain and maintain the lineage so that it is not broken. "We among the *Alawiyyin* are very careful of this lineage, if possible this lineage will continue to be connected and maintained until the Day of Judgment" said Habib Saleh Al Habsyie.

The concept of *kafa'ah* applied by the *Alawiyyin* from then until now is the concept of *kafa'ah* nasab. The purpose of applying the concept is none other than to maintain the lineage, maintain the lineage and follow the salaf. When the Prophet Muhammad SAW recommended look for good descendants, then the good descendants are only from the lineage of the Prophet SAW, look for a good religion, then no one knows a good religion except from the family of the Prophet Muhammad SAW look for the pious or obedient, then although sometimes they make mistakes but they will quickly repent. So, the application of the concept of *kafa'ah* nasab also comes from Rasulullah Saw and the evidence is clear.

Habib Umar Abdullah Al Habsyie applied the concept of *kafa'ah* in marriage, that is, to preserve the lineage of Rasulullah Saw which has always been guarded and maintained by the *Ahlul Bayt*. The concept of *kafa'ah* of this lineage is applied from generation to generation and we (*Alawiyyin*) want this lineage to continue to exist until the Day of Judgment. If it turns out that there is a marriage outside the lineage (not the same lineage) among *Syarifah* or *Habib*, then we will not punish "invalid" the marriage and also not prohibit as long as the guardian of the marriage agrees. because in terms of the legality of a legal marriage, it just violates *kafa'ah*. We strictly avoid that from happening, because both the *Alawiyyin* and nonparties -*Alawiyyin* will certainly issue different opinions. If the *Alawiyyin* have a strong opinion then the non -*Alawiyyin* also have a strong opinion, and we (*Alawiyyin*) will not blame their opinion, because we know the legal basis they hold and we also have a strong proposition or hold, therefore It is very important that this issue of *kafa'ah* is applied in order to avoid such things, not only important for the *Alawiyyin* but also important for the Non-*Alawiyyin*.

We are very sorry and sad if there is *Syarifah* who married *Ahwal*, and most of us do not want to attend her wedding. Therefore, one should of *Alawiyyin* itself on the concept *kafa'ah* lineage endogamy, or marriage in the family, because if not we(*Alawiyyin*)who else can take care of and preserve the lineage of the Prophet until today.

Habib Mohammad Ali Bahasyim argues that the application of the concept of *kafa'ah* in marriage is the best way to preserve the lineage of the Prophet, in addition to strengthening the brotherhood of fellow *Habaib* and has carried out the tradition that exists for generations. Applying *kafa'ah* nasab to the marriage of the *Alawiyyin* is nothing but to protect and maintain the descendants of Rasulullah Saw so that they will always exist on this earth until today.

However, Habib Mohammad Ali Bahasyim himself apparently prioritized all forms of *kafa'ah*. His opinion does not directly prioritize *kafa'ah* nasab. If it is the *nailed kafa'ah* of lineage alone, it does not guarantee the pleasure and goodness of Allah SWT in the marriage. What is certain is to be nailed to his Religion, if his religion is good then others will easily follow. According to him, *kafa'ah* is broad, not limited to the elements of religion and lineage only, but also looking at the nature or character of the couple and their economic and social responsibilities as a complement to the elements of *kafa'ah* previous.

According to Sayyid Hussein Al Qudsy, the application of the concept of *kafa'ah* in the marriage of the *Alawiyyin*, they adhere to the advice of the Prophet SAW who recommended that the dzuriyyat of the Prophet SAW should marry with fellow dzuriyyat of the Prophet SAW as well. The mating system *sekufu 'orsenasab* on the *Alawiyyin* much going through an arranged marriage by parents and some are given the opportunity to elect their own candidate partner. Most of those who were married were paired with their own families such as cousins and other families besides their mahrams. Or it can also be sought by the leaders of the *Alawiyyin*.

Form *kafa'ah* used the *Alawiyyin* is *kafa'ah* lineage, because if *kafa'ah* not in kedepankan lineage, automatic *syarifah* will marry *ahwal* vice versa *Habib* married *ahwal*. This will lead to the severance of the noble lineage of the Prophet Muhammad SAW. We the people *Alawiyyin* strongly urge to *Habaib* this earth in order to explain to the children, especially the *syarifah* the importance *kafa'ah* and glorious lineage owned.

## H. The application of concept *kafa'ah* the *Alawiyyin* in Martapura Banjar

### a. Applying Concepts *kafa'ah* General

When I understand the application of the concept of *kafa'ah* the informant<sup>3</sup>, the authors conclude that although the *Alawiyyin* implementation of turns *kafa'ah* also common.<sup>10</sup> This is also due to the consideration that according to the majority of scholars *kafa'ah* is not a legal requirement of a marriage, so the application of the concept of *kafa'ah* in terms of lineage is not always a must to be applied in a marriage. The application of this concept of *kafa'ah* is in line and based on the opinion of the scholar Ibn Hazm that *kafa'ah* is not a necessity in marriage in accordance with the words of Allah SWT in QS Al-Hujurat/ 49: 10.

*"The believers are indeed brothers. therefore make peace between your two brethren and fear Allah, that ye may receive mercy. "*

### b. Applying the Concept of *Kafa'ah* Nasab Fully The full

<sup>10</sup> Andi Darussalam and Abdul Malik Lahmuddin, "Pernikahan Endogami Perspektif Islam Dan Sains," *Tabdis: Jurnal Kajian Ilmu Al-Hadis* 8, no. 1 (2017).

Application of the concept of *kafa'ah* nasab was done by informants 1, 2 and 4. This factor is related to the provision that states that *kafa'ah* is owned by women, therefore *kafa'ah* is more emphasized against women (*Syarifah*).

The application of the concept of *kafa'ah* is in accordance with the purpose of *kafa'ah* itself as explained by Wahbah Az-Zuhaili, that the happiness of the household will usually be realized, if done by people who are *sekufu*. In other words, that the degree of harmony of the household ark is highly determined by those who marry *sekufu* '.

The interesting the application of the concept of *thing* about *kafa'ah* based on this lineage is applied through marriage in Islam.<sup>11</sup> It is thus a factor application of the concept *kafa'ah* in the *Alawiyyin* in Martapura Banjar Regency. Islam does not prohibit marriage at all as long as there is no compulsion from either party. This is as explained in the hadith of the Prophet.

"A girl cannot be married until she is asked for permission."

Given that the concept of *kafa'ah* is not a legal requirement in a marriage, then the application of *kafa'ah* in terms of lineage is also not a measure of the legality of marriage. Therefore, the concept of *kafa'ah* nasab applied by the *Alawiyyin* is basically just a form of desire in maintaining the glory of nasab of the Prophet.

### I. The form of *kafa'ah* The *Alawiyyin*

The form of *kafa'ah* used in the *Alawiyyin* Martapura Banjar Regency in general is focused on lineage. This is evident from interviews with informants that circle *Alawiyyin* prioritize marriage endogamy until *kafa'ah* in terms of lineage to form *kafa'ah* which is considered by the *Alawiyyin* in Martapura Banjar Regency. Although the majority of the *Alawiyyin* apply form *kafa'ah* of consanguinity as the main provisions of the draft *kafa'ah*, but some people use concept *kafa'ah* in general.<sup>12</sup>

For , the the *Alawiyyin Habaib* basically have the freedom or right to choose and determine their prospective wives, both those who come from the *Alawiyyin (Syarifah)* and those who do not come from the *Alawiyyin (women Ahwal)*. However, it is highly recommended to marry a *Syarifah*. While *Syarifah* is considered to have no choice or freedom to determine her future husband. The only choice is to be required to marry a *Habib* or a fellow *Alawiyyin*. Because if

<sup>11</sup> Fathurrahman Azhari Zainal Muttaqien Sulaiman Kurdi, "Motivasi Perkawinan Endogami Pada Komunitas Alawiyyin Di Martapura Kabupaten Banjar," *Mu'adalah; Jurnal Studi Gender Dan Anak* 1, no. 2 (2013); Syarifah Ema Rahmaniah, "Multikulturalisme Dan Hegemoni Politik Pernikahan Endogami: Implikasi Dalam Dakwah Islam," *Walisongo: Jurnal Penelitian Sosial Keagamaan* 22, no. 2 (2014): 433–56.

<sup>12</sup> Kurdi, "Motivasi Perkawinan Endogami Pada Komunitas Alawiyyin Di Martapura Kabupaten Banjar"; Jaya, "Bagaimana Relasi Suami–Istri Perkawinan Tidak Sekufu Dalam Profesi"; Ridwan and Hasan, "Perkawinan Sekufu Wanita Syarifah Dengan Laki-Laki Biasa Di Desa Pambusuang Kabupaten Polewali Mandar."



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*Syarifah* marries an *Ahwal*, it will cut off the noble lineage of the Prophet Muhammad SAW from himself and his family.

It is important to understand that the form of *kafa'ah* most important is basically religion, considering that without supplies and knowledge in terms of religion, it is the main problem in the family. This is as described by Allah swt. in QS. Al-Hujurat/49: 13.

Rasulullah saw. also explains that form of *kafa'ah* the most important is in matters of religion.

## J. Conclusion

Based on the results of research conducted by the author can be concluded as follows:

1. *Kafa'ah* is an important factor that can encourage the creation of happiness of husband and wife and will ensure the safety of women from failure or upheaval of the household. the application of concept of *kafa'ah* the marriage in *Alawiyyin* in Martapura that since the past until now they always apply the concept *kafa'ah* lineage, they ignored the rich and poor, department or position, for those all important wedding *Habib* and *syarifah* not get out of line.
2. The form of *kafa'ah* applied by the *Alawiyyin* in Martapura mostly uses *kafa'ah* nasab, they adhere to the advice of the Prophet SAW who recommended that the dzuriyat of the Prophet should marry with fellow dzuriyat of the Prophet as well. However, there was one informant who had a different opinion from some previous informants, in this case he preferred all forms of *kafa'ah*. He has the principle that if he does not have all the forms of *kafa'ah* then he is considered not *sekufu* '.

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