



Between Normative Doctrine and Social Reality: Reinterpreting Kafa'ah in Indonesian Islamic Marriage Practices

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Article Info	Abstract
Received: 10-03-2026 Revised: 27-03-2026 Accepted: 28-03-2026 Published: 28-03-2026 Keywords: Kafa'ah; Marriage; Socio-Legal; Islamic Law.	The concept of kafa'ah in marriage is an important principle in Islamic family law, emphasizing equality between prospective husband and wife. In Muslim social practices, this concept is not only understood from a normative-religious perspective but is also influenced by social, cultural, economic, and social status dynamics. This study aims to analyze the concept of kafa'ah from a socio-legal perspective by examining the relationship between Islamic legal norms and the social realities of marital practice. The method used is a qualitative approach with a juridical-sociological approach, examining legal norms in Islamic jurisprudence literature, legislation, and the social practices of Muslim communities. The results show that classically, kafa'ah encompasses equality in religion, lineage, social status, profession, and economic capacity. Scholars of various schools of thought have differing views regarding these elements, but generally place shared religion and moral commitment as key aspects. From a socio-legal perspective, the application of this concept has undergone transformation along with changes in social structures and the development of modern values, leading to a shift in traditional aspects such as lineage and social status. National law, through the Compilation of Islamic Law, emphasizes harmony and concord without explicitly regulating kafa'ah (comparative agreement). The resulting policy implications highlight the need for a reformulation of Islamic family law guidelines that are adaptive to social dynamics, emphasizing psychological, economic, and religious compatibility. Furthermore, religious courts need to integrate a socio-legal approach into their practice through contextual technical guidelines. This research is expected to contribute to the development of responsive Islamic family law studies.
Info Artikel	Abstrak
Kata Kunci: Kafaah; Pernikahan;	Konsep <i>kafa'ah</i> dalam perkawinan merupakan prinsip penting dalam hukum keluarga Islam yang menekankan kesetaraan antara calon suami dan istri. Dalam praktik sosial masyarakat Muslim, konsep ini

Sosial Hukum,
Hukum Islam.

tidak hanya dipahami secara normatif-keagamaan, tetapi juga dipengaruhi oleh dinamika sosial, budaya, ekonomi, dan status sosial. Penelitian ini bertujuan menganalisis konsep *kafa'ah* melalui perspektif sosio-legal dengan menelaah keterkaitan antara norma hukum Islam dan realitas sosial dalam praktik perkawinan. Metode yang digunakan adalah pendekatan kualitatif dengan jenis penelitian yuridis-sosiologis, yaitu mengkaji norma hukum dalam literatur fikih, peraturan perundang-undangan, serta praktik sosial masyarakat Muslim. Hasil penelitian menunjukkan bahwa secara klasik, *kafa'ah* mencakup kesetaraan dalam agama, nasab, status sosial, profesi, dan kemampuan ekonomi. Para ulama mazhab memiliki perbedaan pandangan terkait unsur-unsur tersebut, namun secara umum menempatkan kesamaan agama dan komitmen moral sebagai aspek utama. Dalam perspektif sosio-legal, penerapan konsep ini mengalami transformasi seiring perubahan struktur sosial dan perkembangan nilai modern, sehingga aspek tradisional seperti nasab dan status sosial mulai bergeser. Hukum nasional melalui Kompilasi Hukum Islam menekankan keserasian dan keharmonisan tanpa mengatur *kafa'ah* secara eksplisit. Implikasi kebijakan yang muncul adalah perlunya reformulasi pedoman hukum keluarga Islam yang adaptif terhadap dinamika sosial, dengan menekankan kompatibilitas psikologis, ekonomi, dan keagamaan. Selain itu, peradilan agama perlu mengintegrasikan pendekatan sosio-legal dalam praktiknya melalui pedoman teknis yang kontekstual. Penelitian ini diharapkan berkontribusi dalam pengembangan kajian hukum keluarga Islam yang responsif.



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INTRODUCTION

Marriage in Islam is not merely a legal event or social formality, but rather a sacred covenant, referred to in the Qur'an as *mitsaqan ghalizhan* a strong and sacred bond, reflecting the spiritual awareness and moral responsibility of two individuals in forming the smallest unit of society, the family. Like two rivers that want to merge into one large stream, marriage requires harmony of values and visions to avoid conflict, but rather to become a mutually nourishing force. Islam introduces the concept of *kafa'ah*, the equality between partners, which is one of the main foundations for realizing a family that is *sakinah*, *mawaddah*, and *rahmah*. (Nordin, Hamzah, & Darmadi, 2025). This concept includes equality in aspects of religion, morals, social status, and even economics, all of which are aimed at minimizing household conflict from the start.

However, along with rapid socio-cultural transformation, the understanding and implementation of *kafa'ah* have undergone significant shifts accompanied by sharp theoretical tensions. In classical jurisprudence, lineage (*nasab*) and social status were positioned as central and, in some interpretations, determinative criteria for assessing

kafa'ah, reflecting a hierarchical social order embedded in traditional Muslim societies. In contrast, contemporary perspectives challenge this framework by prioritizing egalitarian values such as personal integrity, educational attainment, and ideological compatibility. This shift generates a fundamental conflict between a normative-legal paradigm that tends to preserve inherited social stratification and a socio-ethical paradigm that emphasizes meritocratic and individual-based compatibility. The tension becomes more pronounced when classical doctrines are applied within modern legal systems that uphold principles of equality and non-discrimination, thereby questioning the continued relevance of status-based criteria. Consequently, the debate on *kafa'ah* is no longer merely about definitional variation, but reflects a deeper epistemological contestation between the authority of classical fiqh and the demands of contemporary social justice, making its application in present-day Muslim societies both contested and context-dependent.

. (Nurdin, Suryani, & Agusten, 2025). Some scholars consider *kafa'ah* to be an absolute requirement for the sake of welfare, while others call it a flexible sociological preference. Muhammad Abduh, one of the reformers of modern Islamic thought, stated that "Islam is not merely a spiritual religion, but a social system that must remain relevant to the times," emphasizing the importance of reinterpreting teachings according to the context of society. (Ichwan, Mowafg Masuwd, Sya'roni, & Abdulghani, 2024).

The following is previous research relevant to the study of the Concept of *Kafa'ah* in Marriage from a Socio-Legal and Islamic Legal Perspective. Existing studies generally examine *kafa'ah* from a normative fiqh standpoint, focusing on classical doctrines related to equality in religion, lineage, social status, and economic capacity, as well as comparative analyses among the schools of Islamic law. Other works have explored *kafa'ah* within contemporary contexts, highlighting its transformation in response to social change, modernization, and shifting cultural values. However, these studies tend to be fragmented, often separating doctrinal legal analysis from empirical socio-legal realities.

The research gap lies in the limited integration between normative Islamic legal frameworks and the lived social practices of Muslim communities, particularly in the context of how *kafa'ah* is negotiated, reinterpreted, or even marginalized in contemporary marriage practices. Moreover, there is a lack of critical analysis that situates *kafa'ah* within broader socio-legal debates on equality, justice, and legal pluralism in modern Muslim societies, especially in relation to national legal systems such as Indonesia's family law framework.

This article contributes specifically by offering an integrative socio-legal analysis that bridges classical Islamic legal doctrines with contemporary social dynamics. It not only re-examines the conceptual foundations of *kafa'ah* in Islamic jurisprudence but also contextualizes its application within present-day societal structures and legal institutions. Furthermore, the study proposes a reconstructed understanding of *kafa'ah* that is more responsive to current social realities, emphasizing substantive compatibility over formalistic criteria, and provides policy-oriented insights for the development of adaptive and context-sensitive Islamic family law.

. The first is research conducted by Deri Eka Putra entitled “*Reinterpreting Kafā’ah: The Interaction of Islamic Legal Norms and Social Realities in Contemporary Indonesian Marriage Practices*” (Putra, Zufialina, Ummah, & Prananda, 2025). This study examines the concept of kafa'ah (equivalence) in partner selection within the context of Indonesian society by examining the interaction between classical Islamic legal norms and modern social realities. The second study, conducted by Fathullah, is entitled “*Kafa’ah in Contemporary Islamic Marriage: Insights from a Systematic and Meta-Analytical Review*” (Fathullah, Sayehu, & Tarihoran, 2025). This study examines the concept of kafa'ah in Islamic marriage through a systematic review of various contemporary Islamic family law studies. The study was conducted by Zuliza Mohd Kusrin under the title “*Muslim in Malaysia Understanding in Regards to the Concept of Compatibility (Kafa’ah) in Islamic Marriage*” (Mohd Kusrin, Yusof, Ismail, Che Abdul Rahim, & Hibaoui, 2024). This study analyzes the understanding of Muslim society regarding the concept of kafa'ah in marriage and its relationship to conflict and divorce.

This research shows that the concept of kafa'ah is no longer understood solely as a classical fiqh norm, but has evolved through a socio-legal approach, namely the interaction between Islamic law, social reality, and cultural changes in Muslim societies. Therefore, a scientific study of the concept of kafa'ah is important, not only to understand the values contained in classical and contemporary Islamic law, but also to gauge its relevance in modern legal systems such as the Compilation of Islamic Law (KHI) in Indonesia. This study is presented not merely as an academic reflection, but also as a concrete contribution to addressing the current problems of inter-class, inter-cultural, and even inter-faith marriage, which are increasingly complex in this era of globalization.

RESEARCH METHOD

This research employs a socio-legal approach that integrates normative legal analysis with empirical investigation of marital practices in society. This approach is deliberately chosen because the concept of *kafa'ah* cannot be adequately understood solely through doctrinal Islamic legal texts; rather, it requires an examination of how such norms are interpreted, negotiated, and implemented within lived social contexts. The socio-legal framework thus enables a holistic analysis that bridges the gap between *law in the books* and *law in action*, particularly in capturing the dynamic interaction between Islamic legal principles and contemporary social realities. Normatively, this study examines primary sources of Islamic law, including the Qur'an, hadith, and the opinions of classical and contemporary scholars from various schools of thought concerning *kafa'ah*. In addition, it analyzes positive legal frameworks in Indonesia, specifically Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law, to assess how the principle of marital compatibility is regulated within the national legal system.

Empirically, data were collected through in-depth interviews, participant observation, and documentation to explore the perspectives of community members, religious leaders, and legal practitioners regarding the relevance and application of *kafa'ah*. The data analysis was conducted qualitatively using a descriptive-analytical method supported by systematic coding and thematic analysis. In the initial stage, data were transcribed and subjected to open coding to identify key concepts and recurring patterns. This was followed by axial coding to establish relationships between categories, and selective coding to construct core themes related to the interpretation and practice of *kafa'ah*. Subsequently, thematic analysis was applied to synthesize these findings into broader analytical categories, enabling the identification of convergences and divergences between normative Islamic legal doctrines and empirical social practices. The final step involved an interpretative analysis to draw socio-legal conclusions regarding the transformation, relevance, and contextual application of *kafa'ah* in contemporary Muslim society.

RESULTS AND DISCUSSION

Definition and Legal Basis of Kafa'ah

The concept of *kafa'ah* in Islam is not merely a technical classification within marriage law, but represents a normative framework that reflects the sharia's concern for achieving both spiritual and social harmony between prospective spouses. Rather than

being limited to formal indicators such as lineage or social status, *kafa'ah* embodies a broader principle of compatibility (*munasabah*) that aims to ensure stability, mutual respect, and the sustainability of marital life. This understanding is grounded in Islamic legal sources, including the Qur'an, hadith, and classical juristic opinions, which collectively emphasize religion and moral integrity as the primary criteria of compatibility.

Findings from field data reinforce this normative orientation while also revealing its contextual transformation. For instance, one religious leader stated, *"Today, kafa'ah is no longer about family background, but about whether the couple shares the same values and religious commitment."* Similarly, a legal practitioner noted, *"In many marriage disputes, the issue is not social inequality, but incompatibility in mindset and life goals."* These empirical insights indicate a shift from status-based considerations toward value-based compatibility, aligning *kafa'ah* more closely with contemporary social realities.

When compared to previous studies, most research has tended to focus on the doctrinal dimensions of *kafa'ah*, particularly the classifications developed within classical fiqh. However, such studies often overlook how these principles are reinterpreted in practice. This article advances the discussion by integrating normative legal analysis with empirical findings, demonstrating that while the legal basis of *kafa'ah* remains rooted in Islamic jurisprudence, its operational meaning has evolved. Consequently, *kafa'ah* should be understood not as a rigid legal requirement, but as a dynamic socio-legal concept that adapts to changing societal values while preserving its core objective of marital harmony.

Etymologically, the word *kafa'ah* comes from the root word *kafa'a*, which means balanced, equal, or equivalent, indicating that Islam desires marriage to be built on the principle of fair equality, not the domination of one party over the other. (Nasution, 2025). In Islamic jurisprudence terminology, *kafa'ah* is defined as equality of prospective spouses in aspects that are socially and sharia-compliant and considered important for maintaining harmony and the continuation of marriage. (Wahab, 2024). If a household is likened to two wheels on a cart, then an imbalance in one will cause the cart to veer off course, even toppling over. Therefore, *kafa'ah* exists as a sharia-compliant effort to align these "wheels" from the outset.

The proposition that is often used as the main basis is the word of Allah in the QS. An-Nur: 3: "A man who commits adultery will not marry except a woman who commits adultery or polytheism, and a woman who commits adultery will not marry except a man who commits adultery or polytheism." (Nur, Baihaqi, & Zaki, 2025) This verse not only

addresses the legality of marriage for adulterers, but also emphasizes the urgency of moral and spiritual equality in choosing a partner. The Prophet Muhammad (peace be upon him) emphasized a similar point in his hadith: "A woman is married for four reasons: her wealth, her lineage, her beauty, and her religion. So choose a devout woman, and you will be successful." (Amalia, Hidayah, & Sholahuddin, 2023). This hadith conveys the message that although worldly factors may be tempting, religious values remain the determinant of quality and long-term blessings in a household.

The four major Islamic schools of thought (mazhab) Hanafi, Maliki, Shafi'i, and Hanbali acknowledge the concept of kafa'ah, but differ in their application. The Hanafi school, for example, views kafa'ah as the right of the guardian, not the full right of the prospective bride, citing the need to maintain family dignity and avoid social disgrace. The Shafi'i school, on the other hand, emphasizes religious aspects and lineage as the primary criteria. (Putri, Khatimah, & Siraji, 2023). This issue also reflects how Islamic law integrates revelation and social context, where what is considered important in one society may be irrelevant in another. Yusuf al-Qaradawi emphasized that Islamic law is living and flexible, as long as it remains based on the maqasid al-shari'ah (the principle of protecting religion, life, lineage, intellect, and property). (Daulay, Tanjung, & Siregar, 2025).

Thus, kafa'ah is not merely a technical measure to determine a couple's suitability, but rather part of the larger design of sharia to ensure that a family is not only legally valid but also socially and spiritually mature. When partners are equal in values, life vision, and moral capacity, marriage becomes not just an institution but also a transformation toward a more civilized society.

Criteria for *Kafa'ah* in Islamic Law: Toward a Contemporary Socio-Legal Model

In constructing a resilient foundation for marriage, Islamic law does not confine itself to spiritual and emotional dimensions, but also incorporates elements of social compatibility as a supporting structure for household stability. Classical jurists articulated *kafa'ah* through criteria such as religious commitment, lineage (*nasab*), social status, profession, and economic capacity, reflecting the socio-historical context in which hierarchical structures were prominent. However, within contemporary society characterized by increased social mobility, education, and egalitarian values, these criteria require critical re-evaluation.

This study offers a new contribution by formulating a conceptual model of modern *kafa'ah* that shifts from status-based equality to substantive compatibility. The proposed model consists of three interrelated dimensions:

1. Normative-Religious Compatibility (*al-kafa'ah al-diniyyah*): alignment in religious commitment, moral values, and ethical orientation as the primary foundation.
2. Socio-Psychological Compatibility: congruence in mindset, emotional maturity, communication patterns, and life goals, which empirically emerge as dominant factors in marital sustainability.
3. Socio-Economic Compatibility: relative balance in educational background, economic stability, and professional orientation, not as markers of hierarchy, but as functional supports for household resilience.

From a socio-legal perspective, this reconceptualization reflects a transition from formalistic equality toward contextual and functional equivalence, where compatibility is measured by the capacity of partners to negotiate roles and expectations within changing social structures. Field findings indicate that contemporary Muslim communities increasingly prioritize shared values and mutual understanding over rigid adherence to lineage or status. This shift underscores a broader transformation in legal consciousness, where individuals interpret Islamic legal norms in light of lived realities.

Compared to previous studies that predominantly emphasize doctrinal classifications, this article advances the discourse by integrating empirical insights into a structured analytical framework. The modern *kafa'ah* model thus not only reinterprets classical principles but also provides a practical and policy-relevant tool for understanding marital compatibility in contemporary Muslim societies, reinforcing the ultimate objective of Islamic family law: the realization of harmony (*sakinah*), mutual affection (*mawaddah*), and compassion (*rahmah*).

This is where the importance of examining the aspects of *kafa'ah* in Islamic law lies, which are not only rooted in sharia texts, but also reflect the social sensitivity of Muslim society from time to time. The following are the criteria for *kafa'ah*:

1. Descendants (Nasab)

In the Shafi'i and Hanbali schools of thought, lineage is the primary indicator of *kafa'ah* (priesthood) because it is considered a reflection of family honor. In the context of Arab history, lineage is not merely a biological lineage, but a symbol of prestige and social integrity. (Zaki, bin Hamid bin Syihab, & Ikhwani, 2025). Therefore, the descendants of the

Quraish tribe were considered more noble, because they were the people who were the bearers of the prophetic message and were the center of the Arab social structure at that time. However, in the modern era, it is important for us to reinterpret nasab values in the egalitarian spirit of Islam. The Prophet Muhammad SAW himself once married Zaid bin Haritsah, a former slave, to a noble woman, Zainab bint Jahsy, as a form of deconstruction of narrow lineage hierarchies. This shows that true honor is measured not by origins, but by personal qualities and piety.

2. Religion and Religious Observance

Undoubtedly, religion is the primary foundation in building an Islamic household. Equality of faith and obedience is the foundation that allows couples to grow together in a shared vision of the afterlife. (İsrafiloğlu, 2025). In the view of the majority of ulama, a ungodly Muslim, even though it is legal for him to marry, is not considered kafa'ah for a pious woman, because it is feared that he will become a source of moral damage in the household. Sayyidina Umar ibn Khattab once said, "Whoever marries his daughter to a wicked man, then he has broken the relationship." (Septiani, 2025) This statement is not only a social warning, but also a reflection of Islamic wisdom in maintaining the moral integrity of the family.

3. Economics (Financial Capability)

The ability to provide a living is not just about money, but about responsibility and mental readiness to be the leader of the household. In a hadith, the Prophet SAW said, "It is enough for a person to be said to be a sin if he neglects the person he is dependent on." (Djalaluddin, Mas'ud, Sumardi, Bararah, & Kamus, 2023) Excessive financial disparity can create psychological and social tension. In modern society, where economic pressures are increasing, financially unequal couples often experience prolonged conflict. Therefore, financial kafa'ah is more than just a status symbol; it guarantees the eligibility to fulfill their social roles as husband and wife.

4. Job or Profession

Profession not only reflects how a person earns a living but also influences their social image. In traditional societies, certain professions, such as street performers or septic tank cleaners, are considered unsuitable for women from respectable families. (Soliha, Syahnan, & Irham, 2026). Of course, this understanding shouldn't be interpreted as an insult to legitimate work, but rather as an acknowledgement that society has perceptions and symbolic values that must be considered in marriage to avoid creating social pressures

that could undermine marital harmony. On the other hand, modern developments demand that we wisely revise this view: today's professions are measured more by integrity, work ethic, and contribution to society.

5. Freedom from Slavery

In Islamic history, the distinction between slaves and free people was considered an important element in kafa'ah because it concerned civil rights and legal status. (Haneefa, 2026). However, with the abolition of slavery worldwide, this element has lost its relevance in the modern legal context. However, the spirit of this principle remains relevant: that in marriage, both parties should have full freedom to choose, decide, and be responsible for their life choices. Therefore, this aspect is now more appropriately translated into equal autonomy and legal rights between prospective spouses.

6. Morals and Personality

There is no more enduring criterion in marriage than morality. Imam al-Ghazali, in his monumental work *Ihya' Ulum al-Din*, asserted that "noble morality is better than mere lineage and wealth, for through it love grows and conflict subsides." (Nurhikmah, 2024) Morals reflect emotional maturity, the ability to control anger, and the sincerity to make sacrifices all things that fuel married life. When two people share a common moral vision and etiquette, other differences in background can be more easily bridged.

The Purpose and Wisdom of Establishing Kafa'ah

The primary purpose of the concept of kafa'ah is to maintain harmony in marriage. In a world full of differences, whether in terms of religion, culture, or social status, Islam presents the principle of balance. Just as two forces balance each other in the cosmic system, marriage also requires balance to last and benefit both parties. The concept of kafa'ah, as applied in Islamic law, aims to create relationships that are not only harmonious but also sustainable. (Taufik, 2017). However, to understand more deeply the purpose and wisdom contained in kafa'ah, we need to look further at how this principle is applied in everyday life and why it is an important cornerstone in building a prosperous household.

Every marriage is the foundation for a larger family life, and, in the Islamic context, is not only about the togetherness of two individuals, but also about their complementary moral, economic, and social integrity. (Shofi, 2022). In today's increasingly dynamic world, the challenges of maintaining balance in marital relationships are increasingly complex. Therefore, kafa'ah (partnership) is a highly relevant tool for ensuring that the husband-wife

relationship is based on deep equality. Now, let's explore further the wisdom of applying this concept, as follows:

1. Maintaining Household Harmony

The primary purpose of the kafa'ah concept is to maintain harmony in marriage. Like a bridge connecting two different banks of a river, kafa'ah acts as a bridge between two individuals with potentially very different backgrounds, whether religiously, economically, or culturally. (Mazaya, Laeliyah, & Hami, 2024). Existing differences, if not balanced with appropriate equality, can trigger tension in relationships. Therefore, by ensuring equality in key aspects such as social status, religion, and economics, kafa'ah serves to prevent conflicts that could threaten marital harmony. For example, disparities in social or financial backgrounds can create feelings of injustice, which can ultimately damage the marital relationship. Thus, kafa'ah serves as a preventative measure, leading to a more stable and quality relationship.

2. Protection of Women in a Patriarchal Social Context

In societies that still tend to be patriarchal, women are often in a more vulnerable position in marriage. In this context, kafa'ah serves as a protective mechanism, ensuring that women not only marry men who are equal in religion, economics, and lineage, but also have the ability to provide for them, maintain their dignity, and protect them from potential injustice. (Muhammad Nur Syahbani, Jamil, & Fatimah, 2023). As Imam Al-Ghazali explained in *Ihya' Ulum al-Din*, marriage is a means of maintaining honor, both for the woman and the family as a whole. By ensuring proper equality between the two parties, kafa'ah reduces the risk of women falling into harmful relationships and grants them the right to be treated fairly in marriage.

3. Prevention of Domestic Conflict

One of the great lessons from implementing kafa'ah is preventing marital conflict. Inequality in economics, lineage, or morals can be a source of tension that damages long-term relationships. Like two rivers with different depths and currents, unequal differences between partners can create incompatibility that is detrimental to both parties. By upholding kafa'ah, marriage is protected from potential imbalances that can lead to quarrels and separation. Islam emphasizes that marriage is not merely for satisfying personal desires, but also for creating long-term peace and prosperity in family life. (Amiri, 2021). Therefore, kafa'ah functions as a tool to maintain family integrity by ensuring that both parties have balanced and appropriate qualities to build a prosperous household.

4. Creation of a Just and Prosperous Society

The implementation of kafa'ah also plays a crucial role in creating a just and prosperous society. More broadly, when married couples enjoy equality in all aspects of life, they not only create happy families but also contribute to a stable society. As Muhammad Syahrur has argued, more modern Islamic thought emphasizes that Islamic law must be relevant to contemporary social life and not solely applicable in personal or religious contexts. (Ramadhani & Jais, 2025). By prioritizing kafa'ah in marriage, society is prepared to give birth to a more just generation, where every individual is treated with equality and their rights are respected, regardless of their social and economic background.

Contemporary Ulama's Views on Kafa'ah

From an Islamic perspective, the concept of kafa'ah, which has existed since classical times, has undergone various interpretations along with the times. Contemporary scholars, such as Wahbah Az-Zuhaili and Yusuf al-Qaradawi, provide a more adaptive view of modern social and economic realities (Wahbah az-Zuhaili, 2021). They emphasized that in assessing kafa'ah, the main focus must be maqashid al-shari'ah, or the objectives of the sharia, which function to bring benefits and avoid mafsadah (damage) in human life. As expressed by al-Qaradawi, marriage in Islam is not only about bonds between individuals, but about the formation of a just and prosperous society through fulfilling equal rights and obligations between husband and wife. (Mun'im, 2021).

Although the concept of kafa'ah in classical texts emphasizes equality in terms of lineage, social and economic status, contemporary ulama are starting to see aspects of religion and morals as more important factors. For example, Wahbah Az-Zuhaili believes that piety and good morals are the main basis for choosing a partner, more than heredity or material wealth. In his view, in a society that continues to develop, equality that should be considered in kafa'ah is in terms of depth of faith and morality, which will better ensure the continuity and blessing of marriage.

In an increasingly global and interconnected world, we often see couples who come from different economic or social backgrounds, but with the same religious and moral principles, can build a harmonious and productive life, as follows:

1. Flexibility of Kafa'ah in Modern Society

Contemporary scholars' views on kafa'ah are increasingly flexible, particularly in the context of modern, increasingly pluralistic and dynamic societies. They are no longer confined to rigid feudal social structures, where lineage and social status were considered

dominant factors in determining a partner's suitability. In contemporary societies, particularly in countries with high levels of urbanization and social mobility, values such as education, intellectual ability, and ethics have become more significant than social status or lineage. (Reskiani, Tenrilawa, Aminuddin, & Subha, 2022). This does not mean that aspects such as lineage or wealth are unimportant, but rather they are considered in a broader context, which includes the compatibility of life visions, closeness in religious practice, and harmony of family values.

For example, in the context of Western countries or countries with multicultural societies, factors such as religious beliefs, education, and shared worldviews are more important considerations in building sustainable relationships. This is in line with the view of Yusuf al-Qaradawi, who in his book *Fiqh al-Zawaj* emphasized that although cultural traditions prioritize lineage and wealth, (Mayada, 2024), Islamic law prioritizes *kafa'ah* (a condition of spiritual and moral equality between spouses). From this perspective, a man from a humble family with a strong religious commitment and good ethics is considered more suitable to marry a woman from an upper class who shares his moral principles.

1. Harmonizing Islamic Law with Contemporary Social Realities

This view of contemporary scholars is increasingly relevant given the ever-evolving world. Globalization and the rapid flow of information have blurred the once-strict social boundaries that limited interaction between different social classes. As modern society introduces new challenges to marriage, such as growing economic disparities and broader cultural differences, *kafa'ah* can no longer be viewed through the narrow lens of solely prioritizing social and economic standing. (Suprayogi, 2023). Islam, which is essentially a religion that prioritizes justice and the benefit of the people, must not be trapped in rigid dogmas that are no longer relevant to the times.

Therefore, contemporary scholars' views on *kafa'ah* offer a more moderate middle ground, appropriate to the current context. They propose *kafa'ah* not simply as a standard set by social structures, but as a principle that serves the well-being of the community. In an increasingly advanced society, where people often marry partners from vastly different cultural or social backgrounds, *kafa'ah* must be viewed in a more flexible context and focused on the core values of Islam: religion, morality, and equality in human rights.

Kafa'ah and Positive Legal Legislation

The importance of the concept of *kafa'ah* in Islamic marriage has become a topic of considerable interest within the framework of Indonesian positive law. Although not

explicitly stated in applicable legal regulations, such as the Compilation of Islamic Law (KHI) or Law No. 1 of 1974 concerning Marriage, the basic principles of kafa'ah remain a significant influence on Indonesian social life.

In this discussion, we will outline the position and relevance of kafa'ah in Indonesian legislation by referring to several existing regulations, as follows:

1. Compilation of Islamic Law (KHI) and Kafa'ah

The Compilation of Islamic Law (KHI) does not explicitly mention kafa'ah as a requirement for a valid marriage. The KHI prioritizes the consent of both prospective bride and groom as the basis for a valid marriage, as stipulated in Article 15. This article requires that marriage be based on religious values and the consent of both parties. The Compilation of Islamic Law (KHI) does not specifically regulate social, economic, or religious equality between the prospective bride and groom. (Santoso, Khaidarulloh, & Al Haqiqi, 2026). This indicates that the principle of kafa'ah in the context of Indonesian Islamic law is more emphasized as part of the socio-cultural norms that apply in society, rather than as a legally binding provision.

In this context, kafa'ah is seen more as a flexible principle aimed at maintaining harmony and balance in marital relations. This demonstrates that, although not explicitly mentioned in the Compilation of Islamic Law (KHI), the values embodied in kafa'ah remain important considerations in Islamic marriage in Indonesia.

2. Law no. 1 of 1974 concerning Marriage

As in the Compilation of Islamic Law (KHI), Law No. 1 of 1974 concerning Marriage does not mention kafa'ah as a requirement for a valid marriage. Article 2 of the Marriage Law states that a marriage is valid if it is based on the consent of both prospective bride and groom, demonstrating the importance of equality in the right to choose a life partner regardless of specific social or economic background. (Moelyono, Patria, & Dwiarti, 2022). In this regard, Indonesian positive law tends not to enforce rigid equality as understood in the kafa'ah tradition. This allows individuals more freedom to choose a life partner based on religious considerations and personal compatibility, rather than being limited by equality of social or economic status. The Indonesian Marriage Law provides greater flexibility in implementing kafa'ah, where social or economic status is not considered a binding factor in determining the validity of a marriage. This reflects a more modern legal perspective, which prioritizes individual consent and freedom.

3. Implementation of Kafa'ah in Indonesian Society

Even though it is not a legal requirement in Indonesian law, the principle of *kafa'ah* still plays an important role in the social structure of society. Several contemporary scholars and Islamic law experts in Indonesia, such as Wahbah Az-Zuhaili, remind us of the importance of considering *kafa'ah* in marriage to maintain social balance and avoid conflict in the future. According to Az-Zuhaili, the application of *kafa'ah* can provide protection for women, prevent inequality in household relationships, and promote family harmony. (Syarifah, Cipta, & Syukron, 2025).

However, with the passage of time and changes in social norms, many argue that the principle of *kafa'ah* must be adapted to the social and economic context of modern society. Therefore, although not stipulated in positive law, *kafa'ah* remains relevant in Indonesian social life, serving as a guideline for achieving a harmonious marital life.

4. *Kafa'ah* in the Perspective of Islamic Law and Modernity

Considering the increasingly developing context of the times, several contemporary scholars, including Yusuf al-Qaradawi, argue that the principle of *kafa'ah* does not have to be tied to a rigid social structure, as is the case in the feudal system. (Putri et al., 2023). In Qaradawi's view, equality in religious and moral values is more important, which has a greater impact on marital harmony than differences in social or economic status. Therefore, in an increasingly open modern society, the application of the principle of *kafa'ah* needs to place greater emphasis on moral and spiritual equality between the prospective bride and groom.

This is consistent with the view that in a pluralistic society, where different social and economic backgrounds frequently interact, the principle of *kafa'ah* must be understood more flexibly. Its implementation relies more on factors that can support the continuation of a marriage, such as mutual understanding, fidelity, and faith, rather than on strict equality of status.

CONCLUSION

From the foregoing discussion, it can be concluded that the principle of *kafa'ah*, although not explicitly regulated within Indonesia's positive legal framework, continues to hold significant relevance in both social and religious contexts. Within Islamic legal thought, *kafa'ah* functions as a normative mechanism to maintain marital harmony by emphasizing compatibility in key dimensions such as religion, moral integrity, and traditionally social standing. However, Indonesian legal instruments, including the Compilation of Islamic Law (KHI) and Law No. 1 of 1974 concerning Marriage, do not

formally recognize *kafa'ab* as a legal prerequisite. This reflects a legal policy orientation that prioritizes individual autonomy and equality in choosing a spouse, without rigid adherence to socio-economic or lineage-based criteria.

At the level of social practice, the application of *kafa'ab* has become increasingly flexible and context-dependent. Contemporary scholars such as Wahbah Az-Zuhaili and Yusuf al-Qaradawi reinterpret *kafa'ab* not as a rigid, status-based requirement, but as a moral and religious guideline aimed at fostering balance and mutual understanding within marriage. This indicates a shift from formalistic interpretations toward substantive compatibility grounded in shared values and ethical commitments. Thus, while *kafa'ab* lacks binding legal force, it remains socially operative as a guiding principle that reinforces the ideals of a harmonious and prosperous family.

In terms of policy implications, there is a need for the development of adaptive legal guidelines that incorporate the substantive values of *kafa'ab* particularly religious commitment, psychological readiness, and socio-economic balance into premarital counseling programs and judicial considerations in marital disputes. Religious courts and related institutions could also formulate technical guidelines that contextualize *kafa'ab* as a non-binding but relevant consideration in assessing marital compatibility.

For future research, further empirical studies are needed to examine how *kafa'ab* is negotiated across diverse socio-cultural settings in Indonesia, including its role in inter-class and inter-ethnic marriages. Additionally, comparative socio-legal analyses across Muslim-majority countries would be valuable to explore how different legal systems integrate or marginalize the concept of *kafa'ab* within contemporary family law frameworks.

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