



# The Effect of *Kafa'ah* on Marriage from the Perspective of *Mashlahah*: An Analysis of the Maliki Madhhab

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## Abstract

*Hirfab* (occupation) is one of the criteria for *kafa'ah* (compatibility) in marriage according to most schools of Islamic thought. However, the Maliki school of thought does not consider *Hirfab* essential for *kafa'ah*. According to Maliki scholars, occupation does not impact the benefit or validity of a marriage. This study aims to analyze the Maliki perspective on *Hirfab* as a criterion for *kafa'ah* and its implications for marital benefit. This research uses a qualitative approach with content analysis, this research explores the Maliki school's stance on *kafa'ah* criteria in depth. The findings indicate that the Maliki school does not include *Hirfab* as a criterion for *kafa'ah*, emphasizing instead that religious compatibility is the principal factor. This position is influenced by the cultural context of Imam Malik's time, when women's employment was uncommon. However, in contemporary contexts, many women work prior to marriage, which affects their socioeconomic status and, consequently, community perspectives. This shift has led *Hirfab* to be increasingly viewed as a relevant factor in assessing *kafa'ah* and the benefit of marriage today.

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## INTRODUCTION

Life in pairs, life in marriage, is an instinct of all of God's creatures, including humans (Anggraini & Armasito, 2021). From creatures created in pairs, Allah SWT created humans to multiply and continue from generation to generation. Islam regulates humans in living in pairs through marriage (Aini et al., 2023). In language *Sekufu* is balanced, equal, similar, or harmonious (Taufik, 2017). In the concept of marriage in terms of Islamic law, namely the balance or compatibility between prospective husbands and wives so that both parties do not feel heavy to enter into marriage (Nafisah & Khasanah, 2018).

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In terms of position, *kafa'ah* in marriage is understood differently by scholars. The majority of scholars, including Imam Maliki, Imam Shafi'i, Imam Hanafi and one narration from Imam Ahmad, are of the opinion that *kafa'ah* itself is not a valid condition or pillar of marriage (Paisal, 2024). However, it is recommended in Islam as a consideration for those entering into marriage, as it is deemed significant (Rahmawati, 2021). Some scholars, including one narration from Imam Ahmad, said that *kafa'ah* is a condition for the validity of marriage, meaning that a marriage between a man and a woman who are not compatible is not valid (Nafisah & Khasanah, 2018).

According to Imam Shafi'i, Imam Hanafi, and Imam Ahmad bin Hanbal, work or profession is a criterion for determining *kafa'ah* (Efendy, 2022; Hendika & Armi, 2022). Only Imam Maliki does not include occupation as part of *kafa'ah* (Agustine & Supriyadi, 2023). The main distinction here is that Imam Shafi'i includes profession as a criterion because, in cases of dishonesty, one party may seek annulment of the marriage (*fasakh nikah*). Scholars who consider occupation in *kafa'ah* base their reasoning on specific hadith.

عَنْ ابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (الْعَرَبُ بَعْضُهُمْ أَكْفَاءُ بَعْضٍ , وَالْمَوَالِي بَعْضُهُمْ أَكْفَاءُ بَعْضٍ , إِلَّا حَائِكٌ أَوْ حَجَّامٌ) رَوَاهُ الْحَاكِمُ , وَفِي إِسْنَادِهِ رَاوٍ لَمْ يُسَمَّ , وَاسْتَنْكَرَهُ أَبُو حَاتِمٍ

Meaning: "Ibn Umar (may Allah be pleased with him) reported that the Messenger of Allah (may Allah's peace and blessings be upon him) said: 'The Arabs are equal in rank to each other and the mawali (former freed slaves) are equal in rank to each other, except the soothsayer and the embalmer.'" Narrated by Hakim, and there is a weakness in the chain of transmission due to an unidentified narrator. Hadith munkar according to Abu Hatim" (al-Hafidz Ibnu Hajar al-Asqalani, 1995)

In relation to current conditions, a person with a stable job and well-regarded profession is often highly valued by the guardian, as they are perceived as able to adequately provide material sustenance. Conversely, if there is an imbalance in professions between the prospective bride and groom, conflicts may arise within the marriage, stemming from small issues that ultimately reflect the professional disparity.

According to data from the Director General of Religious Courts of the Supreme Court, compiled by the Central Statistics Agency (BPS), there were 408,347 divorce cases in Indonesia throughout 2023. The leading cause was disputes and quarrels, accounting for 251,828 cases or 61.67% of all divorce cases. Other significant causes included economic issues (108,488 cases), one spouse abandoning the other (34,322 cases), domestic violence (5,174 cases), and substance abuse (1,752 cases). Additional factors included gambling (1,572 cases), apostasy or religious conversion (1,415 cases), imprisonment (1,271 cases), and adultery (780 cases). Some divorces were also attributed to polygamy (738 cases), coercion (384 cases), forced marriage (314 cases), and disability (209 cases).

This high divorce rate is detrimental, as it disrupts family unity, separating the smallest unit of society where heads and members of households are split apart as marriage is dissolved. A study by Ravindran found that factors influencing divorce are closely related to age, educational qualifications, and occupations, especially among young couples. Based on the statement from the data above, there are still many divorce rates in Indonesia in 2023, one of the causes is economic problems, the problem of *Sekufu* in marriage, especially *Hirfab* (profession) has to do with wealth, and wealth is related to the ability of a prospective husband to provide for his wife.

## METHODS

The research method used in this study is content analysis (Asri, 2020), a technique that allows researchers to draw conclusions by identifying specific characteristics of a message in an objective, systematic, and general manner. In this case, the concept of *Sekufu* serves as the primary focus of the analysis. To interpret the data collected and support the thesis discussion, the author applies several data analysis techniques. First, the Inductive Method is employed, which involves beginning with specific observations that share commonalities and generalizing them into broader conclusions (Fauzan, 2019). This method is used to examine the concept of *Sekufu* in marriage, especially regarding profession in general. Second, the Deductive Method applies reasoning that moves from general ideas to specific conclusions. Here, it is used to analyze Imam Maliki's perspective on *Sekufu* criteria in marriage, particularly his view that profession should not serve as a primary consideration in marriage arrangements (Supardi et al., 2022). Finally, the Comparative Method involves a comparative analysis of conclusions drawn about the benefits (*maslahat*) associated with *Sekufu* in marriage, specifically in relation to *Hirfah* (occupation). Together, these methods provide a structured approach to analyzing the concept of *Sekufu* within the context of marriage (Pangihutan & Simamora, 2019).

## RESULT AND DISCUSSION

Etymologically, the word *nikah* (marriage) has several meanings, including gathering, uniting, having intercourse, and making a contract (Yusrial, 2023; Suryantoro & Rofiq, 2021; Safrudin & Sholikhan, 2020). However, in Indonesian, marriage comes from the word *nikah*, which means forming a family with someone of the opposite sex and includes sexual relations. *Nikah* is also used to mean gathering or joining together and is associated with intercourse (*wath'i*). The term "marriage" is often used in the sense of coitus and in the context of a marriage contract (Kaema et al., 2024).

According to Shari'ah, marriage signifies the union or establishment of intimate relations with a woman, including touching, kissing, hugging, and so on, provided that the woman is not his *mahram* by lineage, breastfeeding, or family ties. Literally, marriage means a marriage contract (Taufik, 2017). Marriage is one of the most fundamental principles of life in a well-ordered society (Mofea & Jaelani, 2019). Marriage is not only a noble institution for structuring household life and offspring, but it also serves as a means for people to introduce themselves to others and a channel for mutual assistance (Santoso, 2016; Bijaksana, 2021).

### Imam Maliki's Opinion on *Hirfah* (Occupation) as a Criterion for Suitability in Marriage.

The Maliki school of thought is of the opinion that there is no distinction between property and work (Harahap, 2022). All of that can change according to God's destiny. For the Maalikis, occupation is a common thing and does not need to be included in *kafa'ah* (Gustiawati & Lestari, 2018). It is sufficient to place *diyanah* as the main criterion in determining *kafa'ah* (Efendy, 2022). The agreement is based on the word of Allah in Surah as-Sajdah (32) 18:

أَفَمَنْ كَانَ مُؤْمِنًا كَمَنْ كَانَ فَاسِقًا لَا يَسْتَوُونَ

Meaning: "The believers are not like the wicked, they are not the same"

As for wealth, nationality, occupation, and independence, these are not counted as essential criteria in marriage. According to Imam Maliki, a man from an Ajam nation, such as Indonesia, is equal to a woman from an Arab nation, even if she is a Sharifah or Sayyidah of Alawite descent. A man who works as a sweeper or gardener is considered equal to a woman who is the daughter of a merchant or even

of a pious person. A poor man is equal to a rich woman or the son of a wealthy individual, and a free woman is equal to an enslaved man.

This view from the Maliki school of thought aligns with the principles of some contemporary scholars who consider it suitable for modern conditions. Today's era of democracy and equality views all halal livelihoods and professions as noble, and discourages complicating the marriage process. According to Imam Maliki, other factors are only supplementary, as the resilience of a household ultimately depends on each partner's commitment to living together. Many couples, despite living modestly without prioritizing occupational compatibility, manage to lead fulfilling and harmonious lives.

The hadith that supports the argument of the Maliki school of imams that the criteria for *kafa'ah* priority is religion is the Prophet's words:

قال النبي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : النَّاسُ سَوَاسِيَةٌ كَأَسْنَانِ الْمَشْطِ الْوَاحِدِ لَا فَضْلَ لِعَرَبِيٍّ عَلَى أَعْجَمِيٍّ إِلَّا بِالتَّقْوَى (رواه ابو داود) !

Meaning: "Human beings are like the teeth of one comb, there is no advantage for an Arab over an Ajam (non-Arab), except by piety".

Therefore, it appears that the existence of *hirfah* (occupation) is not an absolute requirement for a prospective bride or groom. In many cases within our society, couples who choose partners without considering their occupation are still able to build a prosperous and happy household. Humans should not judge others' worth based on occupation or other external factors. Fakhruddin ar-Razi offers an insightful explanation on this matter. According to him, superiority is determined by two factors: (1) qualities acquired after existence, such as goodness, strength, and other desirable attributes, and (2) inherent qualities prior to existence, including origins, basic materials, or the creator (Poswal et al., 2022).

The level of human value to obtain a noble degree on the side of Allah Swt, globally and understood does refer to surah al-hujurat verse 13 which states:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَى وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۚ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۚ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Meaning: "O people, indeed We have created you from a male and a female. Then, We made you into nations and tribes so that you may know one another. Indeed, the noblest among you in the sight of Allah is the most pious. Verily, Allah is the All-Knowing and the All-Absorbing".

In this verse, Allah tells mankind that they were created from a single self, from which He created Adam and Eve, and afterwards created mankind into various tribes and nations. Some argue that the word *shu'ba* means a non-Arabic tribe while *kobail* is an Arab tribe itself, but when viewed from the origin of humanity, both were created from clay (Kementrian Agama RI, 2021)

Abu Dawud has narrated that this verse was revealed because of an incident that happened to a companion of the Prophet named Abu Hindin, whose occupation was to often bandage the Prophet by removing dirty blood from the Prophet's head, then the Prophet ordered the tribe of Banu Bayadah to marry Abu Hindin to a woman from among their people. Then they asked "Should we marry our girls to slaves?" So this verse was revealed as a rebuke to them not to look down on someone because of a position.

Then this verse also relates to an event of *fathul makkah*, which occurred in the eighth year of *hijrah*, when the Prophet ordered Bilal to call the *azan*, as a sign to them to pray in congregation. 'Attab b. Usaid, when he saw Bilal ascending to the Ka'bah to call to prayer, said: "Praise be to Allah who has spared my father from witnessing the events of this day. 'Haris b. Hisham, he said, Muhammad will not find

anyone else to recite the prayer except this black crow.” The meaning of his words was to insult Bilal because of his black skin. After the incident, Archangel Gabriel approached the Prophet and told him about what they said. Then the verse was revealed which contained a prohibition on humans not to be arrogant because they have a position, wealth, rank, by which they act arrogantly and insult the poor. It is also explained that the nobility of a person is due to the basis of their piety to Allah.

Ulama agree that diin or diyanah is a determinant of a person's degree in religion, as included in the issue of *Sekufu* even Malikiyah scholars argue that this religion is used as one of the criteria in the issue of *kafa'ah* (Azhari, 2023). Their opinion is supported by the Qur'anic verse in surah as-Sajdah verse 18:

أَفَمَنْ كَانَ مُؤْمِنًا كَمَنْ كَانَ فَاسِقًا لَا يَسْتَوُونَ

Meaning: “Are the believers equal to the wicked (disbelievers)? (Surely) they are not equal”.

Some scholars do not specify ethnicity and nation as a reference in the law of *kafa'ah* (Ameliana & Fakhria, 2022). In addition to adhering to the above arguments, there is also the reality that when the Prophet was alive he witnessed this and he did not question it. Among them is a hadith narrated by Imam Bukahari and Muslim which reads:

أمر رسول الله صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فاطمة بنت قيس أن تنكح أسامة بن زيد مولا هفناكها بإمره

Meaning: “The Prophet Muhammad, peace be upon him, ordered Fatimah bint Qeis to marry Usamah bin Zaid, the Prophet's slave, so Usamah married her with the Prophet's order”. (Muttafaqun 'alaih)

By looking at the general meaning of the verse and hadith above, it can be concluded that humans are creatures of Allah who are equal in degree, who both have reason and mind in the same human form, there is no difference in it whether it is wealth, ethnicity, or good looks. The purpose of marriage is none other than to carry out the Sunnah of the Prophet and build a *sakinah* family so as to get a high degree in the sight of Allah (Marwa, 2021; Samsul & Husen, 2020; Saputra et al., 2022).

### Analysis of the Special *Maslahat* of Profession as a Criterion of *Sekufu* in Marriage

According to the author, in reality, the aspect of *Hirfab* is a fairly priority consideration for prospective brides to enter into a marriage. Because by looking at the *Hirfab* (profession) that a person has, at least it can be a determinant of the high or low economic level of a person (Aisyah, 2017; Noury & Speciale, 2016). Scholars who make profession a criterion for *kafa'ah* rely on a hadith:

عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْعَرَبُ بَعْضُهُمْ لِبَعْضٍ أَكْفَاءُ وَ الْمَوَالِي بَعْضُهُمْ أَكْفَاءُ لِبَعْضٍ، إِلَّا خَائِنًا أَوْ خَجَامًا. رَوَاهُ الْحَاكِمُ، وَفِي إِسْنَادِهِ رَاوٍ لَمْ يُسَمَّ، وَاسْتَنْكَرَهُ أَبُو خَاتِمٍ. وَلَهُ شَاهِدٌ عِنْدَ الْبَزَّارِ عَنْ مُعَاذِ بْنِ جَبَلٍ سَنَدٍ مُنْقَطِعٍ

Meaning: “From Ibnu Umar, the Messenger of Allah SAW. said “Arabs are *kufu'* for others, Mawali are *kufu'* for other Mawali except cuppers”. (HR. Hakim)

The hadith above explains that honorable work is compatible with honorable work. This is because people who have honorable jobs consider it a disadvantage if their daughters are matched with men who are manual laborers, such as cuppers, tanners, sweepers and coolies. This is because the custom of the community views these occupations as such, as if they indicate a lack of lineage.

*Sekufu* has become an imperative requirement and a major consideration in marriage, and is even an indigenous Arab tradition. The ideal description of a prospective husband is a young man of noble Arab descent, loving, honest, sociable,



pleasant, generous, brave, honorable and social. The ideal husband-to-be must be of commensurate social status in terms of descent, occupation, glory and fame.

The category of occupational status in fiqh munakahat becomes a measure of compatibility. Later on, according to Shaikhani, a man who is of low status or comes from a low status family is not compatible with a woman who comes from a respectable family. In terms of skills there are two narrations. One of them is that low-skilled people such as weavers, cuppers, watchmen, sweepers, and garbage men are not equal to those who have high skills such as merchants and contractors. This is because these are shortcomings that are judged from a customary point of view.

If it is related to current conditions, for example, a person who has a well-established job with a well-known profession will be quite good value in the eyes of the guardian, because he is considered to be able to fulfill physical sustenance perfectly. On the other hand, if there is an imbalance between the bride and groom in terms of *Hirfah*, it is feared that there will be conflicts in the household that begin because of small things that actually stem from the problem of inequality of *Hirfah* itself.

Thus, if the bride and groom have professions that are kufu, a prosperous life will be realized. Although in reality there is a marriage that does not follow the requirements of kufu' in terms of *Hirfah* it can also survive very happily. Men whose livelihoods are low, such as street sweepers, doormen and so on are not equal to women whose business or the business of their fathers is more noble. A man who has a livelihood such as a tailor or electrician is not equal to a woman who is the daughter of a merchant. And a merchant's son is not equal to a woman who is the son of a scholar or the son of a judge.

The issue of occupation is also related to the issue of wealth. Because usually jobs that are considered to have quality will produce assets that are expected to prosper household life. In general, without sufficient material, it is possible that the internal situation of the household is easily shaken by several conflicts, including material conflicts.

Although not everyone will react with conflict, it is safer if both prospective husbands and wives already have jobs that are equally supportive, balanced and *Sekufu*. This guarantees the fulfillment of livelihood needs to the maximum. So that in carrying out the worship of marriage will be peaceful and there is no anxiety (Rizal et al., 2023). A small example is if a woman who is used to doing business and has many businesses, she is not *Sekufu* with a man who only works as a cleaner in an office. Because there will be a gap in the fulfillment of rights and obligations as a husband and wife (Hanafi & Bin Mohamad, 2020; Latupono, 2020; Rahmad, 2022). In this case, it is possible that the woman may feel satisfied with her income and career, while the man will be seen as less able to provide a decent livelihood for his wife and children.

In addition, the two of them cannot support each other in completing the work because the concentration of the object of work is different. Socially, it also seems to be unsuitable if a woman's family has a history of work that is valued in the community to be with a man who is seen as inferior. Because this can bring harm to one of the individuals. In the long run, there will be discomfort in social status that results from criticism and the words of others who do not pay attention.

On the other hand, if the two candidates are not equal in terms of employment, then it is possible that there will be an imbalance in realizing household relationships, not even denying the existence of conflict between families due to clear differences. Work and family are two areas where humans spend most of their time, as both are related to the fulfillment of one's life. *Maslahat* about *Hirfah* (Profession) as *Sekufu* in marriage is categorized into *Maslahah Al-Tabsiniyyah*, namely, the benefit

whose nature is complementary, in the form of flexibility that can complement the previous benefit.

If we relate it to the existence of Indonesian women today, who already have the ability and stability in terms of work, sometimes they have the principle of having to marry a man who has a balanced job. The goal to be achieved is the realization of a prosperous household (Hidayat, 2014). Because with balanced work between husband and wife, it will avoid inequality between the two. And a family life order will take place as expected.

However, for various reasons, there are also many who ultimately do not use *Hirfab* considerations before continuing the marriage relationship. This is because there are other factors that influence. Such as for reasons of mutual love, so that in choosing a life partner they tend to ignore *Hirfab* or work.

## CONCLUSION

*Hirfab* (occupation) as a criterion for *Sekufu* in marriage according to Imam Maliki is not an absolute necessity. Because it does not guarantee that a marriage without paying attention to the aspect of equality of work will have a bad effect on a household order. This opinion of Imam Maliki's school of thought can be said to not complicate the provisions of *Sekufu* and he prioritizes aspects of religious equality and freedom from defects. If viewed in terms of its benefits. But it is not a necessity for individuals who will get married, even not to be an obstacle to the validity of marriage because of the imbalance of work itself, because the success of a household is built on the cooperation of two individuals who support each other. In terms of its *maslahat* for the current era, consideration of work issues is a priority to be used as a consideration before determining a prospective husband or wife. Religious compatibility is not enough, so finding a qualified, compatible, and comparable mate in terms of work is important for the creation of welfare and prosperity in the household.

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