

INTEGRATING KAFAAH NASABIYAH IN ISLAMIC FAMILY EDUCATION: Lessons from Ibn Qudamah and Ibn Hazm in the Indonesian Context

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Abstract: This study examines the extent to which *kafaah nasabiyah* can serve as a solution to strengthen household resilience amid rising divorce rates caused by social, economic, and cultural disparities in an increasingly heterogeneous society. The research employs a qualitative approach with a library research design. Primary data is sourced from the works of Ibn Qudamah, such as al-Mughni, and Ibn Hazm through al-Muhalla, supplemented by secondary data from classical and contemporary *fiqh* literature, Islamic legal documents, and jurisprudential analyses in Indonesia. The data analysis technique involves a descriptive-analytical method with a comparative approach to identify commonalities and differences in the thoughts of both scholars and their implications for the practice of Islamic law in Indonesia. The findings reveal that *kafaah nasabiyah* holds historical and sociological significance in maintaining household stability. Ibn Qudamah supports the concept as a means to prevent disharmony caused by social disparities, while Ibn Hazm rejects it, arguing that Islam does not impose lineage-based restrictions on marriage. Both in the scope of Islamic boarding schools, madrasas, or premarital education programs, Ibn Qudamah's perspective is more widely adopted in social practices, particularly in communities that continue to uphold lineage-based stratification when selecting marriage partners. However, this study also finds that the primary causes of divorce in Indonesia are more closely related to economic and psychological factors rather than mere lineage incompatibility. Therefore, while *kafaah nasabiyah* may be a consideration in marriage, it is not a determinant factor in divorce mitigation. Instead, a more comprehensive, multidimensional approach is required.

Keywords: *kafaah nasabiyah*; marriage; Ibn Qudamah; Ibn Hazm

Abstrak: Penelitian ini mengkaji sejauh mana *kafaah nasabiyah* dapat menjadi solusi untuk memperkuat ketahanan rumah tangga di tengah meningkatnya kasus perceraian akibat kesenjangan sosial, ekonomi, dan budaya dalam masyarakat yang semakin heterogen. Penelitian ini menggunakan pendekatan kualitatif dengan desain penelitian kepustakaan. Data primer bersumber dari karya-karya Ibnu Qudamah, seperti al-Mughni, dan Ibnu Hazm melalui al-Muhalla, dilengkapi dengan data sekunder dari literatur fikih klasik dan kontemporer, dokumen-dokumen hukum Islam, dan analisis yurisprudensi di Indonesia. Teknik analisis data menggunakan metode deskriptif-analitis dengan pendekatan komparatif untuk mengidentifikasi persamaan dan perbedaan pemikiran kedua ulama dan implikasinya terhadap praktik hukum Islam di Indonesia. Temuan menunjukkan bahwa *kafaah nasabiyah* memiliki nilai historis dan sosiologis dalam menjaga stabilitas rumah tangga. Ibnu Qudamah mendukung konsep ini untuk mencegah ketidakharmonisan akibat kesenjangan sosial, sedangkan Ibnu Hazm menolaknya karena Islam tidak membatasi pernikahan berdasarkan garis keturunan. Dalam konteks Indonesia, baik dalam lingkup pondok pesantren, madrasah, maupun program pendidikan pranikah, perspektif Ibnu Qudamah lebih banyak diadopsi dalam praktik sosial, terutama di masyarakat yang masih menjunjung tinggi stratifikasi berdasarkan garis keturunan dalam memilih pasangan pernikahan. Namun, penelitian ini juga menemukan bahwa penyebab utama perceraian di Indonesia lebih berkaitan erat dengan faktor ekonomi dan psikologis daripada ketidakcocokan nasab. Oleh karena itu, meskipun *kafaah nasabiyah* dapat menjadi pertimbangan dalam pernikahan, namun hal tersebut bukanlah faktor penentu dalam mengurangi perceraian. Sebaliknya, diperlukan pendekatan yang lebih komprehensif dan multidimensi.

Kata kunci: *kafaah nasabiyah*; pernikahan; Ibn Qudamah; Ibn Hazm

Introduction

In the context of modern society, the fundamental values that uphold the integrity of marriage are increasingly eroded by evolving social dynamics, thereby creating new challenges in marital life.¹ Empirical data indicate that the divorce rate in Indonesia has significantly increased over the past two decades. In 2022, a total of 516,334 divorce cases were recorded, marking the highest figure in the last six years. Although this number slightly declined to 463,654 cases in 2023, the phenomenon still reflects the high level of vulnerability within the institution of marriage in Indonesia. Geographically, West Java recorded the highest number of divorces, with 102,280 cases, followed by East Java with 88,213 cases and Central Java with 76,367 cases.²

Several empirical studies suggest that divorce is not only triggered by economic factors but also by the imbalance of social expectations within marriage.³ In this regard, the concept of *kafaah* in Islam, which etymologically means equality or balance, becomes relevant as one of the instruments in building household harmony. Historically, the notion of *kafaah* has been a subject of debate in classical *fiqh* discourse, particularly in the studies of Ibn Qudamah and Ibn Hazm. Ibn Qudamah emphasized that equality between spouses in terms of lineage (*nasab*) is a crucial factor in creating marital stability. In his view, lineage compatibility not only affects social acceptance from each spouse's extended family but also influences the psychological well-being of individuals involved in the marriage.⁴ A recent study by Shafi'i found

that couples who share similar social and cultural backgrounds tend to experience lower levels of conflict, ultimately increasing the likelihood of marital longevity.⁵ Similarly, a study conducted by Ningtias et al. demonstrated that families with comparable social backgrounds tend to have more effective communication in resolving conflicts compared to couples from vastly different social environments.⁶

However, Ibn Qudamah's perspective on *kafaah* is not universally accepted by all scholars. Ibn Hazm, in his work *al-Muhalla*, rejected the notion that lineage equality has a significant impact on marital harmony. According to him, in Islam, marriage should be based more on religiosity and moral character rather than solely on social and genealogical factors. He criticized the overemphasis on *kafaah nasabiyah* as it could lead to social discrimination and hinder flexibility in choosing a spouse.⁷ Andriani et al. supported Ibn Hazm's argument, finding that couples from different social backgrounds but with strong religious values tend to be more resilient to marital conflicts.⁸ Furthermore, a study by Munir and Shafiq showed that the primary factor in sustaining a marriage is not lineage similarity but rather shared life principles and preparedness in facing marital challenges.⁹

⁵ Imam Syafi'i, "Konsep Kafaah Dan Keluarga Sakinah (Studi Analisis Tentang Korelasi Hak Kafa'ah Terhadap Pembentukan Keluarga Sakinah)," *Asy-Syari'ah : Jurnal Hukum Islam* 6, no. 1 (February 15, 2020): 31–48, <https://doi.org/10.55210/assyariah.v6i1.266>.

⁶ Reny Yunia Ningtias et al., "Conflict Resolution in Maintaining Early Marriage Relationships in Alassumur Village, Bondowoso" (3rd International Media Conference 2021 (IMC 2021), Atlantis Press, 2022), 163–73, <https://doi.org/10.2991/assehr.k.220705.017>.

⁷ Ibn Hazm, *Al-Muhalla Bi al-Atsar* (Beirut: Dar al-Kutub al-Ilmiyyah, 1988).

⁸ Opi Andriani, Taufik Taufik, and Rezki Hariko, "Gambaran Permasalahan Pasangan Muda Di Kabupaten Kerinci," *JKI (Jurnal Konseling Indonesia)* 3, no. 1 (October 17, 2017): 1–8, <https://doi.org/10.21067/jki.v3i1.1974>.

⁹ Badrul Munir and Tengku Ahmad Shafiq, "Batas Usia Perkawinan dalam Undang-Undang Keluarga Islam Negeri Selangor Tahun 2003: Analisis Perspektif Maqasid Al-Syari'ah (Marriage Age Limit in Selangor State Islamic Family Law 2003: Analysis of Maqasid Shari'a Perspective)," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 3, no. 2 (November 20, 2019): 271–94, <https://doi.org/10.22373/sjhk.v3i2.4957>.

¹ Lili Hidayati, "Fenomena Tingginya Angka Perceraian Di Indonesia Antara Pandemi Dan Solusi," *Khuluqiyya: Jurnal Kajian Hukum Dan Studi Islam*, January 2, 2021, 71–87, <https://doi.org/10.56593/khuluqiyya.v3i1.56>.

² Badan Pusat Statistik Indonesia, "Jumlah Perceraian Menurut Provinsi dan Faktor," 2023, <https://www.bps.go.id/id/statistics-table/3/YVdoU1lwYmlTMzh4YzFoV1psWkViRXhqTlZwRFVUMDKjMw==/jumlah-perceraian-menurut-provinsi-dan-faktor.html?year=2023>.

³ Muhammad Sholeh, "Peningkatan Angka Perceraian Di Indonesia: Faktor Penyebab Khulu'dan Akibatnya," *Qonuni: Jurnal Hukum Dan Pengkajian Islam* 1, no. 01 (2021): 29–40.

⁴ Ibn Qudamah, *Al-Mughni* (Beirut: Dar al-Kutub al-Ilmiyyah, 1968).

In Indonesia, although the prevailing marriage law does not explicitly regulate the concept of *kafaah nasabiyah*, social realities indicate that family background considerations still play a crucial role in spouse selection.¹⁰ In certain communities, marriages that do not take social equality into account often face significant challenges, particularly in terms of acceptance by families and the broader social environment. A study conducted by Falah found that couples from vastly different social strata tend to experience pressure from extended families, ultimately increasing the risk of tension within the household.¹¹ This suggests that while Islamic law normatively grants freedom in choosing a spouse, social aspects remain influential in determining marital stability.

In further analysis, it is essential to consider how the concept of *kafaah* can be reconstructed to be more relevant to contemporary social conditions. On the one hand, Ibn Qudamah's perspective on the importance of compatibility in marriage remains relevant in societies with strong social systems. On the other hand, Ibn Hazm's critique of the rigidity of *kafaah* is also significant, especially in addressing the challenges of marriage in an increasingly dynamic modern era. Therefore, a moderate approach that considers both social aspects and individual values and principles in marriage needs to be developed to formulate more adaptive marital policies that meet the needs of modern society.

Method

This study employs a qualitative approach with a case study design to explore in depth the urgency of the ratio legis of *kafaah nasabiyah* in divorce mitigation, as analyzed from the perspectives

of Ibn Qudamah and Ibn Hazm, as well as its implementation within Muslim communities in Indonesia. This approach is chosen as it provides space for a phenomenological exploration of the dynamics of Islamic law and the sociological realities surrounding it.¹² The case study method is selected to understand how the concept of *kafaah nasabiyah* is constructed within classical *fiqh* thought and how its relevance is interpreted in contemporary contexts.¹³

Data collection in this study is conducted using triangulation techniques involving literature review, in-depth interviews, and document analysis. The literature review aims to critically examine Ibn Qudamah's construction of thought in al-Mughni and Ibn Hazm's in al-Muhalla regarding *kafaah* in marriage, particularly in terms of lineage (*nasabiyah*). Additionally, this study analyzes contemporary literature on Islamic marriage law and national regulations on marriage in Indonesia to assess the relevance of the *kafaah* concept within the existing legal framework.¹⁴

In-depth interviews are conducted with Islamic scholars, legal academics, and family law practitioners who specialize in Islamic marriage jurisprudence. These semi-structured interviews aim to capture a richer and more reflective understanding of the dynamics surrounding the application of *kafaah* in divorce mitigation. The interviews are recorded and transcribed verbatim before being analyzed using a hermeneutic approach.¹⁵

Document analysis in this study includes an examination of classical *fiqh* texts, religious fatwas, and Indonesian marriage law regulations related to *kafaah*. Legal documents such as the Compilation

¹⁰ Dahwadin Dahwadin et al., "Hakikat Perceraian Berdasarkan Ketentuan Hukum Islam Di Indonesia," *YUDISIA : Jurnal Pemikiran Hukum Dan Hukum Islam* 11, no. 1 (June 5, 2020): 87–104, <https://doi.org/10.21043/yudisia.v11i1.3622>.

¹¹ Fajrul Falah, "Pernikahan dengan tujuan meningkatkan status sosial perspektif Fatwa Yusuf Qardhawi dan Muhammad Zuhaili tentang Nikah Misyar" (masters, Universitas Islam Negeri Maulana Malik Ibrahim, 2021), <http://etheses.uin-malang.ac.id/26074/>.

¹² John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 4th ed. (London: SAGE Publications Ltd., 2014).

¹³ Robert K. Yin, *Case Study Research and Applications: Design and Methods*, 6th ed. (London: SAGE Publications Ltd., 2017).

¹⁴ Glenn A. Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (August 3, 2009): 27–40, <https://doi.org/10.3316/QRJ0902027>.

¹⁵ Jonathan A. Smith, Paul Flowers, and Michael Larkin, *Interpretative Phenomenological Analysis: Theory, Method and Research* (SAGE, 2012).

of Islamic Law (KHI) and Marriage Law No. 1 of 1974 are analyzed.

The collected data is analyzed using thematic analysis with an interactive approach, as proposed by Miles, Huberman, and Saldaña.¹⁶ This process consists of three main stages: data reduction, data presentation, and conclusion drawing. Data reduction is carried out by identifying key themes emerging from the literature review, interviews, and documents. Data presentation is done through descriptive narratives that illustrate conceptual patterns of *kafaah nasabiyah* and its relevance to divorce mitigation. Conclusions are drawn iteratively by verifying findings against broader Islamic legal theories and contexts.

Results and Discussion

Ibn Hazm's Approach to the Concept of *Kafaah* in Marriage

In the discourse of classical Islamic jurisprudence, the concept of *kafaah* (compatibility) in marriage is one of the key determinants in the construction of family law. Among the scholars who had a distinctive approach to discussing *kafaah* was Abu Muhammad Ali ibn Ahmad ibn Sa'id ibn Hazm al-Andalusi (994–1064 CE), a Zahiri thinker known for his radical textual approach and strict rationality in elaborating Islamic law.¹⁷

In al-Muhalla bi al-Athar, Ibn Hazm explicitly rejects the concept of *kafaah* in marriage except in the aspect of religion (*al-din*). For him, there is no valid normative basis in the Quran or hadith that requires compatibility based on lineage, social status, wealth, or other cultural factors.¹⁸ Unlike the dominant legal schools such as Hanafi, Maliki, and Shafi'i, which consider *kafaah* an important parameter in ensuring marital harmony and preventing social conflict, Ibn Hazm views it as a product of interpretation lacking strong legal foundations.

Ibn Hazm's approach to *kafaah* is rooted in the Zahiriyyah methodology, which rejects *qiyas* (analogical reasoning), *istihsan* (juridical preference), and *maslahah* (public interest) as sources of law, accepting only explicit texts (*nass*) and the *ijma'* (consensus) of the Prophet's companions.¹⁹ In this context, Ibn Hazm asserts that a valid marriage is one that adheres strictly to the explicit stipulations of the Quran and hadith, without additional conditions not supported by sacred texts. He emphasizes that arguments for *kafaah* based on lineage and economic status are merely sociocultural constructions lacking legitimacy in sharia.²⁰

In rejecting *kafaah nasabiyah* (compatibility based on lineage), Ibn Hazm refers to various hadiths of the Prophet that indicate individual piety as the only relevant standard in marriage. One frequently cited hadith states, "If there comes to you someone whose religion and character you approve of, then marry him. If you do not, there will be discord and great corruption on the earth".²¹ For Ibn Hazm, this hadith serves as *qat'î* (definitive) evidence that nullifies all forms of social hierarchy in marriage.²²

However, criticisms of Ibn Hazm's view arise from jurists who consider his approach overly literal, neglecting social realities. For instance, Ibn Qudamah, in al-Mughni, argues that *kafaah* is not merely a legal norm but also a social mechanism aimed at maintaining household stability and preventing disharmony due to significant disparities between spouses.²³ Ibn Qudamah's perspective is supported by historical realities showing that marriages disregarding social compatibility often led to internal conflicts within families and communities.²⁴ Furthermore, Ibn Hazm's rejection of *kafaah* beyond the religious aspect has been critiqued within socio-historical contexts. In reality, the stratified social

¹⁹ Christopher Melchert, *The Formation of the Sunni Schools of Law: 9th-10th Centuries C.E.* (Brill, 2002).

²⁰ Hazm, *Al-Muhalla Bi al-Atsar*.

²¹ H.R. Abu Dawud, No. 2040.

²² Hazm, *Al-Muhalla Bi al-Atsar*.

²³ Qudamah, *Al-Mughni*.

²⁴ Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Simon and Schuster, 2014).

¹⁶ Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 3rd ed. (London: SAGE Publications, 2014).

¹⁷ Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul Al-Fiqh* (Cambridge University Press, 1997).

¹⁸ Hazm, *Al-Muhalla Bi al-Atsar*.

structure in Muslim societies often makes *kafaah* a preventive mechanism to mitigate divorce.²⁵

In the Indonesian context, Ibn Hazm's ideas on *kafaah* also hold unique relevance. The Muslim community in Indonesia, historically influenced by the Shafi'i school, tends to uphold *kafaah* in certain aspects, particularly in marriage among specific ethnic groups such as the Hadhrami Arab community.²⁶ However, with the growing influence of a more inclusive Islamic thought, Ibn Hazm's approach emphasizing religious-based equality has begun to gain traction in Indonesia's family law discourse, particularly in contemporary *fatwas* that reject ethnic and social status-based marriage discrimination.

Ibn Hazm's approach in negating *kafaah* beyond religious aspects reflects the distinctive characteristics of the Zahiri school, which strictly adheres to the literal meaning of sacred texts. While his approach is seen as a form of deconstructing the social hierarchy in marriage, historical and sociological realities indicate that most Muslim societies continue to uphold *kafaah* as a social mechanism for preventing divorce. Thus, Ibn Hazm's thought contributes to broadening the spectrum of Islamic legal discourse on marriage while also serving as a critical reflection on how Islamic law interacts with dynamic social realities.

Ibn Hazm's Critique of the Principle of Lineage Hierarchy in *Kafaah*

According to Ibn Hazm, the principle of lineage hierarchy lacks a strong textual foundation in the Quran and the Sunnah. He asserts that Islamic law never prioritizes social status or lineage in assessing a person's worth but rather emphasizes piety as the primary criterion for honor in the sight of Allah.²⁷ In this regard, Ibn Hazm strongly criticizes the Arab tradition of upholding lineage hierarchy,

which he views as a form of social discrimination that contradicts the universal values of Islam.²⁸ He describes lineage-based assessments as a form of *asabiyyah* (tribal fanaticism), which Islam has abolished.²⁹

Ibn Hazm's rejection of lineage hierarchy is reflected in his interpretation of hadiths related to *kafaah*. One frequently cited hadith by proponents of lineage hierarchy states, "A woman is married for four things: her wealth, her lineage, her beauty, and her religion. So choose the one who is religious, and you will be successful" (HR. Bukhari and Muslim). Ibn Hazm argues that this hadith does not establish lineage as an essential condition for marriage but merely mentions it as one of several secondary considerations (Ibn Hazm, 1983). Furthermore, he believes that placing lineage as a requirement in *kafaah* contradicts the substantive meaning of the hadith, which emphasizes the importance of religious commitment as the primary factor.³⁰

Beyond that, Ibn Hazm critiques the deeply ingrained social constructions in Arab traditions. He observes that the concept of lineage hierarchy is often used as a tool to legitimize the supremacy of certain groups, particularly in Arab non-Ba'alwi communities with complex cultural structures. According to him, this practice is a form of manipulation of Islamic legal values that disadvantages specific groups, particularly women, who frequently suffer injustice due to the application of lineage-based *kafaah*.³¹

Ibn Hazm also criticizes scholars who support lineage hierarchy based on historical arguments. Some scholars, such as Ibn Qudamah, argue that emphasizing *kafaah nasabiyah* aims to maintain social stability and family honor. However, for Ibn Hazm, this reasoning is insufficient to override the principles of justice and equality, which form the core of Islamic teachings. He asserts that social

²⁵ El Fadl.

²⁶ Edward Aspinall, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia* (Stanford University Press, 2009), <https://www.sup.org/books/politics/islam-and-nation>.

²⁷ QS Al-Hujurat: 13.

²⁸ Hazm, *Al-Muhalla Bi al-Atsar*.

²⁹ Y. Al-Qardhawi, *Fiqh Al-Zakah: A Comparative Study of Zakah, Regulations, and Philosophy in the Light of Qur'an and Sunnah* (Dar Al-Taqla, 2001).

³⁰ Al-Qardhawi.

³¹ Hazm, *Al-Muhalla Bi al-Atsar*.

stability should not be achieved at the expense of fundamental Islamic values such as justice and respect for human dignity.³²

In his view, Ibn Hazm also rejects the generalization that differences in lineage status automatically create incompatibility in marriage. He refers to numerous successful and harmonious interclass marriages throughout Islamic history, including among the Prophet Muhammad's companions. For example, the Prophet himself arranged the marriage of Zaid bin Harithah, a former slave, with Zainab bint Jahsh, a noblewoman from the Quraysh tribe. According to Ibn Hazm, this event serves as concrete evidence that Islam does not regard lineage as a primary factor in *kafaah*.³³

Moreover, Ibn Hazm's critique of lineage hierarchy is based on the universal principles of Islam. He emphasizes that Islam was revealed for all of humanity, regardless of race, ethnicity, or lineage. Therefore, establishing lineage as a prerequisite for *kafaah* contradicts the inclusive spirit of Islam, which promotes unity and equality among human beings.³⁴ This view indicates that Ibn Hazm is not only focused on textual evidence but also on the moral and ethical objectives of Islamic law.

Ibn Hazm's progressive stance faced significant opposition from other scholars. The majority of scholars from the Shafi'i, Hanafi, and Maliki schools continue to uphold lineage hierarchy as an integral part of *kafaah*. However, Ibn Hazm remained steadfast in his view, even though it often made him a controversial figure. He firmly believed that the principle of justice in Islam should not be compromised for the sake of preserving traditions that lack a legitimate religious basis.³⁵

In conclusion, Ibn Hazm's critique of the principle of lineage hierarchy in *kafaah* reflects his critical, egalitarian, and universalist approach to Islamic teachings. He rejects all forms of discrimination based on lineage, emphasizing the importance of piety and

morality as the primary foundations for building a household. His perspective contributes significantly to the discourse of Islamic law, particularly in the context of family law reform in the modern era.

***Kafaah Nasabiyah* in Divorce Mitigation: Ibn Hazm's Ratio Legis in the Indonesian Context**

Marriage in Islam is not only regarded as a legal bond between two individuals but also as a sacred institution aimed at forming a harmonious and sustainable family. One of the important concepts introduced in Islamic marriage law is *kafaah*, which literally means equality or compatibility between prospective spouses. This concept encompasses various aspects such as religion, social status, wealth, and lineage, which are believed to contribute to the creation of harmony within the household. In this context, *nasabiyah kafaah*, or equality in terms of lineage, becomes one of the primary considerations.

Ibn Hazm, a prominent scholar from Andalusia, paid special attention to the concept of *kafaah* in his monumental work, "al-Muhalla." According to him, *kafaah* is not a requirement for the validity of marriage but rather a preventive measure to avoid potential conflicts that may arise due to significant differences between partners. Ibn Hazm emphasized that marriage should ideally be based on equality in certain aspects to ensure household stability and harmony.

From Ibn Hazm's perspective, *nasabiyah kafaah* plays an essential role in maintaining marital harmony. Equality in lineage is considered capable of preventing feelings of inferiority or superiority between spouses, which could potentially lead to conflicts within the household. By ensuring that both parties come from a comparable lineage background, a more harmonious and mutually respectful relationship is expected to be established.

However, it is important to note that Ibn Hazm did not view *kafaah* as an absolute requirement for marriage. He asserted that a valid marriage is one that fulfills the pillars and conditions established by Islamic law, such as the presence of *ijab* and

³² Qudamah, *Al-Mughni*.

³³ Hazm, *Al-Muhalla Bi al-Atsar*.

³⁴ Hazm.

³⁵ Hazm.

qabul (offer and acceptance) and mutual consent from both parties. *Kafaah* is more of a preventive step to mitigate potential future conflicts rather than a prerequisite for marriage validity.

In the Indonesian context, the application of *nasabiyah kafaah* needs to be adjusted to the existing social and cultural realities. Indonesia is a country with vast ethnic, cultural, and religious diversity. Therefore, excessive emphasis on *nasabiyah kafaah* could lead to social segregation and hinder intergroup integration. Moreover, in an increasingly egalitarian modern society, an emphasis on lineage equality may no longer be relevant and could even be considered discriminatory.

Nevertheless, the fundamental principle of *kafaah*, which is ensuring equality and compatibility between partners, remains relevant in efforts to mitigate divorce. Equality in aspects such as values, life goals, and commitment to marriage can help couples navigate challenges in their marital life. Thus, while *nasabiyah kafaah* may no longer be relevant in the modern context, the principles of equality and compatibility remain crucial in choosing a life partner.

Research conducted by Hasbullah highlights the relevance of the concept of *kafaah* in marriage concerning household harmony in several regions in Indonesia. This study found that although some communities still consider lineage equality, the primary emphasis remains on equality in religion and morality, aligning with Ibn Hazm's view that prioritizes religious aspects as the main benchmark in *kafaah*.³⁶

Furthermore, a study published in the journal *Hukumah* (2024) conducted a comparative analysis of Imam Shafi'i and Ibn Hazm's perspectives on *kafa'ah* in marriage. The study's findings indicate that while Imam Shafi'i emphasized the importance of *kafaah* in various aspects, including lineage, Ibn Hazm rejected this concept except in the case of religion. This research confirms that in Indonesia's

pluralistic society, emphasizing religious equality is more relevant than lineage considerations.³⁷

In another study, Lizha examined Ibn Hazm and Ibn Qudamah's views on *kafaah* in marriage, focusing on cases in the Medan Belawan district. This research found that Ibn Hazm's perspective, which emphasizes equality in religion without considering lineage, is more accepted by the local community, which tends to prioritize piety and religious commitment in choosing a spouse.³⁸

The concept of *kafaah* in marriage among the 'Alawiyyin community in Indonesia. This study found that while the tradition of maintaining lineage equality remains strong within the community, there is a growing tendency to place greater emphasis on religious and moral aspects in selecting a spouse. This aligns with Ibn Hazm's view that rejects the significance of *kafaah* in lineage.³⁹ Additionally, Indonesian society tends to be more flexible in implementing *kafaah*, emphasizing equality in religion and morality, while lineage considerations are becoming less significant. This finding aligns with Ibn Hazm's stance that rejects the importance of lineage-based *kafaah*.⁴⁰

Regarding *nasabiyah kafaah*, Ibn Hazm rejected the necessity of lineage equality as a condition for a valid marriage, emphasizing that all Muslims are equal regardless of their ancestry.⁴¹ By applying the double movement theory, we can understand

³⁷ Jasmianti Jasmianti, "Konsep Kafa'ah Dalam Pernikahan: Studi Komparatif Antara Imam Syafi'i Dan Ibn Hazm," *HUKUMAH: Jurnal Hukum Islam* 7, no. 1 (June 10, 2024): 1–15, <https://doi.org/10.55403/hukumah.v7i1.627>.

³⁸ Siti Nur Alizha, "Kafa'ah Dalam Pernikahan Menurut Ibnu Hazm Dan Ibnu Qudamah (Studi Kasus Di Kecamatan Medan Belawan)," *YASIN* 3, no. 3 (May 15, 2023): 370–85, <https://doi.org/10.58578/yasin.v3i3.1105>.

³⁹ A. W. Novaldi, "Konsep Kafa'ah Pernikahan Kaum 'Alawiyyin Dalam Perspektif Hukum Islam: Pandangan Ibnu Hazm Dan Relevansi Dengan Konteks Kekinian Di Indonesia" (Theses, Jakarta, Universitas Islam Negeri Syarif Hidayatullah, 2023).

⁴⁰ Rossa Modista Rachmawati, "Penerapan Konsep Kafa'ah Pada Masyarakat Desa Kadipaten Dan Pengaruhnya Dalam Membentuk Keluarga Harmonis (Studi Kasus di Desa Kadipaten Kecamatan Wiradesa Pekalongan)" (Undergraduate Thesis, Pekalongan, UIN K.H. Abdurrahman Wahid, 2022), <https://perpustakaan.uingusdur.ac.id/>.

⁴¹ Hazm, *Al-Muhalla Bi al-Atsar*.

³⁶ Hasbullah Ja'far and Adhe Irma Hayati, "Relevansi Konsep Kafa'ah dalam Pernikahan terhadap Keharmonisan Rumah Tangga di Beberapa Daerah" (Medan: UIN Sumatera Utara, 2022).

that the emphasis on lineage equality may have been relevant in the past to maintain certain social structures. However, in Indonesia's modern multicultural context, such emphasis may be deemed less relevant.

Rahman highlights the importance of understanding the moral and ethical objectives behind religious texts rather than merely applying them literally.⁴² Thus, the essence of *kafaah* is to ensure equality that supports household harmony. In the modern context, this equality is more relevant when understood in terms of values, life goals, and shared commitments rather than merely lineage equality.

Rahman's approach aligns with Ibn Hazm's perspective, which rejects marriage restrictions based on lineage. By understanding historical contexts and applying them to present realities, we can conclude that the principle of equality in marriage should focus on more substantive aspects relevant to the dynamics of modern society.

The Perspective of Ibn Qudamah on the Principle of *Kafaah Nasabiyah*

Ibn Qudamah, a prominent scholar of the Hanbali school, viewed the concept of *kafaah* (equality) in marriage as a crucial element in maintaining family harmony and preventing potential conflicts that may arise due to imbalances in social status and lineage. In his perspective, *kafaah* in lineage has a strong theological foundation, rooted in the principles of justice and *maslahah* as outlined in the Quran and Hadith. He stated that *kafaah* in lineage is an essential dimension for preserving honor and social stability in Muslim society.⁴³

Ibn Qudamah based his argument on several Islamic legal evidences, including Quranic verses that emphasize the importance of selecting a spouse based on equality in values. One such verse is found in Surah al-Hujurat, verse 13. While this verse explicitly highlights piety as the primary standard,

Ibn Qudamah also interpreted it as an affirmation of the importance of understanding social structures and honor values in society.⁴⁴

Kafaah in lineage is one of the parameters intended to protect the rights of women and their families. A marriage that disregards *kafaah* in lineage could lead to social tensions due to significant differences in status. For example, he explained that a woman from a noble lineage, such as the Quraysh lineage, has the right to demand lineage equality with her prospective husband. According to Ibn Qudamah, this aims to prevent internal family conflicts that could disrupt marital harmony.⁴⁵

Furthermore, Ibn Qudamah also emphasized the importance of considering the overall welfare of the family. In this context, *kafaah* in lineage is seen as a means of maintaining family honor and strengthening social bonds within the community. He illustrated how, during the time of the Prophet Muhammad (SAW), the companions often prioritized the aspect of *kafaah* in selecting a spouse, although the ultimate standard remained piety. This indicates that *kafaah* in lineage does not contradict Islamic principles but rather enhances social harmony.⁴⁶

However, Ibn Qudamah also acknowledged that *kafaah* in lineage is not absolute. In certain cases, he permitted marriages between individuals of different lineages as long as there was mutual agreement between the parties and the guardian of the woman did not feel disadvantaged. This opinion reflects the flexibility of Ibn Qudamah's view in applying the concept of *kafaah*, adapting it to the social context and broader *maslahah*.⁴⁷

Ibn Qudamah linked the principle of *kafaah* in lineage to the objectives of Islamic law (*maqashid sharia*), which include the preservation of five fundamental aspects: religion, life, intellect, lineage, and wealth. In relation to lineage (*nasl*), he asserted that maintaining family honor through *kafaah* is

⁴⁴ Qudamah.

⁴⁵ Qudamah.

⁴⁶ Qudamah.

⁴⁷ Qudamah.

⁴² Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (University of Chicago Press, 1982).

⁴³ Qudamah, *Al-Mughni*.

part of the protection of this objective. He even stated that marriages that disregard the principle of *kafaah* in lineage could potentially damage family lineage and weaken social bonds.⁴⁸

Ibn Qudamah also criticized extreme views that completely reject *kafaah* in lineage. He emphasized that Islam provides room to balance universal values such as piety with social values such as lineage. In his view, neglecting *kafaah* in lineage could have negative impacts on family and societal stability. Therefore, he recommended that this principle be applied wisely, without disregarding the moral and spiritual dimensions of marriage.⁴⁹

In his discussion, Ibn Qudamah also referred to the classical *fiqh* tradition followed by the majority of Hanbali scholars. He cited the opinion of Imam Ahmad bin Hanbal, who emphasized the importance of *kafaah* in lineage as a form of respect for the Arab tradition, which highly values lineage. However, Ibn Qudamah added that this concept should not become a barrier to interethnic or intertribal marriages, as long as the principles of *maslahah* and justice are maintained.⁵⁰

Ibn Qudamah's perspective on *kafaah* in lineage is also relevant to the context of Indonesia. In these communities, lineage is often used as a criterion in choosing a spouse, although not as strictly as in Arab regions. Ibn Qudamah provided arguments that can serve as a reference for such communities in understanding *kafaah* as a flexible principle while still preserving traditional values. He emphasized that respect for local traditions can coexist with universal Islamic principles, preventing tensions between religious and cultural values.⁵¹

Thus, Ibn Qudamah's view on *kafaah* in lineage provides a normative and practical foundation for Muslims to understand this concept holistically. He demonstrated that *kafaah* is not merely a matter of formality but has profound implications for justice, social harmony, and the sustainability of the family

institution. In the context of contemporary Muslim societies, this perspective remains relevant as a reference in addressing increasingly complex social dynamics.

Contextualization of *Kafaah Nasabiyah* in the Hanbali Mazhab of Thought

The Hanbali, known as one of the Sunni jurisprudential schools characterized by its textualist approach and adherence to the literal interpretation of scriptural evidence, has a unique perspective on the concept of *kafaah nasabiyah* in marriage. In Hanbali jurisprudential tradition, *kafaah* is defined as equality or compatibility between prospective spouses in several aspects, including religion, social status, profession, and lineage (*nasab*).⁵² Ibn Qudamah, one of the foremost authorities of this school, emphasizes that *kafaah* is not a condition for the validity of marriage but rather a requirement of suitability that serves to protect household harmony and prevent potential disputes between two extended families with differing social statuses or genealogical standings.⁵³

The understanding of *kafaah nasabiyah* in the Hanbali school is based on the principle of preserving *maslahah* (public interest) and preventing potential *mafsadah* (harm) in family life. Ibn Qudamah, in al-Mughni, asserts that the importance of lineage in the context of *kafaah* is related to maintaining family honor, particularly in communities that strongly uphold genealogical traditions.⁵⁴ In the context of non-Ba'alwi Arab communities in Indonesia, this concept remains relevant because kinship traditions and social status continue to be significant considerations in matchmaking processes. This aligns with the view that *fiqh* not only accommodates universal legal principles but also considers local customs ('urf) as long as they do not contradict the core principles of Islamic law.⁵⁵

⁴⁸ Qudamah.

⁴⁹ Qudamah.

⁵⁰ Qudamah.

⁵¹ Qudamah.

⁵² Qudamah.

⁵³ Qudamah.

⁵⁴ Qudamah.

⁵⁵ I. Al-Syatibi, *Al-Muwafaqat Fi Usul al-Shari'ah* (Beirut: Dar al-Ma'rifah, 1997).

However, Ibn Hazm, a scholar from the Zahiri school, offers a different perspective. He rejects the concept of *kafaah nasabiyah*, arguing that all human beings are equal before Allah except in terms of *taqwa* (piety) (Ibn Hazm, 1988). According to him, establishing *kafaah* based on lineage constitutes a form of discrimination that contradicts Islam's universal principle, which places piety as the primary criterion. Ibn Hazm's critique of *kafaah nasabiyah* reflects an egalitarian perspective rooted in the literal interpretation of the Quran, particularly the verse stating that mankind was created from a single male and female so that they may know one another, without racial or genealogical hierarchy.⁵⁶

In the Hanbali school tradition, historical and sociological contexts play a crucial role in interpreting *kafaah*. In the patriarchal Arab society, preserving the purity of lineage through marriage was considered an effort to maintain a stable social structure.⁵⁷ Therefore, *kafaah nasabiyah* was regarded as an instrument to uphold family honor and prevent inter-tribal conflicts. Ibn Qudamah also highlights that *kafaah nasabiyah* is not absolute but conditional, meaning that as long as the guardian (*wali*) of the woman consents to the marriage, the contract remains valid despite discrepancies in lineage.⁵⁸

Nonetheless, it is important to note that the Hanbali perspective on *kafaah* is not merely normative but also flexible in response to contemporary needs. Ibn Taymiyyah, a prominent Hanbali thinker, criticizes the excessive emphasis on *kafaah nasabiyah*, which could hinder marriage prospects for Muslim women.⁵⁹ He asserts that the primary criteria in selecting a spouse should be religion and character, as emphasized in the authentic hadith: "If someone comes to you whose religion and character you are pleased with, then marry him" (HR. Tirmidhi). Thus, Ibn Taymiyyah

suggests that the principle of *kafaah* should be viewed through the lens of *maslahah* and ease rather than as a means to complicate marriage.

Furthermore, a hermeneutical approach to understanding *kafaah* suggests that this concept can be reinterpreted according to the needs of the time. Asghar Ali Engineer, a progressive Muslim thinker, asserts that the principles of justice and gender equality should be foundational in understanding *fiqh* texts, including *kafaah*.⁶⁰ In this regard, the reinterpretation of *kafaah nasabiyah* is not only relevant for non-Ba'alwi Arab communities in Indonesia but also for Muslim communities in other regions facing similar challenges in balancing tradition with modernity.

In conclusion, *kafaah nasabiyah* in the Hanbali school has deep historical roots in Arab traditions, yet its implementation in modern society requires a contextual approach that considers the principles of justice, *maslahah*, and social relevance. While Ibn Qudamah and Ibn Taymiyyah provide theological and sociological justifications for maintaining *kafaah nasabiyah*, Ibn Hazm and contemporary scholars offer a more egalitarian and inclusive alternative. Therefore, the study of *kafaah nasabiyah* is not merely a theoretical issue but also part of the broader effort to develop an Islamic legal framework that is responsive to the changes of the times.

***Kafaah Nasabiyah* and Divorce Mitigation: Ibn Qudamah's Ratio Legis in the Indonesian Context**

Ibn Qudamah's perspective can be traced back to a historical event involving Zaid bin Harithah and Zainab bint Jahsh. Zaid, a former slave who was adopted by Prophet Muhammad, was married to Zainab, who came from the Quraysh nobility. Although this marriage aimed to eliminate the social stigma associated with slavery, in practice, the social status differences between Zaid and Zainab created tension in their household. Zainab, who

⁵⁶ QS. Al-Hujurat: 13.

⁵⁷ A. A. Al-Kasani, *Bada'i al-Sana'i Fi Tartib al-Shara'i* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1986).

⁵⁸ Qudamah, *Al-Mughni*.

⁵⁹ (Ibn Taymiyyah, 2004)

⁶⁰ Asghar Ali Engineer, *The Rights of Women in Islam* (C. Hurst & Co. Publishers, 1992).

held a higher social status, felt unequal to Zaid, ultimately leading to their divorce.⁶¹

The *asbabun nuzul* (circumstantial revelation) of this event is recorded in the Quran, particularly in Surah al-Ahzab verse 37, which explains that Allah reproached the Prophet for withholding Zaid's desire to divorce Zainab, despite the divine decree that Zainab would become the Prophet's wife after the divorce. This verse also clarifies that there was no sin for the Prophet in marrying the wife of his adopted son after their divorce, thereby abolishing the pre-Islamic tradition that equated adopted children with biological children in matters of marriage prohibition.⁶²

Ibn Qudamah used this event as a foundation to emphasize the significance of *kafaah* in marriage. He argued that significant social status disparities between spouses could become a source of conflict and disharmony in the household, ultimately leading to divorce. By ensuring compatibility in aspects such as lineage, religion, and social status, couples are expected to build a more harmonious and lasting relationship.⁶³

In the Indonesian context and modernity, the relevance of the concept of *kafaah* remains a subject of debate. Indonesia's multicultural and diverse society often faces challenges in reconciling traditions with modern values. Some argue that emphasizing *nasabiyah kafaah* may be less relevant in an era that prioritizes equality and inclusivity. However, Ibn Qudamah's perspective still offers an argument that considering compatibility in various aspects can serve as a preventive measure to maintain household harmony and prevent divorce.

According to Al-Ghazali, the primary objective of Islamic law (*syariah*) is to achieve the welfare (*maslahah*) of humankind, which is reflected in the preservation of five fundamental elements: religion, life, intellect, lineage, and wealth.⁶⁴ In the context of

marriage, the application of the *maslahah* theory aims to ensure that the institution of marriage serves as a means to achieve well-being for both parties and society as a whole. In line with al-Ghazali's view, Imam al-Syatibi also affirmed the importance of *maslahah* in marriage, which he articulated in *Al-Muwafaqat fi Usul al-Shari'ah*. Similarly, Imam al-Tahir Ibn Asyur, a renowned scholar in *maqashid sharia* (objectives of Islamic law), developed a theory emphasizing the significance of understanding the purposes behind legal rulings. Ibn Asyur classified *maqashid sharia* into two main categories: *maqashid ammah* (general objectives) and *maqashid khasah* (specific objectives). The general objective of *syariah* is to achieve human welfare by preserving five fundamental elements. In the context of marriage, understanding *maqashid sharia* is crucial to ensuring that the institution of marriage functions as a means to achieve well-being for individuals and society as a whole.⁶⁵

Over the past decade, various studies have examined the relevance of Ibn Qudamah's thoughts on the urgency of *nasabiyah kafaah* in marriage as a measure to mitigate divorce in several Muslim-majority countries, including Indonesia, Malaysia, Saudi Arabia, and Brunei Darussalam. Ibn Qudamah, a leading Hanbali scholar, emphasized the importance of compatibility in lineage between prospective spouses to ensure household harmony and prevent conflicts that could lead to divorce (Ibn Qudamah, 1968).

In Indonesia, a study conducted by Maulida Husna examined the concept of *kafaah* in marriage according to Mughni al-Muhtaj. The study highlighted that compatibility in lineage plays a crucial role in building a harmonious household and preventing potential conflicts arising from social status differences.⁶⁶ This aligns with Ibn Qudamah's argument that *nasabiyah kafaah* serves as a preventive measure against divorce.

⁶¹ A. J. Al-Jazairi, *Aisar Al-Tafasir* (Beirut: Dar al-Fikr, 1999).

⁶² QS. Al-Ahzab: 37.

⁶³ Qudamah, *Al-Mughni*.

⁶⁴ I. Al-Ghazali, *Al-Mustasfa Min 'Ilm al-Usul* (Vol. 1) (Beirut: Dar al-Ma'rifah, 2003).

⁶⁵ A. T. Ibn Asyur, *Maqashid Al-Shari'ah al-Islamiyyah* (Beirut: Dar al-Turath al-Islami, 2006).

⁶⁶ Maulida Husna, "Kafaah Dalam Pernikahan (Telaah Kitab Mughni al. Muhtaj Dan Hasyiyah l'anah Ath Thalibin)" (Undergraduate Thesis, Jakarta, Universitas Nahdlatul Ulama Indonesia, 2021).

Meanwhile, in Malaysia, a study published in *Sakina: Journal of Family Studies* explored Ibn Qudamah's views on the requirements of *kafaah* in marriage. The study found that the application of *nasabiyah kafaah* remains relevant in contemporary Malaysian society to ensure compatibility between spouses and prevent conflicts that could lead to divorce.⁶⁷ This research reinforced the idea that compatibility in lineage can be an essential factor in maintaining marital stability.

In Saudi Arabia, a study published in the *Journal of Islamic and Arabic Studies* examined the relevance of *kafaah* in marriage from the perspective of Sheikh H. Nuruzzahri. The study revealed that despite the different social structures in Saudi Arabia, the principle of *nasabiyah kafaah* is still considered crucial for ensuring compatibility between spouses and preventing conflicts that could result in divorce.⁶⁸ This suggests that Ibn Qudamah's ideas remain relevant in the modern Saudi Arabian context.

In Brunei Darussalam, although specific studies on the application of *nasabiyah kafaah* are limited, the principle of compatibility in marriage remains an essential consideration for maintaining household harmony. Existing studies indicate that ensuring compatibility in various aspects, including lineage, can help prevent conflicts and divorce in Bruneian society, which strongly upholds Islamic values.⁶⁹

Overall, studies conducted over the past decade indicate that Ibn Qudamah's thoughts on the urgency of *nasabiyah kafaah* in marriage as a basis for divorce mitigation remain relevant across various Muslim-majority countries. Ensuring compatibility in lineage between prospective spouses can contribute to household harmony and prevent conflicts that could lead to divorce. However, the implementation of

this concept must consider the social and cultural contexts of each country to ensure that the principle of *nasabiyah kafaah* can be effectively applied in contemporary society.

Conclusion

In the spectrum of Islamic legal discourse, the concept of *kafaah nasabiyah* as a preventive mechanism against the dissolution of marriages finds strong footing in the thoughts of Ibn Qudamah and Ibn Hazm. These two classical thinkers, despite coming from different schools of thought, offer rationalizations rooted in the social contexts of their respective societies. Ibn Qudamah, representing the Hanbali school, emphasizes *kafaah nasabiyah* as an instrument to ensure social compatibility between spouses, weighing the socio-cultural impact that could lead to marital disharmony if the gap in lineage status is too wide. Meanwhile, Ibn Hazm of the Zahiri school, with his rigid textual approach, rejects *kafaah nasabiyah* as a strict prerequisite for marriage, asserting that a valid marriage should not be hindered by considerations of lineage but should be based on principles of equality in faith and character. In the Indonesian context, where cultural pluralism and social heterogeneity are defining characteristics of society, the relevance of the ideas of both figures undergoes a transformation that demands contextualization. On one hand, Ibn Qudamah's ideas may serve as a reference in a society that still upholds social stratification in marriage as a form of caution in establishing stable households. On the other hand, Ibn Hazm's approach aligns more with the principles of inclusivity and equality, which have become the foundation of family law in Indonesia. Therefore, the debate surrounding *kafaah nasabiyah* in mitigating divorce cannot be separated from historical, cultural, and social dynamics, and requires a legal approach that is flexible yet still grounded in the values of *maqashid sharia*.

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⁶⁷ Yoga Hendika and Ilham Armi, "Pendapat Ibnu Qudamah Tentang Syarat Kafa'ah Dalam Perkawinan," *Sakina : Jurnal Hukum Keluarga* 7, no. 2 (2022): 170–81.

⁶⁸ Abdullah M. Nur, "Kafa'ah Dalam Pernikahan Dalam Perspektif Syekh H. Nuruzzahri Yahya," *Jurnal Al-Mizan* 10, no. 2 (December 31, 2023): 169–93, <https://doi.org/10.54621/jiam.v10i2.726>.

⁶⁹ Husna, "Kafaah Dalam Pernikahan (Telaah Kitab Mughni al. Muhtaj Dan Hasyiyah l'anah Ath Thalibin)."

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