

RECONSTRUCTING THE CONCEPT OF KAFA'AH IN MARRIAGE: THE PERSPECTIVE OF ISLAMIC LAW AND SOCIAL REALITY

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Article Sejarah	Abstract
Received 23/3/2025	This research aims to reconstruct the concept of kafa'ah in marriage by considering the perspective of Islamic law and modern social realities. Kafa'ah, which in the fiqh tradition is often associated with equality in descent, social, economic and professional status, in practice often becomes an obstacle in marriage, especially when it takes precedence over religious and moral aspects. This research uses library research methods with a juridical-normative approach and conceptual analysis, which focuses on sources of Islamic law such as the Al-Qur'an, hadith, classical jurisprudence books, ulama fatwas, and marriage legal regulations in Indonesia. The research results show that kafa'ah should not be understood as an absolute requirement, but rather as a flexible factor that aims to create a harmonious household based on Islamic values. The maqashid sharia approach emphasizes that kafa'ah must be more oriented towards faith, piety and morality, not just worldly aspects. Apart from that, the role of ulama, religious institutions and premarital education is very important in providing a more moderate understanding of kafa'ah. Thus, this research offers a new meaning to kafa'ah that is more relevant to the social dynamics and needs of Muslims in the modern era.
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INTRODUCTION

The concept of kafa'ah in marriage is a principle that has long been part of the study of Islamic law and social practices in Muslim societies. Kafa'ah, which etymologically means equality or compatibility, is often used as a basis for determining partners who are considered suitable in a marriage bond. In classical fiqh literature, scholars have different opinions regarding the limits of kafa'ah. Most schools of thought, such as Hanafi, Maliki, Syafi'i, and Hanbali, emphasize aspects such as descent, social status, economics, profession, and religion as determining factors in kafa'ah. This understanding basically aims to maintain household stability and harmony, with the hope that equality in these aspects can reduce the potential for conflict in marriage. However, in contemporary social reality, an understanding that is too rigid about kafa'ah can actually give rise to new problems, such as discrimination in choosing a partner and injustice towards individuals who are deemed not to meet certain social standards (Muzakki & Hafshawati, 2021).

Along with increasingly dynamic social changes, there is a paradigm shift in understanding the concept of kafa'ah. In practice, many couples who come from different economic and social backgrounds are still able to build harmonious and high-quality households. On the other hand, there are quite a few marriages that formally fulfill the elements of kafa'ah, but instead experience disharmony and divorce. This shows that the concept of kafa'ah which places too much emphasis on social and economic aspects needs to be reviewed to make it more relevant to current societal conditions (Puspitorini & Zahara, 2021). The maqashid sharia perspective, which emphasizes the main goals of Islamic sharia such as justice, welfare and benefit, can be a more contextual approach in understanding kafa'ah in marriage. Therefore, it is necessary to reconstruct the concept of kafa'ah so that it is more flexible and does not become an obstacle for individuals in choosing a life partner based on more substantial Islamic values, such as religion, morals

and responsibility.

This research aims to reconstruct the concept of kafa'ah in marriage by reviewing classical understandings in Islamic law and analyzing the social realities that develop in modern society. The main aim of this research is to provide a more comprehensive understanding of kafa'ah from a maqashid sharia perspective, so that this concept is no longer understood in a rigid and discriminatory manner. Apart from that, this research also aims to identify the social impact of applying kafa'ah that is too rigid, especially in the Muslim community which still maintains this practice in choosing a life partner.

Apart from that, this research will examine how Islamic legal policies in Indonesia address the concept of kafa'ah and how contemporary ulama fatwas view the urgency of kafa'ah in marriage in the modern era. Using an Islamic law and sociology approach, this research will explore how Muslim society today understands and applies kafa'ah, as well as their perceptions of social changes that influence marriage practices. It is hoped that the findings from this research can provide a scientific contribution to the development of Islamic law that is more adaptive to changing times, as well as provide recommendations for religious institutions, academics and policy makers in formulating marriage policies that are more inclusive and fair.

This research is novel in offering a new paradigm in understanding kafa'ah, which does not only focus on the classical fiqh perspective, but also integrates the maqashid sharia approach and analysis of modern social reality. In contrast to previous research which tends to partially defend or criticize the concept of kafa'ah, this research attempts to reconstruct the concept with a more flexible and inclusive approach. One of the main novelties of this research is analyzing the social impact of the rigid application of kafa'ah, as well as how Muslim individuals and families in Indonesia experience challenges in choosing a life partner due to interpretations of kafa'ah that are still biased towards social and economic factors.

Apart from that, this research will also explore the fatwas of contemporary ulama regarding kafa'ah and how their views can be used as a reference in formulating fairer marriage policies. Thus, this research is not only theoretical, but also offers practical and applicable solutions for the Muslim community in understanding kafa'ah in a more contextual and relevant way. Apart from that, another novelty offered is the use of empirical data in measuring how the Muslim community perceives kafa'ah in the modern era. Thus, this research will produce a more holistic academic contribution in understanding the relationship between Islamic law, social practices and changing times.

This research has a distinction or uniqueness compared to previous studies which discussed the concept of kafa'ah in marriage. The first uniqueness lies in the multidisciplinary approach used, namely Islamic law, sociology and maqashid sharia, so that the resulting analysis does not only focus on normative aspects, but also considers the social and cultural impacts that develop in Muslim society. The second uniqueness of this research is its focus on reconstructing the concept of kafa'ah which does not only take into account the opinions of classical scholars, but also adapts it to contemporary social realities. Apart from that, this research is also unique in conducting an empirical study of the practice of kafa'ah in Indonesia, by exploring how Muslim couples experience challenges in marriage due to the concept of kafa'ah which is still understood conservatively. By using a case study approach and in-depth interviews, this research will explore the experiences of individuals who experience rejection of marriage due to the concept of kafa'ah which is still exclusive.

The results of this research will provide policy recommendations for religious institutions and the government in developing marriage regulations that are more inclusive and justice-oriented. In conclusion, this research has academic and social urgency in building a broader understanding of kafa'ah in marriage, so that Muslim society is no longer trapped in a paradigm that limits individual freedom in choosing a life partner. With a more holistic and contextual approach, it is hoped that this research can make a significant contribution to the development of Islamic law that is more relevant to the challenges of the modern era.

METHOD

This research uses a type of library research with a juridical-normative approach and conceptual analysis (Islamiyati, I. 2023). A juridical-normative approach is used to examine the concept of kafa'ah in marriage based on authoritative sources of Islamic law, such as the Al-Qur'an, hadith, classical jurisprudence books, ulama fatwas, and applicable

legal regulations. This approach aims to understand how kafa'ah is explained in Islamic law and how its interpretation develops in various schools of jurisprudence. Meanwhile, a conceptual analysis approach is used to reconstruct the concept of kafa'ah to make it more relevant to contemporary social reality. With this approach, research will criticize the classical understanding of kafa'ah which emphasizes heredity, social status and economic factors, and propose a more inclusive perspective by focusing on religious and moral aspects in choosing a life partner.

The research flow begins with collecting library data, which includes the main literature in Islamic law related to marriage and kafa'ah. Next, a comparative analysis was carried out on the views of classical and contemporary ulama regarding kafa'ah, to see how this concept developed and was applied in various social contexts. After that, the research entered the concept reconstruction stage, taking into account the maqashid sharia approach and the challenges of marriage in the modern era. It is hoped that the final results of this research will provide a more flexible and contextual concept of kafa'ah, as well as offer solutions for the Muslim community in understanding and implementing kafa'ah in marriage more fairly and in accordance with Islamic values.

RESULTS AND DISCUSSION

1. The Urgency of Kafa'ah Reconstruction

Draft kafa'ah Islamic marriage is an important aspect that is often the subject of discussion among Islamic scholars and the Muslim community. In language, kafa'ah means equality or compatibility between prospective husband and wife in various aspects, such as religion, heredity, social and economic status. In Islamic law, kafa'ah functions as a mechanism to maintain household harmony, ensure balance in marriage, and prevent inequality that can lead to conflict or division. Classical scholars, such as those in the Hanafi, Maliki, Syafi'i and Hambali schools, have varying views regarding the requirements for kafa'ah in marriage. Some consider it a mandatory requirement, while others see it as a recommended but not absolute aspect (Sholihin, 2021).

In the modern era, the debate about kafa'ah has become increasingly complex due to significant social changes. If in the past social and economic status were the main considerations in marriage, now many couples prioritize equality in intellectual aspects, thoughts and vision of life. Most modern societies also increasingly emphasize religious and moral aspects rather than heredity or social position. Therefore, a big question arises: is kafa'ah still relevant to be applied strictly as in its classical concept, or does it need to be reconstructed to be more in line with the principles justice in Islam? (Ismail, et al., 2024). Islam is a religion that upholds justice in various aspects of life, including marriage. Justice in Islam does not mean absolute equality in all things, but rather providing rights according to the conditions and needs of each individual. In the context of kafa'ah, justice means that marriage should not be limited by hereditary factors, economic status, or certain social castes, but must look at more substantial factors, namely devotion, morals, and readiness to build a household. This concept of justice is emphasized in the Qur'an: *"Indeed, the most noble among you in the sight of God is the most pious"* (QS. Al-Hujurat: 13).

This verse shows that the standard of a person's glory does not lie in his social or economic status, but in his level of piety. Therefore, making kafa'ah an absolute condition in marriage without considering the principle of justice can lead to discrimination that is contrary to Islamic teachings. The marriage between the Prophet ﷺ and some of his companions also shows that kafa'ah is not an obstacle in building a harmonious household. For example, the marriage of Zaid bin Haritsah, a former slave, with Zainab bint Jahsy from the Quraish, shows that social status is not an obstacle as long as both parties have faith and good morals. In its development, kafa'ah needs to be understood as a flexible factor in marriage, not as an absolute requirement that limits someone in choosing their life partner. When kafa'ah is applied too rigidly, it can become a source of discrimination that limits individuals' rights to marry based on love, understanding and shared life goals. For example, if a woman from a prominent family wants to marry a man who comes from an ordinary background but has good faith and morals, there is no Sharia reason to prevent the marriage (Samin, et al., 2022).

If kafa'ah is made an absolute requirement, then many couples may have to face big obstacles in realizing their marriage simply because of economic or hereditary differences. In fact, the Prophet Muhammad ﷺ emphasized that choosing a partner should be based on four things: religion, beauty, lineage, and wealth, but the most

important thing is religion. The words of the Prophet: *"Women are married because of four things: their wealth, their offspring, their beauty, and their religion. So choose someone who has a religion, you will be lucky"* (HR. Bukhari and Muslim). This hadith confirms that religion and morals more important than other aspects in choosing a life partner. Therefore, in the current social context, kafa'ah should no longer be an obstacle in marriage, but should be used as a consideration that is relatively appropriate to the needs and readiness of the couple.

Order concept kafa'ah can be applied more fairly and in accordance with the development of the times, approach maqashid sharia (the main goal of Islamic law) can be used as a basis for understanding the relevance of kafa'ah in marriage. Maqashid sharia consists of five main principles, namely hifz ad-din (keeping religion), hifz an nafs (keeping the soul), hifz al-'aql (keeping sense), hifz an-nasl (taking care of offspring), and hifz al-mal (guarding treasures). In the context of marriage, these five principles play a role in forming a harmonious and sustainable relationship, and ensure that marriage is not just a union of physical and social status, but also has high spiritual value (Faradilah et al., 2022). If kafa'ah is understood within the framework of maqashid sharia, then the requirements for equality in marriage are no longer limited to worldly aspects, such as heredity, wealth or social status, but rather emphasize moral values, faith, and readiness of couples in building a family that is sakinah, mawaddah, and rahmah. In Islam, a person's priority is not judged from his social background, but from his piety as the word of God in QS. Al-Hujurat: 13 which confirms that the most noble in the sight of Allah are those who are most pious. Therefore, kafa'ah in marriage must be directed towards aspects of faith and morals, not just relative material or social standards.

In context hifz ad-din (maintaining religion), kafa'ah in marriage must be considered similarities in religious commitment and moral values, because the foundation of a strong household is built on faith and devotion to Allah. A Muslim is advised to marry a partner who has understanding compatible religion, so that they can remind each other and help each other in fulfilling their obligations as a servant of God. Hifz an-nafs (guarding the soul) in marriage means ensuring that the husband and wife relationship provides calm and happiness, instead of becoming a burden or a source of suffering (Paisal, 2024). If kafa'ah is applied in a rigid manner, it could be that someone is forced to marry a partner who is equal in economic aspects or social status, but who is not suitable in emotional and personality aspects. As a result, the household becomes a source of stress and conflict. Next, inside hifz al-'aql (maintaining reason), kafa'ah must also pay attention to intellectual and thinking aspects. Equality in education and insight will greatly influence communication and decision making within the family. If a couple has too many different ways of thinking, it can be difficult to build an understanding in facing various life challenges. Therefore, kafa'ah in this context is more about how couples can respect each other, discuss and resolve differences in a good way.

Besides that, hifz an-nasl (protecting offspring) is also an important consideration in marriage. The main purpose of marriage in Islam is to build a harmonious family and give birth to pious and pious descendants. Therefore, kafa'ah must be studied in the context of the partner's readiness educate children with Islamic values. It doesn't matter if someone marries a partner from a different social background, as long as both of them have it the same vision in educating children and build an Islamic family (Mulyadi & Dahlan, 2021). Lastly, deep hifz al-mal (taking care of property), economic factors are indeed important in family life, but cannot be the only yardstick in choosing a partner. Because, sustenance is something that can be worked on and not something that is fixed. Many couples may not have much wealth at the start of their marriage, but with hard work and serious effort, they can build a better economic life. Therefore, rejecting someone just because of economic differences without considering other more essential factors could be a form of injustice that is contrary to the maqashid of sharia itself.

By using the approach maqashid sharia, the concept of kafa'ah can be interpreted as a flexible factor and not as an absolute requirement that must be met rigidly. Kafa'ah should not be used as an obstacle for someone in choosing their life partner, as long as that partner has one faith, morals, and readiness in living a domestic life. If kafa'ah only focuses on social, economic or hereditary aspects, then marriage can lose its spiritual meaning and become closer to the concept of social stratification that

is contrary to Islamic values.

2. Reconstruction of Kafa'ah in a Modern Social Context

In Islam, concept kafa'ah (equality in marriage) is often understood narrowly, namely only in terms of heredity, social status and economics. In fact, Islam places greater emphasis on inner kafa'ah religion and morals, not on worldly factors which are relative and can change. In QS. Al-Hujurat: 13, Allah SWT emphasizes that a person's glory is not measured by his lineage or social status, but by his piety. Therefore, in choosing a life partner, Islam prioritizes faith and morals as the main yardstick, as the Prophet SAW said, *"If a man comes to you whose religion and morals you like, then marry him. Otherwise, there will be slander and destruction on the face of the earth."* (HR. Tirmidhi). This hadith emphasizes that religion and morals are the main requirements for building a sakinah, mawaddah and rahmah household. If a marriage is only based on similarity of descent or social status, but ignores the quality of the faith and morals of the couple, then the risk of disharmony in the household becomes greater. For example, someone who comes from a prominent family but does not have good morals can have a negative impact on their partner and offspring (McManus, et al., 2020). On the other hand, someone who may come from a simple background but has high faith and morals actually has more potential to build a harmonious household. Therefore, prioritizing kafa'ah in religious and moral aspects will provide a stronger foundation in marriage, because the relationship between husband and wife is not only worldly, but also a means of achieving the pleasure of Allah SWT.

On the other hand, emphasizing kafa'ah only in heredity and social status can create injustice and discrimination in society. In Islamic history, there are many examples that show that Islam does not limit marriage based on social background. One famous example is marriage Zaid bin Harithsah, a former slave who was adopted as the adopted son of the Prophet SAW, with Zainab bint Jahsy, who came from Quraish noble lineage. This marriage shows that in Islam, lineage is not a barrier for someone to marry a partner who has a different social position. Unfortunately, in certain societal practices, there are still many who prioritize social status over Islamic values in marriage (Khakim, 2024). As a result, quite a few individuals find it difficult to find a life partner because they are hindered by social rules that are not relevant to Islamic teachings. In fact, in Islam, the most important thing is compatibility in worship, moral values, and outlook on life, not just family background. Thus, the concept of kafa'ah in marriage must be deconstructed to be more in line with Islamic principles which focus on piety and morals. Islam teaches that humans are created with their own strengths and weaknesses, and marriage is a means to complement each other and jointly achieve happiness in this world and the hereafter (Khan, Z. U. 2023; Rahman, M. 2024).

In Muslim society, ulama and religious institutions have a very important role in providing a more contextual understanding of the concept of kafa'ah in marriage. Historically, kafa'ah is often understood as equality in aspects of descent, social status, economics and profession, which sometimes limits individuals in choosing a life partner. This kind of understanding still persists in several communities, even though Islam itself places greater emphasis on kafa'ah in religion and morals (Kusrin, et al., 2024). Therefore, ulama and religious institutions must take an active role in straightening out the concept of kafa'ah so that it is more in line with maqashid sharia (the main goal of Islamic sharia), namely justice and the benefit of the people. One of the main tasks of ulama is to guide society to understand that the main requirement for marriage is not equality in social status, but devotion and readiness to build a household that is sakinah, mawaddah and rahmah. Rasulullah SAW himself gave an example that marriage does not have to be based on equality of social status, as seen in the marriage of his friend Bilal bin Rabah, a former slave who married a woman from a respectable circle. This proves that Islam emphasizes moral and spiritual values more than worldly factors which are relative in nature. However, in many Muslim communities, there are still many practices that restrict marriage based on social or economic caste, which is contrary to Islamic values. Therefore, the role of ulama and religious institutions in socializing a more moderate understanding of kafa'ah and in accordance with Islamic teachings is very important (Athoillah et al., 2023).

One way that religious institutions can change the kafa'ah paradigm is through broader education and outreach, both through lectures, Islamic studies, and social media and digital platforms. Many people still have a wrong understanding about

kafa'ah, and this is reinforced by patriarchal culture and an exclusive social system (Ashari et al., 2023). Therefore, religious institutions such as the Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), Muhammadiyah, and large Islamic boarding schools need to issue fatwas, guidebooks, or academic studies that discuss kafa'ah more broadly and are relevant to modern life. In addition, religious institutions can collaborate with Islamic universities and research centers to develop a curriculum based on contemporary marriage fiqh that adapts the concept of kafa'ah to the demands of the times. In this context, religious institutions not only function as guardians of Islamic values, but also as agents of social change ensuring that Islamic teachings remain flexible and relevant to current societal conditions (Mujenni et al., 2024). With a more contextual and inclusive approach, religious institutions can help eliminate discriminatory practices in marriage and encourage society to prioritize Islamic values rather than simply maintaining traditions that are not in accordance with Islamic teachings.

Apart from the role of ulama and religious institutions in building a more inclusive understanding of kafa'ah, strengthening premarital education is also a key factor in creating equality in marriage. In many Muslim countries, including Indonesia, premarital education often only focuses on legal and religious aspects, such as marriage contract procedures, the rights and obligations of husband and wife, and the concept of maintenance. In fact, premarital education should also include an in-depth understanding of kafa'ah, so that prospective brides and grooms are not trapped in rigid social standards and can build a more harmonious household. In premarital education, kafa'ah must be explained from the perspective of maqashid sharia, namely how this concept must be understood as a tool for creating a just and balanced marriage, not as a tool of discrimination (Harahap & Arfa, 2023). One way that can be done is to include more flexible material about kafa'ah in marriage guidance programs held by the Ministry of Religion, the Office of Religious Affairs (KUA), and other Islamic institutions. In this material, the prospective bride and groom can be given the understanding that the main factor in kafa'ah is similarity in faith and morals, not heredity or social status. Apart from that, premarital education must also teach how to manage differences in marriage, so that couples can build healthy relationships and support each other.

Premarital education can also be strengthened with interactive workshop methods, group discussions, and household problem simulations, which enable prospective brides and grooms to understand the realities of married life in a more real way. For example, they can be given case studies about couples who come from different social backgrounds but succeed in building a harmonious household, or conversely, couples who marry with the same social status but experience a lot of conflict due to a lack of compatibility in terms of religion and morals. In this way, the prospective bride and groom will better understand that the success of a marriage is not determined by family background alone, but rather by mental, spiritual and emotional readiness in living a domestic life (Azizah, 2024). Apart from that, the role of a marriage counselor is also very important in ensuring that the concept of kafa'ah is understood more broadly and is not only limited to material aspects. Marriage counselors who have a strong Islamic background can help couples understand how Islam views marriage as worship and a form of perfection of faith, so that they focus more on aspects of harmony in Islamic values rather than simply considering social status.

So that kafa'ah can be applied more fairly and relevantly in modern life, a holistic approach is needed that involves various parties, including ulama, religious institutions, government, educators, and society in general. Efforts to build a more moderate and inclusive understanding of kafa'ah cannot only be done through fatwas or religious lectures, but must also be translated into policies, education systems and broader social practices. The government, for example, can strengthen the role of mandatory marriage guidance before the marriage contract as a means of building awareness of the importance of kafa'ah in religion and morals. In addition, educational institutions, from madrasas to universities, need to include the concept of kafa'ah in the Islamic studies and family law curricula, so that the younger generation is no longer trapped in a narrow understanding of equality in marriage. In an increasingly global and complex world, Muslim communities must be more open and adaptive in understanding Islamic teachings, without abandoning its basic principles (Efendy,

2022).

Apart from formal aspects, paradigm changes regarding kafa'ah can also be encouraged through the role of community leaders and social media. Currently, many young people are more influenced by digital content than conventional lectures. Therefore, ulama and religious institutions can take advantage of digital platforms to spread understanding about kafa'ah more widely, using language that is simpler and relatable to the younger generation. Digital campaigns that highlight inspiring stories about couples from different social backgrounds who succeed in building a harmonious household can be an effective educational tool. Apart from that, modern Islamic media must also play a role in dismantling the social stigma that limits marriage to only certain groups (Mrd et al., 2023).

3. Legal Implications of Kafa'ah Reconstruction

The concept of kafa'ah in marriage has been a long topic of discussion in the study of Islamic law, especially in relation to aspects of justice, welfare and the purpose of marriage in Islam. In classical literature, kafa'ah is often associated with equality in descent, social, economic and professional status, which aims to maintain balance in the household and prevent potential incompatibility in the future (Kulsum, 2022). However, over time, contemporary ulama have begun to reinterpret this concept with a maqashid sharia approach, namely considering more fundamental aspects in building a sakinah, mawaddah and rahmah household. Several religious fatwas issued by Islamic institutions such as the Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), and Muhammadiyah have emphasized that kafa'ah should not be an obstacle for someone to get married, especially if both parties have devotion and mental readiness in building a household. In the context of Islamic law in Indonesia, kafa'ah is also not referred to as an absolute requirement in the marriage contract, but rather as a consideration factor that can be discussed between the prospective bride and groom and their families.

Even though there are no positive legal regulations that require kafa'ah in marriage, several Muslim communities in Indonesia still practice this tradition with interpretations that tend to be exclusive. In some cases, kafa'ah is still used as an excuse to reject marriage because of differences in social or economic background, even though both partners have the same vision in running their domestic life. This shows that there are challenges in grounding a more contextual understanding of kafa'ah, so that religious fatwas and public education are very important to straighten out biased understanding (Hashmi, J. T. 2021; Tasbih, et al., 2024). Religious institutions in Indonesia are expected to be more active in socializing the concept of kafa'ah which is inclusive and non-discriminatory, so that people are no longer trapped in a paradigm that limits individual rights in choosing their life partner. Thus, the fatwa issued must be more firm in emphasizing that kafa'ah is not an absolute requirement, but rather a flexible consideration, so that Islamic values of justice and benefit are maintained in the institution of marriage.

In Marriage Law no. 1 of 1974 and its derivative regulations, kafa'ah is not mentioned as a legal requirement for marriage. Marriage law in Indonesia places more emphasis on the consent of both parties, parental permission for prospective brides and grooms under a certain age, as well as official registration at the Religious Affairs Office (KUA) or civil registry. Nevertheless, the practice of kafa'ah still has influence in some communities, especially those based on local Islamic customs and culture. In some cases, families or traditional leaders still consider equal social status as the main factor in determining a couple's suitability, even though state regulations do not require this. As a result, there are still cases of marriage refusals simply because of differences in social or economic background, even though there are no legal regulations that explicitly regulate this (Nagel, T. 2020).

To overcome this problem, the Indonesian government, especially the Ministry of Religion and the Ministry of Women's Empowerment and Child Protection, needs to be more active in implementing premarital education policies that include a correct understanding of kafa'ah. The mandatory marriage guidance for prospective brides and grooms should not only discuss the fiqh and administrative aspects of marriage, but also teach more substantial Islamic values, including about kafa'ah from the maqashid sharia perspective (Muhsin & Avindi, 2022). Apart from that, regulations regarding women's rights in choosing a partner also need to be strengthened so that there are no more cases where a woman is forced to marry someone who is considered "equal"

socially, but does not share the same vision in building a household. The government can also invite religious figures, academics and gender activists to be involved in formulating more inclusive policies on marriage, so that kafa'ah is no longer a limiting tool that hinders an individual's right to choose a life partner.

For prospective brides and grooms, a comprehensive understanding of kafa'ah is very important so that they are not trapped by discriminatory social standards. Before deciding to get married, there are several things that need to be considered when considering kafa'ah so that the marriage that is built is truly in accordance with Islamic principles and is able to survive in the long term. First, the prospective bride and groom must understand that kafa'ah in religion and morals is much more important than kafa'ah in social and economic aspects. In the Qur'an, Allah emphasizes that a person's position with Him is not determined by their worldly background, but by their level of piety (QS. Al-Hujurat: 13). Therefore, in choosing a partner, the main thing is to look for someone who has good Islamic values, responsibility and commitment to building a harmonious family (Anas et al., 2024).

Second, open communication between the bride and groom and their families is very necessary so that there are no differences in perceptions about kafa'ah. In some cases, parents may still adhere to the traditional concept of kafa'ah, thereby rejecting partners who are deemed not compatible economically or in social status. Therefore, the prospective bride and groom must be able to have good dialogue and explain that equality in religion and morals is more important than other factors. If there are differences of opinion with the family, a wise, patient approach and supported by Islamic postulates can help convince them (Mazaya et al., 2024).

Apart from the prospective bride and groom, the family also has a big role in determining the success of the marriage, including considering the kafa'ah. There are many cases where parents or marriage guardians are the main factor in rejecting or accepting their child's prospective partner based on kafa'ah standards which tend to be exclusive. Therefore, there are several suggestions that families need to pay attention to in order to understand the concept of kafa'ah more fairly and proportionally. First, families must understand that their role in choosing a partner for their child is not to limit, but to direct and guide, so that the decisions taken are truly based on Islamic values. Parents should not reject prospective partners just because of worldly factors, such as differences in economic level or heredity, without considering religious and moral aspects (Al-Anshori et al., 2020).

Second, families should be more flexible in accepting social changes. In this modern era, social mobility is very high, so a person cannot be judged solely based on the social status of his family. Someone who comes from a modest economic background may have better education and morals than someone from a rich family, so families need to be more open in assessing partners based on their personal qualities, not their family background. Apart from that, families can also consult with religious figures or marriage counselors to get a more objective view in understanding kafa'ah (Agustine & Supriyadi, 2023).

CONCLUSION

This research shows that the concept of kafa'ah in marriage which has been understood in Islamic law has broad dimensions, including aspects of religion, heredity, social status, economics, profession and morality. However, in modern social realities, the traditional understanding of kafa'ah often becomes an obstacle in marriage, especially when it emphasizes aspects of heredity and social status rather than fundamental factors such as religion and morals. Therefore, it is necessary to reconstruct the concept of kafa'ah with a more contextual approach, so that it is not only based on classical interpretation, but also takes into account maqashid sharia (the main objectives of Islamic sharia). In this context, kafa'ah should not be an absolute requirement, but rather a flexible factor that aims to create a household that is harmonious and in accordance with Islamic principles. By focusing on kafa'ah in religion and morals, Muslim communities can be more open in determining a life partner based on spiritual and moral values, not just worldly social or economic factors.

Apart from that, this research also emphasizes the important role of ulama, religious institutions, and Islamic legal regulations in Indonesia in building a more moderate and relevant understanding of kafa'ah. Religious fatwas and legal policies regarding marriage need to make it clear that kafa'ah is not a rigid limitation that can

hinder a valid and good marriage. Premarital education is also a crucial aspect in forming a deeper understanding of marriage, by instilling Islamic values that focus on equality, responsibility and a family vision that is oriented towards mutual benefit. With this approach, it is hoped that the concept of kafa'ah can be applied more fairly in modern life, so that it not only maintains Islamic legal traditions, but also adapts it to continually developing social dynamics.

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