

THE IMPACT OF KAFAAH ON THE RISE OF EARLY MARRIAGE

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DOI: <http://dx.doi.org/10.33603/hermeneutika.v3i2>

Diterima: 18 December 2024; Direvisi: 15 January 2024; Dipublikasikan: February 2024

Abstract: What is meant by "early marriage" is the marriage of young people under the age of 20 who have no desire to marry. Although early marriage is seen as a way for teenagers to avoid sin and free sex, there are some people who marry out of wedlock and get pregnant out of wedlock. Things like this often happen in society. Therefore, Islam recommends marriage to a Kafaah to create a Sakinah Mawadah Warahmah family. Kafaah plays an important role in the partner selection process and helps individuals make balanced decisions. The purpose of this study is to examine the impact of kafa'ah on the frequency of early marriage. This research uses a sociological approach. Data collection techniques were conducted by observation and interviews. In addition, secondary sources such as journal articles, dissertations, hadith, and the Quran were also used to gather information. Based on the results of the study, it can be seen that there are several internal and external factors that encourage young people in Babadan village to marry at a young age. Internal factors include the need for affection to fulfill one's own needs. On the other hand, external factors such as the presence of friends also influence the realization of marriage.

Keywords: Influence, Kafa'ah, Early Marriage

I. INTRODUCTION

It is said that from the past until now, the trend of cohabitation in marriage has always been a marriage between a woman and a man, and its meaning lies in the family. Because marriage is a process or expedition in human life (Agusalim et al., 2022). Sayuti Talib's interpretation of marriage explains that marriage is a sacred bond between a man and a woman that leads to the formation of a family. In contrast, other texts, such as Imam Shafi'i's Tafsir, describe marriage as a contract that allows a man and a woman to legally establish an intimate relationship. "Looking at the various interpretations above, marriage means a contract or agreement, because the holy union (bond) between a man and a woman is a form of bond to create a harmonious family (Setiawan, 2020).

Marriage can also be referred to as the concept of living in pairs, in which the development of family life is justified. In addition, marriage is also considered a way chosen by Allah for humans to multiply and sustain life in order to realize the ideal of a Sakinah Mawadah Warahmah couple. Marriage is highly recommended for those who want to get married and are able to carry out the rights and responsibilities in the family. This is because marriage does not only require the desire for love and intimacy but also the fulfillment of duties and responsibilities as husband and wife (Kulsum, 2018).

Article 1 of Marriage Law Number 1 of 1974 states that the purpose of marriage is to create a happy and lasting family based on God Almighty. (Syalis & Nurwati, 2020) To achieve this goal, prospective couples must at least be physically and mentally mature before entering into marriage, according to one of the principles contained in Marriage Law Number 1 of 1974. By doing this, it will definitely achieve the goal of having a good marriage, having good children, and maintaining mental and physical health without divorce (Umah, 2020).

The age of marriage is one of the criteria used in this principle. Article 7(1) of Marriage Law No. 1 of 1974 states that the age limit that must be reached before marriage is a measure of maturity. Men must be 19 years old, and women must be 19 years old if possible. The decision to marry when possible is very important. Because marriage does not only require biological maturity but also psychological maturity (Umah, 2020).

The advantage of setting a minimum age of marriage for the population of a country is that all people who want to get married have the appropriate level of physical fitness and various levels of maturity, including intellectual maturity, spiritual maturity, and physical maturity. Furthermore, to achieve the goal of marriage, namely a peaceful marriage filled with household love and affection, the possibility of household conflicts leading to divorce and marriage breakdown must be avoided (Ibrahim, 2022).

However, this problem is still prevalent today, and many people, especially teenagers, continue to engage in early marriage. The practice of early marriage is commonplace and impacts not only the indigenous community but also society as a whole, especially students, who should focus on learning and acquiring skills for the future. Indonesia is a developing country facing this critical issue. Given its tremendous impact on humanity, various studies have concluded that early marriage should be prevented.

While marriage at a young age may not be the best option for teenagers, it can be used to stop promiscuity. Young people who marry early must be prepared to face a range of risks in the future, including the risk of frequent family conflicts, a greater risk of childhood mortality for girls, and associated delays in the education process. Affects underdeveloped knowledge.

The tradition of early marriage in adolescence is common among girls who are still in education. Girls with lower levels of education are more likely to marry at a young age than girls with higher levels of education. Moreover, in certain areas, young women are considered an economic burden on the family, so parents are quick to give their underage children away on the grounds that they will be freed if they get married soon (Anwar, 2017).

Early marriage is the marriage of a young person under the age of 20 who is not yet eligible for marriage. When adolescents marry early, there are often risks such as pregnancy, miscarriage, and even death. Teenagers who marry young face psychological stress that will eventually lead to marriage and childbearing if they have children in the future. In addition, early marriage is also considered a way to avoid sin, especially promiscuous sex among teenagers. These phenomena show that marriage is not just about saying *Quobul* and making *Haram* legal; it also requires careful moral and material preparation. Because it means agreeing to everything about separation from your beloved partner (Syalis & Nurwati, 2020).

Teenagers typically enter into early marriages in both rural and urban areas. Early marriage occurs in rural areas because of the tradition of marrying young. In contrast, pregnancy outside of marriage is the driving force behind young marriages in urban areas (Hardianti & Nurwati, 2020). The problem of child marriage is now complex. Social norms that reinforce certain gender stereotypes (for example, women must marry young), culture, poverty, geographical location, lack of access to education and even comprehensive reproductive health services, lack of information, and gender inequality are factors that influence and cause sexual bias towards early marriage (Umah, 2020).

Therefore, to build a *Sakina Mawadah Warahmah* family, prospective husbands or wives must choose a life partner in accordance with Islamic teachings and look for suitable and good candidates. This is not the key, but rather the effort of the bride and groom to continue to live a peaceful and calm family life, helping each other, filling each other's shortcomings, and living in harmony. In this case, *Kafaa* is one of the factors recommended by Islam that must be considered by couples before marriage.

Based on previous research conducted by Abdul Rahman Adi Saputera and Nadiva Abdilla, "Analysis of the Impact of Teenage Marriage in the Perspective of Islamic Law in South Gorontalo City," their research can be concluded to have positive impacts as follows: Prevent adultery, avoid sin, etc. Furthermore, getting married at an early age requires you to realize and obey the existing rules and norms (Rahman et al., 2021). According to the *Shafi'i Madzhab*, another study entitled *Kafa'ah* as a marriage barometer was conducted by Dina Ameliana and Sheila Fakhria. This study concluded that *kafaa* is a very important factor before marriage takes place, but once the prospective husband and wife are both happy, the *kafaa* element no longer applies (Ameliana & Fakhria, 2022).

According to Islamic belief, *Kafaah* is one of the indicators for choosing a life partner. Brides use this concept of *kafaah* as a means of choosing a life partner according to their wishes. It should be emphasized that the purpose of *kafa'a* is not to guarantee the validity of marriage but rather to serve as a benchmark for *katin* (bride and groom) to marry. Some say that *kafa'a* is not so important in marriage because marriage is about achieving harmony and its conditions (Ameliana & Fakhria, 2022).

To realize *Sakina*, *Mawada*, and *Wa Rama* marriages, the above problems must be addressed seriously through careful research and the right goals. Because if this condition continues, it will have a fatal impact on early marriage, making it difficult to realize the ideals and goals of the desired marriage. Therefore, the researchers focused their research on "the impact of *Kafaah* on increasing early marriage." The purpose of this study is to examine the impact of *kafa'ah* on the frequency of early marriages.

II. RESEARCH METHOD

Empirical research refers to a type of research whose main sources of information are observations and interviews. Empirical research investigates how the law functions as a pattern of social behavior in the lives of people who constantly interact with their social environment. The author of this study chose a sociological approach to understand more clearly the phenomena and social situations related to the influence of the concept of *Kafaa*

according to the colors of Karaga Merok, Tamanan, and Bondowoso villages. Researchers conducted research using research participant data. This research relies on two types of data sources, namely primary data sources and secondary data sources. Primary data sources were collected through interviews with teenagers and several communities in the Babadan, Tamanan, and Bondowos village areas. Meanwhile, researchers collected secondary data from journal articles, dissertations, hadiths, and the Quran.

III. RESULT AND DISCUSSION

The Urgency of Kafa'ah for Couples

The urgency of Kafa'a is a very important need to achieve the purpose of marriage, namely the household, namely Sakina, Mawada, and Walahma. According to Marriage Law Number 1 of 1974, marriage is a physical and mental union between a man and a woman as husband and wife, with the aim of building a happy and eternal family based on faith in God Almighty.

Research shows that the majority of people today do not see kafa'ah as beneficial. In fact, some parents choose to marry off their children because of their wealth or noble profession, without knowing the religious aspects of kafa'ah. On the other hand, when talking about Kafa'a, it is very important to look at sekhu from a strong religious point of view. This is because if a person can maintain his faith and morals, he will be able to protect himself and avoid bad deeds. Otherwise, it is likely that the marriage will fail and even harm the surrounding community.

The position of Kafaah should be emphasized among men because men are the head of the household and have considerable authority in running the household compared to women. In addition, men usually consider it shameful if women hold high positions.

Kafaah can create the purpose of marriage. The purpose of marriage can be achieved if the husband and wife work well together. In this case, Islam views the relationship between husband and wife in the sense that the husband must be wise and clever to cover his wife's shortcomings and vice versa, and the woman must be wise and clever towards her wife. The right between my husband must be smart. Therefore, family life is based on mutual respect, tolerance and respect for each other's rights, truths and obligations. If these rights cannot complement each other, it will be difficult to understand the responsibilities that exist.

Building harmony in a family is not easy. Therefore, the need for harmony between husband and wife is one of the indicators of building a harmonious family. Islam establishes kafaah or harmony as a way to maximize family life in order to produce happiness experienced by those who practice kafaah. Informants agreed based on the results of the research conducted regarding the position of Kafa'a. Kafa'a is considered a recommended concept when choosing a partner because it aims to build wealth in the family.

Kafa'a is only considered a recommendation, but it is known to have great benefits for the home. The speakers did not simply ignore it, instead they applied the idea of Kafa'ah to the families they built. Although kafa'a does not fully guarantee a happy marriage, it can at least help couples who previously felt incompatible from fighting and hurting each other.

Furthermore, referring to the basic concept of kafa'a, some local community sources in Karan Merok village stated that the application of kafa'a is only based on the elements of kafa'a mentioned in previous traditions. There are also elements of kafa'a that are not mentioned in the traditions, such as age, mutual love, and education. The source mentioned that it is not necessary to fulfill all the elements of Kafaah to apply Kafaah, but if one of the elements is sufficient, safe and in accordance with their choice, then there is no problem.

The researcher found that the marriages of young informants in Karan Merok village are prosperous and peaceful, regardless of whether they apply the concept of kafa'a in their married life or not. Family, only a few young informants stated that they proposed. Although

the Kafa'a factor cannot be clearly defined as an indicator, at least by applying the Kafa'a concept, families can be protected from marital disintegration and conflicts can be avoided.

However, the application of Kafa'a has proven to have a positive impact on the course of family life. Of course, if the marriage is compatible at the beginning of the marriage, then it can be resolved without any problems, but there are often disagreements in family matters. Even if the source does not apply this, the Sakina family can be formed by maintaining family harmony, jihad in terms of worship, and mutual respect.

The author also argues that Kafa'a is very relevant to today's society because when it comes to human rights issues, everyone has the right to choose a life partner. This shows that Islam and human rights give freedom to everyone in choosing a potential partner. They can choose a suitable life partner based on the criteria they want without disturbing others. Similarly, the right to dignity can protect the status of a good generation to build a strong Muslim family. This is in accordance with the concept of Kafaah descent.

Based on the results of interviews with the KUA (Office of Religious Affairs) in Kecamatan Tamanan, several informants could not practice kafa'a with their families for various reasons. The reasons include: 1) Everyone has the urge and desire to fulfill their love needs, especially the need to love and be loved, 2) After marriage, they want to look older and more mature, and 3) Many people are strong. Want to get married immediately, 4) Due to the poor economic situation of the people of Kalanmerok village, some informants decided to marry young instead of continuing their education, 5) The younger generation of teenagers is highly motivated to marry early for the following reasons: They are influenced by their peers and 6) promiscuity in adolescence leads to pregnancy outside of marriage in adolescence.

In this case, the researcher found that there are two types of factors that encourage informants, especially teenagers, to marry early in Karan Merok Village, namely internal factors and external factors. Intrinsic factors include the need for attachment, and adolescents are able to satisfy their attachment needs. External factors include the presence of colleagues who have a direct influence on marriage.

Therefore, parents and children must ensure that the candidate they choose truly meets the standards of Kafaah. What is more important in choosing a prospective partner is to consider their moral and religious qualities in order to avoid problems in the family. Sakina, Mawadda, and Walahma families are the result of prospective couples who apply the Kafa'a standards, especially the religious and moral standards that are prioritized in the selection of spouses.

Discussion

The marriage of minors who have not received maximum preparation both physically, spiritually, and materially is called early marriage. The World Health Organization (WHO) defines early marriage as marriage between young couples or when one of the partners is under 19 years of age. According to UNICEF, early marriage is a formal or informal marriage that occurs when a child is under 18 years of age (Loviana & Wafiani, 2022).

To establish a harmonious marriage without breaking the relationship between husband and wife and producing healthy children, a man and woman who want to get married must be physically mature, at least in accordance with Article 1 of the 1974 Marriage Law. The principle is that mentally. Therefore, marriage between men and women under the age of 18 should be avoided (Musyarafa, 2020).

The age limit for marriage under positive law is considered very important because it can affect the course and outcome of family life. Maturity is considered important because being mentally and physically mature does not necessarily mean being able to start a family. Especially if they are not old enough and have not had the opportunity to start a family (Azhari et al., 2022). Marriage Law Number 1 Year 1974 Article 7(1) states that marriage can

only be valid if the prospective husband is 19 years old and the prospective wife is 16 years old. However, Article 7(1) of 1974 states that the Marriage Law was amended to allow prospective husbands and wives to marry when they turn 19. This aims to achieve the goal of marriage - the formation of a happy family (Loviana & Wafiani, 2022).

According to Islamic law, the person who wants to get married must be of sound mind and a teenager. Islam has no rules regarding the age limit for marriage. In Islamic law, a child is defined as a child who has not reached the age of normal adolescence or has not fully developed. Determination of puberty can naturally be recognized by physical signs, such as girls starting to menstruate and boys are considered to have reached puberty due to the release of sperm. If your child has no physical symptoms, you can also determine whether he or she has *Balik* based on age and age (Musyarrafa, 2020).

The *fuqaha'* have established the age of puberty. According to Imam Hanafi, dreams and the emission of semen for men are signs of puberty, and for women, menstruation is a sign of maturity. However, if these signs do not appear, then maturity is considered at the age of 18 years for men and 17 years for women. (Rahmawati, n.d.) Meanwhile, in Indonesia, prospective husbands and prospective wives are generally only allowed to marry when they have reached the age of 19, as stipulated in Marriage Law Number 1 of 1974 (Azhari et al., 2022).

Determining the age limit for marriage is a very important factor, because a legal marriage requires different preparations and maturity, including biological and psychological maturity. Marriage Law Number 1 of 1974 stipulates that prospective spouses must reach physical and spiritual maturity before marriage in order to live comfortably and happily without separation in the family. Therefore, it is important to prevent the practice of early marriage, which occurs in many rural and even urban areas and can have negative impacts (Ibrahim, 2022).

Given the enormous societal harm caused by early marriage, especially in relation to daily family life and community activities, public authorities (the government) require a sufficient age for marriage in order to carry out marriage. Article 1 paragraph (1) of 1974 and Article 15 paragraph (1) of KHI in particular aim to protect the welfare of the family and society in general. This is related to the principle of '*ushr maslaha mulala'* which emphasizes that the purpose of law is to serve humanity as a whole. It would be a mistake to simply follow existing legal documents, ignoring individual interests and the welfare of the people (Azhari et al., 2022).

From a medical point of view, early marriage has a negative impact on the mother and the child she is carrying. From a social perspective, early marriage can affect family harmony. The main cause is emotional disturbance and immature thinking. There are many other negative impacts of early marriage from various perspectives. Therefore, the government only recognizes marriages between men and women over the age of 19.

In the book *I'alah al-Talibin* juz 3, it is explained that linguistically *kafaa* (*rugawi*) is a problem that does not occur or does not exist in marriage, causing defects and limitations in marriage. There is equality between the prospective husband and the prospective wife, both complete and lacking (Nurcahaya, 2021). Scholars differ in opinion regarding the meaning and elements of *kafa'a* in marriage (Miftahuzzaman and Arif, Suyud, 2023). Hanafiyah scholars interpret *Kafa'a* as the harmony of men and women in lineage, work and religion, Islam, freedom, wealth, and piety. Meanwhile, the Malikiya Ulama give the meaning that *kafa'a* means equality between men and women and avoidance of defects that encourage women to offer *qiyar* to their husbands (Aziz, 2019).

The Shafi'iyah scholars define *kafa'a*, or compatibility, as something that causes shame when there is no harmony in marriage. The harmony used to limit defects in marriage does not necessarily mean that one is the same as the other, so the criterion is equality with

the wife in terms of integrity or humility (Aziz, 2019). Meanwhile, Hanbali scholars have two narratives. The first is because of Imam Syafiyya's opinion regarding Kafa'a. Second, according to Imam Hanbali, kafa'a only includes work and religion (Zahrotun & Uswatun, 2018).

Islam states that the religious factor is the most urgent and important guiding factor, providing guidance on how to choose a potential spouse. Based on the community's perception, the Kafa'a factors are the four factors mentioned in the Prophetic Hadith that should be considered in choosing a spouse: wealth, inheritance, beauty and religion. This is revealed in the Prophetic Hadith narrated by Imam Bukhari. (Zahrotun & Uswatun, 2018) which means:

“Perempuan dinikahi karena empat hal, karena hartanya, karena keturunannya, karena kecantikannya, dan karena agamanya, maka berpeganglah pada keberagamaannya agar kamu memperoleh kebahagiaan. (HR Bukhari dan Muslim)”

According to Ilyas Syamhari, the Prophet SAW divided the selection of prospective partners based on the main purpose of marriage into four parts as in this noble Prophetic hadith (Sholihin, 2021) including, namely:

1. Possession of Property, which is called property ownership, refers to a person's ability to provide for his wife by giving dowry and meeting basic needs and helping to overcome material obstacles.
2. Nasab, in terms of choosing a partner, nasab is the second choice after property ownership. This selection is useful for people who care about their family history and want to achieve a noble position and high degree. The majority of fuqaha' (Hanafi, Shafi'i, and Hanbali) consider the existence of nasab in kafaah. Whereas Imam Shafi'i and the majority of his companions narrated that kafaah in lineage applies between them.
3. Beauty, another kafa'ah factor that can usually be considered is beauty. This is a matter that is humane for everyone. Everyone will probably consider it. However, not only physical beauty but also the beauty of the heart and behavior must be considered. Choosing a partner when getting married based on her beauty is a good idea if it is for fun and to encourage oneself not to look at others or do things that are hated by Allah SWT.
4. Religion, this selection is considered the most important factor in choosing a partner by the Prophet. This is because religion is the most important guideline and foundation for living life. In this kafa'ah factor, religion is essentially based on the holy book of Islam. As Allah SWT says in Q.S. al-baqarah verse 221, which means:
“Dan janganlah kamu menikahi wanita-wanita musyrik, sebelum merekaberiman. Sesungguhnya wanita budak yang mukmin lebih baik dari wanitamusyrik, walaupun dia menarik hatimu. Dan janganlah kamu menikahkan orang-orang musyrik (dengan wanita-wanita mukmin) sebelum merekaberiman. Sesungguhnya budak yang mukmin lebih baik dari orang musyrik, walaupun dia menarik hatimu. Mereka mengajak ke neraka, sedang Allah mengajak ke surga dan ampunan dengan izin-Nya. Dan Allah menerangkan ayat-ayat-Nya (perintah-perintah-Nya) kepada manusia supaya merekamengambil pelajaran.”

Kafa'ah Criteria According to Fuqaha' Basically, the understanding of the ulama' fiqh four madhhabs about the concept of kafa'ah calls for differences of opinion between madhhabs. Imam Syafi'I said that kafa'ah in marriage is based on five factors, namely: religion, descent, occupation, independence, and not having any defects (Miftahuzzaman & Arif, Suyud, 2023). Imam Syafi'I madzhab said that kafa'ah is an important factor that must

be considered before marriage. The purpose of kafa'ah is to find equality between prospective husbands and wives, both perfect and flawed. The definition of equality does not mean that the bride and groom must be equal in all respects, but if one of them knows of a defect in the person who will be his partner and he rejects it, then he has the right to ask that the marriage be canceled (Zahrotun & Uswatun, 2018).

In determining kafa'ah, the Hanafi school of thought emphasizes that it is the woman who determines it. Nevertheless, a man is the focus in determining kafa'ah. While the Imam Hambali madzhab in determining kafa'ah has the same assessment as the Imam Syafi'i madzhab, but there is one additional thing, namely the wealth factor, as an example: a poor man is said to be unequal to a rich woman (Zahrotun & Uswatun, 2018).

According to Imam Malik's madzhab, kafa'ah only exists in religion, so pious women are said to be unequal to fasiq men (Sholihin, 2021). The kafa'ah factor is also considered very important to be considered by Imam Malik's madzhab. The religious aspect and the absence of deficiencies are the main priorities in the qualifications of this madzhab. Meanwhile, wealth, occupation, and other factors are factors that are taken into account (Miftahuzzaman & Arif, Suyud, 2023).

The description of the above explanation shows that the ulama' views on the aspects of kafa'ah are very diverse. The different perspectives of the ulama' are influenced by the circumstances and environment in which they live. They also differ in their interpretation of some of the Prophet's hadiths that form the basis for determining kafa'ah.

IV. CONCLUSION

Islam as a religion of rahmatan lil 'alamin regulates all forms of life, including regulating marriage, for the preservation of the descendants of mankind, as the prophet said, there are at least 4 main objectives of marriage carried out from the point of view of kafa'ah, namely beauty or good looks, wealth (property), lineage and religion. To avoid the rise of early marriages, which of course are immature in age, kafa'ah (sekufu) is needed with the aim of avoiding feuds between the two parties (husband and wife). According to the majority of scholars, religion is the most important factor to consider in choosing a partner, while other factors are only supporting factors that must also be considered.

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