

Local Wisdom Equality in Marriage of Gold Entrepreneurs in Kasui Pasar Village

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ABSTRACT

This article aims to elaborate on equivalence in marriage. Equivalence is one of the essential aspects of creating a harmonious family. The people of Kasui Pasar Village, who are from Banten ethnic background, have a tradition of marital equivalence regarding profession and ethnicity. The problem in this study is how to review Islamic law on the tradition of marriage equivalence in realizing a harmonious family in Kasui Pasar Village. This type of research is field research descriptive-analytical. The primary data of this research are the results of interviews and observations with a married couple of Banten ethnic gold traders. Secondary data are books, journals, and related research. Data collection techniques in this study are interviews, observation, and documentation. Then the data obtained is processed and analyzed inductively using *urf* theory. The results of this study indicate that the community believes that marriage equivalence in the profession of gold business people and ethnic Banten is the main factor in the realization of a harmonious family. This local wisdom as *urf* sahiih has brought benefits and goodness in their lives and is inherent and accepted by the general public, especially in Kasui Pasar Village. This tradition does not conflict with Islamic law. The results of this study indicate that the community believes that marriage equivalence in the profession of gold traders and ethnic Banten is the main factor in the realization of a harmonious family. This local wisdom as *urf* sahiih has brought benefits and goodness in their lives and is inherent and accepted by the general public, especially in Kasui Pasar Village. This tradition does not conflict with Islamic law.

Keywords: Marriage of Gold Entrepreneurs; *Kafaah*; *Urf*, Banten Tribe.

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INTRODUCTION

Determination of a suitable marriage partner is usually known as *kafaah* or *kufu'*. *Kafaah* is equality between the prospective bride and groom regarding morals, social status, religion, appearance, property, and lineage (Dewan Redaksi Ensiklopedi Islam, 2002). This meaning of *kafaah* continues to be dynamic in society (Shodiq & Ridho, 2021)

Furthermore, in Kasui Pasar Village, Way Kanan Regency, where a woman who comes from Banten ethnic background and works as a gold trader usually marries a man of the same ethnicity and profession; meanwhile, the marriage of a man is usually more flexible by being given the flexibility to choose whether to marry a woman from the same ethnicity, namely Banten, who earns a gold shop or not. The motive is visible, namely, to maintain the family business. In addition, marriage between couples with the same family business will make it easier for the two to adjust to create a harmonious family. For example, Sari, the gold businesswoman of Banten ethnicity, married a man who was not from the same profession and ethnicity. One year after marriage, there was a divorce. After the divorce, Sari got married (remarried) to someone from the same ethnic background whose profession is a cottage teacher. We divorced two years later. Not long after, his parents introduced him to a man of the same ethnicity and profession. The household has been durable and harmonious until now (Interview Sari, December 21, 2020).

The related literature studies mention in this section. Humaidi (2011) examines "Shifting the Meaning of *Kafaah* in Marriage (A Sociological Study of *Kafaah* in the Frame of Views of Religious Leaders and Gender Equality Activists in Malang City)" in his journal article. The paper's focus is that religious leaders and gender equality activists in Malang are about equality and sustaining balance in marriage so that a happy and eternal family can be formed based on God Almighty's commandment. Faisol Rizal's (2011) research entitled "Implementation of *Kafaah* in Pesantren Families (Study on Application of *Kafaah* Kiai Pesantren in Jombang Regency)" was focused on *kafaah* in the *Pesantren* (Islamic Boarding School) community, identified with the classification or grouping of an exclusive community. Happy Nur HS (2019) study, "*Kafaah* in Marriage and Its Relevance to Household Harmony (Study at the Sakinah Family Clinic, Aisyiyah Regional Leader, Malang City)," was focused on the meaning of *kafaah* at the Sakinah Family Clinic, the Regional Leader of Aisyiyah Malang City, in realizing a harmonious family. Taufiq (2017) scientific research entitled "*Kafaah* in Marriage According to Islamic Law" concentrated on the issue of *kafaah*, which is often realized disproportionately in society. Nurcahaya (2017) paper, "*Kafaah* in the Perspective of Islamic Fiqh and the Law of Muslim Countries," is focused on the existence of *kafaah* and its influence on family law legislation in the Islamic world. Based on the description above, there are similarities in studying and discussing *kafaah* which is the difference between this study and previous research, namely that there is no previous research that discusses marriage *kafaah* in realizing a

sakinah family that occurred in Kasui Pasar Village, Way Kanan Regency among gold entrepreneurs.

METHODS

Methods Research Methods This type of research is field *research*. The nature of the research used is *descriptive analytics*. Primary data are the results of interviews and observations with husband-and-wife gold entrepreneurs and community leaders in Kasui Pasar Village, Way Kanan Regency, who are of Banten ethnicity, and secondary data are books, journals, and research related to this research. Data collection techniques in this study are interviews, observation, and documentation. Then the data obtained are collected and analyzed inductively using *urfs* to make conclusions.

RESULTS AND DISCUSSION

This research uses the *urf*. The word *urf* comes from the word '*arafa*, *ya'rifu* (يعرف-عرف), Often interpreted as *al-ma'ruf* (المعروف), which means to know (Munawwir, 1997). If it is said *لان لى لان ا* (*So and so is more than others in terms of urf*), it means that So and so is better known than the others. The notion of "known" is closer to "recognized by others."

Meanwhile, in terms of terminology, the word *urf* means something that humans or some of them have become accustomed to in terms of *muamalat* (relationships of interest) and have continuously seen/remained within themselves in several ways, which is accepted by common sense. Healthy *urf* was born from human thought and experience (Djalil, 2010). The word *urf* is also found in the Qur'an with the meaning "*ma'rûf*" (معروف), which means virtue (doing good), as in the letter al-A'raf (7): 199.

Among linguists, there are Arabs who equate the words *adat* and *urf*, the two words are *mutaradif* (synonyms). If the two words combine in a sentence, such as the law base on *adat* and *urf*, it does not mean that the words *adat* and *urf* have different meanings even though they are used as conjunctions and used words that distinguish between the two words because the two words have the same meaning, in this example, the word *urf* used to reinforce the word *adat* (Syarifudin, 2011).

We can see a difference if we look at the two words in terms of their origin and root. The word custom from Arabic: ادة; root word: 'âda, ya'udu (عاد-); meaning: ا (repetition). Therefore, something that is done once is not yet called *adat*. There is no measure of the number of times an act must be done to be called *adat*, depending on the form of the action performed. It is explained at length by al-Suyuthi in his book *al-Ashbah wa al-Nazair* (Syarifudin, 2011).

The word *urf* does not mean how often an act is, but from the point of view that the act is already known and recognized by many people. These two different points of view (from the point of view repeatedly and from the point of being

known) give rise to the two names. In this case, there is no difference in principle because the two words have the same meaning: an act that repeatedly becomes known and recognized by many people. On the other hand, because the act has been known and recognized by many people, then the act is done repeatedly (Syarifudin, 2011).

The difference between the two words can be seen in terms of their meaning: *adat* only looks at the number of times an action is done and does not include an assessment of the good and bad aspects of the act. So the word *custom* has a neutral connotation, so there are 'good customs', and there are customs (Syarifudin, 2011). The definition of customs formulated by Muhammad Abu Zahrah in his book *Usul al-Fiqh* tends towards this understanding, namely:

أَعْتَدَاهُ النَّاسُ أَمَلَاتٍ وَاسْتَقَامَتْ لِيهِ

What people are accustomed to in their associations and have settled in their affairs.

If the word *adat* has a neutral connotation, then *urf* is not the case. The word *urf* is used by looking at the quality of the actions performed, namely recognized, known, and accepted by many people. Thus, the word *urf* has a good connotation. In the example above, it sees the use of the word *urf* with the meaning of *ma'rif* in the word of Allah SWT. In line with this understanding, Badran interprets *urf* as:

الْقَوْلُ هَلْ لِي أَنْزَرُهُ ارْتَلَقَاهُ لَهُمُ الْقَبُولُ

Whatever people get used to, both in the form of speech and followed by or deed, repeatedly done so that it imprints on their souls and is accepted by their minds (Zuhaily, n.d.).

Mustafa Syalabi does not see the difference between the two words in terms of the connotation of their meaning (neutral and non-neutral) described above but in terms of the scope of their use. The word *urf* is always used for congregations or groups, while the word *customs* can be used for some people besides also applies to groups. What has been able to be done (become a habit) of a person, then the action can be said as custom of that person, but cannot be said to be *urf* of that person (Syarifudin, 2011).

The classification of various customs or *urf* sees from several aspects. *First*, in terms of the material that is done. From this point of view *urf*, there are two kinds of *urf*, namely; (1) *urf qauli* (عرف لى), which is a habit that applies in the use of words or speech. The word *waladun* (ولد) etymologically means child, which uses for boys or girls. This word applies to women because this word is not found specifically for women with the female sign (*mu'annat*). The word *walad* for men and women (regarding inheritance/heirlooms) also applies in the Qur'an, as in the letter al-Nisa' (4): 11-12. The word *walad* in the two mentioned verses repeatedly applies to both boys and girls; (2) *urf fi'li* (عرف لى), namely habits that apply in

actions. For example, taking cigarettes among friends without asking and giving them is not considered stealing (Syarifudin, 2011).

Second, in terms of the scope of its use, *urf* is divided into; (1) *Adat* or *urf* (عرف ام), which is a habit that has generally applied everywhere, almost all over the world, regardless of country, nation, and religion. For example: nodding his head in agreement and shaking his head disapprovingly. It considers strange if someone does the opposite; (2) Customs or special *urf* (عرف اص), namely the habits of a group of people in a particular place or at a specific time, do not apply in all places and at any time. For example: adat draws lineage through the maternal or female (matrilineal) line in Minangkabau' (Sucipto, 2015).

Third, in terms of excellent and lousy evaluation, adat or *urf* is divided into; (1) adat that is *صحيح* (عرف صحيح), that is adat that is repeatedly done, accepted by many people, and does not go against religion, good manners, and noble culture; (2) adat that *fâsid* (عرف فسد), that is a custom that prevails in a place even though its implementation is uniform, but it is contrary to religion, state laws, and good manners (Syarifudin, 2011).

In general, *urf* or custom is practiced by all jurisprudence scholars, especially among Hanafiyah and Malikiyah scholars. Hanafiyah scholars use *istihsân* in *ijtihad*, and one form of *istihsân* is *istihsân al-urf* (*istihsân* that relies on *urf*). By Hanafiyah scholars, *urf* takes precedence over *qiyâs khafi* and precedence over the general text because the *urf* designates the general text. The Maliki scholars make *urf*, or tradition that lives among the people of Madinah, as the basis for establishing the law and prioritizing it from Sunday's hadith.

Syafi'iyah scholars often use *urf* in cases where they do not find their limitations in *syara'* or in the use of language. They put forward the following rules:

كُلُّ مَا وَرَدَ لِشَرْعٍ مُنْتَلَقٌ وَلَا ضَابِطٌ لَهُ فِيهِ وَلَا فِي اللُّغَةِ يَرْجَعُ فِيهِ رَأْيُ الْعَرَبِيَّةِ

Anything that comes with *syara'* absolutely, and there is no measure in *syara'* or in language, is returned give it to *urf* (Al-Suyuti, 1983).

Examples in this regard, for example: determine the meaning and limitations of the place of storage (حرز) in the case of theft, means to separate in opinion assembly; time and rate of menstruation. The *qalaul qadim* of Imam Shafi'i's *qaul jadid* (new opinion) in Egypt shows that *urf* in the *istinbath* among Shafi'iyah (Al-Suyuti, 1983).

In response to the use of *urf* in *fiqh*, al-Suyuti commented on it by returning it to the rule:

الْعَادَةُ مُحَكَّمَةٌ

The custom (*urf*) becomes a legal consideration (Al-Suyuti, 1983).

The scholars' reason for their use (acceptance) of the *urf* is a hadith originating from Abdullah ibn Mas'ud that Imam Ahmad released in his musnad, namely:

مَرَأَهُ الْمُسْلِمُونَ حَسَنًا فَهُوَ عِنْدَ اللَّهِ حَسَنٌ

Anything seen by Muslims as something good, then that in the eyes of God is good. (Ahmad bin 'Abd al-Karim al-'Amiri. (1412H). Al-Jadd al-Hathith Fi Bayan Ma Laisa Bi Hadith (Bakr bin Abdullah Abu Zayd, Ed.). Dar al-Rayah.)

In addition to that, the consideration of benefits (needs of the people), in the sense the people will experience difficulties if they do not use the *urf*. Even the scholars place it as a prerequisite.

الْمَعْرُوفُ عُرْفًا كَالْمَشْرُوطِ شَرْطًا

Something that happens in *urf* is like something that has been stipulated (Syarifudin, 2011).

If the law has been established based on *urf*, then its strength is equal to the law established based on *nas*. The scholars who practice the *urf* in understanding and correcting law set several requirements to accept *urf*, namely; (1) *adat* or *urf* is valuable and can be accepted by common sense. This condition has been the norm for *adat* or *urf*; (2) the custom or *urf* applies generally and evenly among the people within the scope of custom or among the majority of its citizens (Syarifudin, 2011).

In this customary concept, Suyuti (1983) said:

الْعَادَةُ إِذَا بَدَتْ تُعْتَبَرُ اضْطَرَبَتْ فَلَا

Indeed, the custom that calculates the one that applies in general. If it messes up, it will not count.

urf, used as a basis in establishing the law already existed (occurred) at that time; not *urf* that appeared later and *adat* does not contradict and neglect the Syariah evidence that exists or contradicts certain principles' (Syarifudin, 2011). In *urf* case, there is a rule that says:

الْعُرْفُ الَّذِي تَحْمِلُ عَلَيْهِ الْأَقْفَاطُ إِنَّمَا هُوَ الْمَقَارِنُ السَّابِقُ دُونَ الْمُتَأَخِّرِ

urf on which a pronouncement (legal provision) applies is only the one that comes next or precedes." and not the one that comes before.

From the description above, it is clear that *urf* or *adat* is used to establish the law. However, the scholars' acceptance of the *custom* is not simply because it is called '*custom* or *urf*. *Urf* or *adat* is not a stand-alone proposition. *Adat* or *urf* is

evidence because there is something to support it, or there is a place to rely on it, either in the form of *ijma'* or *maslahat* (Syarifudin, 2011).

Marriage Practices of Female Gold Traders in Kasui Pasar Village, Way Kanan Regency

There is a community in Kasui Pasar Village, Way Kanan Regency, who marry fellow gold traders and come from the same tribe, namely Banten. The following presents data related to the marriage of female gold entrepreneurs.

Table 1. Marriages among Gold Entrepreneurs

Spouse Number Husband Wife And Occupation						
No.	Wife	Age	Occupation	Husband	Age	Occupation
1	Mutiah		Gold Traders	Makbulah	50	Gold Traders
2	Sari	26	Gold Traders	Ervandi	27	Gold Traders
3	Erika	32	Gold Traders	Yoga Ardian	35	Gold Traders
4	Endika	36	Gold Traders	Harisun	40	Gold Traders
5	Mutmainah	29	Gold Traders	Farid	31	Gold Traders
6	Kamsiah	45	Gold Traders	Muflihin	48	Gold Traders
7	Nursamah	29	Gold Traders	Santasa	33	Gold Traders
8	Urwati	57	Gold Traders	Ihsanuddin	58	Gold Traders
9	Hikmawati	33	Gold Traders	Aris	36	Gold Traders
10	Zaitun	35	Gold Traders	Kangsah	37	Gold Traders

Source: Interview with community in Kasui Pasar Village

The marriage of fellow gold traders is a tradition that has taken root in the Banten community in Kasui Pasar Village, Way Kanan District. The custom of the

marriage of the same tribe and profession used to know the seed and weight in the family. Moreover, it is easier to communicate with a large family and between husband and wife. Do not forget that it is based on religion, and the custom in question is a custom that does not contradict Islamic teachings. Its view in terms of profession or employment. The purpose is to continue the family business so that it is not interrupted because it is a legacy from the great-grandmother built since 1956. The heirs and grandchildren only follow and run the business to be more advanced and better to prosper the family (Interview with Mutiah, December 21, 2020).

Hasanuddin, a community dero who serves as the head of Kasui Pasar Village in Way Kanan Regency, feels that this has become a tradition in the middle of the Kasui Pasar community, especially those from the Banten tribe. So that it is difficult to change because of several factors from within that become doctrines or suggestions. The tradition started from their great-grandmothers and was passed down from generation to generation because of the assumption that the main factor of a *sakinah* marriage is the equality between the two parties, the prospective husband and wife. If that is not fulfilled, it will cause problems after the marriage (Interview with Hasanuddin, December 23, 2020).

In particular, the marriage of female gold entrepreneurs in the Banten community in Kasui Pasar Village, Kanan District, is mandatory with men from the same tribe and have the same profession as gold entrepreneurs. Based on the data obtained, out of ten marriages of female gold entrepreneurs in Kasui Pasar Village, Kanan District, all married fellow gold entrepreneurs. The purpose of the tradition of marrying a woman to a man who is a fellow gold entrepreneur in the Banten community in Kasui Pasar Village, Way Kanan District, is because, as a woman, she is unable to run a gold business alone, she needs a husband as a companion in running the business so that the business will not be interrupted (Interview with Mutiah, December 21, 2020). Erika stated that as a daughter who inherited her parents' gold business, she hoped her husband would also be a gold entrepreneur to support each other in continuing the family business. If the profession is different, it believes to be challenging to develop their gold business. While if her husband is a gold entrepreneur, then the business will run smoothly because they both have experience in managing the same business (Interview with Erika, December 22, 2020).

Generally, the marriage of fellow gold entrepreneurs is done through matchmaking between families. In the traditional matchmaking tradition, there needs to be time and process. At first, he just followed what the parents said. He intended to obey and please his parents. Mutiah Muttiahursamah is married to men from the Serang Banten tribe and gold entrepreneurs. Their marriage is very harmonious with their husbands. Their efforts are considered successful. The gold shop they manage is already known to the local community because the gold they sell is of good quality. So much so that the community trusts them if they want to order gold to marry their sons and daughters (Interview with Mutiah, December 21, 2020; Interview with Nursamah, December 21, 2020). Erika said that at first, she thought it would be difficult to love because of matchmaking. However, as time

passed, affection and love grew in the family with mutual understanding and love for each other (Interview, with Erika, December 22, 2020).

Endika stated that, as a member of the Banten Tribe who lives in Kasui Pasar Village in Way Kanan Regency, they married a man who is a Banten Tribe and a gold entrepreneur—related to the tradition of marriage compatibility that lives in the middle of the community that apply in his family as a benchmark for the creation of a *sakinah* family. The purpose of the marriage of the same tribe and profession is to keep family communication going well because they understand each other's customs and habits. By knowing each other's origins, cultural similarities, and *background*, we feel that our marriage can run smoothly and without conflict because the communication we use daily, related to work and the same profession, makes us able to *support* each other (Interview with Endika, December 20, 2020).

Unlike Kamsiah's marriage, she stated that she is not married based on matchmaking tradition. Her husband is just a childhood friend. In the past, she always accompanied her father to the market and met her husband, who helped with her father's business. They were pretty close and eventually got married. Their parents had already intended to match, but both agreed to marry and continue their parents' business. Their home life is harmonious. They are patient in conducting gold business because they like it (Interview with Kamsiah, December 23, 2020).

The marriage of a professional gold trader from the Banten tribe in the village of Kasui Pasar resulted in a harmonious household. It is proven by the absence of divorce cases among them. They have a strong enough capital in their marriage. They are one tribe. They are both Banten tribes with the same professional background, namely gold entrepreneurs. These two capitals make it possible to understand each other. There is an exciting story in the findings of this research, namely the story of Sari's wedding. Sari comes from a family of gold entrepreneurs; had who ailed twice in previous marriages. The marriage was her own choice, not with a gold trader. Finally, she married an entrepreneur in her third marriage. This last marriage has been harmonious until now (Interview Sari, December 21, 2020). Mutmainah also experienced a similar story. She married a man who was a grocery merchant. At first, we were confident that we could continue the gold business with our husband. However, as time passed, it turned out that our husband could not continue the gold business because he felt unable to manage it.

In contrast, our husband insisted on continuing the business that he pioneered before marriage. In the end, our gold business did not walk and vacuum. At the same time, we cannot run a gold business alone. Because it requires and needs unique energy and skills that men usually do. After a year of marriage, they divorced. Not long after, she remarried a man from the Banten tribe whose profession was a gold entrepreneur. Their marriage has been harmoniously for five years (Interview with Mutmainah, December 21, 2020).

However, there is also a story of failure in the marriage of fellow gold entrepreneurs in Kasui Pasar Village in Way Kanan Regency. Usually, in a household, even though it marries people of the same tribe and profession, sometimes three someone differences trigger once. Like Mutiah's marriage, she divorced her husband because of difficulty and poor communication. Our thoughts were not aligned. In the past, before we got married, there was an agreement that the husband would go with her and continue the gold business for the reason of not being able to leave a business that had developed enough and know by the community. At the age of 9 months of marriage, she and her husband finally divorced on the grounds of not being able to run their business. Her husband began to refuse to help her run the gold business and was busy with his business in the city of Bukit Kemuning (Interview with Mutmainnah, December 21, 2020).

Marriage Practices of Male Gold Traders in Kasui Village Pasar Way Kanan Regency

Based on tradition, female gold traders in Kasui Village are supposed to marry male gold traders. In contrast to male gold traders, who give the freedom to choose, determine, and marry women of their choice (sometimes not gold traders).

Table 2. Marriages of Male Gold

Husband Wife Occupation						
No.	Husband	Age	Occupation	Wife	Age	Occupation
1	Hasan Nawawi	47	Gold Traders	Rosmila	44	Meatball trader
2	Robiansyah	29	Gold Traders	Ika Melani	24	Junk dealer
3	Junaidi	37	Gold Traders	Ade	27	Trader
4	Yunus	35	Gold Traders	Musfiroh	30	Civil Servant
5	Durip	40	Gold Traders	Sarti	39	Housewife

Source: Interview with community in Kasui Pasar Village

Boys are given freedom by their parents to find a partner because they believe boys have enough skills to manage a gold business. In contrast, daughters will have difficulties managing a gold business without the help of husbands whose profession is the same as theirs. That causes the difference in parents' behavior in finding their soul mate (Interview with Erika, December 22, 2020). Aris said the

same point of view, whereas boys have freedom in choosing a future wife. It does not have to be the person who works as a gold merchant who is the most important of a tribe. It is because he has been equipped with sufficient knowledge to continue the business passed down from generation to generation to build the family's prosperity (Interview with Aris, December 23, 2020).

Based on Table 2 above, several things can note, *First*, Male gold entrepreneurs in Kasui Pasar Village, Way Kanan District, are not required to marry fellow female gold entrepreneurs but fellow Banten tribes. *Second*, He was free to marry the woman of his choice. Of the five male gold entrepreneurs in this research, three have wives who work as traders, one is a civil servant, and one is a housewife.

Urf's Survey on the Practice of Kafaah Marriage in Establishing a Sakinah Family in Kasui Pasar Way Kanan Village

Marriage is a sacred event that humans need to channel their desires. There are various efforts to achieve the primary goal of marriage, one of which is determining a male and female prospective partner (Kusuma, 1990). In determining their life partner, by considering potential partners based on equality between men and women (Sayuti, 2015; Yudowibowo, 2012). Equality in the study of Marriage law is known as *kafaah*, which linguistically means corresponding, compatible, comparable, and similar. In the constellation of Islamic legal thought, *kafaah* means a balance between the bride and groom in terms of morals, social status, and wealth (Dewan Redaksi Ensiklopedi Islam, 2002; Jazari & Hasyim, 2022; Nida, 2022; Sulihkhodin & Asadurrohman, 2021).

Islam recognizes the term *kafaah* or *kufu'*, which means equal or equivalent. In marriage, *kufu'* or *kafaah* can be interpreted as balance and compatibility between the prospective wife and husband so that each candidate does not feel burdened to enter into marriage (Ghozali, 2013, Sholihin, 2021, Munawaroh, 2021). It is the philosophy of *kafaah* in marriage. *Kafaah* is a balance between prospective husband and wife in terms of position (*hasab*), religion (*dīn*), descent (*nasab*), and the like (Azis et al., 2021; Nurcahaya, 2017; Ramelan, 2021; Wildan & Adhkar, 2020).

If men and women have lives that are not far different, it will be easier for them to adapt to each other and live a domestic life as husband and wife (Miftah, 2018). As in Kasui Pasar Village, Way Kanan Regency, the community applies criteria in choosing a life partner. It is believed to strengthen marriage to last and become a harmonious family. By equalizing or harmonizing between male and female candidates, women are seen from the perspective of livelihood and tribe.

The kafaah is where the prospective bridegroom and prospective bride both have the Banten tribe and work as gold entrepreneurs. If both have the same tribe and profession, they can easily find the family's quality, origin, and rank and efficiently manage the family business to realize a harmonious family. It is the goal of this tradition. The ancestors designed this urf to benefit their descendants' lives (Assulthoni, 2018; Wafirah, 2021; Zuhri, 2018).

Based on that, it is clear that the main factor that is the criteria for choosing a mate in Kasui Pasar Way Kanan Village is the profession and tribe. Referring to Prophet Muhammad *saw.* hadith, namely:

وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: (تُنكِحُ الْمَرْأَةَ لِأَرْبَعٍ: لِمَالِهَا، وَلِحَسْبِهَا، وَلِجَمَالِهَا، وَلِدِينِهَا، فَاطْفَرُ بِذَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ) مُتَّفَقٌ عَلَيْهِ مَعَ بَقِيَّةِ السَّبْعَةِ

And from Abi Hurairah ra that the Prophet said: Marry a woman for four things: for her property, for her lineage, for her beauty, and her religion. So choose because of his religion, surely we will be lucky." (Muttafaq 'alaih with the seven Imams) (Asqalani, 1959).

Marriage is the sunnah of the Prophet, and consideration of property (including profession) and descent is common in choosing a partner. The case that happened in the village of Kasui Pasar, made a classification of a person based on profession (livelihood) as a gold entrepreneur and Serang tribe. In addition to the two considerations, the Banten tribe is a religious society. Thus, this tradition is also built by the frame of religious obedience. This tradition has proven to bring goodness and benefit to the family or a couple of gold entrepreneurs from the Banten tribe to achieve a harmonious family.

Islamic teachings promulgate that all human beings are equal. However, it is the religious factor that is the main point in building a harmonious family to obtain a degree of happiness in marriage. As Allah SWT emphasized in His word QS Al-Hujurat verse 13 which reads,

O humankind, indeed we have created you from a male and a female and made you into nations and tribes so that you may know one another. Indeed, the noblest among us in the eyes of God is the most pious among us. Indeed, Allah is All-Knowing (QS. al-Hujurat (49): 13).

Looking at the general meaning of the verse above, humans are of equal rank in front of God. Only piety differentiates humans from one another, not property and lineage. The concept of *kafaah* in marriage is very influential in forming a harmonious family. So far, *kafaah* in marriage is a factor that can encourage the creation of marital happiness and more safety from failure or turmoil in the household.

Religion has shown that in every problem, the consequences must be considered so that family life will continue until the end of life, including marriage. From the information, it is clear that the principle of choosing a partner that Islam wants is religious perseverance and noble morals (Aman et al., 2019). The magnificence of wealth and lineage is the perfecter. Because the superiority of one over the other is based on his piety to God and pious deeds, the hand is willing to hold fast to the religion of God and stay away from the will of lust and lust.

Therefore, there is no doubt that harmony between husband and wife will guarantee harmonious life, success in life, the ability to void rifts, and the destruction of the family. However, in general, the point of view that allows the existence of stratification in the field of marriage still prioritizes the religious aspect (Muhtarom, 2018), meaning that in matters of religion, it is essential to use as a yardstick in determining a decision related to marriage.

Kafaah can also prepare the person of, a man or woman to be more mature and responsible in entering and conducting family life (marriage) (Abubakar et al., 2022). Moreover, this remains how each party can position *kafaah* as a noble teaching that protects its fundamental rights and the fundamental rights of the other party. Indeed, achieving the purpose of marriage is not absolute by the *kafaah* alone, but it can be the primary support.

Several criteria in determining a partner are used as a benchmark *kafaah* so that husband and wife are not reluctant to live life and create harmony in the family. As with religion, belief, property, profession, and lineage (Tihami, 2013). However, religion and morals are the benchmarks in determining a prospective partner.

A strong belief in his religion and good character can lead his partner and family to happiness in this world and the hereafter (Mahoney et al., 2008). However, as time progresses, life becomes more plural and multicultural, so religious and moral qualifications are felt by the community to be insufficient, so other qualifications need that can support family life to be happy as expected by every couple.

However, if referring to a rule of the Islamic law that is the rule of *urf*, by looking at the tradition that has been attached to the community and accepted by the public, especially in Kasui Pasar Way Kanan Village, as well as looking at the purpose or philosophical basis of the tradition to achieve a benefit between both of them are even between extended families, so there is no copy of the Qur'an or Hadith that is violated, looking at the purpose of applying this custom is as an effort to create a harmonious family that has become a tradition from the ancestors them. The community considers it difficult to change the situation because they see the existing conditions attached to the belief. Islam, in principle, does not stipulate that a man can only marry a woman of the same position, both in property and tribe. Islam does not make rules about *kafaah* (Yudowibowo, 2012). However, this is a tradition rooted in society. Because this tradition brings goodness and benefit in their married life so that later this tradition is preserved and institutionalized. The Also consideration for men and women who want to get married is to go well and create a peaceful, safe, and prosperous family atmosphere (Gustiawati & Lestari, 2018).

Based on the author's analysis, with the existence of *kafaah*, the issue of profession or livelihood and tribe should not be an obstacle for the bride and groom. The tractor creates a harmonious family because of religion and good manners. In addition, there is a need for legal relevance related to the concept of *kafaah* that

develops in the Kasui Pasar Way Kanan Village community with the legal concept of kafaah in *munakahat* jurisprudence and the development of the ages.

CONCLUSION

The results of this study indicate that the community believes that marriage equivalence in the profession of gold traders and ethnic Banten is the main factor in the realization of a harmonious family. This local wisdom as *urf sahih* has brought benefits and goodness in their lives and is inherent and accepted by the general public, especially in Kasui Pasar Village. This tradition does not conflict with Islamic law.

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