


## A STUDY OF HADITH ON ISLAMIC LAW REGARDING KAFA’AH AND KHITBAH (ENGAGEMENT)

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ARTICLE INFO	ABSTRACT
<p><b>Article History</b></p> <p>Published : 30 June 2026</p> <hr/> <p><b>Keywords</b></p> <p>Ahlu Hadith, Ahlu Ra’yi, Legal Istibath</p> <div style="display: flex; align-items: center; margin-top: 10px;">  <p>Copyright © 2026 Author(s)</p> </div> <p>This work is licensed under a <a href="https://creativecommons.org/licenses/by/4.0/">Creative Commons Attribution 4.0 International License</a></p>	<p>This study aims to examine the ahkam hadiths related to the concepts of kafa’ah and khitbah in Islamic marriage, as well as to understand their legal implications in building a harmonious family. The method used is qualitative research with a library research approach, sourced from hadith books, classical and contemporary fiqh books, and relevant scientific literature. The approaches used include takhrij and syarah hadith analysis to assess the quality and meaning of the hadiths, as well as a normative approach to explore their legal implications. The results of the study indicate that kafa’ah is the compatibility between prospective husband and wife, which includes aspects of religion, lineage, wealth, occupation, and physical condition, functioning as a supporting factor in creating a sakinah, mawaddah, and warahmah family, although it is not a requirement for the validity of marriage. Meanwhile, khitbah is a proposal process recommended in Islam as a means of getting to know each other before marriage, with certain provisions and ethics that must be observed. Therefore, a proper understanding of the concepts of kafa’ah and khitbah can serve as a foundation for building a harmonious and sustainable household.</p>

## INTRODUCTION

As is well known, Al-Hadith is one of the primary sources of Islamic teachings. In addition, Hadith also serves as a guide and direction for human life, as well as a valuable reference for Muslims, where if a person can understand the details contained within it, then he has practiced the Sunnah of the Prophet Muhammad (peace be upon him).

On this occasion, the author intends to examine Ahkam Hadith concerning Kafa'ah and Khitbah. Contextually, kafa'ah and khitbah are procedures carried out before a person enters into a marriage. Marriage is a human need that must be fulfilled because it is a biological and psychological necessity that cannot be separated from human life. In simple terms, marriage is a means of fulfilling the biological desires possessed by humans.

However, apart from these various reasons, Islam recommends several conditions that should be fulfilled before a person enters into a marriage. These are not merely the requirements of a guardian and other elements of marriage, but also the condition of kafa'ah or compatibility and suitability between the two individuals who love each other and will build a family together. In addition, there is a need for khitbah in marriage so that misunderstandings do not occur after marriage takes place.

Why is this so? Initially, these two individuals are different persons who wish to be united in a manner that is correct according to Islamic law. It is this phrase "different individuals" that then becomes the reason for the requirement of kafa'ah in a marriage. Kafa'ah, or equality between marriage partners, is very important for the continuity of a marriage, so that there will be compatibility, balance, and harmony between the two individuals who will journey through life together. Therefore, the author intends to examine kafa'ah and khitbah within the context of Ahkam Hadith.

## RESEARCH METHOD

This study is qualitative research with a library research approach. The data used are derived from classical and contemporary literature, such as hadith books, fiqh books, as well as books and scientific journals relevant to the study of kafa'ah and khitbah. The approach used in this study is the hadith science approach through takhrij and syarah hadith analysis to determine the quality and meaning of the hadiths being studied. In addition, a normative approach is also used to understand the legal implications contained in the hadiths related to the concepts of kafa'ah and khitbah in Islam. The data collection technique was carried out by tracing and examining various literature sources relevant to this study.

## RESULTS AND DISCUSSION

### Kafa'ah

#### 1. Hadiths on Kafa'ah

حدثنا زهير بن حرب ، ومحمد بن المثنى ، وعبيد الله بن سعيد ، قالوا : حدثنا يحيى بن سعيد ، عن عبيد الله ،  
أخبرني سعيد بن أبي سعيد ، عن أبيه ، عن أبي هريرة ، عن النبي صلى الله عليه وسلم قال : " تنكح المرأة  
لأربع : لِمَالهَا ، وَلِحَسَبِهَا ، وَلِجَمَالِهَا ، وَلِدِينِهَا ، فَاطْفَرْ بِذَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ "

Meaning: *Zuhair ibn Harb, Muhammad ibn al-Muthanna, and Ubaidullah ibn Sa'id narrated: Yahya ibn Sa'id narrated from Ubaydullah. Sa'id ibn Abi Sa'id told me from his father, from Abu Hurairah, that the Prophet (peace be upon him) said: "A woman is married for four reasons: for her wealth, her lineage, her beauty, and her religion. Therefore, choose the one who is religious, may your hands be blessed."*<sup>1</sup> (Narrated by Bukhari-Muslim).

The hadith above explains kafa'ah or equality, namely that if a man intends to marry a woman, he must pay attention to four matters: her wealth, status (lineage), beauty, and religion. However, the Prophet Muhammad (peace be upon him) strongly emphasized the religious factor as the main consideration in choosing a spouse.

Some scholars understand that the religious factor should be the primary consideration because it is based on the emphasis in the statement *فَاطْفَرْ بِذَاتِ الدِّينِ* ("choose the one who is religious"). Other groups of scholars argue that the factor of lineage (nasab) has the same position as the religious factor, as does the factor of wealth.<sup>2</sup>

#### 2. The Position of Kafa'ah in Marriage

The Qur'an clearly explains the concept of kafa'ah in marriage. Therefore, scholars differ in opinion regarding this matter, namely whether kafa'ah is important in a marriage or not. Ibn Hazm argued that kafa'ah is not important in a marriage. According to him, one Muslim is equal (sekufu') to another Muslim. Every Muslim, as long as he has never committed adultery, has the right to marry any Muslim woman who has never committed adultery.<sup>3</sup>

Likewise, al-Hasan al-Basri, as-Sauri, and al-Karkhi argued that kafa'ah is not an important factor in marriage and is not included as a requirement for the validity or continuity of marriage. According to them, the incompatibility (non-sekufu') between the prospective husband and

<sup>1</sup> Abu Abdillah Muhammad bin Ismail bin Ibrahim bin Mughirah al-Bukhari, *Shahih Bukhari* (Riyadh: Daar As-Salam, n.d.), 3: p. 429.

<sup>2</sup> Muhammad Ibn Rusyd and Imam Ghazali Said, *Bidayatul Mujtahid (Analisa Fiqih Para Mujtahid)* (Jakarta: Pustaka Amani, 1989), p. 43.

<sup>3</sup> Sayyid Sabiq and Muhammad Thalib, *Fiqh As-Sunnah (Terjemahan Fiqih Sunnah Jilid 7)* (Bandung: PT. Al-Ma'arif, 1987), 7: p. 37.

prospective wife does not become an obstacle to the continuation of the marriage.<sup>4</sup> Their arguments are based on the word of Allah SWT:

Meaning: "...Indeed, the most honorable of you in the sight of Allah is the most righteous among you. Indeed..." (QS. Al-Hujurat: 13)

Meanwhile, the majority of fuqaha', including the scholars of the four madhhabs, argue that kafa'ah is very important in marriage, although kafa'ah is not a requirement for the validity of a marriage and is only considered a condition for the continuity of a marriage.<sup>5</sup>

Rationally, they argue that the household life of a husband and wife will be happy and harmonious if there is compatibility between them. Kafa'ah is measured from the side of the woman, not from the side of the man, because usually a woman of high status will feel humiliated if she marries a man of lower status. In contrast, a man will not feel humiliated if he marries a woman of lower status than himself.<sup>6</sup>

If a woman of high status marries a man of lower status, based on customary practices, the wife will feel ashamed and humiliated. The husband, who should be the head of the household and respected, will become inferior and feel unworthy to stand equal to his wife. In the end, harmony and happiness in the household, which are the goals of marriage, will not be achieved.<sup>7</sup>

According to the majority of scholars, the requirement of kafa'ah becomes void with the consent of the parties who are entitled to it. Furthermore, they argue that the requirement of kafa'ah applies only to men and not to women.<sup>8</sup> This means that a wealthy woman, a woman of noble lineage, or a pious woman should marry a man who is compatible (sekufu') with her. If she marries a poor man, a man who is not of noble lineage, or a wicked man, then the guardian has the right to file a claim so that the marriage may be annulled. According to Abu Hanifah, the guardian's right over his virgin daughter may be waived, whereas according to Syafi'i, the matter is different regarding men. A wealthy man, a man of noble lineage, or a pious man may marry a woman who is not of noble lineage or a wicked woman. However, if understood substantively, kafa'ah becomes an initial step in creating a sakinah, mawaddah, and warahmah family, and therefore the standard of al-din and other aspects should apply to both men and women. This is indicated in the Qur'an, Surah Al-Nur verse 26:

Meaning: "Impure women are for impure men, and impure men are for impure women; and good women are for good men, and good men are for good women..." (QS. Al-Nur: 26)

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<sup>4</sup> Wahbah al-Zuhaili, *Al-Fiqh Al-Islam Wa Adillatuhu* (Beirut: Dar al-Fikr, 1986), 9: p. 673.

<sup>5</sup> Amir Syarifuddin, *Hukum Perkawinan Islam Di Indonesia* (Jakarta: Prenada Media, 2006), p. 141.

<sup>6</sup> M. Najamudin Aminullah, "Akulturasi Islam Dengan Tradisi Perkawinan Masyarakat Bangsawan Sasak (Studi Di Kecamatan Kopang Kabupaten Lombok Tengah)," *PALAPA* 5, no. 1 (May 2017), <https://doi.org/10.36088/palapa.v5i1.38>.

<sup>7</sup> al-Zuhaili, *Al-Fiqh Al-Islam Wa Adillatuhu*, 9: p. 674.

<sup>8</sup> Dahlan Idhamy, *Azas-Azas Fiqh Munakahat: Hukum Keluarga Islam* (Surabaya: Al-Ikhlash, 1984), p. 19.

As explained previously, the meaning of kafa'ah in marriage is the compatibility between the prospective husband and wife, such as in terms of religion and wealth. From this understanding, it can be concluded that the importance of kafa'ah in marriage is:

- a. To avoid regret in the future.
- b. To realize a sakinah, mawaddah, and warahmah family.
- c. To achieve success in household life.

### 3. Criteria of Kafa'ah According to the Fuqaha

#### a. Religion

The religious factor is the most dominant and primary factor because it is this factor that determines the happiness and peace of the household.<sup>9</sup> This is based on the hadith narrated by Abu Hurairah, in which among the four factors mentioned in choosing a spouse, the religious factor should be prioritized in determining the choice of a prospective wife or prospective husband. Therefore, in a marriage, it is required that both spouses share the same religion, meaning that marriage with someone outside the Islamic faith is prohibited according to this legal provision.<sup>10</sup> This is stated in the Qur'an, Surah al-Baqarah verse 221, which reads:

Meaning: "...Indeed, a believing slave woman is better than a polytheist woman, even though she may attract you..." (QS. Al-Baqarah: 221)

It is stated in the verse above that even though a woman's status is only that of a slave, if she is a believer, then she is better and more worthy to be married than a free woman who is beautiful and charming but worships idols. The meaning is that if a Muslim marries a non-Muslim, then the marriage is not *sekufu'*, namely not equal or compatible.<sup>11</sup>

#### b. Lineage (Nasab)

The majority of scholars (Hanafiyyah, Shafi'iyah, and Hanabilah), unlike the Malikiyyah, argue that lineage is one of the most important matters and is included in kafa'ah, because there are several fundamental reasons that inspired them, such as the large number of Muslims, especially Arab Muslims, who are very fanatical in preserving their lineage and social group. Their reason for including lineage in kafa'ah is based on the hadith of the Prophet Muhammad (peace be upon him):

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<sup>9</sup> Musthafa Kamal, *Fikih Islam* (Yogyakarta: PT. Citra Karsa Mandiri, 2002), p. 252.

<sup>10</sup> Muhammad Ilham, "Nikah Beda Agama Dalam Kajian Hukum Islam Dan Tatanan Hukum Nasional," *TAQNIN: Jurnal Syariah Dan Hukum* 2, no. 1 (June 2020), <https://doi.org/10.30821/taqin.v2i1.7513>.

<sup>11</sup> Kamal, *Fikih Islam*, p. 254.

وَعَنْ ابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ( الْعَرَبُ بَعْضُهُمْ أَكْفَاءُ بَعْضٍ , وَالْمَوَالِي بَعْضُهُمْ أَكْفَاءُ بَعْضٍ , إِلَّا حَابِكُ أَوْ حَجَّامٌ )

Meaning: “From Ibn Umar, indeed the Messenger of Allah (peace be upon him) said: ‘The Arabs are compatible with one another. One tribe is compatible with the same tribe, one group is compatible with the same community, and men among them are compatible with one another except for a tailor or a cupper.’”<sup>12</sup> (Narrated by Baihaqi)

The meaning of the hadith above is that Arabs are equal to Arabs, and Arabs are not sekufu’ with non-Arabs. One tribe is sekufu’ with its own tribe, and freed slaves are sekufu’ with freed slaves. Thus, a person is considered sekufu’ if he belongs to the same group.

According to the Hanafiyyah scholars, lineage (nasab) in kafa’ah is specifically limited to Arabs. Thus, the husband and wife must belong to the same tribe. If a husband is from the Quraysh tribe, then his lineage is considered equal to a woman who is also from the Quraysh tribe. From this, it is understood that men who are not Arabs are not equal to Quraysh women and Arab women. Arabs who are not from the Quraysh tribe are not equal to Quraysh women.

Meanwhile, according to the Shafi’iyyah scholars, Arabs are equal to other Quraysh except those from Bani Hashim and Bani Muttalib, because no Quraysh are equal to them (Bani Hashim and Bani Muttalib). The consideration in lineage is based on the father. On the other hand, the Hanafiyyah scholars argue that the Quraysh are equal to Bani Hashim.

The Malikiyyah scholars, as explained in the book *Al-Fiqh al-Islam wa Adillatuhu*, argue that in Islam there is no difference between one group and another, whether Arabs or non-Arabs. What is most important according to the Malikiyyah is a person’s faith and piety toward Allah SWT.<sup>13</sup>

#### c. Freedom

Freedom here means not being a slave (servant). The majority of scholars, except the Malikiyyah, include freedom as part of kafa’ah based on the Qur’an, Surah An-Nahl verse 75:

Meaning: “Allah presents an example: a slave who is owned and unable to do anything, and one to whom We have provided good provision from Ourselves, and he spends from it secretly and openly. Are they equal?... ” (QS. An-Nahl: 75)

<sup>12</sup> Ahmad Azaim Ibrahimy, Nawawi Nawawi, and Muh Nashirudin, “Kriteria Kafa’ah Dalam Perkawinan: Antara Absolut-Universal Dan Relatif-Temporal,” *Al-Ahkam Jurnal Ilmu Syari’ah Dan Hukum* 5, no. 2 (March 2021), <https://doi.org/10.22515/alakhkam.v5i2.2371>.

<sup>13</sup> M. Baqir al-Hasbi, *Fiqh Praktis: Menurut Al-Qur’an, As-Sunnah, Dan Pendapat Para Ulama (Seputar Tata Cara Ibadah)* (Bandung: Mizan, 2001), p. 49–50.

The verse above explains that a slave is owned by his master and cannot do anything, including spending his wealth according to his own wishes, except by the order of his master. Meanwhile, a free person is able to do things according to his own wishes without waiting for anyone's command. Therefore, a male slave is not kufu' with a free woman. A male slave who has been freed is also not kufu' with a woman who has been free from the beginning.<sup>14</sup>

d. Wealth

What is meant by wealth is the ability of a person (the prospective husband) to provide a dowry and maintenance for his wife. According to the Hanafiyyah and Hanabilah scholars, wealth is an important matter in household life, therefore it is considered important to include wealth as one of the criteria of kafa'ah. They state that what is considered sekufu' is when a man is able to pay the dowry and provide maintenance for his wife. If he is unable to provide the dowry and maintenance, or one of the two, then he is considered not sekufu'.<sup>15</sup>

According to Abu Yusuf (one of the companions of Abu Hanifah), what is considered sekufu' in terms of wealth is the ability to provide maintenance, not the payment of the dowry. This is because the measure that is easily observed is a person's ability to provide maintenance, and this cannot be judged from the condition of his father. Regarding wealth, the standard of kufu' is also the standard according to Ahmad's opinion. If a wealthy woman is under the care of a poor husband, she may experience hardship because the husband will have difficulty fulfilling her maintenance and supporting their children.<sup>16</sup>

Meanwhile, the Malikiyyah scholars and some Shafi'iyah scholars oppose the classification of wealth as one of the criteria of kafa'ah. According to them, wealth is not considered an important matter in household life, even though it is a necessity. Including wealth as a standard of kafa'ah is the same as teaching or educating Muslims not to uphold noble morals as taught by the Prophet Muhammad (peace be upon him).<sup>17</sup>

e. Occupation

Occupation refers to a person's livelihood that enables him to provide for the family's maintenance. The majority of scholars, except the Malikiyyah, agree to include occupation as one of the criteria of kafa'ah based on the hadith of the Prophet Muhammad (peace be upon him): "*From Ibn Umar (may Allah be pleased with him), he said: 'The mawali are compatible with other mawali except the copper.'*"<sup>18</sup> (Narrated by Hakim)

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<sup>14</sup> Sayyid Sabiq, *Fiqh Sunnah*, vol. 3, trans. Nur Hasanuddin (Jakarta: Pena Pundi Aksara, 2006), p. 34.

<sup>15</sup> H. S. A. Al-Hamdani and Agus Salim, *Risalah Nikah: Hukum Perkawinan Islam* (Jakarta: Pustaka Amani, 2002), p. 22.

<sup>16</sup> Sayyid Sabiq and Muhammad Thalib, *Fiqh As-Sunnah JuZ II (Terjemahan Fiqih Sunnah)* (Bandung: PT. Al-Ma'arif, 1987), p. 48.

<sup>17</sup> al-Zuhaili, *Al-Fiqh Al-Islam Wa Adillatuhu*, 9: p. 6753–54.

<sup>18</sup> Muhammad bin Ismail al-Kahlani, *Subul Al-Salam*, vol. 2 (Bandung: Dahlan, 1183).

The hadith above explains that a person who has an honorable occupation is sekufu' with another person who also has an honorable occupation. Likewise, a person whose occupation is that of a copper is sekufu' with someone of the same occupation.

According to the majority of scholars, the occupation of a man should at least be close to the occupation of the woman's family. Meanwhile, according to the Hanafiyah, the income of the man must be comparable to the income of the woman's family according to prevailing customs. In response to this issue, the Malikiyyah argue that there is no distinction regarding occupation, because all of it is according to the decree of Allah. Therefore, occupation is not included by the Malikiyyah scholars as one of the criteria of kafa'ah.<sup>19</sup>

f. Balance in Physical Condition or Absence of Defects

The students of al-Shafi'i, according to the narration of Ibn Nasir from Malik, even considered freedom from defects as one of the conditions of kufu'. A man who has a noticeable physical defect is not considered sekufu' with a healthy and normal woman. If the defect is outwardly visible, such as blindness, then such a man is not sekufu' with a healthy woman. Likewise, defects that are viewed unfavorably outwardly, such as blindness, an amputated hand, or an unattractive appearance. Regarding this matter, there are two opinions. Al-Rauyani argued that such a man is not kufu' with a healthy woman, but the Hanafi and Hanbali groups did not accept this opinion.<sup>20</sup> In the book *al-Mughni*, it is stated that being free from defects is not included as a condition of kufu', and no one opposes this opinion, namely that the marriage of a disabled person is not invalid.

Only the woman has the right to accept or reject, not her guardian, because the consequences will certainly be experienced by the woman herself. Nevertheless, the woman's guardian may prevent her from marrying a man who suffers from leprosy, insanity, an amputated hand, or the loss of his hand. The Imamiyyah argue that vitiligo and leprosy are two diseases that allow a man to perform fasakh, but not women, provided that the diseases existed before the marriage contract and that the man did not know about them. Meanwhile, the wife does not have the right to perform fasakh when one of these diseases occurs in the man (her husband).

Al-Shafi'i, Maliki, and Hanbali scholars argue that both diseases are considered defects for both men and women. Both parties may perform fasakh if they discover these diseases in their spouse. According to al-Shafi'i and Hanbali, people suffering from these diseases are legally similar to insane persons.

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<sup>19</sup> al-Zuhaili, *Al-Fiqh Al-Islam Wa Adillatuhu*, 9: p. 6754–55.

<sup>20</sup> Mardi Candra et al., "The Religious Court Trial Of Wali Adhal Cases In The Indonesian Legal System: A Legal Analysis," *Jurnal Hukum Dan Peradilan* 12, no. 1 (March 2023), <https://doi.org/10.25216/jhp.12.1.2023.77-96>.

Meanwhile, Malik states that women may perform fasakh if these diseases are discovered before or after the marriage contract. Men, however, may perform fasakh if leprosy in the woman is discovered before or during the marriage contract. As for vitiligo, if it is discovered before the contract, then both parties have the right of fasakh. However, if vitiligo appears after the contract, then this right belongs only to the woman and not to the man. Mild vitiligo discovered after the marriage contract does not affect the validity of the contract. For people suffering from vitiligo or leprosy, the judge must grant a grace period of one full year if there is a possibility of recovery within that period.<sup>21</sup>

Ibn Qudamah, in his book *Al-Mughni*, argues that the condition of being free from defects is not a measure of kafa'ah. There is no difference of opinion that a marriage is not invalidated by the absence of kafa'ah. However, the woman and her representative have the right to request khiyar (the option) to continue or annul the marriage. A guardian may prevent the marriage if his daughter intends to marry a man suffering from leprosy or insanity, while defects other than these are not considered measures of kafa'ah.<sup>22</sup>

#### 4. The Urgency and Purpose of Kafa'ah in Marriage

##### a. The Urgency of Kafa'ah

The existence of kafa'ah in marriage is intended as an effort to avoid crises in household life. Its existence is viewed as an actualization of the values and purposes of marriage. With kafa'ah in marriage, it is hoped that each prospective spouse will attain compatibility and harmony. Based on the concept of kafa'ah, a prospective bride or groom has the right to determine their life partner by considering aspects such as religion, lineage, wealth, occupation, and other factors. Imbalance and incompatibility may create problems in the marriage. In addition, psychologically, a person who obtains a partner according to his or her expectations will be greatly helped in the socialization process toward achieving family happiness. The process of finding a spouse itself is considered half of the success of a marriage. Therefore, the existence of kafa'ah is highly needed in married life.<sup>23</sup>

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<sup>21</sup> Lulu Sarini, "Effectiveness of the Implementation of Supreme Court Regulation Number 3 of 2017 in the Marisa Religious Court," *Al-Mizan* 13, no. 2 (December 2017), <https://doi.org/10.30603/am.v13i2.913>.

<sup>22</sup> Syarifah Gustiawati and Novia Lestari, "Aktualisasi Konsep Kafa'ah Dalam Membangun Keharmonisan Rumah Tangga," *Mizan: Journal of Islamic Law* 4, no. 1 (June 2018), <https://doi.org/10.32507/mizan.v4i1.174>.

<sup>23</sup> Otong Husni Taufik, "Kafâah Dalam Pernikahan Menurut Hukum Islam," *Jurnal Ilmiah Galuh Justisi* 5, no. 2 (November 2017), <https://doi.org/10.25157/jigi.v5i2.795>.

Kafa'ah is recommended in choosing a prospective husband or wife, but it does not determine the validity of a marriage. This is because if there is imbalance between husband and wife, it may lead to continuous problems and a strong possibility of divorce.<sup>24</sup>

#### b. The Purpose of Marriage

The purpose of kafa'ah is the same as the purpose of marriage, namely to form a happy and everlasting family based on belief in the One Almighty God. Happiness in household life is certainly the goal desired by those who establish it. Therefore, it is very appropriate for every person who intends to build a household and wishes to achieve a good life within it to have good intentions and continually strive as much as possible to attain it.

To realize a harmonious and peaceful household, kafa'ah (balance in marriage) is necessary, because the issue of kafa'ah is very important in household matters. It is intended to prevent prospective husband and wife from experiencing failure in household life caused by differences between the two partners, which in the end may lead to disharmony in the family. Therefore, kafa'ah plays a very important role as an initial step in forming a sakinah family.<sup>25</sup>

In addition, kafa'ah also functions as a neutralizer of inequality, because differences arise from human life, which is filled with various social status disparities. Human existence in groups and tribes has produced forms of differences that emphasize status and dignity. As a result, these differences may hinder the achievement of the goals of marriage.<sup>26</sup>

Thus, it is clear that balance (kafa'ah) in marriage is greatly needed to realize a peaceful and happy family. Conversely, the absence of balance in marriage may cause instability in household life because there is no compatibility (balance) between the two parties.<sup>27</sup>

### **Khitbah**

#### 1. Hadith on Khitbah

مُسَدَّدٌ حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ حَدَّثَنَا مُحَمَّدُ بْنُ إِسْحَاقَ عَنْ دَاوُدَ بْنِ حُصَيْنٍ عَنْ وَاقِدِ بْنِ عَبْدِ الرَّحْمَنِ - يَعْنِي ابْنَ سَعْدٍ  
بْنِ مَعَاذٍ - عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ قَالَ رَسُولُ اللَّهِ -صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ- « إِذَا خَطَبَ أَحَدُكُمْ الْمَرْأَةَ فَإِنْ اسْتَطَاعَ أَنْ

<sup>24</sup> Syukrawati Syukrawati, "Urgensi Kafa'ah Dalam Perkawinan Serta Kaitannya Dengan Pola Hubungan Suami Istri Dalam Perbedaan Status Sosial (Studi Pada Dosen IAIN Kerinci)," *Islamika : Jurnal Ilmu-Ilmu Keislaman* 17, no. 2 (December 2017), <https://doi.org/10.32939/islamika.v17i2.209>.

<sup>25</sup> Abdul Rahman Ghazaly, *Fiqh Munakahat* (Jakarta: Kencana, 2003).

<sup>26</sup> Hasyim Assegaf, *Derita Putri-Putri Nabi: Studi Historis Kafa'ah Syarifah* (Bandung: PT Remaja Rosdakarya, 2000), p. 27.

<sup>27</sup> Arif Sugitanata and Moh. Zakariya, "Peralihan Peran Pasangan Terdidik Antara Suami Dan Istri," *Mahkamah : Jurnal Kajian Hukum Islam* 6, no. 2 (November 2021), <https://doi.org/10.24235/mahkamah.v6i2.7961>.

يَنْظُرُ إِلَى مَا يَدْعُوهُ إِلَى نِكَاحِهَا فَلْيَفْعَلْ». قَالَ نَفَّطْتُ جَارِيَةً فَكُنْتُ أُخْبِئُ لَهَا حَتَّى رَأَيْتُ مِنْهَا مَا دَعَانِي إِلَى نِكَاحِهَا  
وَتَزَوَّجَهَا فَتَزَوَّجْتُهَا

Meaning: “Narrated by Musaddad, narrated from al-Wahid ibn Ziyad, narrated by Muhammad ibn Ishaq from Dawud ibn Husain from Waqid ibn ‘Abd al-Rahman Ibn Sa’d ibn Mu‘adh said from Jabir ibn ‘Abdullah who said: The Messenger of Allah (peace be upon him) said: ‘If one of you proposes to a woman, and he is able to look at that which encourages him to marry her, then let him do so.’ Jabir said: ‘Then I proposed to a young woman, and I used to hide myself in order to see from her that which encouraged me to marry her, so I married her.’” (Narrated by Ahmad and Abu Dawud. Its narrators are tsiqat (trustworthy), and it was authenticated by al-Hakim.)

## 2. Legal Istinbat of Engagement (Khitbah)

Indeed, there are verses in the Qur’an and many hadiths of the Prophet that discuss engagement. However, there is no explicit and direct command or prohibition regarding engagement, as there is regarding marriage, which is clearly commanded both in the Qur’an and in the hadiths of the Prophet. Therefore, in determining its legal status, no scholars have considered it obligatory, meaning that its ruling is mubah (permissible). However, Ibn Rushd in *Bidayat al-Mujtahid* quoted the opinion of Dawud al-Zhahiri, who stated that its ruling is obligatory. This scholar based his opinion on the actions and traditions practiced by the Prophet in engagement.<sup>28</sup>

Regarding the legal basis of engagement, it has been regulated in the *Kompilasi Hukum Islam* (KHI), particularly in Articles 11, 12, and 13, which explain that engagement may be carried out directly by the person who intends to seek a marriage partner. However, it may also be represented or carried out by a trusted intermediary.

Islam permits that before marriage takes place, an engagement (khitbah) may be conducted, in which the prospective husband is allowed to see the prospective wife within the boundaries of Islamic propriety, namely by seeing her face and palms, witnessed by some members of either the man’s or the woman’s family, with the purpose of getting to know one another through mutual observation. As scholars have stated, a man proposing marriage is allowed to look at the woman he intends to marry in those parts that may attract him toward the forthcoming marriage, so that the marriage may later continue without doubts or feelings of deception after the marriage contract has taken place.

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<sup>28</sup> Fahrudin Ali Sabri Fahrudin Ali Sabri, “Ibn Rusyd Dan Metode Ijtihâd-Nya Dalam Kitab Bidâyat Al-Mujtahid,” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 5, no. 2 (July 2012), <https://doi.org/10.19105/al-lhkam.v5i2.289>.

A proposal or engagement from a man to a woman may be conveyed either directly through speech or in writing. Proposing to a woman who is in her iddah period should preferably be done indirectly through insinuation. An engagement may be conducted without seeing the woman's face, although it is also permissible to see the woman being proposed to. In this regard, the Qur'an affirms in Surah Al-Baqarah verse 235:

Meaning: "And there is no sin upon you if you indirectly propose to those women or conceal the intention in your hearts..." (QS. Al-Baqarah: 235)

Although proposing or engaging is recommended in Islamic teachings, in certain circumstances it may become prohibited (haram). This occurs for the following reasons:

- a. Proposing to a woman who is still in her iddah period after divorce from another man, whether through revocable divorce (talak raj'i), irrevocable divorce (ba'in), annulment (fasakh), or because her husband has died. Nevertheless, it is permissible to propose indirectly through insinuation to a widow who is still in her iddah period.
  - b. Proposing to a former wife who has been divorced three times while she is still in her iddah period, whether after divorce from him or from another man (her muhallil).<sup>29</sup>
  - c. Proposing to a woman whom he knows has already been proposed to by another man and whose proposal has been accepted.
3. Procedures of Engagement (Khitbah)
- a. Conditions of Women Who May Be Proposed To
    - 1) Recommended Conditions (Syarat Mustahsinah)

What is meant by *syarat mustahsinah* are recommended conditions for a man who intends to propose to a woman, so that he first examines the woman he wishes to propose to, in order to help ensure the continuity of household life in the future. These *mustahsinah* conditions are not mandatory requirements that must be fulfilled before an engagement takes place, but are merely recommendations and good customs. Without fulfilling these conditions, the engagement remains valid. The conditions included in the *mustahsinah* category are as follows:

- a) The woman being proposed to should be compatible with the man proposing to her, such as having equal social status, equal physical appearance, equal level of wealth, equal knowledge, and so on. With harmony and compatibility in the life of husband and wife, it is expected that the marriage will achieve its goals.<sup>30</sup>

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<sup>29</sup> Imam Amrusi Jailani, "Memposisikan Konsep Mahram Dalam Konteks Kehidupan Kekinian," *Musawa Jurnal Studi Gender Dan Islam* 9, no. 1 (January 2010), <https://doi.org/10.14421/musawa.2010.91.83-100>.

<sup>30</sup> Mhd. Rasidin, Natardi Natardi, and Doli Witro, "The Impact of Unequal Marriage on Household Harmony (Case Study in Sungai Penuh City, Jambi)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 2 (December 2020): p. 314, <https://doi.org/10.22373/sjhk.v4i2.8083>.

- b) The woman to be proposed to should possess affection and be capable of bearing children, because these qualities greatly determine peace in household life, especially when children are present among them, as this will certainly increase happiness and tranquility in the household.
- c) The woman to be proposed to should not be closely related by blood to the man proposing to her. Religion prohibits a man from marrying a woman who is very closely related to him by blood. In this regard, Sayyidina Umar ibn al-Khattab stated that marriage between close blood relatives may result in descendants who are physically and spiritually weak.
- d) One should know the physical condition, character, and other qualities of the woman being proposed to. Likewise, the woman being proposed to should also know the condition of the man proposing to her.<sup>31</sup>
- e) Those who desire a better married life should first know the identity of their prospective life partner comprehensively, including occupation, education, lineage, family background, and more importantly, the quality of morals and religion.<sup>32</sup>
- f) It is recommended that the wife chosen be a virgin, because a virgin is generally still pure and has not previously been emotionally attached to another man. Therefore, marrying such a woman may strengthen the marital bond, and her love for her husband may be deeper, since love is usually strongest toward the first beloved.<sup>33</sup> This condition is only a recommendation; whether to follow it or not depends on the individual, because Islamic law does not specifically explain the procedures of engagement. This provides an opportunity for people to conduct engagements according to their local customs and traditions.

## 2) Necessary Conditions (*Syarat Lazimah*)

What is meant by *syarat lazimah* are conditions that must be fulfilled before an engagement is carried out. The validity of an engagement depends on the fulfillment of these necessary conditions. The conditions included in *syarat lazimah* are:

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<sup>31</sup> Iis Linawati, Dian Septiandani, and Efi Yulistiyowati, "Fasakh Perkawinan Karena Istri Mengalami Gangguan Jiwa: Studi Kasus Putusan Pengadilan Agama Pati No. 1899/Pdt.G/2013/PA.Pt.," *Hukum Dan Masyarakat Madani* 7, no. 3 (June 2019), <https://doi.org/10.26623/humani.v7i3.1426>.

<sup>32</sup> Khoirul Anwar and Ramadhita Ramadhita, "Menggapai Keluarga Sakinah Melalui Berkah Kyai: Strategi Pemilihan Pasangan Hidup Santri Tradisional Di Kabupaten Malang," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 12, no. 2 (September 2020), <https://doi.org/10.14421/ahwal.2019.12202>.

<sup>33</sup> Iswati Iswati, "Long Life Education Dalam Perspektif Hadits (Suatu Tinjauan Pendidikan Sejak Prnatal Dan Analisis Terhadap Kualitas Hadits Pendidikan Sepanjang Hayat)," *At-Tajdid: Jurnal Pendidikan Dan Pemikiran Islam* 3, no. 2 (March 2020), <https://doi.org/10.24127/att.v3i2.1122>.

- a) The woman being proposed to is not already engaged to another person.

The wisdom behind this prohibition is to avoid hostility among fellow Muslims, because one Muslim is a brother to another Muslim. The Messenger of Allah said:

Meaning: “A man should not propose over the proposal of his brother until the previous proposer abandons it or gives him permission.”<sup>34</sup> (Narrated by Bukhari)

The prohibition above is also contained in Article 12 paragraph 3 of the *Kompilasi Hukum Islam* (KHI): “It is also prohibited to propose to a woman who is already being proposed to by another man, as long as the previous proposal has not been terminated or rejected by the woman.” Proposing over another person’s proposal is prohibited when the woman has accepted the first proposal and her guardian has clearly permitted it. However, if the initial proposal has been rejected by the woman, or if the first proposer has given permission to the second proposer, then it is not prohibited.

Al-Tirmidhi narrated from al-Shafi‘i regarding the meaning of the hadith above as follows: “If the woman being proposed to is pleased and satisfied, then no one else may propose to her. However, if her approval and satisfaction are not yet known, then there is no sin in proposing to her.”

- b) The woman being proposed to must not be married and must not be in a state of iddah. It is permissible to propose to her either directly or indirectly through insinuation. However, if she is married, then proposing to her is not permissible, whether directly or indirectly. If she is in her iddah period, there are several possibilities:<sup>35</sup>

- i. It is not permissible to propose directly.
- ii. If the iddah is revocable (*raj‘iyyah*), meaning there is still a possibility of reconciliation, then she may not be proposed to even indirectly through insinuation.
- iii. If the iddah is due to the husband’s death or an irrevocable divorce (*talak ba‘in*), then it is permissible to propose indirectly through insinuation.
- iv. It is not permissible to directly propose to a woman whose husband has died while she is still in her iddah period. This is to preserve the feelings of the woman and the other heirs who are mourning. However, indirect proposals through insinuation are not prohibited.
- v. The woman being proposed to must be a woman who is lawful to marry, meaning that she is not a mahram of the man proposing to her.

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<sup>34</sup> Muhammad ibn Ismail al-Bukhari, *Shahih Al-Bukhari* (Beirut: Dar al-Ihya’ al-Kutub, n.d.), p. 251.

<sup>35</sup> Ahmad Khoiri and Asyharul Muala, “Iddah Dan Ihdad Bagi Wanita Karir Perspektif Hukum Islam,” *JIL: Journal of Islamic Law* 1, no. 2 (August 2020), <https://doi.org/10.24260/jil.v1i2.71>.

b. Seeing the Woman Being Proposed To

One of the things that can bring freshness to a sakinah household life filled with affection and happiness is the opportunity for a man to see his prospective wife at the time of engagement. In this way, he may know her beauty, which may encourage him to marry her, or become aware of her defects, which may prevent failure in the future and lead him to choose another person instead. A wise person would not enter into something before truly knowing its good and bad aspects. Al-A'mash once said, "Every marriage in which the couple did not know each other beforehand usually ends in regret and complaints."

Seeing the woman being proposed to is recommended in religion. The purpose is so that the man may know the true condition of the woman, not merely hear about her from others. By seeing her directly, he can carefully consider whether the woman is truly suitable for his heart. Regret should not come later after the marriage has taken place, resulting in divorce. However, sometimes during such meetings there may be exchanges of feelings and emotions. It is human nature that in such situations each person will try to show only the positive aspects of themselves and, as much as possible, hide the negative aspects, whether physical-material or mental-spiritual.

Regarding which parts of the body may be seen by the proposer during engagement, this is not clearly explained either in the Qur'an or in the hadith. Therefore, there are differing opinions among the fuqaha':

- 1) The majority of fuqaha' scholars argue that a man proposing to a woman may only see her face and palms. This is because by seeing the face one can determine whether she is beautiful or not, while from the palms one may know whether the woman is fertile or not.
- 2) Imam Dawud and the scholars of the Zahiri school argue that a man proposing to a woman may see all parts of her body. However, in seeing her entire body, the Zahiri school states that it must be done in the presence of a mahram or through an intermediary.

Meanwhile, the method of seeing that is recommended by religion, if the proposer finds it difficult to see his prospective partner directly, is that he may send someone he trusts to observe the prospective partner by examining the large vein on her shoulder and smelling her breath. By observing these two aspects, one may know the level of her ability to work, whether she is diligent or not, and also determine her discipline in maintaining bodily cleanliness.

The right to observe is not limited only to the man. Women also need to pay attention to this matter. It is proper for a woman to look at the man proposing to her. Does she feel attracted to him, just as the man is attracted to her, or not? Umar ibn al-Khattab (may Allah be pleased with him) said: "Do not marry your daughters to men who have physical defects, because a woman's attraction to a man is similar to a man's attraction to a woman."

So that the image of the prospective wife may deeply settle in one's feelings, it is permissible to look repeatedly. This is based on the wording of the hadith that permits seeing the woman being proposed to, namely the phrase "أنظر إليها" ("look at her"), which indicates seeing the prospective wife several times, not limited to only once. According to Imam al-Hakim, it is permissible to look repeatedly, whether with her permission or without it. If it is difficult to see her directly, one may ask a woman to explain her condition and characteristics. However, if a man sees the woman he has proposed to and finds her unattractive, he should remain silent and not say anything that could hurt her feelings, because it may be that a woman whom he does not like may be liked by another man.

If both parties are satisfied and sincere with each other's condition, then it is time for the man to propose to the woman so that she may be willing to become his wife. If the proposal is accepted and approved by the woman's side, then the engagement officially takes place. However, engagement does not make free interaction lawful, and the man is not yet obligated to provide maintenance for his prospective wife. Therefore, one should not misunderstand the meaning of engagement merely because engagement rings have been exchanged, leading them to act freely, while some people feel they are free to behave as they wish, such as being alone together with their fiancée and other similar actions. In fact, such actions are contrary to Islamic teachings. Islam prohibits these actions because they may have harmful consequences for the woman. If the proposer later cancels the engagement, it may damage the woman's honor, reputation, and self-esteem, causing her to lose the desire to marry. Therefore, we must follow the procedures of engagement that have been taught in Islam.

## CONCLUSION

Based on the results of the study of ahkam hadiths concerning kafa'ah and khitbah, it can be concluded that the concept of kafa'ah in Islam is an effort to create compatibility and harmony between prospective husband and wife in household life. Kafa'ah is not a requirement for the validity of marriage, but it is viewed as a supporting factor in creating a sakinah, mawaddah, and warahmah family. Scholars differ in opinion regarding the elements of kafa'ah, but the aspect of religion (*al-din*) is considered the most important criterion, as emphasized in the hadith of the Prophet Muhammad (peace be upon him) regarding the recommendation to choose a spouse based on religion. Other elements such as lineage, wealth, occupation, and social condition are more social considerations that developed within the fiqh perspectives of the scholars.

In addition, this study shows that the concept of kafa'ah is not merely intended to preserve social status, but rather to minimize the potential for conflict in household life. Therefore, the understanding of kafa'ah should be positioned proportionally and contextually in accordance with the principles of justice, benefit, and equality in Islam. Meanwhile, khitbah is a proposal process recommended in Islam as an initial stage before marriage is carried out. Khitbah aims to provide an opportunity for prospective

couples to know each other's character, background, and personality so that they may build a harmonious household. In its implementation, Islam has regulated the ethics and provisions of khitbah, such as the prohibition against proposing to a woman who is already engaged to another man or who is still in a certain iddah period.

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