The Concept of Professional Kafa'ah (Hirfah) in Perspective; Imam Malik, Imam Shafi'i, and The Correlation of The Opinion of Sheikh Muhammad Arsyad Al-Banjari in Kitab An-Nikah

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ABSTRACT

Purpose - The researcher will analyze to understand the concept of kafa'ah in work from different perspectives, namely comparing the views of two madzhab imams with different backgrounds and their correlation with the opinion of Sheikh Arshad Al Banjari in Kitab and Nikah.

Methods - In this study, the comparative method was used to analyze the viewpoints they expressed regarding the concept of kafa'ah in employment.

Findings - In this study, Imam Shafi'i and Sheikh Arshad included profession/ hirfah as one of the criteria of kafa'ah, while Imam Malik did not include hirfah as a criterion of kafa'ah because religious equality is the main thing. Thus, this comparative research is expected to provide a more comprehensive insight and understanding of the concept of kafa'ah in employment in the context of Islamic insight.

Research implications - Imam Syafi'i places kafa'ah in terms of the profession (hirfah) as prevalent in marriage as well as the opinion of Sheikh Arshad as a scholar of the Syafi'i Madzhab in South Kalimantan, while Imam Malik argues that kafa'ah does not depend on the profession but on one's religion or devotion.
Originality/value - The madzhab imams have different views on the criteria for kafa’ab in marriage. Comparing views is interesting because changing times can affect the existence of the law.

Keywords: Kafalab, Profession, Perspective.

Introduction

The issue of kufu’ (equal) in marriage in terms of status, material, or heredity has no basis at all. As for the benchmarks in marriage is the ridha of each party. In the Compilation of Islamic Law (KHI) Article 61, it is explained that unequal cannot be used as an excuse to prevent the marriage, except unequal due to religious differences or ikhtilaafu al-dien. Therefore, what can prevent the marriage is unequal in religion or the bride and groom of different religions. Unequal in religion is justified to be the reason someone refuses others to become his life partner. Unequal in social standing, wealth, and descent cannot be a reason to cancel marriage. A man and woman have the same right to hold a marriage bond. The marriage bond can be proposed by both men and women. In carrying out a marriage, it is clear that a man or a woman does not necessarily choose a life partner, but rather he must choose the right choice and be blessed by Allah so that domestic life will be harmonious and by what he aspires to, namely serenity, comfort, and mercy. And this will be realized when we have an equal (sekufu) companion.

Therefore, Islam teaches us those religious norms are the basis for everything. So according to Islam, it is very important to pay attention to kafalab (equality) in choosing a potential partner to achieve the goal of the aspired marriage. The concept of kafalab is one of the important principles in Islam related to marriage, which refers to equality, suitability, and compatibility between two individuals who want to marry, one of these kafalab is in terms of profession or hirfah. Professional compatibility is considered to have an impact on home

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4. Imam Muwafiquddin dan Syamsuddin bin Qudamah, Al-Muhgniwa Syarhul Kabir ala Matnul Makna’a fi Fiqhil Imam Ahmad bin Hambal, Juz 7 (Beirut:Darul Fikri, 1404), 377
life as it allows husbands and wives to have a common understanding of the demands, obligations, and responsibilities of their jobs, supporting mutual understanding and support in marriage. Sekafah here is defined as balance or harmony, where a prospective husband and wife have balance and harmony so that each of the prospective husband and wife does not find it difficult to carry out a marriage.\(^5\)

The concept of kafa’ah is not new in Islam, having been discussed in the books of fiqh. However, controversy still exists among the madzhab imams regarding the use of measures and conditions for marriage. One of the main issues is regarding a person’s profession or occupation as a criterion of kafa’ah. Hirfah (profession) is often considered a determining factor in assessing a person's economic status in the context of marriage.

A person with an established job and a reputable profession is considered suitable in the eyes of the guardian because he is expected to be able to provide adequate physical sustenance. A professional imbalance between the bride and groom can lead to domestic conflicts rooted in differences in hirfah. A prosperous life can be achieved if both partners have compatible professions. Although there are happy marriages without fulfilling the hirfah requirement, the differences of opinion among the madhhab imams on hirfah are influenced by their socio-historical background factors. The concept of kafa’ah as stated in various fiqh books is not the main benchmark in choosing a spouse. However, the main principle that needs to be emphasized is that the prospective groom must have the ability to fulfill household needs after the marriage takes place.\(^6\) Kafa’ah, in addition to heredity, they also consider other factors, such as wealth, strong religious values and scientific skills.\(^7\)

In this study, the author uses three scholars’ perspectives regarding their opinions on the placement of professional kafa’ah (hirfah) in the criteria for determining a spouse. Imam Malik does not consider hirfah as a criterion of kafa'ah, while Imam Shafii considers hirfah. This difference is influenced by different interpretations of the text and legal sources.


Imam Syafi'i mentioned four measures of kufu, namely: nasab, religion, independence, and occupation. Meanwhile, Sheikh Muhammad Arshad, who is also of the Shafi'i school of thought, mentions five measures of kufu, namely: freedom from disgrace, independence, nasab, iftfah, and work/hirfah. Sheikh Muhammad Arsyad Al-Banjari, a prominent scholar in South Kalimantan reviewed kafa'ah in one of his books, the book of An-Nikah. The book explains how important kafa'ah is as a foundation for building a harmonious marriage relationship, one of which is kafa'ah in terms of profession (hirfah).

Scholars from various Madhhabs also have different thoughts related to the kafa'ah profession (hirfah) in marriage, which makes a comparative study between two madhhab Imams with different backgrounds interesting. Hirfah (profession) according to the opinion of the Shafi'i madzhab is a measure of kafa'ah in marriage which is also relevant to Sheikh Muhammad Arshad who is also a Shafi'i madzhab who mentions the measure of kufu' one of which is related to equality in terms of work, with the belief that someone who has a low profession is not commensurate with someone who has a high profession.

On the other hand, Imam Malik considered that this hirfah was not an important measure of kafa'ah, because a person’s equality is determined more by his religion (devotion), not by his profession. This difference in view can be caused by several factors, such as the existence of ta'arub (contradiction) in qiyas (legal analogy), differences in understanding of legal texts, as well as socio-historical factors and differences in understanding 'illat law (legal rationality).

The resulting analysis of this research reflects the legal implications of hirfah as a standard of kafa'ah in the context of marriage according to Imam Shafi'i's view, where the importance of kafa'ah is taken into account in the event of incompatibility between spouses that could allow one of the parties to annul the marriage (fasakh). On the other hand, Imam Malik does not consider hirfah as a significant criterion of kafa'ah, so in the event of incompatibility, there is no khiyar (annulment option) right held by either party. Imam Malik, who was also known as a hadith scholar, emphasized the rule of kafa'ah based on the hadith which was reinforced by the consensus of the people of Madinah. On the other hand, Imam Shafi'i, who moved frequently, was more influenced by cultural complexities in his views on

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8 Abdurrahman Al-Jaziri, Kitab Al-Fiqh ‘Ala Madzahib Al-Arba’ah, (Beirut-Lebanon: Dar AlKotob AlIlmiyah, 2003), 57
10 Syekh Muhammad Arsyad Al-Banjari, Kitab An-Nikah, 35
kafa'ah, which were influenced by qiyas comparisons of specific situations he encountered in different places.

Sheikh Muhammad Arsyad al-Banjari as a fiqh scholar who is based in the school also pays great attention to this kafa'ah case before getting married. Even in Haryadi Z's Shafi'i school the existence of kafa'ah (equivalent) is believed to be a factor that can eliminate/avoid any disgrace in the family. However, this seka'fu (equivalent) case does not mean that it has to be the same in all respects as it is the same in terms of lineage, wealth, or disability. But the equivalent meaning here is that if one of the two has a defect and one of them cannot accept it, then he has the right to sue for marriage. The position of kafa'ah according to the Shafi'i school in a marriage is a social necessity so that it is returned to the customs that apply to the community, therefore kafa'ah is not a condition for marriage.\textsuperscript{11}

This research is expected to provide benefits, namely theoretically and practically. The theoretical benefits are expected to provide additional knowledge and development about the application of professional kafa'ah (hirfah) when viewed from the views of socio-cultural scholars. The theoretical benefits of this research are that it can be useful for the community and for all readers, in general, to be able to provide the author's understanding and knowledge about the kafa'ah profession/ hirfah and its implementation in the community.

Several studies discuss kafa'ah, including First, Umar with the title "The Existence of Kafa'ah is an Effort to Maintain the Glory of Ahlul Bait". This thesis discusses the glory of Ahlul Bait in terms of marriage to women of noble descendants of Sharifah who will be married by a man who is not of Sharif descent. From several opinions of madzhab imams. The result is that the noble descendants of Syarifah must keep the descendants of the Prophet SAW because this lineage is a divine gift that not everyone can have.\textsuperscript{12} Second, Ilyas (2006) with the title "Critical Study of the Concept of Kafa'ah in the Perspective of Islamic Legal Liberalism". This thesis discusses the perceptions of JABODETABEK students about religious equality in marriage, and the result is that students are still very conservative in addressing religious differences in marriage to choosing a partner.\textsuperscript{13} Third, Asep Aulia Ulfah with the title "Kafa'ah in Marriage According to the People of Sirnarasa Village, Tanjungsari

District, Bogor Regency". This thesis, discusses the traditions of the people of Sirnarasa Village, Tanjungsari District, Bogor Regency, in terms of marriage which have similarities with the concept of *kafa'ah*.

In terms of the similarity of the research that the author raises is that both discuss *kafa'ah*, while in terms of the difference in the research that the author raises is that the first research focuses on *kafa'ah* nasab, not *kafa'ah* profession as the author examines. In the second study, it focuses on the concept of *kafa'ah* from the perspective of Islamic Law liberalism, this is different from the focus of the research that the author examines which focuses on professional *kafa'ah* in terms of the views of Imam Malik, Imam Syafi'i, and Sheikh Muhammad Arsyad Al-Banjari. Then the third study focuses on the discussion of *kafa'ah* from the perspective of the people of Sirnarasa Village, Tanjungsari District, Bogor Regency. This research is empirical and different from the author's research, which is normative research that focuses on professional *kafa'ah* from the views of Imam Syafi'i, Imam Malik, and Sheikh Muhammad Arsyad Al-Banjari. The novelty of this research from previous research lies in the opinion of the two Madzhab Imams which is correlated with the opinion of Sheikh Muhammad Arsyad Al Banjari in Kitab An Nikah. Based on the above, this research aims to analyze the comparison of the concept of professional *kafa'ah* (*hirfah*) proposed by Imam Shafi’i, Imam Malik, and Sheikh Arshad in Kitab An-Nikah. Therefore, studies and research on *kafa'ah* develop along with changes in the dynamics of human civilization.

**Method**

The type of research used in this research is descriptive qualitative normative with a comparative approach that involves examining various library materials such as books, *fiqh* books, and sources related to the topic of this research. The analysis technique used includes data identification and classification of data to be processed as legal material in this study.

**Result**

**Concept of Kafa’ah Profession (Hirfah)**

*Kafa’ah* in marriage is considered very important because, with the similarities between the two husband and wife, the effort to establish and foster an Islamic household will be
realized. Nevertheless, according to Islam, kafaah is only measured by the quality of one’s faith and piety and character. Allah looks at someone’s degree, poor and rich. There is no difference between the two, except for the degree of piety. Therefore, if a man is equal to a woman in faith and piety, then there is no obstacle for them to get married.

The purpose of kafa’ah is the same as the purpose of marriage, which is to form an eternal and happy family based on the One Godhead. Therefore, between husband and wife a sense of complementarity so that each can help the other in achieving these goals, both materially and spiritually. The achievement of the purpose of the marriage is not determined by the equivalence factor (kafa’ah), but it is the main support. Therefore, in choosing a partner, Islamic law teaches us to be careful to avoid regrets in the future so that no party is wronged. Because building a household is not only for a certain time but forever.\textsuperscript{16}

The purpose of kafa’ah in marriage is to establish equality of conditions between the husband and wife, placing them in the same position.\textsuperscript{17} The concept of kafa’ah in terms of occupation (hirfah) when choosing a potential spouse encompasses a strong underlying principle rooted in Islamic teachings, where kafa’ah refers to the concept of compatibility and compatibility between two individuals who are getting married, including in their field of work. Understanding the importance of kafa’ah in terms of occupation when choosing a potential spouse is based on the recognition that work is an integral element in a person’s life, and when two partners share time and a future, their interactions in the context of work will influence each other. The importance of kafa’ah in terms of occupation when choosing a spouse gives rise to various considerations that underlie this.\textsuperscript{18}

The work that a person does to earn a living for their survival is also called livelihood. The occupation of the prospective husband or family is equal to or close to that of the prospective wife or family. Therefore, a man whose occupation is menial and lowly is not equal to a woman from a family whose occupation is honorable.\textsuperscript{19}


\textsuperscript{18} Imam Muwafiquddin dan Syamsuddin bin Qudamah, \textit{Al-Muhgniwa Syarhul Kabir ala Matniil Makna’a fi Fiqih Imam Ahmad bin Hambal [Juz 7] (Beirut:Darul Fikri, 1404), h.377

\textsuperscript{19} Rasidin, Natardi, and Witro.
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First, occupational kafa'ah has an impact on relationship dynamics and balance. When couples have mutually compatible and supportive jobs, they tend to have a better understanding of each other's demands and needs in the work context, which in turn enables them to support, appreciate, and provide the necessary emotional support when facing career challenges. Furthermore, kafa'ah in terms of occupation also plays a role in the stability and sustainability of the relationship. If couples have incompatible or conflicting occupations, conflicts and tensions may arise, threatening the balance and harmony in their relationship. In some cases, significant differences in the type of work or level of professional activity can lead to economic disparities or differences in lifestyle that are difficult to overcome.

In addition, kafa'ah in terms of occupation also includes considerations related to the values and beliefs associated with each partner's profession. Some professions involve certain moral, ethical, or religious responsibilities that must be adhered to. Compatibility in this regard helps build a solid foundation of shared life principles and values important to both partners. However, it is important to remember that occupational compatibility is only one factor in choosing a potential spouse. In addition to occupational kafa'ah, there are many other aspects to consider, such as compatibility of values, life goals, personality, religion, and effective communication. Occupational kafa'ah should be viewed as an important element in the context of the couple's overall suitability and compatibility, which involves understanding and agreement in various aspects of their lives.

According to Hanafiyah scholars, kafaah is a particular equivalence between men and women. According to Malikiah scholars, kafaah is comparable in terms of religion and circumstances, namely survivors of disgrace that obliges women to exercise their voting rights. According to the Syafi’iyah scholars, kafaah is an affair which obliges to reject the disgrace and humiliation, especially the comparability of men to women in the perfection of their two conditions so that they are saved from disgrace.14 According to the Hanabilah scholars, kafa’ah is similarity and equivalence in five cases, namely religion, descent, freedom, work, and wealth. In the Maliki school of thought, it is no longer disputed that the factor of poverty on the part of men is one of the cases that led to the cancellation of marriage by a father for his daughter, as well as the factor of independence (not slaves).20

There are different views among the Imams regarding hirfah or kafa’ah in the context of the profession. If we look at it from the point of view of employment, the aspect of work

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20 Rasidin, Natardi, and Witro.

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becomes very important and becomes a significant consideration factor. This is because work determines the level of income and is also a benchmark for measuring a person's economic level. Kaf'a'ah, although it is not included as a condition of the validity of a marriage, it is the standard for determining household harmony. The suitability of both candidates is important to realize these goals. The matchmaking tradition can be an obstacle in determining the kaf'a'ah. This is because, both men or women as prospective husbands or wives or parents as guardians, both have the right to determine the kaf'a'ah.\(^{21}\)

In general, kaf'a'ah includes luzum or standard requirements for marriage even though it is not included in the pillars or legal requirements of marriage. This means that if a person enters into a marriage without considering kaf'a'ah, then his marriage is still valid, but if he has a family and there is an everyday basis or understanding between the two, then the household relationship will feel harmonious and happy.\(^{22}\)

The concept of work in this case refers to the income-generating activities that a person engages in to ensure that his family's needs are met. The majority of scholars, except for the Malikiyah scholars, agree that work should be included in the criteria of kaf'a'ah, based on the following Prophetic Hadith:

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\text{Ibn Umar narrated that the Messenger of Allah (SAW) said, "Like two Arabs are equal, one tribe is equal to the same tribe, one group is equal to the same village, between men in the group, except for a tailor or a cupper." (H.R Baibaqi).}
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It is explained in the hadith explanation above that a person is considered to have a respected and equal job if he marries someone who has an equal job. For example, a doctor is considered not equivalent if he marries a traveling fried food seller. In the opinion expressed by the majority of scholars, it is at least close to the profession of the woman.

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Hanafi scholars suggest that the income should be the same for the man and the woman's family, as is the customary practice in a particular area.

For example, if the income between a midwife and a nurse, for example, a midwife earns more than a nurse, then the nurse is considered not compatible or sekufu with a nurse. Response to this problem, the Malikiyah group has the principle that there is no concept of equivalent in terms of work because future destiny is in the hands of Allah and the Malikiyah group does not include this birfah criterion into consideration the concept of kafa'ah.23

We can see that a person is considered capable of meeting material needs adequately if he has a stable and respected job in a well-known profession, and he will get a positive assessment from the guardian, this is when we relate it to the context of the conditions of the times that are developing now. Then there can also be conflict in the marriage relationship that starts from a small problem that stems from the inequality of birfah itself because there is an imbalance in terms of birfah between the two prospective partners.

In addition, the factors that influence the formation of the concept of kafa'ah are religion, beauty, lineage, and wealth. These factors are considered/believed to be the main factors that determine the formation of the concept of kafa'ah where men must hold a higher degree than women. In addition, supporting factors such as education, social aspects, and culture are the drivers that strengthen the main factors.24

However, in reality, some marriages do not meet the requirements of kufu' in terms of birfah but still survive with great happiness and there is also the truth that if both partners have compatible professions, then a prosperous life can be realized. The existence of pros and cons between the opinions expressed by the imams of this madzhab regarding kafa'ah in work is due to several underlying factors, such as the different socio-historical backgrounds of each imam, which then creates a variety of diverse opinions. For example, Imam Malik did not include birfah as a consideration of kafa'ah, while Imam Shafi'i made the aspect of birfah a consideration. This inequality is clear because it is caused by different approaches in taking legal sources in solving a problem and differences in understanding texts or verses.25


Legitima : Jurnal Hukum Keluarga Islam Volume 6, Nomor 1, Desember 2023
From a societal perspective, views on kafa'ah vary widely. Each group of people has its standards in this regard. The concept of kafa'ah itself serves as a tool or means to filter and be considered in finding a life partner who has good physical, mental, and spiritual qualities.

**The Concept of Professional Kafa'ah (Hirfah) According to Imam Shafi'i's Perspective**

The Shafi'i school also argues that if there is a case where a woman demands to be married to a man who is not in agreement with her guardian, then the guardian of the woman has the right to apply for a familial phase. This opinion is based on a history of Fatimah bint Qais who came to the Prophet and told that she had been proposed to by a man named Abu Jahm and Mu'awiyah. Then the Prophet's response was: "If you marry Abu Jahm, I am afraid you will disobey him. But if you marry Mu'awiyah, he is a young Quraysh who has nothing. But I will show you a man who is better than them, namely Osama".

The majority of scholars other than Imam Malik agree to include profession as a criterion of kafa'ah, this is based on the hadith of the Prophet SAW:

> Ibn Umar reported that the Messenger of Allah (may Allah's peace and blessings be upon him) said: 'Arabs are compatible with other Arabs, and Mawali is compatible with other Mawali, except cuppers.' (HR. Al-Bazaar).

According to Abu Zahra the above hadith suggests that jobs that are considered noble should be matched with jobs that are considered noble as well. People who have respected occupations feel that it is a disadvantage if their daughter is paired with a man who works in a menial occupation such as a tanner, copper, construction worker, or sweeper.

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27 Assaidil Imam Muhammad bin Ismail al-Kahlani, Subulussalam, Jilid III (Bandung: Dahlan, 1183), h. 128
This happens because of the perception that people have that such livelihoods are less prestigious, so it is seen as if this reflects their low social status.\textsuperscript{28}

Men who earn a living in jobs that are considered lowly, such as odd jobs, are considered unequal to women whose business or their father's business is more noble. And merchant men are considered unequal to women who are the children of clerics or judges and men who work as tailors or electricians are considered unequal to women who come from merchant families.\textsuperscript{29}

Imam Shafi'i's perspective related to hirfah remains a determinant in the consideration of kafa'ah. Men with ordinary jobs with low salaries are not equal to women from high social classes and qualified salaries, but different things if the work is almost at the same level then it can be understood and considered as if there is no difference between the two.\textsuperscript{30}

By paying attention to one of the criteria for kafa'ah set by Imam Syafi'i, namely the aspect of hirfah (work), the author finds a reason. If a man and a woman come from a family that has a principle pattern that is in line or almost in line in terms of work, then the future impact will be more directed. However, if there is no element of equality, the major impact that may occur is the occurrence of imbalances in building household relationships cannot be ignored, even conflicts between families can arise because of significant differences and perhaps a large percentage.

While the Shafi'i school differs from the Hanafi school in its perspective on kafā'ah, it considers kafā'ah in marriage as a social need that should be adjusted to prevailing customs rather than a condition that determines the validity of a marriage. The Shafi'i school

\textsuperscript{28} Muhammad Abu Zahroh, \textit{Aqd Az-Zawaj wa Asarnah}, (Kairo: Dar al-Fikr al-Arobi, 1957), h. 185.

\textsuperscript{29} Ibnu Mas'ud, \textit{Fiqh Madzhab Syafi'i}, h. 262

\textsuperscript{30} Priests are expected to be able to improve welfare in family life. In general, in the absence of material sufficiency, internal family conditions are prone to conflict, including conflicts related to finances. Although not everyone will respond with conflict, it is better if both spouses have jobs that are mutually supportive, balanced and equal. This will ensure maximum fulfillment of life's needs, so that marriage can be lived with peace and without worries. For example, if a woman owns many businesses, her situation will be unbalanced with a man who only works as a cleaner in the office. The impact will be seen in the gap in the exercise of rights and responsibilities between husband and wife. In this situation, there is the potential for the woman to feel satisfied with her income and career achievements, while the man is perceived as being unable to fulfill the proper financial needs of his wife and children. In addition, the two will not be able to support each other in accomplishing their work as their work focus is different. In the social view, it also seems unsuitable if the woman in the family has a history of work that is valued in society to be side by side. Alauddin, Badai'u Shanai', p. 582
The Concept of Professional Kafā'ah (Hirfah) recognizes that kafā'ah alone cannot guarantee harmony in a family. Therefore, the contextualization of kafā'ah must be adaptable to the sociological life of the community.³¹

This inequality can be detrimental to either individual. In the long run, it can cause discomfort in social status and the potential for criticism or negative comments from others who are not paying attention to the individual’s perspective. Most people spend most of their time in two areas, namely work and family, as both relate to the fulfillment of individual life needs. The issue of work also relates to the financial or material aspect, as jobs that are perceived as quality generally generate higher incomes than jobs that are perceived as inferior.³²

The Concept of Professional Kafā'ah (Hirfah) According to Imam Malik's Perspective

Imam Malik argued that the fundamentals related to work and wealth both can change at the will of the creator. What is more important is to place diyanah (religion and faith) as the main criterion in determining kafā'ah. According to the Malikiyah view, work is considered something general and does not need to be a determining factor in kafā'ah. This opinion is based on the word of Allah in Surah As-Sajadah (32) verse 18:

اَقْمِنْ كَانَ مَؤْمِنًا كَانَ فَاسِقًا لَا يَسْتَنْتَوْنَ

"The believers are not like the wicked, they are not the same"³³

Occupation, company, wealth, independence, and nationality are not taken into consideration in marriage. According to Imam Malik's view, a man from an Ajam nation, such as Indonesia, is equal to a woman from an Arab nation, even if the woman is of a respectable Alawite descent. A man who works as a security guard or a school cleaner is equal to a woman who is the son of a diamond seller, or even the son of a scholar. A poor man is equal to a rich woman or the son of a rich man, and a slave man is even equal to a free woman. This opinion, which is the view of Imam Malik, is considered to be following the

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³³ Amir Syarifuddin, Hukum Perkawinan Islam di Indonesia: Antara Fiqh Munakahat dan UU Perkawinan, h. 142.
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conditions of contemporary times, namely the age of democracy, equality, and respect for all types of halal livelihoods and occupations.

According to Imam Malik’s opinion, hirfah (occupation) is not a determining factor in kafa’ah. The issue of kafa’ah was also not openly debated in Madinah, and this approach is not in line with the legal concept held by the scholars of Madinah. The reason for this is that Imam Malik lived in Madinah, where the people did not place much importance on occupation in determining marital kafa’ah. This view was influenced by the situation in Medina at that time, which was far from the influence of Persian and Roman culture. In addition, the population of Medina was still dominated by Arabs and had minimal interaction with non-Arabs.

Imam Malik’s opinion is based on his desire to simplify the marriage process. There are many examples of married couples who can lead an adequate and harmonious home life, even though they live with limited resources and do not consider occupational factors. According to him, the additional requirements in kafa’ah only have a complementary role, because the success of a household depends on the commitment of the individuals who promise to live together. In determining the criteria of kafa’ah, it is necessary to do so with care and wisdom. This is because, in practice, the Prophet SAW rejected the concept of kafa’ah other than religious criteria.

For example, the marriage between Zainab bint Jahsh, an aristocrat from the Quraysh tribe, and Zaid bin Haritsah, who was a slave with no job. This incident confirms that occupation is not the main factor in determining kafa’ah. It is not appropriate to insist that someone who has a respectable job must marry someone who also has a respectable job. Judgment of a person’s status and equality is the prerogative of Allah alone, not human rights. This opinion is in line with Ibn Taymiyyah’s view supported by Asghar Ali, who states that in the Quran, women and men are considered equal in intellectual and moral abilities. Therefore, each individual has the freedom to choose their life partner.

Based on the analysis of human rights that prioritize the principle of equality, especially in the context of family formation through marriage, the author concludes that the rules governing this aspect can be considered inconsistent with the principles that have been upheld in Islam. Although the principle of egalitarianism is supported by strong arguments,

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35. Asghar Ali Engineer, Hak-Hak Perempuan dalam Islam, (Bandung, LSPPA,1994), h. 137
it is not appropriate to make the background of hirfah (occupation) an absolute mandatory legal rule, because it is contrary to the revelations contained in the Quran.

The existence of hirfah is not absolute in the determination of prospective spouses, as is evident from many cases in society where couples who do not consider their occupation can lead prosperous and happy household relationships. Although occupational considerations have an important value in the current era. Individuals who wish to marry are not required to have the same occupation, and such differences should not be an obstacle to legalizing marriage. The author argues that hirfah is only an additional part of the assessment of suitability (kafa'ah), in line with Imam Malik's view. This is because the success of a marriage relationship depends on the cooperation and mutual support between the two individuals.

The Concept of Kafa'ah Profession (Hirfah) According to the Perspective of Sheikh Muhammad Arsyad Al-Banjari in Kitab An-Nikah

The majority of scholars, apart from Imam Malik, recommended that the occupation of the husband or his family be equal to that of the wife and her family, which is referred to as the concept of kafa'ah. However, occupations such as fire blower, cupper, garbage man, sweeper, shepherd, and watchman were considered inferior and were not considered equal to the occupations of girls who owned factories or were part of an elite group.

Similarly, the sons of merchants and dressmakers were not considered equal to the daughters of scientists and qadhi, according to the prevailing tradition. On the other hand, Imam Malik has a different view, which is that they do not consider a profession as a condition of kafa'ah because a profession is not something that is considered less important or uncommon like debt or property. According to Imam Hanafi, the assessment of a man's and woman's occupation depends on local customs and habits.

Sheikh Muhammad Arshad explained five aspects of the concept of kafa'ah. According to him, kafa'ah is only needed from the woman's side and is not needed from the man's side. This means that in the assessment of kafa'ah, men need to be equal to women. However, there is no requirement for women to have the same level of suitability as men. If women have a lower position than men in various aspects of kafa'ah, it is still considered valid. This is so that men do not look down on women who are in a lower position than them.
**Kafa’ah** According to the Perspective of Sheikh Muhammad Arsyad al-Banjari there are 5 conditions that require kufu, namely: 1) Safe from all disgrace for khiyar Faskh marriage, such as crazy or measles brackets or moles or ringworm, and cut off the penis or weak testicles. So that there is no equal between a man who is not mentioned above and a woman who is not separated from one another. Except for the disgrace that hurts the khiyar, such as being blind and having his hands cut off and being ugly, because it does not cause harm, but only physically. 2) Free women, So that a king will not be as equal with a woman who is already free. However, if the father of the man is a free person, and the mother of the man is a free person (liberated), then the man follows his father, so that he is as close as he is to the woman. 3) Senasab, Senasab here means countrymen. 4) Iffah, Iffah here refrains from all unlawful acts/works. 5) Hirfah (having intelligence which is required with sustenance). So, men who have low intelligence are not as loyal as women who have more intelligence than him. Like a man who herds goats/cows, he is not as good as a woman, a tailor's child. The sekufu are the sons of merchants and the daughters of cloth sellers and the sons of the pious and the daughter of a qadhi (judge).

So, it can be concluded that according to Sheikh Muhammad Arsyad al-Banjari that sekufu is seen from the 5 above, namely safe from all disgrace, independence, kinship, iffah, and hirfah. And according to him, the woman and her guardian have the right to determine the kufu case, except for the disgrace (cut/weak penis), then the kufu case is the right of the woman, not her guardian. Then if a woman marries a man who is not compatible with her, her marriage is valid. Similarly, when the woman is married by her guardian to a man who is not in a relationship, with the pleasure of the woman and the pleasure of her guardian, then the marriage is also valid.

Based on that explanation, al-Banjari has demonstrated a first qualification or kafa’ah requirement, which is not disgraced or handicapped if a marriage can be canceled. Disabled people are not deemed to be on the same line as non-disabled people. The impairment encompasses both the physical and psychological aspects of impairment. A woman has the right to vote (to take or refuse marriage), not that the woman alone has this problem due to
a lack of a man’s physical inability in the woman. A guardian is therefore entitled to deny marriage to a paralyzed, leper, or foolish male.\textsuperscript{38}

A final aspect of the concept of \textit{kafa’ab} is \textit{hirfah}, which Shaykh Arshad explains as proficiency in earning a living. For him, a man who has a skill that is considered inferior is not comparable to a woman who is more adept at earning a living than him. This view is in line with Imam Malik. According to Shaykh Arshad, a boy who works as a blood-drawer, a tanner, or a herder of goats or cows is not equal to a girl who works as a tailor or a letter writer. Similarly, sons who work as tailors or proofreaders are not equal to daughters who come from cloth merchant families. Also, girls from cloth merchant families are not equal to boys from the families of the pious, judges, or their grandchildren.\textsuperscript{39}

From the explanation above, we can conclude that \textit{kafa’ab} in terms of work (\textit{hirfah}) is also returned to each individual. The standardization of \textit{kafa’ab} in terms of this work can at least be taken into consideration to build a household in the future. Why a man who is a tailor is not \textit{kafa’ab} with a woman who is the daughter of a merchant or cloth seller is because the level of economic strata is different.

And it is feared that this difference then becomes a trigger for conflict in the household later because the woman feels she can make more money than the man, which is why Sheikh Arshad includes \textit{hirfah} in the concept of \textit{kafa’ab}. However, what needs to be underlined is that it all depends on the spaciousness of each heart, if the woman is richer than the man and the woman is spacious in accepting it and sincere in building a household with the man whatever the future consequences are then it is fine, because the most important thing is the spaciousness of each heart in accepting the prospective partner’s work so that in the future there is no conflict.

Sheikh Arsyad’s concept of \textit{kafa’ab} remains relevant today, especially when looking at the factors of divorce that occurred in East Java, with the number reaching 32,105. One of these factors is the economic aspect. In his understanding of \textit{kafa’ab}, Sheikh Arshad mentions Hirfah as an important component that emphasizes that a man must have skills in business or work. Thus, if a rich woman marries a man who is less materially capable, their life can still go well without causing problems. Therefore, Shaykh Arshad did not include

\textsuperscript{38} Hafidzi, Rusdiyah, and Nurdin, “Arranged Marriage: Adjusting Kafa’ah Can Reduce Trafficking of Women.”
\textsuperscript{39} Syekh Muhammad Arsyad Al-Banjari, Kitab An-Nikah, 35.
wealth as the main aspect of the concept of kafa'ah, but paid more attention to the aspect of Hirfah.

Discussion

Similarities and Differences in the Opinions of Imam Shafi'i, Imam Malik, and Sheikh Arshad Al-Banjari Toward Kafa'ah Profession (Hirfah)

Both Imam Malik and Imam Shafi'i have similarities in punishing kafa'ah as a form of common requirement in a marriage, not a valid condition of marriage so that when there is a woman who is not equal to the man who will marry her, her marriage is still valid because there is no prohibition on marriage that is not suited. And please note that kafa'ah is the right of women and their guardians. In the selection of criteria for prospective husbands, if it is found that there is no equality between the two candidates, the woman or her guardian has the right to cancel the marriage.

Sheikh Arsyad, according to the author, agrees with the opinion of Imam Syafi'i because he is a scholar who comes from South Kalimantan, the majority of which are of the Syafi'i Madzhab, so his opinion on kafa'ah is not much different from the opinion of the Imam he adheres to. The basic difference between Imam Malik and Imam Shafi'i in the issue of kafa'ah is when determining the criteria for kafa'ah itself. In this case, Imam Malik believes that kafa'ah only revolves around religion and freedom from physical defects, outside of these two criteria is not considered a deficiency.

While Imam Syafi'i has more criteria than Imam Malik including descent, religion, independence, and profession. Regarding the problem that the author raises, it is clear that Imam Malik and Imam Shafi'i differ in addressing professional kafa'ah (hirfah) with the arguments that the author has described in the previous sub-discussion so that the author tries to analyze and compromise the two different views of the Imam.

The use of the argument of surah As-Sajadah verse 18 by Imam Malik does not contradict the opinion of Imam Syaf'i because according to the author religion is an important essence and becomes fundamental in kafa'ah as the Prophet Muhammad SAW said in a hadith that reads:

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40 Imam Syafi'i, al Umm (Jakarta Selatan: Pustaka Azzam, 2014), hlm. 84.
41 Wahbah Az-Zuhaili, Fiqih Islam wa Adillatuhu, vol. 9 (Jakarta: Gema Insani DarulFikir, 2011), hlm. 220. Atau lihat di ad-Durrul Mukhtaar, 2, hlm.437
44 Ibnu Mas'ud, Fiqih Madzhab Syafi'i (Bandung: Pustaka Setia, 2007), hlm. 267.

Legitima : Jurnal Hukum Keluarga Islam
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So based on this hadith both agree that religion is the main basis in kafa’ah because it is an absolute thing as a form of relationship between God and creatures that cannot be ruled out. Then the hadith used by Imam Shafi’i in ruling on the existence of kafa’ah in the profession explains that "Arabs are kufu" for others, Mawali are kufu" for other Mawali except cuppers.

There are differences in interpreting the meaning of the hadith. Imam Shafi’i argues that the phrase "except for the cupper" is a sign that professional equality has a big influence on household harmony, if seen from the current context, a profession that has a large salary and can meet household life is needed.

This opinion is different from Imam Malik who did not expand the meaning of the sentence because Imam Malik adhered more to the ijma ahlul Madinah who was egalitarian. That is an understanding that all people are equal in terms of religious, political, economic, social, and cultural positions. So he did not require sekufu in terms of profession because it is not a deficiency like debt and not something common like wealth.

From this difference in interpretation, the author argues that professional equality cannot be generalized, because each place has a different barometer in determining professions that are considered ideal and professions that are considered low. Considering the importance of equality or balance in marriage between husband and wife or kafa’ah, it is appropriate for every Muslim to practice this kafa’ah before marriage even though kafa’ah is not one of the pillars of marriage that must be fulfilled. So the main thing that needs to be considered is how the two prospective couples can discuss the ideal equality according to both of them not according to others to adjust to the kafa’ah of local customs.

Conclusion

Imam Malik, Imam Syafi’i, and Sheikh Arshad Al Banjari have similarities in determining kafa’ah as one of the prevalent conditions of marriage and does not become a

prohibition on marriages that are not suited. The evidence used by Imam Malik in terms of religious kafa'ah being superior to professional kafa'ah is agreed by Imam Shafi’i and Sheikh Arshad as the main kafa'ah. While the hadith argument used by Imam Syafi’i and Sheikh Arshad as the basis for the existence of the kafa'ah profession can be returned to the customs of each region because a job is considered ideal and low depending on the culture of thought of the community, so it could be that in one area the work is considered ideal and equivalent while in another area the work is considered low and not equivalent. There is no definite barometer in determining professional kafa'ah, but equality can provide a balance in living an ideal household relationship, whether it is kafa'ah in terms of religion, lineage, wealth, profession, and so on.

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