

**THE CONCEPT OF KAFA'AH IN MARRIAGE  
(Study Of Thought Of Madrasah Teachers In Rejang Lebong )**

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**Abstract**

*Kafa'ah in marriage is the existence of equality in position, comparable in social level, religion, lineage, and wealth. Madrasah Aliyah Negeri Rejang Lebong, an educational institution based on religion, all teachers should understand the concept of kafa'ah but in reality they have different views. Differences in interpretation regarding the understanding of the concept of kafa'ah based on the thoughts of MAN teachers invite further interest. This study uses a qualitative approach with primary data sources obtained from the understanding of MAN teachers and secondary data obtained from supporting literature. This research concludes that MAN Rejang Lebong teachers who are married consider the application of the concept of kafa'ah in the selection of a prospective partner not to be the main element in the formation of a sakinah, mawaddah, warahmah family, but comfort, understanding each other's circumstances, accepting each other, making the family sakinah, whereas according to the opinion of the MAN teacher who Unmarried people think that kafa'ah is something that is important as a main consideration in determining a life partner in order to get a sakinah, mawaddah, warahmah family, creating a quality next generation as well as eliminating gaps, and domination between couples.*

*Keywords: Marriage, Kafa'ah, Teacher.*

**Abstrak**

*Kafa'ah dalam perkawinan adalah adanya kesamaan dalam kedudukan, sebanding dalam tingkatan sosial, agama, keturunan, serta kekayaan. Madrasah Aliyah Negeri Rejang Lebong instansi Pendidikan berbasis agama semestinya semua gurunya memahami konsep kafa'ah tetapi kenyataannya mereka memiliki pandangan yang berbeda. Perbedaan penafsiran mengenai pemahaman konsep kafa'ah berdasarkan pemikiran guru MAN mengundang ketertarikan lebih lanjut. Penelitian ini menggunakan pendekatan kualitatif dengan sumber data primer yang didapat dari pemahaman guru MAN dan data Sekunder yang didapatkan dari literatur yang mendukung. Penelitian ini menyimpulkan, bahwa guru MAN Rejang Lebong yang sudah menikah menganggap penerapan konsep kafa'ah dalam pemilihan calon pasangan tidaklah menjadi unsur utama terbentuknya keluarga sakinah, mawaddah, warahmah, tapi kenyamanan, saling mengerti keadaan, saling menerima, menjadikan keluarganya sakinah, sedangkan menurut pendapat dari guru MAN yang belum menikah beranggapan kafa'ah adalah sesuatu hal yang penting sebagai bahan pertimbangan utama dalam menentukan pasangan hidup supaya mendapatkan keluarga yang sakinah, mawaddah, warahmah, menciptakan generasi penerus yang berkualitas juga menghilangkan adanya kesenjangan, dan dominasi antara pasangan.*

*Kata Kunci: Perkawinan, Kafa'ah, Guru.*

## INTRODUCTION

Allah Subhanahu Wa Ta'ala prescribes for humans to get married which contains wisdom and secrets to realize tranquility, peace and comfort (*sakinah, mawaddah, warahmah*) in life. as explained in the word of God, namely:

To realize this, Islamic law provides guidance for prospective husband-wife couples to choose and sort out their respective mate according to what they want. The real form of this concept can be seen in the term kafaah when the prospective husband or wife chooses their partner. Kafaah comes from the Arabic word , which means equal or equal<sup>1</sup>. This understanding of kafaah is supported by the Qur'an which is described in the word of Allah, namely:

"And there is no one equal to Him." [Surah Al-Ikhlâs (112):4]

In the verse it is clear that the meaning of kufu means equal or the same, but in a different context, where the verse explains that God is incomparable, there is no equal to the Creator. Allah SWT is one and no one can match or equal him, but when it is associated with kafaah it has the opposite meaning.<sup>2</sup>The statement regarding kafaah can be seen in the hadith of the Prophet: *al-muslimun tatakafa'u dima'uhum* (Muslims are the same blood).<sup>3</sup>

*Kafaah*In marriage, according to the terms of Islamic law, namely balance and harmony between the prospective wife and husband in terms of social, moral, economic levels, so that each candidate does not find it difficult to carry out a marriage. Kafaah in marriage is a factor that can encourage the creation of husband and wife happiness, and ensure the safety of women from failure or household shocks. Kafaah is recommended by Islam in choosing a husband and wife, but does not determine whether a marriage is legal or not. Kafaah is a right for women and their guardians. Because a marriage that is not balanced, harmonious or appropriate then causes ongoing problems, and is likely to lead to divorce, therefore it may be annulled.<sup>4</sup>

According to the Compilation of Islamic Law (KHI) Book One About Marriage CHAPTER X Article 61, states that "no *sekufu`* cannot be used as a reason to prevent marriage, unless it is not *sekufu`* because of religious differences or *ikhtilâful al dien*".<sup>5</sup>So it can be understood that the meaning of *sekufu* according to the KHI is *sekufu`* is one religion. So if you are not of the same religion, according to KHI, you are not religious. And it is forbidden for a person to marry a partner of a different religion. Because one of the conditions in the discussion concept of kafaah is not fulfilled.

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<sup>1</sup>Toni Pransiska, dkk., *Kamus Arab-Indonesia Indonesia-Arab* (Jakarta: Kawahmedia, 2013). h. 249

<sup>2</sup>Otong Husni Taufik, 'Kafâah Dalam Pernikahan Menurut Hukum Islam', *Jurnal Ilmiah Galuh Justisi*, 5.2 (2017), 246 <<https://doi.org/10.25157/jigj.v5i2.795>>. h. 169

<sup>3</sup>Hadith History of Ahmad, Nasa'i and Abu Daud from RA.

<sup>4</sup>Taufik.h. 171

<sup>5</sup>Tim Redaksi Nuasa Aulia, *Kompilasi Hukum Islam* (Bandung: CV. Nuasa Aulia, 2012). h 23.

The long-established concept of kafaah is difficult to realize in the general public if the general public is not able to understand the concept of kafaah comprehensively (whole and thoroughly). The misunderstanding of the concept of kafaah occurs not only in the general public but also in educational institutions that should be able to understand and teach the concept of kafaah to their students. Moreover, the agency is a religion-based educational institution. One of the religious-based educational institutions is the Madrasah Aliyah Negeri, the only one in Curup, namely Madrasah Aliyah Negeri Rejang Lebong.

As a result, it can be said that Imam Shafi'iyah, Hanafiyah, and Hanabilah are of the opinion that kafa'ah is not only related to religion, but also to other things. Then there are schools that seem moderate, which are more just and in accordance with the nature of religion, namely that kafa'ah only applies to matters of religion and morality and not to other subjects. The author agrees with this reasonable view that kafa'ah is measured at least in terms of religion and morals.<sup>6</sup> Another school of thought holds that kufu is important, but that it should be measured in terms of religious and moral values rather than lineage, money, or beauty.<sup>7</sup>

Although Madrasah Aliyah Negeri Rejang Lebong is a religion-based educational institution, not all teachers at MAN Rejang Lebong understand and understand more deeply about religious knowledge, including those related to the concept of kafaah, only a few MAN teachers understand the concept of kafaah. The interpretation of the concept of kafaah according to the MAN Rejang Lebong teacher has various opinions expressed and has several different perspectives which are interpreted and regulated by Islamic law in the concept of kafaah.

Where the concept of kaafah according to the understanding of some MAN Rejang Lebong teachers has applied the concept of kafaah in accordance with Islamic standards, namely beauty, wealth, descent and religion, but did not achieve what was expected with the aim of having a marriage that reached the level of a sakinah marriage. However, some other teachers have different opinions which do not imply the whole concept of kafaah but they achieve a desired marriage which is a sakinah family.

Departing from this problem, the author sees a gap between the concept of kafaah according to Islamic law and the reality that occurs to teachers at MAN Rejang Lebong. Where should when someone gets married already following the provisions of Islamic law in the concept of kafaah, they must get a sakinah family as desired, but the reality is different where there are also those who argue that even though they do not follow the concept of kafaah in the selection of prospective partners before carrying out marriage, they are able to build a good household. sakinah until now who has been married for decades. So, on this basis, the writer is interested in conducting a research study

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<sup>6</sup> Nurcahaya, 'Kafa'ah Dalam Perspektif Fiqh Islam Dan Undang-Undang Negara Muslim', 64–75.

<sup>7</sup> Ibrahim Muhammad Al-Jamal, *Fiiqh Wanita* (Semarang: As-Syifa, 2010).h. 369.

in the form of a thesis with the title "The Concept of Kafaah in Marriage (Study of Thought of Teachers of Madrasah Aliyah Negeri Rejang Lebong).

## RESEARCH METHODS

This study uses a qualitative approach with data sources obtained from primary data in the form of teacher interviews at MAN Rejang Lebong, and secondary data in the form of books, magazines, documents, articles, journals and sites on the internet that are useful in order to get accurate results, this research uses collection techniques with documentation, interviews, and literature studies.

## DISCUSSION

### 1. Marriage

#### a. Definition of Marriage

Marriage is one of the most important basic principles of life in a perfect association or society. Marriage is not only a very noble way to regulate domestic life and offspring, but is also seen as a way to get to know each other. And that introduction will be a way to convey help to one another.<sup>8</sup>

According to Imam Shafi'i Marriage (marriage) is a contract whereby sexual relations between a man and a woman become lawful. According to Imam Hanafi, marriage is a contract that makes sexual relations lawful as husband and wife between a man and a woman. According to Imam Malik, marriage is a contract that contains legal provisions solely to allow wathi (intercourse), have fun, and enjoy what is in a woman who is permissible. marry with him. According to Hanbali priests, marriage is a contract by using the lafaz of marriage to allow benefits, to have fun with women.<sup>9</sup>

#### b. Marriage Pillars

The pillars of marriage are as follows:<sup>10</sup>:

- 1) The existence of a potential husband;
- 2) The existence of a prospective wife;
- 3) The presence of a guardian;
- 4) There are two witnesses;
- 5) The existence of Ijab and Qobul

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<sup>8</sup> Haji Sulaiman Rasjid, *Fiqih Islam*, Cet. Ke-62 (Bandung: Sinar Baru Algensindo, 2013). h. 278.

<sup>9</sup> Mardani, *Hukum Keluarga Islam Di Indonesia* (Jakarta: Kencana, 2017).

<sup>10</sup> Atmo Prawiro, *Fiqih MA Kelas XI* (Jakarta: Direktorat KSKK Madrasah, 2021). Atmo Prawiro, *Fiqih MA Kelas XI* (Jakarta: Direktorat KSKK Madrasah, 2021). h.94

**c. Rights and Duties of Husband and Wife**

- 1) Duties with husband and wife<sup>11</sup>
  - a) Realizing harmonious, harmonious, peaceful, and mutual understanding;
  - b) love all children without discrimination
  - c) Nurturing, guarding, teaching and educating children
  - d) Husband's responsibilities
  - e) The obligation to provide
  - f) Obligation to get along with the wife well (QS An-Nisa [4]: 19)
  - g) The obligation to lead the family (Surat An-Nisa' [4]: 34)
  - h) The obligation to educate the family (Surat At-Tahrim [66]: 6)
- 2) Obligation Wife<sup>12</sup>
  - a) Obedience to husband
  - b) The obligation to maintain honor (Surah An-Nisa' [4]: 34)
  - c) Duty to manage the household
  - d) The obligation to educate children (Surah Al-Baqarah [2]: 228)

**2. Kafaah**

**a. Definition of Kafa'ah**

Kafa'ah comes from the Arabic word , meaning equal or equal. This word is a word used in Arabic and used in the Qur'an with the meaning "same" or equivalent. What is meant by kafa'ah in this study is equivalence between husband and his wife, both social status, knowledge, morals and wealth.<sup>13</sup>

*Kafa'ah* or kufu' means equal, commensurate or comparable. What is meant by kufu' in marriage is that a man is equal to his future wife, equal in position, equal in social rank and equal in character and wealth. So the emphasis in terms of Kafa'ah is balance, harmony and harmony, especially in terms of religion, namely morality and worship.<sup>14</sup>

Al-Ḥabīb bin āhir stated that kafa'ah is an equation in matters of religion (al-dīn) and circumstances (ḥāl). Equality of religion means not only in terms of religious status, but equality in carrying out religious teachings. Meanwhile, the meaning of the situation or āl is the equality between the two parties who do not have a disgrace. Another understanding is that kafa'ah in marriage means that women must be equal and equal to men.<sup>15</sup>

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<sup>11</sup>Prawiro.h. 120

<sup>12</sup>Prawiro.h 15.

<sup>13</sup>Mardani, h. 16.

<sup>14</sup> Slamet Abidin, *Fiqh Munakahat 2* (Bandung: Pustaka Setia, 1999). h.24

<sup>15</sup> Amir Syarifuddin, *Hukum Perkawinan Islam Di Indonesia: Antara Fiqh Munakahat Dan Undang-Undang Perkawinan* (Jakarta: Kencana Prenada Media Group, 2010). h.140

The views of the scholars of the four schools of thought agree that religion is the measure of Kafa'ah and according to the schools of thought Hanafiya, Malikiyah, Shafi'iyah and Hanbaliyah agreed that the implementation of Kafa'ah was good, but when it was Kafa'ah in the religious field, other Kafa'ah elements should also be included. Other elements of Kafa'ah, namely, in terms of lineage, independence, business or profession, property are also used as determinants of Kafa'ah.<sup>16</sup>

Measurement of Kafa'ah with this lineage applies to Arabs. Meanwhile, Shafi'i and most of his companions narrated that Kafa'ah in nasab applies between them, based on qiyas to the Arabs. They are disgraced when a woman among them marries a man of a lower lineage. Therefore, their law is the same as that of the Arabs because *illatnyais* the same.<sup>17</sup>

#### **b. Kafa'ah Legal Basis**

The foundation of this Kafa'ah is also explained in the Qur'an and hadith, namely:

*"O mankind, indeed We have created you from a male and a female and made you into nations and tribes so that you may know one another. Verily, the most honorable of you in the sight of Allah is the most pious among you. Verily, Allah is All-Knowing, All-Knowing."* [QS. Al-Hujurat(49) : 13]

This verse means that Verse 13 of Surah Al Hujurat also gives important ideas about human interaction. This verse emphasizes the unity of human origin by showing the degree of humanity which is always the same in the eyes of Allah SWT. The revelation of the letter Al Hujurat verse 13 also aims to make everyone know each other. And asserts that all humans are descended from a common ancestor. Then Allah SWT helped him develop rapidly. Tribe and country are two types of people. That is the basic principle of human relations. Because Allah SWT divides humans into tribes and nations, the *sunnatullah* are various. Allah SWT wants all human beings to know each other because of this diversity.

*"The man who commits adultery does not marry but the woman who commits adultery, or the woman who is idolatrous; and a woman who commits adultery is not married except to a man who commits adultery or an idolatrous man, and that is forbidden to the believers."* [QS. An-Nur(24): 3]

This verse was revealed when poor people from among the emigrants planned to marry polytheist prostitutes because they were rich. The poor emigrants believed that their wealth would be sufficient to support them. As a result, it was previously said that this prohibition was strictly enforced on the acquaintance of the poor Muhajirin. However, others argue that the ban is broad and inclusive.

*"Abominable women are for vile men, and vile men are for vile women (too), and good women are for good men and good men. is for good women (too). They (the accused) are clean of what they (the accusers) are accused of. For them forgiveness and noble sustenance (heaven) "* [QS. An-Nur(24): 26]

*"As for those who believe and do righteous deeds, they will have Jannah abode, as a reward for what they did."* [QS. As-Sajdah (32) : 19]

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<sup>16</sup> Sayid Sabiq, *Fiqh Al-Sunnah* (Jakarta: Pena Pundi Aksara, 2006).h. 140

<sup>17</sup>Sabiq, h. 140.

*"Has told us Abdullah bin Sa'id said, has told us Al Harith bin Imran Al Ja'fari from Hisham bin Urwah from his father from 'Aisha he said, "The Messenger of Allah -peace and prayer of Allah be upon him- said: "Be clever in choosing a place to live. your sperm. Marry equal women, and marry them"[Narrated by Ibn Majah]<sup>18</sup>*

*"Has told us Musaddad Has told us Yahya from Ubaidullah he said; "Has told me Sa'id bin Abu Sa'id from his father from Abu Hurairah radiallahu 'anhu, from the Prophet sallallahu 'alaihi wasallam, he said: "This woman is married for four things, because of her wealth, because of her offspring, because of her beauty and because of her religion. So choose because of his religion, surely you will be lucky".<sup>19</sup>*

Prophet Muhammad SAW. provide teachings regarding the measures of kufu' in marriage in order to get happiness in the household based on the hadith of the Prophet SAW. : "From Said bin Abi Su'bah from his father from Abu Hurairah from the Prophet SAW. : Indeed, he said: "Marry a woman for four reasons: first because of her wealth, second because of her rank, (her lineage), thirdly her beauty, fourth of her religion, so choose because of her religion, then all your needs will be fulfilled." In this hadith it is explained that if a man is going to marry a woman, then he must pay attention to four things, namely his wealth, rank (lineage), beauty, and religion. But the Prophet SAW. emphasizes religious factors to be taken into consideration in choosing a partner.<sup>20</sup>

**c. Kafa'ah Conditions in Marriage**

Hanafi School	Maliki School	Shafi'i Madzhab	Hanbali Madhhab
a). nasab b). Islam c). Hirfah, namely the profession in life. d). Her independence. e). Diyanah or the level of religious quality in Islam. f). Riches.	diyanah or quality of diversity and free from physical defects.	a). Nationality or lineage; b). Quality of diversity; c) self-independence, and d).Business or profession;	a). Quality of diversity; b).Business or profession; c). Wealth; d) Self-independence.

<sup>18</sup> Imam Ibnu Majah, *Shahih Ibnu Majah (Kitab Sembilan Imam Hadits)* (Jakarta: Lidwa Pustaka, 2010).

<sup>19</sup> Majah.

<sup>20</sup> Ibnu Rusyd, *Bidayatul Mujtahid Jilid 1, Penerjemah Al- Mas'udah* (Jakarta: Pustaka Al-Kautsar, 2016), h. 34.

The views of the four schools of thought agree that religion is the measure of Kafa'ah and according to the Hanafiyah, Malikiyah, Shafi'iyah and Hanbaliyah schools, they agree that the implementation of Kafa'ah is good, but when it is Kafa'ah in the field of religion, the Kafa' element should also be included. oh the other. The other elements of Kafa'ah, namely, in terms of lineage, independence, business or profession, property are also used as determinants of Kafa'ah.<sup>21</sup>

#### d. Application of the Kafa'ah Concept in Marriage Law in Indonesia

The study of the application of the concept of Kafa'ah in marriage law in Indonesia turns out to apply not only to religious law, but there have been several applications of the Indonesian Muslim community, especially when it is associated with positive law, there are three possibilities as stated by Effendy, namely as follows:<sup>22</sup>:

- 1) Religious law can also be applied or accepted as a whole by the community group concerned.
- 2) The new religious law will apply if the religious law is accepted by the law in the local community.
- 3) Positive law will apply if custom does not conflict with religious law.

### CONCLUSION

Based on the exposure and analysis that has been outlined previously, it can be stated that the understanding of MAN Rejang Lebong teachers who have carried out marriages assumes that the concept of kafa'ah is not the main element formationsakinah family, mawaddah warahmah, but convenience, understanding each other's circumstances, accepting each other is what makes kafa'ah, while according to the opinion of the unmarried MAN Rejang Lebong teacher, they argue that there must be criteria in the concept of kafa'ah and the standard of measure of kafa'ah itself even though most teachers At first, MAN Rejang Lebong did not know the concept of kafa'ah clearly but only understood the contents of the context when choosing and making his life partner. And there is the common opinion of all Rejang Lebong MAN teachers is that couples who are going to marry must be of the same religion.

Overview Islamic law on the concept of *kafa'ah* is a guide for prospective husband-wife couples to choose and sort out their respective partners according to what they want. The real form of this concept is seen in the term kafa'ah when a prospective husband or wife chooses a partner, it is not a pillar and a legal requirement for a marriage. However kafa'ah the most crucial thing to

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<sup>21</sup> Ibnu Rusyd, *Bidayatul Mujtahid Jilid 1, Penerjemah Al- Mas'udah* (Jakarta: Pustaka Al-Kautsar, 2016). h.90.

<sup>22</sup> Syafrudin Yudowibowo, 'Tinjauan Hukum Perkawinan Di Indonesia Terhadap Konsep Kafa'ah Dalam Hukum Perkawinan Islam', *Yustisia*, Vol.1 No.2.Surabaya (2012). H. 105



consider in marriage in order to be able to build a household it is hoped that there will be harmony, equality, and a tendency of perception, especially the tendency towards religion which is the main element. the understanding of unmarried MAN teachers from the three madhhabs besides the Maliki school of thought that the determination of kafa'ah is indeed necessary in the process of determining the selection of prospective partners, while according to the understanding of the concept of kafa'ah, the majority of married MAN teachers are of the opinion that they are more inclined to the Maliki school which considers that there are similarities in terms of religion and suitable conditions

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