

DETERMINATION OF *SEKUFU* IN *THE KITABUN NIKAH AL-BANJARI*

Anwar Hafidzi

Faculty of Shariah, Universitas Islam Negeri Antasari
Jalan Ahmad Yani, Km. 4.5, Banjarmasin, Kalimantan Selatan, Indonesia
Email: anwar.hafidzi@gmail.com

Abstrak: Penelitian ini akan membahas tentang hak sekufu (kesetaraan antara suami dan istri dalam keluarga pada komponen-komponen tertentu) dalam perkawinan masyarakat Banjar dalam Kitab Nikah oleh Syekh Muhammad Arsyad al-Banjari. Buku yang disusun oleh ulama Banjar abad ke-16 ini membuktikan bahwa persoalan kafa'ah yang diajarkan dalam hadits Nabi memiliki ciri khas tersendiri oleh para ulama Banjar, Kalimantan Selatan. Penelitian ini akan membuktikan apakah teori sekufu berdampak pada kelangsungan penentuan hak nikah calon pengantin pria yang akan melamar calon istrinya. Meskipun banyak yang meneliti tentang hak kafa'ah dalam pernikahan, penelitian ini belum membahasnya karena implikasi dari sekufu didasarkan pada adat Banjar. Tidak hanya itu, kafa'ah juga dijadikan sebagai tolak ukur atau standar dalam memilih pasangan. Metode yang digunakan dalam penelitian ini adalah studi kepustakaan dengan sumber utama kitab an-Nikah karya Syekh Muhammad Arsyad al-Banjari, serta penelitian lapangan berupa wawancara untuk menambah informasi yang relevan dengan hasil penelitian penulis. Penelitian ini menemukan bahwa menurut al-Banjari, kafa'ah merupakan hak bagi perempuan yang dapat menentukan pilihan dalam hal ijab kabul melalui hak-hak keluarga perempuan. Hal ini membuktikan bahwa hak sekufu terlihat dalam bentuk keluarga, bukan individu

Kata Kunci: Al-Banjari;Kitabun Nikah;Sekufu; Penentuan

Abstract: This research will discuss the right of sekufu (equality between husband and wife in a family on certain components) in marriage in Banjar society in the Kitabun Nikah by Shaykh Muhammad Arsyad al-Banjari. This book, which was compiled by the 16th-century Banjar cleric, proves that the issue of kafa'ah taught in the Prophet's Hadith has its characteristics by the scholars of Banjar, South Kalimantan. This study will prove whether the sekufu theory has an impact on the continuity of determining the marriage rights of the groom who will propose to his future wife. Although many have researched the right of kafa'ah in marriage, this research has not discussed it because the implications of sekufu are based on Banjar customs. Not only that but kafa'ah is also used as a benchmark or standard in choosing a partner. The method used in this research is a literature study with the primary source of the book an-Nikah by Sheikh Muhammad Arsyad al-Banjari, as well as field research in the form of interviews to add relevant information to the results of the author's

research. This study found that according to al-Banjari, kafa'ah is a right for women who can make choices in terms of marital consent through the rights of the woman's family. This is evidenced that the rights of sekufu are seen in the form of a family, not an individual.

Keywords: Al-Banjari; Kitabun Nikah; Sekufu; Determination

INTRODUCTION

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.¹ *Sekufu* 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.²

From Abu Hurairah from Rasulullah prophet, he said: "Women are married for four things, because of their wealth, because of their descendants, because of their beauty and because of their religion, then choose her religion, you will be lucky" (Narrated by Bukhari and Muslim)

In that hadith, the main thing to pay attention to is religion, because apart from acts of worship, religion is the most

important part of creating families and communities that are pleasing to Allah. Therefore, Islam teaches us those religious norms are the basis for everything. So according to Islam, it is very important to pay attention to *kafa'ah* (equivalence) in choosing a potential partner to achieve the goal of the aspired marriage.³

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.⁴

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 research, it is stated that according to the

¹ Hanin Adila Muhammad Aminudin and Mustafa Mat Jubri, "The Understanding of Malayisan Society on Kafa'ah Concept in Marriage," *Journal of Munafaqat* 2, no. 2 (2019): 104–18.

² Qodariyah Barkah and Andriyani Andriyani, "Maqashid Al-Syari'ah Concept Of Kafa'ah In Marriage," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 20, no. 1 (2020): 107–16.

³ Sunandar Endang, "Tinjauan Hukum Islam Terhadap Implementasi Kafa'ah Nasab Dalam Pernikahan Para Pedagang Etnis Arab Di Wisata Ampel Kota Surabaya" (PhD Thesis, UIN Sunan Ampel Surabaya, 2017); Stephanie R. Psaki et al., "What Are the Drivers of Child Marriage? A

Conceptual Framework to Guide Policies and Programs," *Journal of Adolescent Health*, The Diversity and Complexity of Child Marriage, 69, no. 6, Supplement (December 1, 2021): S13–22, doi:10.1016/j.jadohealth.2021.09.001.

⁴ Anwar Hafidzi and Norwahdah Rezky Amalia, "Marriage Problems Because of Disgrace (Study of Book Fiqh Islam Wa Adilâtuḥ and Kitâb al-Nikâḥ)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, no. 2 (2018): 273–90; Anwar Hafidzi, Rusdiyah Rusdiyah, and Nurdin Nurdin, "Arranged Marriage: Adjusting Kafa'ah Can Reduce Trafficking of Women," *Al-Istinbath: Jurnal Hukum Islam* 5, no. 2 (2020): 177–90; *ibid.*

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 *sekufu* (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.⁵

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."⁶

In practice, according to Mr. Maslan, he is a PPN as well as a Head of the Office of Religious Affairs (KUA) in Kandangan District, Hulu Sungai Selatan, South Kalimantan. After interviewing him, the author concludes the information obtained from him that according him, the *sekufu* case can be seen when he sees it in person and conducts interviews. Seeing here is defined as meeting in person so that we can

recognize the person concerned. Then the interview, where when we meet and get to know the person, we exchange information starting from religion (this is certain and must be known in advance), how is his family, and what is his job. So here we will find a match or mismatch to go to the next step. Then the matter of who has the right to determine the rights of *sekufu*, he thinks that the prospective bride is the one who has the right to determine it. According to Mr. Makhyudin, he is also a PPN who also serves as the Head of KUA in Loksado District, Hulu Sungai Selatan, South Kalimantan. Initially, he was a PPN at KUA Simpung District, Hulu Sungai Selatan, and only about 2 months served in Loksado. He explained that while being an employee at KUA Simpung District, the bride and groom did not fully understand the direction of the intended *sekufu*. But before getting married, the bride is expected to be mature and mature so they can consider something that will happen in the future. Economic, social, religious, and work problems must always be ready as a form of responsibility as a married couple.

Then regarding the case of who has the right to determine the rights of *sekufu*, he explained that it is the parents of each prospective bride and groom who have the right to determine it. always questioned upfront. Because even though *sekufu* is not a requirement for a valid marriage, care must still be taken to create a harmonious and happy household that is supported by religion. And can see the good side of each partner and understand all the advantages and disadvantages of each, he said. What he explained was that *kafa'ah* was important, because it greatly affected the harmony of

⁵ Abdul Hadi Ismail, "Kafa'ah in The Muslim Community Marriage: A Study of The Social History of Islamic Law," *Indonesian Journal of Education, Social Sciences and Research (IJESSR)* 1, no. 1 (2020): 16–23.

⁶ Syafrudin Yudowibowo, "Tinjauan Hukum Perkawinan Di Indonesia Terhadap Konsep Kafa'ah Dalam Hukum Perkawinan Islam," *Yustisia Jurnal Hukum* 1, no. 2 (2012).

married life. The kafa'ah he explained included religion/belief, status, and economy.

Then regarding the case where there was an inconsistency between the man and the woman concerned, these three resource persons agreed that it is permissible for a woman/guardian to apply for a marriage phase if she does not agree with the case because it will cause household disharmony.

METHOD

In this study, the authors use the descriptive-analytical approach method of library research (library study) with the primary source of the book an-Nikah by Sheikh Muhammad Arsyad al-Banjari. In addition to these primary sources, the author also collects information and data through various literature, both from libraries and journals, and conducts field research in the form of interviews using online WhatsApp messages with several figures who may add relevant information. for the results of the author's research.

RESULTS AND DISCUSSIONS

Based on the research that the author did, the results of the research regarding the determination of *sekufu* in marriage According to the perspective of Sheikh Muhammad Arsyad al-Banjari, it is as follows:

Safe from all the disgrace for the *khiyar Faskh* (option to divorce) of marriage, such as madness or camp brackets or moles or ringworm, and cuts/weak testicles. So that it is seen that there is no *sekufu* between a man in shame and one of them and a woman who is not in shame.

The woman is free so the man will not be equal with the woman if he is not free, even if the man is a king. Unless the man's father is a free person, and the man's mother

is a free person (liberated), then the man will follow his father, so allied with the woman who was originally free.

Senasab (compatriots), so that it is seen as a man who is Muslim by himself (his father is still an infidel), and a woman who is Muslim with his father, is also seen as not being equal between men who are sharp (non-Arabs) and Arab women.

Iffah, which means refraining from all unlawful acts/works, so that women are not as equal with men who are wicked, nor are men who are heretics who are not in agreement with women who are experts in the Sunnah of

Hirfah, meaning that they have intelligence which is required by sustenance. so that men who have low intelligence are not as equal to 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.

Then related to the *kufu* case, Sheikh Muhammad Arsyad al-Banjari argues that if a woman marries happily a man who is not in agreement with her, then her valid marriage is the same as when the woman is married off by her guardian to a man who is not as devout, with pleasure woman and the pleasure of her guardian, then the marriage is also valid.

1. Biography of Sheikh Muhammad Arsyad al-Banjari

His full name is Muhammad Arsyad al-Banjari bin Abdullah bin Abdur Rahman al-Banjari, who was born in Lok Gabang, Martapura Kalimantan on March 17, 1122 H/1710 AD, and died on March 3 October 1812 in the Fence, aged 102. He is a scholar of fiqh based on the school who earned the posthumous nickname, Datu Kelampayan. The word al-Banjari is a *laqab* (title) which indicates his regional origin, namely the land of Banjar, Kalimantan. When he grew up,

the Sultan was pleased to marry him to a woman who, according to Steenbrink, was named Bajut. But not long after the marriage, Muhammad Arsyad was sent by the Sultan to study in Mecca to deepen his religious knowledge.

Then after he returned to his homeland, he started his da'wah whose main focus was on the field of education. He asked the Sultan for a piece of land to establish an educational institution that was not much different from a Pesantren in Java, namely a teacher's house, a study room, a boarding school for students, and a library. This institution later gave birth to scholars who spread Islam in Kalimantan.⁷

By Sheikh Muhammad Arsyad al-Banjari, Islamic law is used as the main source in making laws and regulations that are sourced from the Koran and Hadith based on the understanding of *Ablus Sunnah Wal Jama'ah* with the Shafi'i school of thought. Not only that, according to M. Fahimul Fuad in his research, Sheikh Muhammad Arsyad al-Banjari at the bureaucratic level also has a fairly strong influence. This is evidenced by the establishment of a Religious Court institution that deals with issues of Islamic law that apply in the Banjar area. Sheikh Muhammad Arsyad al-Banjari also introduced the position of mufti whose function was to provide fatwas on religious and social issues. This position, according to Snouck Hurgronje, as quoted by Steenbrink, is a position that has high prestige (authority) which only the most intelligent and talented occupy, so this position is highly respected by the people of Banjar.

2. Understanding *Kafa'ah* in Marriage

Kafaah etymologically means equal, comparable, equal, or commensurate. Meanwhile, in terms of terminology, *kafa'ah* is defined as a balance and harmony between a prospective husband and a prospective wife, so that each prospective husband and wife will not object to getting married. According to Hussam Durame in his research, what is meant by *kafa'ah* in a marriage is that a husband must be *sekuifu* for his wife, meaning that he has the same position as his wife, both in terms of economy, morals, and society. So, there is no doubt that when the husband and wife are more equal, the success of household life will be guaranteed and maintained from failure.

Meanwhile, Ibn Manzur on Wirgadinata's research defines *kafa'ah* as balance and harmony. If associated with marriage, *kafa'ah* is defined as a condition of balance between the prospective husband and the prospective wife, both in terms of position, lineage, religion and so on. Which *sekuifu* here is not a requirement of a marriage, but a goal to maintain safety and harmony in marriage.

3. The Legal Basis of *Kafa'ah*

In a marriage, *kafa'ah* is not a legal requirement, but to achieve a clear marriage goal, *kafa'ah* cannot be ignored. Islam provides a criterion guideline in choosing a good mate as the word of Allah SWT, which reads:

الْخَبِيثَاتُ لِلْخَبِيثِينَ الْخَبِيثُونَ لِلْخَبِيثَاتِ الطَّيِّبَاتُ لِلطَّيِّبِينَ الطَّيِّبُونَ لِلطَّيِّبَاتِ أُولَئِكَ لَهُمْ وَرْزُقٌ

Meaning: "Women are vile to men, and Violent men to vile women (too), while good women to good men and good men to good women (too). They are clean of what

⁷ Ahmad Rijali, "Kandungan Budaya Bahasa Melayu Banjar Dalam Kitab Sabil Al-Muhtadin Karya Syekh Muhammad Arsyad al-Banjari," 2015.

people accuse. They get forgiveness and noble sustenance (heaven)." (Surat an-Nur: 26)

The verse in the Qur'an gives a signal that men and women have their respective rights to choose a partner, which emphasizes that a man and a woman are related to religion, namely in the aspect of morals and worship.

In the hadith of Bukhari, III: 2107, Muslim, II:1086, and Tirmizi, II:275 it is also explained about the hadith of the Prophet SAW, namely

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: تُنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ لِمَالِهَا وَلِحَسَبِهَا وَجَمَالِهَا وَلِدِينِهَا، فَاظْفَرْ بِذَاتِ الدِّينِ تَرِبْتُ يَدَاكَ. (رواه البخاري)

Meaning: "Women are married for four reasons: because of their wealth, because of their lineage, because of their beauty, because of their religion, marry her because of her religion and you will be lucky."

In the Hadith of the Prophet it is explained about the criteria for choosing a partner, which is recommended by Islam in terms of wealth, lineage, beauty and religion, where the main priority is about religion.

Then according to Aji Nurman Said in his research, it was explained that kafaah indirectly has also been regulated in Law Number 1 of 1974 concerning Marriage, namely in Article 2 paragraph 1 which reads: "Marriage is legal if it is carried out according to the laws of each religion and his belief." So that sekufu in terms of religion is the minimum limit in getting married.

Then, in the Compilation of Islamic Law (KHI) in Article 61 it is stated that: "not the same in the field of faith cannot be used as a reason to prevent marriage unless it is not sekufu because of religious differences or *ikhtilaf al-din*." So according to the

Compilation of Islamic Law, religion is the standard of *kafa'ah*, where there is no prevention in marriage unless it is not *sekufu* because of religious differences.

4. *Kafa'ah* According to the Perspective of Sheikh Muhammad Arsyad al-Banjari

According to Sheikh Muhammad Arsyad al-Banjari there are 5 conditions that require *kufu*, namely:

1) Safe from all disgrace for *kehiyar Faskh* marriage, such as crazy or measles brackets or moles or ringworm, and cut off the penis or weak testicles.

فرتام سلامة درى سكال عيب يغ منتابتن اي بكي
خيار فسح نكاح سفرتي كيلا اتوچامفه كوروغ اتو چلق
اتو كورف لوسغ دان ترفوتغ ذكر دان لمه ذكر

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 *kehiyar*, 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
كدوا فرمفوان يغ مردھيك مك لاکى ۲ همب اورغ
تياد سكوفو دغن فرمفوان يغ مردھيك سكالينش اتو
ستغھغ

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.
- Where there is no sekufu between a man who is Muslim by himself (his father is still an infidel), and a woman who is Muslim with her father.

- There is no difference between a Muslim man and his father and

grandmother, and a Muslim woman with her father and grandmother and datu.

- Men 'ajam that are not Arab, he is also not in tandem with Arab women.

- Men born to Arab fathers and Arab mothers are not equal to women born to Arab fathers and Arab mothers

- Men born to Arabs who are not Quraysh are not as compatible as women born to Arab Quraysh, because Quraysh descent is the choice of Allah SWT from Kinanah descendants

- Men born from the Quraysh nation who are not descendants of Hasyim and mutholib are not in agreement with Quraysh women who are descendants of Hashim because the Quraysh Bani Hasyim are descendants of kinanah

- If the nation is outside the Arabs, then the Persians and the Israelites are more afdhal than the Qibti people

Explained in the book of Mughni that Imam Haramain and Imam Gazali explain that the glory of a nation comes from three things, namely:

- a. Because it is a descendant of the Muhammad SAW

- b. Because it is descended from the guardian because the saints are the inheritors of the prophets

- c. Because they are descendants of people who have power in the world, according to Shohibul Muhimaat that the intent of the person who has i.e. power in the world is like a daulah (leader) because basically, they are smart people, smart men are not in harmony with women who have noble intelligence, so based on Shohibul Muhimaat, men who are not descendants of the king are not *sekufu* with women descended from the king, if both are not from the descendants of the Prophet Muhammad, and the descendants of the guardians and pious people.

- 4) Iffah

أمة درفدائ عفه ارتيئ مناهن ديري درفد فكرجأن
يغ حرام

Iffah here refrains from all unlawful acts/works, so that they can be sorted as follows:

- Fasiq men are not in agreement with unfashionable women,

- Men who are heretics are not with women who are experts in the sunnah

- A man who is *sekufu* as a woman who is *rusydah* (able to distinguish between good and bad)

- Men who are not *fasiq* (wicked) even though with who.

- The *fasiq* is equal to the *fasiq* woman, unless the man is more fasiq or is fasiq guilty.

- The man who heresy is equal to the woman who is heresy

- 5) *Hirfab* (having intelligence which is required with sustenance)

كليم درفد كوفو ايت حرفه يايئ سوات كفتادين يغ
دتونوة دغندي رزقي

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 *hirfab*. 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.

Meanwhile, according to the views of the Imam madhhab in a study written by Muh. Ridwan and Hamzah Hasan, that the *sekufu* case is as follows:

1) The Hanafiyah group is of the view that the *sekufu* case is viewed from:

- Descendants
- Religion,
- Work
- Free
- Assets

Abu Hanifah thinks that guardians are obligated to refute the marriage if it is deemed not to be of the same faith as

2) The Malikiyah group, the view that *sekufu* cases must be proportional to two matters in terms of religion, namely that the person must be Muslim and not wicked

- The male candidate is free from major defects that can cause
- The woman to exercise her right of *khiyar* or her choice, such as insane or leprosy.
- The problems of property, independence, lineage, and work are only considerations.

3) The Syafi'iyah group views that *kafa'ah* is related to the problem of the absence of disgrace. So that if there is a disgrace from one of the prospective brides, then the others can cancel or cancel it. And what needs to be considered according to the Shafi'iyah group is the case of *sekufu* in terms of lineage, religion, independence, and also work.

- 4) Hanabilah Group
- Nationality
 - Religion
 - Independent
 - Work
 - Wealth

Furthermore, related to who has the right to determine *sekufu*, Ahmad Muzakki argues in research that the right to determine *sekufu* cases is a woman and her guardian because a woman and her guardian have the same rights in determining *kafa'ah*. So that when a guardian marries his daughter, and the child assumes that her husband is not in agreement with her, the child has the right to apply for a marriage cessation against her husband. On the other hand, when a woman marries a man who is not *sekufu*, and the guardian of the woman is not pleased, then her guardian may apply for a familial phase.

Kafa'ah is defined as a balance and harmony between a prospective husband and a prospective wife, so that each of the prospective husband and wife will not object to getting married. *Kafa'ah* in a marriage is that a husband must be *sekufu* for his wife, meaning that he has the same position as his wife. *Kafa'ah* is equality between husband and wife in a family on certain component. *kafa'ah* is preventive strategy to minimize differences between husband and wife. This difference can to be a conflict in a family. On islamic law (Hanafi school), componts of *Kafa'ah* are; cognation, Islam, independence, Propert and piety. But the social change motivates to reactualisation of *kafa'ah* concept. This components in Banjar District are; cognation, education, piety, profession and salary.

This *kafa'ah* case is implicitly regulated in Article 2 paragraph 1 of the Marriage Law, namely: "Marriage is legal if it is carried out according to the laws of each religion and belief". Article 61 of the KHI it is stated that: " not the same in the field of faith cannot be used as a reason to prevent marriage unless it is not *sekufu* because of religious differences or *ikhtilaf al-din*". Then the hadith of the Prophet explained

"Women are married for four reasons because of their wealth, because of their lineage, because of their beauty, because of their religion, marry her because of her religion and you will be lucky". So religious matters become the main milestone in determining the final case of a person in choosing a partner, to achieve the goals of marriage.

CONCLUSION

Determination of Sekufu rights according to Sheikh Muhammad Arsyad al-Banjari can be seen from 5 things, namely being safe from all disgrace, independence, senasab, iffah (refraining from all unlawful actions/works) and hifhah (having intelligence that is demanded with sustenance). . And according to him, it is the woman and her guardian who have the right to determine the Kufu case. Because marriage in the Banjar community is seen from all families without exception, and seen from the ability to carry out good faith when they are married.

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