

The Influence of Social Stratification on the Concept of Kafa'ah in Social Marriage

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ARTICLE INFO

Volume: 3

KEYWORD

Social Stratification, Kafa'ah, Marriage.

ABSTRACT

Social stratification is a distinction between individuals or groups in a society. It classifies them into certain social classes hierarchically and provides different rights and obligations between individuals in one layer and another. Social stratification in a family is formed due to differences in status among members of society. The influence of social stratification on the concept of kafaah in Islamic marriage is to avoid the negative impact of inequality between husband and wife. In a marriage, kafa'ah means balance and harmony between the future wife and husband. That way, each candidate will not have any objections to getting married.

1. Introduction

Currently, Islamic law studies are mostly studied from the perspective of social history, which examines Islamic legal thought by paying attention to social, cultural, political and economic aspects. This is based on the assumption that most of the provisions of Islamic law result from the attraction and interaction between a legal expert and the political, economic and social conditions surrounding him. In fact, Islamic family law issues are the main mainstream in Islamic law because they are at the core of cases resolved in religious courts. Not only after the religious courts during the Dutch and Japanese colonial periods but even before independence, religious courts existed under the coordination of Islamic sultanates in the archipelago (Sri Astuti, 2021: 138-152).

If you look at the current era, the presence of Islamic family law has greatly impacted the development of law in Indonesia (Eko Setiawan, 2014: 128-147). Islamic family law is considered to have a very important presence in the Muslim community because family issues involve marriage, inheritance and so on. which cannot be equated with those of non-Muslim religions, so people want Islamic family law that applies specifically, especially with the times that are increasingly developing so that methods are needed to reform the law.

Marriage allows men and women to feel appreciated, protected, and protected share and give to each other, get their rights, and not be reluctant to carry out their obligations. The initial stage before starting a marriage is the mate selection phase. The purpose of choosing a mate is to get to know each other's potential partners through a true process to see their characteristics before proposing to the marriage process. Choosing a life partner must be done correctly. Harmony will be created in the household if both partners are compatible to be equal or equal. That is what is expected in getting married; someone must make the right choice and be approved by Allah SWT. In this case, the Islamic religion regulated kafa'ah (Anisa Faradilah, 2022: 536-548).

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(Rizkon Halal, 2015: 34) Explains that social stratification is a concept that shows the differentiation or grouping of a social group (community) in levels. For example, in this community, there are high strata, medium strata and low strata. This differentiation or grouping is based on certain symbols considered valuable or valuable, whether beneficial or valued socially, economically, politically, legally, culturally or in other dimensions within a social group (community). These symbols include, for example, wealth, education, position, piety in religion and work.

Every human wants to find an equal life partner, even better than himself. Naturally, they need harmony in marriage, which means compatibility is required to create a *sakinah* family. On the other hand, incommensurability in marriage can result in inequality, which creates social inequality in the household. *Kafa'ah* is one of the important factors that should be considered by prospective husbands or wives as well as guardians before entering the gates of marriage so that misunderstandings, incompatibility, differences in thought patterns, and differences in lifestyle can also trigger gaps between husband and wife which can lead to divorce. (Salma Nida, 2022:212-230).

2. Literature Reviews

Research conducted by David Wildan and Shohibu Adhkar (2020), as outlined in a journal titled "Benchmarks for Husbands' *Kafa'ah* in Social Piety from the Philosophy of Islamic Family Law Perspective", explains that theoretically, *kafaah* is a criterion of religion, lineage, educational line, economics and social strata. When choosing their future partner, these criteria need to be considered by the prospective husband or wife. With the hope that this choice would be the first step towards a lasting married life between the two. Because marriage does not just combine two people but two families. So that equality between the two families can avoid problems between the two. On this basis, a man and a woman can choose their potential partner.

Furthermore, the journal written by Roky Darma Yuda et al., with the title "Community Education and Social Stratification in an Islamic Perspective (2023)", explains that in a society's life, there is something that is valued and valuable, which can be intelligence, wealth, power, profession, prestige, authenticity of membership—society and so on. As long as humans differentiate between respect for what they have, this will inevitably lead to social stratification. The stronger a person's community or ability towards something of value, the higher their status or level. In contrast, those with little or none had lower status and rank.

3. Methodology

This research is library research, which involves collecting information and data with the help of various kinds of materials in the library, such as books, results of previous similar research, articles, notes, and multiple journals related to the problem you want to solve. Activities are carried out systematically to collect, manage and conclude data using certain methods/techniques to resolve the difficulties faced (Milya Sari, 2020"41-53).

The research was carried out using library research, so that the method used was library research. Specific characteristics that are used as a basis for developing research knowledge include: This research is confronted directly with the data or text presented, not with field data or through eyewitnesses in the form of events; researchers only deal directly with sources that already exist in the library or ready-to-use data, as well as secondary data used (Rizaldy, 2020:317 -329).

4. Results and Discussion

Marriage allows men and women to feel appreciated, loved, and protected, share and give to each other, get their rights, and not be reluctant to fulfil their obligations. The word *munakahat*, which is interpreted as marriage, always contains the interaction of two or more people because marriage never occurs with a single actor; it always involves a couple of two types of actors of different genders to form a family if both the wife and husband can feel happiness. So, the family cannot be said to be *sakinah*, and the benefits of marriage are not realized if only the wife or husband experiences it. Even though it is not one of the pillars of marriage that must be fulfilled, Islamic marriage law has a provision called *kafa'ah*. The purpose of this *kafaah* is balance and harmony between the prospective wife and husband so that each candidate does not find it difficult to carry out the marriage. However, the emphasis is on balance and harmony, especially in matters of religion, namely morals and worship. Because if *kafa'ah* means equality in terms of wealth or nobility, it will mean the formation of caste as a social

stratification system (Ali Muhtarom, 2018:205-221). If this foundation is strong, the members' religion and morals will be straight, society will be strong, and the desired security will be realized. On the other hand, if family ties are torn apart and damage poisons the members, the impact will be seen on society, shock will occur, and strength will be weakened so that a sense of security cannot be achieved (Amir Syarifuddin, 2003: 49).

Even though kafaah is not a requirement for a marriage to be valid, kafaah plays a role in the integrity of the marriage. In this case, the kafaah is referred to as spirituality (*diyanah*), which reflects the religious qualities of a husband and wife, which are reflected in the behaviour of both in their daily household relations. Because it cannot be denied that some post-marriage conflicts are a certainty that cannot be avoided, this is where kafaah as a preventive measure before marriage needs to be re-embodied (Shohibu Adhkar, 2020:142-163).

The social starting system is based on conflict in society. Thus, the social stratification system only has a special meaning for certain communities that are the object of investigation. The social starting system can be analyzed within the scope of the following elements: First is the distribution of objective privileges such as wealth. Second, the system created by society is one of authority (prestige) and appreciation. Third, the criteria for a conflict system that occurs both in individuals and groups. Fourth, symbols of life such as behaviour and way of dressing. Fifth, solidarity between individuals and groups arises from interaction and awareness of the position of each individual or group and activities.

Forms of social stratification: social stratification occurs based on certain criteria, and based on these criteria, social strata can be formed, including the following: First, biological criteria. These criteria are divided into gender, namely male and female, and criteria according to age, namely children, adults and elderly groups. Second, geographical criteria. Based on these criteria, it can be classified into village and urban communities. Urban communities are divided into small towns, cities and big cities. (Binti Maunah, 2015: 19-38).

Religion contributes to group unity and solidarity. Whenever group members have strong beliefs (no matter what type of group they are or what their beliefs are), the beliefs almost always take on a religious character. Religion and affiliation become a way of asserting their beliefs, especially if they feel threatened. Religion can then unite a community of worshipers. So powerful that they would be willing to destroy those who do not share their views that religion is called upon to validate may be honourable or unprincipled (Rizkon, 2015:32-48).

If kafaah is related to criteria for choosing, then it is the man who must pay attention to religious criteria in choosing his prospective partner. The following hadith calls on men to choose a woman because of her religion: "A woman is married because of four things: because of her wealth, because of her lineage, because of her beauty, and because of her religion. So choose because of her religion, you will be lucky."

This hadith is often used as a reference when choosing a future wife because of wealth, lineage, beauty, and religion. If we examine it more deeply, religion is the last of the three other criteria which tend to be more attractive. This cannot be denied if it is related to the male psyche, which tends to be logical when looking at a woman, starting from her external appearance. Wealth, lineage, and beauty are desirable qualities, especially in this modern era. On the other hand, religion tends to be more difficult to see in a *zahir* manner without open *taaruf* (Shohibu Adhkar, 2020:142-163).

What needs to be emphasized in kafa'ah is balance and harmony, especially in matters of religion, namely morals and worship. According to some scholars, if Kafa'ah means equality in terms of wealth or nobility, it will mean the formation of castes. In Islam, the existence of castes is not justified because humans, in the sight of Allah SWT, are the same. Only his piety differentiates him (Salma Nadia, 2022: 212-230).

If we look at the history of kafaah, it was known among Arabs in pre-Islamic times. This concept is related to racial equality, lineage, and social strata. In this concept, if someone marries someone who is not compatible, it can affect the inheritance rights of their descendants. Meanwhile, in the early days of Islam, this concept also emerged during the wedding plans of Bilal bin Rabah's friend and Sister Abdurrahman bin Auf. Meanwhile, legal kafaah is a process of social ethics that has been reviewed in the *ijtihad* process that emerged in the early days of Islamic society in Iraq. At that time, Muslims were very heterogeneous, both Arabs and non-Arabs, both Muslims and non-Muslims; this happened because of urbanization in the city of Kufah. The term kafaah itself is claimed to have been coined by kufah scholars, whereas in Hijaz, this terminology does not appear even in Imam Malik's book *Muwatto'* (Shohibu Adhkar, 2020:142-163).

5. Conclusion

Social stratification is a classification of society into several classes; this classification is usually classified into education, wealth, culture, religion and work. In Islam, there is a concept called kafa'ah, which refers to equality. Before deciding to get married, a husband or wife should choose a partner who is similar to themselves to build a harmonious family. The concept of kafa'ah greatly influences social stratification by seeing prospective partners classify themselves into social stratification, making it easier for prospective husbands or wives to choose their life partners. Like social stratification, kafa'ah also categorizes prospective partners into several classes: wealth, ancestry, beauty and religion.

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