

***Kafa'ah* in The Muslim Community Marriage : a Study of The Social History of Islamic Law**

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ABSTRACT

Kafa'ah is a tradition that existed in the Aran Peninsula long before the arrival of Islam. This means that the *kafa'ah* which later became an interesting discussion in the social history of Muslims to this day is not without strong historical roots. *Kafa'ah* is a method for finding a prospective husband or wife in an equal measure. Before Islam came, then the standard of the *kafa'ah* was one's *nasab*, but when Islam came, the measure was religion or religious observance. *Kafa'ah*, which was born from a culture in a particular society, has also different characteristics, depending on where the community is located and other factors that are around the community. Therefore, in the present context, *kafa'ah* between a certain tribe or a community is not the same size.

Keywords: *Kafa'ah*, Marriage, Islamic Society

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1. INTRODUCTION (10 PT)

Islam has set humans to live in pairs tied to marriage. Provisions regarding marriage are then formulated in the form of rules known as marriage law (*munakahat*). The urgency of the existence of Islamic law is set for human welfare both individuals and worshipers, in the world and the hereafter. One way to achieve prosperity is by maritime marriage, because the family born of marriage is the smallest institution in the community so that an indication of a prosperous society is the true family. Likewise, individual welfare is greatly influenced by family welfare. (Ghazaly, 2003: 13)

Marriage is one of the common *sunnatullah* applies to all God's creatures, both humans, animals and plants. For humans, marriage is a method chosen by Allah SWT as one method to continue the descent and survival (Abidin & Aminuddin, 1999: 9) after each partner is ready to perform a positive role in order to realize the marriage.

Marriage is a sacred event in one's life. So urgent is the meaning of marriage that everyone strives to get through it with a variety of very mature preparations. Marriage is one of the most important dimensions in human life everywhere. Once a marriage is important, it is not surprising that the world's religions regulate marital problems and even the traditions or customs of the people and state institutions also do not miss regulating marriages that are already in force among the people. (Judge, 2014: 39)

Marriage law (marriage), which is a law that regulates the relationship between humans and their fellow human beings concerning the distribution of biological needs between types, and the rights and obligations relating to the consequences of the marriage. (Tihami & Sahrani, 2018: 8). Marriage aims to form a (sacred) agreement between a man and a woman, which has *perdaya* aspects including: a) volunteerism, b) agreement of both parties, c) freedom of choice, d) emergency. (Ali, 1993: 124)

Marriage is so urgent in human life, therefore Islam regulates the terms and harmony in marriage, not only concerning the process of marriage and post-marriage contracts, but also about things that occur before the marriage contract. One of the things is the procedure regarding choosing a potential partner and what criteria can be used as a measure in choosing a husband or wife.

Marriage in the teachings of Islam is an institution to form a family. The family in the perspective of Islam is a sacred institution formed in accordance with God's wishes for human life since human existence on earth, as narrated by the Qur'an surah al-Ra'du verse 38; that the purpose of marriage is not only to feel the beauty of living with a loved one or to satisfy mere lust, but also to obtain peace of life (sakinah), there is a sense of love (mawaddah), and the emergence of affection (rahmah), and aims to get offspring that copy / copy. (Ainiyah & Mufarida, 2019: 20)

Choosing a husband or wife partner is then important to see whether there is compatibility or not among the prospective husband or wife partner. In many Muslim societies, the criteria that must be contained in a prospective husband or wife become one of the important requirements for marriage. There is concern that if one prospective husband or wife is out of balance in some ways, it will eventually lead to divorce. Another factor is the factor of the degree of extended family, which is considered to have more value compared to other communities, so that the clan's ego becomes its own judgment.

An assessment of the equality or balance of a prospective husband or wife in marriage in Islam is known as kafa'ah. Discussions related to kafa'ah in classical fiqh also become important, considering that in the Arabic tradition there are tribes who consider that their clans are superior to other tribes. Based on this fact, there is an unwritten rule that members of one clan may not marry other clan members if the degree is not equal.

2. THE CONCEPT OF KAFA'AH IN MARRIAGE ACCORDING TO ISLAM

In kafa'ah language comes from the word al-kufu which is interpreted as al-musawi (balance). (Nasution, 2004: 217). In etymology, kafa'ah means al-mum Problems and al-Musawah, (al-Zuhayli, 1989: 229) which means the same, similar, balanced, or harmonious, (Mukhtar, 1974: 69) equivalent, harmony / conformity, equivalent or comparable, (Mujib, et al., 1995: 147) similarity, equivalent and soul mate, (Munawwir, 1997: 1216) for example in the sentence fulan kafa'a li fulan al-musawa lahu (the fulan is the same as the fulan or the same). (al-Jurzani, 1988: 185; Wehr, 1971: 832). In terminology, the kafa'ah is comparable between a man and a woman he marries in certain aspects. (al-Zuhayli, 1989: 229; Dahlan, 1997: 845)

The concept of kafa'ah in marriage means equality of the prospective wife and husband, so that each candidate does not object to establishing a marital relationship. The emphasis in kafa'ah is on the factors of balance, harmony, and harmony, especially in matters of religion, such as morals and worship. If kafa'ah is interpreted the same in terms of wealth, nobility, it will mean the formation of caste, even though humans are equal with Allah SWT, which distinguishes only on the side of piety, as the word of God in Surah al-Hujurat verse 13:

إن أكرمكم عند الله أتقاكم إن الله علم خير

It means: "Indeed, the most noble among you by Allah is the most pious. Surely Allah is well aware of what you are doing "

Kafa'ah definitively interpreted as a degree of equality of the husband before his wife. (Arafat, 2019: 215). This perspective is taken from the opinion of Mustafa al-Khin and Mushtafa al-Bugha, which states:

الكفاءة: ويقصد بالكفاءة: مساواة حال الرجل لحال المرأة

It means: "al-kafa'ah: what is meant by kafa'ah is the equality of the husband's condition to the wife's condition". (al-Khin & al-Bugha, 2000: 43)

Zakiah Darajat said that kafa'ah is balanced or harmonious, meaning that the balance and harmony between the prospective wife and the prospective husband so that each candidate does not feel hard to get married. (Darajat, 1995: 73). Ibrahim Muhammad al-Jamal said that the similarity in the concept of kafa'ah is the similarity in social, scientific, moral and property levels. (al-Jamal, 1991: 27)

Kafa'ah or kufu '(Gustiawati & Lestari, 2016: 39) in marriage according to Islamic legal terms, namely the balance and harmony between the prospective wife and husband so that each candidate does not find it difficult to carry out the marriage. Or, a man is equal to his future wife, equal in position, equal in social level and degrees in character and wealth. (Tihami & Sahrani, 2018: 56). The central point is on balance, harmony, and harmony, especially in matters of religion, namely morals and worship. If kafa'ah is interpreted as equality in wealth or nobility, it means the formation of caste, while humans are equal in position with Allah SWT.

Balance, harmony, equality indeed needs to be owned by the prospective husband and wife, in order to create a harmonious relationship between husband and wife to avoid negative things when undergoing household dipping. The terminology of the kafa'ah is discussed by the jurists when discussing marital matters especially in relation to a woman's soul mate. On the one hand, the issue of kafa'ah is becoming increasingly important, so that harmony can be established in the domestic life of a married couple. (Hasan, 2014: 33)

Kafa'ah in marriage is a factor that can encourage the creation of husband and wife happiness and better guarantee the safety of women from failure or the shock of the household. (Ghazaly, 2003: 51). Kafa'ah is recommended by Islam in choosing a husband / wife, but does not determine the validity of marriage. Kafa'ah is a right for a woman or her guardian, because an unbalanced, harmonious marriage will cause ongoing problems, and is likely to cause divorce, and therefore may be canceled. (Arafat, 2019: 56)

Based on the arguments above, the party that has to adjust (which must pay attention to the requirements of the kafa'ah) according to jumhur ulama is the man. (al-Zuhayli, 1989: 230). This means that a man must first see himself before proposing to a woman to marry, whether the woman he will marry is the same position as him. Added by jumhur ulama that a man will not be lowered because of marrying a woman who has a social degree below.

3. OPINION OF JURISPRUDENCE RELATED TO KAFA'AH AND ITS CRITERIA

The history of the concept and implementation of the Kufu concept 'has existed since the ignorance of Arab society, where the concept at that time was an independent woman, who had a high position in terms of nasab and wealth, who had the right to choose the man he liked. The choice of a prospective husband can be chosen by the woman directly or through an intermediary of the woman's guardian who determines her future husband. (Suhail, 2009: 177)

Based on the variety of revelation instructions about kafa'ah contained in QS al-Baqarah verse 221, and an-Nur verse verse 3, then there are several different opinions among the fuqaha. In some Islamic legal literature there is no explanation of the emergence of differences among scholars regarding the necessity of equality between men and women who will marry outside of religious factors. (Sabiq, 1411 H: 240). This emphasizes that the most important thing is all kufu in matters of religion, and all scholars agree to declare that interfaith marriages (for example a pagan man married to a Muslim woman) is null and void. The differences of opinion of the ulama occur in several other criteria outside the criteria in terms of religion, namely kufu in terms of heredity, social status, slave or not, wealth, profession, and not physically handicapped.

The fuqaha differed opinions in explaining certain aspects related to kafa'ah. Hanafiah scholars say there are at least 6 (six) types, namely in terms of descent, Muslim, occupation, independence (no slave status), religion, and property. Malikiyah scholars say there are only 2 (two) kafa'ah criteria, namely Muslims and free from disgrace that can lead to khiyar. Syafi'iyah scholars say that the criteria for kafa'ah are heredity, religion, independence (not slave status), and occupation. Hanabilah scholars say there are 5 (five) aspects in the criteria of kafa'ah, namely religion, occupation (skills), wealth, independence (not slaves), and descent. (al-Jaziri, 1990: 53-59)

The problem of kafa'ah that really needs to be considered and is a measure is a straight and polite attitude to life, not because of heredity, occupation, wealth and others. Godly men, even if they are of lower descent, are entitled to marry higher-ranking women. Men who have any greatness have the right to marry a woman who has a high degree and fame. Likewise, even indigent men are entitled to marry wealthy women as long as they are Muslim and can distance themselves from begging and no one from their guardian hinders or demands cancellation. (Tihami & Sahrani, 2018: 58)

In addition, there is a willingness from the guardians who hold on the part of their women. However, if his man is not of a virtuous and honest group, he is not kufu 'with a pious woman. For a salihah woman if married by her father to a wicked man, if the woman is still a girl and forced by her parents, then she may demand the cancellation of the marriage. (Ghazaly, 2003: 51)

According to Ibn Rushd in the Maliki school there is no longer a difference of opinion that if a girl is married by her father to a drinker of khamar (drunk), or in short with a wicked person, then the girl has the right to reject the marriage. Similarly, if a girl is married to the owner of property or with many people who swear by the words of divorce. (Rusyd, tt: 12)

Jumhur scholars said that the kafa'ah was only in the nature of istiqamah and transgression, nasab, freedom (not slaves), work and property. This means that in every marriage, stability and harmony within the household is needed, which ultimately avoids the family from things that can cause

a breakup of the household, avoiding danger and hardship, because marriage is carried out to create loving friendship and kinship. All of these ideal things cannot be realized except among people who are in the same kufu'. (al-Mashri, 2010: 268)

The Maliki School only determines 2 types of kafa'ah criteria, namely religious and health. The religious aspect means that people are Muslim and have responsibilities, and do not have wicked characteristics or leave the wicked deeds clearly. Al-Qan'aji al-Bukhari defines religion with Islam and justice. (al-Bukhari, 1993: 19). In the aspect of health in question is the physical and mental health aspects; in the healthy sense of a defect that may choose whether marriage is continued or not continued. If a marriage has taken place, the marriage may be in fasakh. Therefore women who are not disabled, are not as kufu' as men who are disabled like crazy, suffering from leprosy and others. (Nur, 2012: 427)

Hanabilah scholars say the standard of kafa'ah in marriage is 5 (five) factors, namely religion, nationality, independence, occupation / livelihood, and wealth. Imam Shafi'i in the book of al-Umm said kafa'ah in marriage there are 5 (five) criteria, namely not disabled, hereditary, protected from despicable acts, occupation or livelihood and independence (not slaves). (Ash-Shafi'i, tt: 155). Hanafiyah scholars say that there are 5 (five) criteria related to kafa'ah in marrying a daughter, namely: heredity, religious factors, independence (not slaves), wealth, and livelihood or occupation. (al-Samarqandi, 1993: 154)

4. **KAFAAH IN THE SOCIAL HISTORY SPECTRUM OF ISLAMIC LAW**

Each individual must have an ideal picture in his mind that will become his soul mate. The description is a reflection of the general view of the community where a person lives. It is possible that the scope of personal worthiness (kafa'ah) within the community is in the corridor of the general perception of the community, but maybe not. Pre-Islamic Arab society, society was built based on family ties, ancestry (nasab), kinship, and ethnic ties (ethnicity). The bond with that model continues to take root and continue until Islam comes. (Lapidus, 2000: 3). Even the Arab descendants who live and breed in Indonesia, still use the same tradition when choosing and sorting out their soul mates.

Islam brought by the Prophet Muhammad SAW is a religion for all humans, bringing mercy to all nature. Islam does not distinguish one type of human from another. The egalitarian concept of Islam changes social equality (social equality) which is very dominant in Arab lands, with a new concept based on equality in religion (religious equality). (al-'Ati, 1984: 107-108). However, to arrive at this ideal value steps are needed. When Muslims were still improving themselves or in the early phase of Islamic Tasyri', at this time it turned out that the culture or culture of pre-Islamic Arab society, more or less influenced the revelations conveyed by the Prophet.

In pre-Islamic Arab times, issues related to kafa'ah had been institutionalized in everyday social life. That fact was raised by MM Bravmann who discovered that the concept of the kafa'ah emerged from pre-Islamic times. Bravmann mentioned that there were several cases of plans for the marriage of a best friend when with his sister Abdurrahman bin 'Awf. Bravmann even mentioned that there were two other cases of marriage involving the element of kafa'ah. Even in Bravmann's eyes in the marriage plan the word kafa'ah is clearly stated. (Bravmann, 1972: 302-308)

The concept of kafa'ah in pre-Islamic times was put forward by Noel J. Coulson and Farhat J. Ziadeh who said that the concept of kafa'ah originated from Iraq, specifically Kufa, where Imam Abu Hanifa lived. The theory put forward by Coulson and Ziadeh, the concept of kafa'ah is not found at all in the book Malik Imam entitled al-Muwaththa', but was first discovered in the book of the Malikiyah school, namely al-Mudawwanah. In al-Mudawwanah's book, the concept of kafa'ah is only reviewed in very small portions. In historical records, Imam Malik did not discuss the concept of the kafa'ah at all. (Sahnun, 1323 H, 170). The concept of kafa'ah in the view of Coulson and Ziadeh arose because of the cosmopolitan and complex problems and the people who lived in Iraq at that time. (Nasution, 2004: 213-214)

In pre-Islamic Arab times, divide arabic male for example, the ideal soul mate is a young woman and comes from the noble descendants of the Arabs. It is despicable to marry an Arab woman with a non-Arab man. For an Arab woman, the ideal match is a man who is always sweet, gentle, and can get along, generous and brave, noble but loyal. The man must have an equal social status, both in the degree of glory and fame. For example, for example the daughters of the Quraysh tribe were only allowed to marry men who followed the tribal religion. (al-'Ati, 1984: 108)

The structure of pre-Islamic Arab societies and families is not very different from when Islam was present and later adopted by the Arabs. Although stratification (levels) between the tribes of one another still exists, judging by the size of the existing social criteria. In accordance with these criteria,

the size of each individual is determined by the basis of his religious policy, namely whether they obey or not to their traditional values.

For every Muslim, the value is still valid, only the measurement value is the piety to Allah SWT. According to the Sunnah of the Prophet Muhammad SAW, the highest level is measured by the degree of conversion in religion, but the practice carried out by the Prophet Muhammad by marrying a former slave of the Quraysh tribe. Marriage between someone from the upper level with slaves (the lowest level) may be difficult to understand. The example shown by the Prophet Muhammad SAW did not merely highlight the egalitarian spirit (the spirit of promulgation of the principle of equality politically or socially) of Islam. But Islam does change the value of social equality with a new concept based on religious equality.

The new principles based on the principle of equality in the religion, turned out to be taken for granted by some Arab communities. Perhaps because the principle is actually a combination of various values or factors. The emergence of Islamic society has set an example of the importance of religious identity. Its value is almost similar to the norm of solidarity of pre-Islamic Arab society. In a society with the norm of solidarity, each member must be prepared to provide services for the benefit of the community. It seems that it is the spirit of solidarity that can increase the resilience of the community, negate the sense of selfishness and care for the public interest. Rasulullah Saw as a community leader truly coexisted effectively with the community in facing social barriers due to lineage,

In Islamic teachings, every man is free, entitled and justified to marry a woman (with any status), as long as it does not damage the integrity of his religion. The value of service is no longer social equality, but religion. A man who is not Muslim is not allowed to marry a Muslim woman. Because both are not as kufu in religion. It is also illegal according to law for a good man to marry a prostitute, and vice versa. If the religious equality is fulfilled, then other considerations become a second problem. This is the logic of the Qur'an and the Sunnah of the Prophet, based on the interpretation of jurists. (al-'Ati, 1984: 109)

Several other legal experts ignored traditional social considerations. Legal experts emphasize the value of religious honesty for brides. This is to show that the social conditions at the beginning of the formation of Islamic society, also so as not to appear a double conception. This is not merely influenced by the impression of liking a new understanding, namely Islam. But precisely to clarify the position of Islam in matters of marriage. Such conditions were increasingly apparent during the first and second centuries of the problem of Islamic governance.

The discussion warmly related to kafa'ah reappeared in the body of Muslims when there was a contact between Arab Muslims and the Kufa culture whose culture and culture came from Persia. Long before the advent of Islam, the Persian Sasanit empire had introduced the castes in society and applied them in social life, as found in Hindu society. (Coulson, 1987: 46). With the interaction that took place between Arab Muslims - as conquerors - with the native Kufa who were given the title of Mawalli, inevitably the Arab Muslims were finally influenced and adopted this, especially in marriage. As a result, there were not many kufu opinions of Arab women and men from non-Arab tribes. This then becomes one of the factors why Imam Abu Hanifa gave special attention to the kafa'ah in marriage, even supporting the doctrine of social equality.

Ironically Imam Abu Hanifah himself is not of Arab descent. It is certain that the social conditions in Kufa have influenced many of his ijihad. Reuben Levy said in Kufa there were very sharp classes of people, such as the Mawalli class, Arabic, slave strata, free Ashraf, and others. In fact there are social classes that are seen from where they live, urban society is higher than the rural community. The existence of these classes has an impact on the insult of occupation. (Levy, 1986: 65-75)

In contrast to the Madinah community, the issue of kafa'ah is not so prominent sticking to the surface, and it is also not in line with the concept of the Medina clerical law, due to the distance of this area from the influence of Persian and Roman culture, despite its population is still dominated by Arabs and not much mixed with non-Arabs. It is only natural that Imam Malik, who was in Medina, then argued that his kafa'ah was not mu'tabar in terms of heredity, wealth, position or profession in marriage.

The phenomenon of kafa'ah that occurred in the Arab country there turned out, it is still used by people of Arab descent in Indonesia. Mubassir and Anshori's study of Arab community marriages (Bahafdullahh, 2010: 167) in Ampel Surabaya, shows that they still follow the rules in Hadramaut, Yemen. The system and practice are almost unchanged even though it has been in Indonesia, especially in Surabaya for almost 150 to 200 years. The Arab descendant community in Ampel Surabaya has been conducting a marriage system from the beginning to the present so that the descendants (nasab) who are connected to the descendants of the Prophet Muhammad can be maintained (not mixed) with those who are not descendants of the Prophet Muhammad. (Mubassir & Anshori, 2019: 31)

There are 2 (two) groups of Arab communities in Ampel Surabaya, namely Ba'alawi and Mashayikh, each of which is usually only inter-group mates. Ba'alawi (sayyid) men are more open than Ba'alawi (sharifah) women, meaning that sayyid is allowed to marry with women outside of his group or with non-Arab women. Unlike the case with women from the Ba'alawi group called Sharifah or Habibah, they must marry men from the Ba'alawi group or also known as Sharif, Sayyid or Habib. (Mubassir & Anshori, 2019: 32)

For sharifah it is very important to maintain and be closed to marry men other than Ba'alawi. This requirement occurs in families who still maintain the concept with fellow extended families, with the aim of being able to preserve and maintain the rice that connects directly to the Prophet Muhammad. Ba'alawi men are free to marry women from any group, including indigenous women. The reason is because the lineage was drawn from the male side, so that even though Ba'alawi men marry women outside of their group, their offspring still hold the blood of Ba'alawi. (Mubassir & Anshori, 2019: 31)

At present, for the Mashayikh to guard the descendants of the Sehi Nasab, it is only intended that the grandfather and his great-grandmother's ancestry be known so that they know each other. That is, today the Mashayikh group has begun to pay no attention to the lineage, although in choosing a partner for a husband or wife are not arbitrary to find a match for their children. The Mashayikh group sees how religion, family and responsibilities are for their future husband or wife. (Mubassir & Anshori, 2019: 32)

Basically, the Mashayikh group with the Ba'alawi group have the same principle in determining the kafa'ah based on the nasab. The two groups differed in their views regarding the urgency of the Kafa'ah Nasab in marriage. For the Ba'alawi group to maintain the principle of the kafa'ah nasab due to the existence of a doctrine that requires to maintain the lineage of the descendants of the Prophet Muhammad. For the Mashayikhs do not have such beliefs. The Mashayikh group still maintains their lineage but does not cult so that making the election of the kafa'ah based on the nasab is an obligation. (Mubassir & Anshori, 2019: 32)

Likewise, research conducted by Siti Salafiyah is related to the application of kafa'ah to the Arab community in the Solo City Kliwon Market. In his interview with the family of Haji Abdullah bin Yahya, a descendant of Sayyid, found that the concept of kafa'ah was carried out by the descendants of Sayyid the most important is the nasab which must have in common that for a Syarifah woman is required to marry a Sayyid in order not to break the nasab relationship that reaches the Rasulullah (zurriyat) Rasulullah SAW. (Salafiyah, 2018: 58)

Unlike the case with a Sayyid who is given a little leeway or freedom to choose a woman who will marry with anyone as long as it remains in accordance with the provisions of Islamic law. Other Arab descendants who are not part of the zurriyat descendants of the Prophet Muhammad or non-sayyid, are free to marry anyone. The main factor influencing the implementation of the concept of kafa'ah in the Sayyid family is because of culture and customs which indeed have a big influence on the existence of a paradigm of the people of Arab descent in the city of Solo. (Salafiyah, 2018: 59)

In the family of Habib Abdullah al-Kaff still in the city of Solo, religious factors, nasab, iffah (work), independence (slaves), and are not disabled on the bride calom are very influential in determining the kafa'ah in marriage. When viewed from the criteria of the Habib Abdullah al-Kaff family there are no significant differences in the provisions of Islamic law, although there is little specificity that comes from the customs of the offspring that can be declared part of the culture that prioritizes the same people. (Salafiyah, 2018: 61)

Siti Salafiyah identified based on her interview with Habib Abdullah al-Kaff that sociologically the descendants of Arabs in the city of Solo were aware of the importance of kafa'ah in marriage, although there were still those who married non-sayyids for Sharif, which was caused by several factors, namely due to lack of parental teaching. towards their children about the importance of the meaning of ahlul bait; secondly, because of lack of socialization in the habaib environment, thirdly, being indifferent to the meaning of ahlul bait, as well as sharifah which is contaminated with modernization so that it is against marriage that must be with the prostitute of ahlul bait also in marriage. The phenomenon of opposition carried out by the Sharifah actually has existed since the 90s, but not as busy as it is today. (Salafiyah, 2018: 63)

When viewed from a variety of reasons related to the implementation of the concept of kafa'ah in marriages from pre-Islamic times to the present, it is centered on the nasab, work, social status, between Arabs and non-Arabs, between descendants of ahlul bait and those who are not. There is one thing that should be questioned, which is related to the status of sayyid and especially syarifah that must not be married to other than sayyid. Of course this is contrary to the mission of the arrival of Islam which

eliminates all kinds and types of differences both social differences, ethnicity and other social degrees, (Muhammad Ali, 1977: 426) so that all humans are equal in the eyes of God.

The choice of a prospective husband or wife is something that must be done because it is related to the future of marriage, but by choosing only because of heredity (*nasab*) only to maintain *zurriyat* as happened to Arab descendants in Indonesia, it can actually be questioned. An egalitarian Islam which sees all people in the same position is only distinguished from piety. Of course, choosing prospective companions based on specific texts will create an exclusive attitude in the midst of the community. Glory will only come based on the level of faith and piety, nothing else. Therefore understanding of the concept of *kafa'ah* needs to be done in an integrative, inclusive, and comprehensive manner.

It needs to be understood that in history, the concept of *kafa'ah* was originally derived from social distinction which then turned to legal issues (legal distinction). (Nasution, 2004: 214). Therefore, various social changes that occur in society related to *kafa'ah* should not be considered as a deviation. This is because basically *kafa'ah* is only to measure the appropriateness of someone in choosing their partner, and the most viewed is the factor of religion. The religious factor is seen because with a person's diversity, he can educate and protect his family from things that are able to distance themselves from the *Shari'a* of Allah SWT.

5. CONCLUSION

The concept of *kafa'ah* has actually existed since pre-Islamic times. When Islam came, the concept was still used even though the Imams of the different schools were related to the *nasab* criteria. Based on that, the problem of *kafa'ah* actually starts from the social conditions of the community, which then turns into a legal problem. Because it was born from social conditions, it is certain that the assessment of the size of the *kafa'ah* will certainly be different which is determined by the social conditions of the people who surround it. Only one definite measure of the concept of *kafa'ah* is only a matter of religion

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