

Compatibility (*KAFA'AH*) in Islamic Marriage: A Literature Review

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Abstract

The application of the concept of compatibility (*kafa'ah*) is a crucial aspect that should be emphasized by every couple before embarking on the journey of marriage. It holds significance not only in the realm of family but also within the Syariah legal system in Malaysia, particularly when making judgments involving compatibility (*kafa'ah*), such as in cases concerning reluctant guardians (*wali*) and others. The failure to consider and apply compatibility in both the family and legislative domains can have detrimental effects on the family institution. This article discusses the issues surrounding the application of compatibility (*kafa'ah*) based on previous studies. The methodology employed in this study involves analyzing relevant documents. The findings highlight several issues concerning the application of compatibility (*kafa'ah*): firstly, the diversity of criteria regarding compatibility (*kafa'ah*) in Islamic marriages according to *syarak*. Secondly, the absence of specific legal provisions pertaining to compatibility (*kafa'ah*) in the Islamic Family Law Enactment in Malaysia. Thirdly, the variety of criteria utilized in the selection of prospective spouses within society. Consequently, this study implies the necessity of reevaluating the criteria of compatibility (*kafa'ah*) in the selection of prospective spouses in accordance with Islamic law (*syarak*) to ensure its relevance in the present context.

Keywords: *Compatibility (kafa'ah), Importance, Criteria, Issues, Islamic Marriage.*

INTRODUCTION

Islam provides the fundamental criteria for compatibility (*kafa'ah*) as outlined in the Quran and hadith. In Surah An-Nur, verse 24, Allah s.w.t states that good women are meant for good men, and good men are meant for good women. The Prophet s.a.w further emphasized that a woman is married due to these four reasons: wealth, lineage, beauty, and religion. He advised to prioritize religion, as it leads to happiness (Hadith narrated by Bukhari & Muslim). However, despite these basic criteria, the jurists of the four Islamic schools of thought (*mazhab*), namely Syafie, Hanafi, Hanbali, and Maliki, have differing opinions on the specifics of compatibility (*kafa'ah*) (Miza Marwati, 2019). This diversity in criteria is a result of cultural developments, lifestyle changes, and the locality of societies, which continuously shape and evolve the criteria of compatibility (*kafa'ah*) over time (Abdul Hadi Awang, 2020). It is worth noting that variations in compatibility (*kafa'ah*) criteria does not only exist during the time of the previous jurists but also persist in the present day. This is evident from various studies conducted by Rosasmaniza (2003), Munyratul Hidayah (2004), Abdul Munir & Muhammad AR (2017), Puteri Amylia & Suzana (2019), and Indah, Mukhlis & Afni (2021).

Although the evidence (*dalil*) of sanctioning compatibility (*kafa'ah*) exists in the Quran and hadith, a detailed explanation of the rules is not explicitly stated (Syarifah Gustawi & Novia Lestari, 2016). As a result, the concept of compatibility (*kafa'ah*) remains open to interpretation and discussion among scholars. This is evident from the presence of diverse criteria for compatibility (*kafa'ah*) proposed by past and contemporary scholars, as well as studies conducted by Islamic scholars within local communities (Abdul Munir & Muhammad, 2017; Eka Suriansyah & Rahmini, 2017; Ismulyadi, 2016; Munazirah, 2018; Nazaruddin, 2018; Nurcahaya, 2017; Puteri Amylia & Suzana, 2019). The existence of diverse guidelines regarding to criteria of compatibility (*kafa'ah*) has led to confusion, particularly when it comes to making judgments in Syariah Courts, especially in cases involving reluctant guardians (*wali enggan*). These judgments rely solely on the discretion of the judge in determining compatibility (*kafa'ah*) in each case (Miszairi & Mustafa, 2018). Therefore, this study is crucial to identify and address the issues surrounding compatibility (*kafa'ah*) based on previous studies.

DEFINITION OF COMPATIBILITY (KAFA'AH)

Sekufu, a term in the Malay language, refers to the concept of equality of status or position. In Arabic, it is known as الكفاءة (*al-kafa'ah*), which denotes equality, sameness, or equivalence (Al-'Ayad et al.). Scholars generally agree on defining compatibility (*kafa'ah*) within the context of marriage as a balance between a man and a woman based on various criteria. According to juristic perspectives, a man should ideally have a higher status or criteria that are nearly equal to those of the woman. This is because balance is a right for both the woman and her guardian. Islam does not require a woman to be equal to a man in terms of compatibility (*kafa'ah*), as it is customary (*urf*) for a husband not to view his wife as inferior if she has a lower status than him (Zuhaily, 1985; Ana Billah, 2020). In contemporary times, compatibility (*kafa'ah*) refers to achieving a balance, equality, and sameness in terms of position, social status, morality, religion, wealth, and beliefs between prospective marital partners (Ahmad Dahlan & Mulyadi, 2021). Thus, it can be observed that there have been no significant changes in the definition of compatibility (*kafa'ah*) from the past to the present.

THE IMPORTANCE OF COMPATIBILITY (KAFA'AH) IN ISLAMIC MARRIAGE

The lack of compatibility (*kafa'ah*) in marriage often results in family breakdown. The increasing divorce rates can be attributed to couples who lack compatibility or have significant disparities, particularly in their backgrounds, leading to misunderstandings (Nurul Syafawani Rahim, 2023). Although compatibility (*kafa'ah*) may not be explicitly mentioned as the primary factor in divorces, its absence can indirectly contribute to conflicts within the household, ultimately leading to divorce. This is often due to noticeable differences between the husband and wife (Nurhanisah, 2021). Marriages that fail to embrace the principle of equality within the household will encounter difficulties in adjusting to one another (Syarifah Gustiawati & Novia Lestari, 2016). Therefore, the application of compatibility principles between spouses is an essential benchmark for establishing a harmonious household.

According to studies conducted in Western contexts, compatibility or harmony between partners in terms of social aspects such as religion, social class, ethnicity, personality, and education has been found to have a significant impact on marital harmony and overall satisfaction (Houts, 1996; Saggino, 2015).

The compatibility between partners plays a crucial role in establishing positive social interactions between them (Alayi, 2011). Sillars (1984) suggests that shared interests and similar ways of thinking contribute to increased idea sharing and mutual understanding, fostering harmonious communication. Additionally, compatibility in terms of social status helps prevent disrespect of one partner's social standing by the other (Fatimah, 2016).

This indirectly suggests that maintaining a balance of similarities between partners can prevent frequent conflicts within the household (Christina & Matulesy, 2016; Koerner & Fitzpatrick, 2002). Significant differences in thinking, personality, and attitude may lead to incompatibility, making it challenging to find common ground or reach mutual agreements in resolving issues (Dewi & Basti, 2008).

The wisdom of the sanction on compatibility (*kafa'ah*) in a marital union serves the purpose of preserving the bond between husband and wife and prevent the occurrence of divorce. By applying the concept of compatibility (*kafa'ah*), spouses are encouraged to better understand each other's feelings and emotions. The mutual understanding between husband and wife is crucial for creating a harmonious family (Mizairi & Mustapha, 2018). Furthermore, the wisdom in emphasizing compatibility (*kafa'ah*) criteria for men is based on their role as the head of the family, who are responsible for guiding and providing for the family's future. Additionally, compatibility (*kafa'ah*) can establish justice and equality between spouses while elevating the dignity of women (H. Otong, 2017).

THE CRITERIA AND POSITION OF COMPATIBILITY (KAFA'AH) IN ISLAMIC MARRIAGE

The differences in understanding compatibility (*kafa'ah*) can be observed in terms of its criteria and significance within a marriage. This is because there is no specific evidence (*dalil*) in the Quran or hadith regarding the regulation of compatibility (*kafa'ah*) (Syarifah Gustawi & Novia Lestari, 2016). The concept of compatibility (*kafa'ah*) in Islamic jurisprudence (*fiqh*) is viewed differently among scholars from two aspects. Firstly, regarding the position of compatibility (*kafa'ah*) within Islamic marriage. Some scholars, such as al-Tsauri, Hasan al-Basri, and al-Karhi, argue that compatibility (*kafa'ah*) is not a necessary or common requirement for marriage. In other words, they do not recognize the necessity of compatibility (*kafa'ah*) in the marriage.

On the other hand, the majority of jurists (*jumhur*), including the Maliki, Hanafi, Shafi'i, and Hanbali schools, acknowledge the existence of compatibility (*kafa'ah*) and consider it a common requirement in marriage. Secondly, there were differences of opinion regarding the

criteria for assessing compatibility (*kafa'ah*). The Maliki school holds the view that religion and being free from any disreputable attributes as the criteria for compatibility (*kafa'ah*) in marriage. The Hanafi school, on the other hand, includes religion, Islam, free-will, lineage, wealth, occupation, and being free from any disreputable attributes as criteria for compatibility (*kafa'ah*). The Shafi'i school outlines that religion, free-will, lineage, wealth, occupation, and being free from any disreputable attributes should be considered in assessing compatibility (*kafa'ah*). The Hanbali school emphasizes religion, free-will, lineage, wealth, and occupation as the criteria for compatibility (*kafa'ah*) (Nurchaya, 2017). In general, the majority of jurists (*jumhur*) unanimously agree that religion is the primary criteria for compatibility (*kafa'ah*), while there are differences of opinion regarding the other criteria.

The discussion on compatibility (*kafa'ah*) in terms of criteria has evolved over time. For instance, Imam al-Mawardi introduced additional conditions for *kafa'ah* or compatibility beyond what was mentioned by the Prophet Muhammad (SAW) in his hadith. Al-Mawardi included three additional conditions that constitute compatibility (*kafa'ah*) in marriage, resulting in a total of seven criteria that must be met by a man. These criteria encompass religion, lineage, free-will, occupation, wealth, age, and being free from defects or any disreputable attributes (Nazaruddin Yusuf, 2018).

Furthermore, Ibn Qayyim held the view that the concept of compatibility (*kafa'ah*) in marriage is primarily based on religious aspects and the religious qualities of one's partner. Religious qualities entail practicing the commandments of Allah SWT in a righteous manner, being obedient and compliant, and refraining from engaging in forbidden acts in religion. However, other factors such as physical beauty, wealth, occupation, free-will status, and lineage were not considered as criteria for compatibility (*kafa'ah*) in marriage (Munzirah, 2018).

Additionally, according to Sayyid Usman in his book 'Kitab al-Qawanin asy-Syar'iyah', lineage or ancestry holds importance after religion in the selection of a partner. The specific lineage referred to is Sayyid and Syarifah, which signifies individuals who are descendants of the Prophet Muhammad (peace be upon him). According to Sayyid Usman, it is impermissible and prohibited for a Syarifah to marry a non-Sayyid, even if the guardian (*wali*) consents. However, marriages with other lineages are allowed and encouraged, as long as it is approved by the guardian (*wali*) (Eka Suriansyah & Rahmini, 2017).

Indeed, Ibn Hazm holds a distinct perspective from the jurists (*fuqaha'*) when it comes to determining the criteria for compatibility (*kafa'ah*). Ibn Hazm does not acknowledge compatibility (*kafa'ah*) in marriage because he believes that all Muslims are brothers and sisters, as commanded by Allah SWT in Surah Al-Hujurat, verse 10, which states "Indeed, the believers are brothers." Ibn Hazm does not consider the religious qualities of an individual. According to him, a non-righteous person (*fasikh*) can still be considered compatible with a person of good character as long as the non-righteous person (*fasikh*) does not engage in adultery (Ismulyadi, 2016). This clearly demonstrates that changes and additions to the criteria for compatibility (*kafa'ah*) were influenced by the interest and sociological approach of the society during that particular era.

PAST STUDIES ON THE CRITERIA OF COMPATIBILITY (KAFA'AH)

The determination of compatibility criteria (*kafa'ah*) undergoes changes and variations not only in Arab countries but also worldwide, including Malaysia. Islamic communities tend to select their partners based on Islamic law. This is evident in a study conducted by Munyratul Hidayah (2004) on the factors influencing partner selection among Muslim students at

Universiti Teknologi Malaysia (UTM). The study focused on students' perceptions of partner selection factors according to Islam, as well as other contributing factors and how students choose their partners. The study revealed that UTM students use Islamic law (*sharia*) as guidance in choosing a spouse, emphasizing four main characteristics mentioned in the hadiths of the Prophet Muhammad (peace be upon him): wealth, lineage, beauty, and religion. However, there are also additional factors such as maturity, age, level of education, occupation, and ethnicity that influence partner selection among UTM students. The majority of respondents in the study prefer to choose their life partner themselves and believe that falling in love after marriage is better than falling in love before marriage. This highlights the evolving perspectives and preferences among the younger generation when it comes to partner selection within the Islamic context.

Similarly, a study conducted by Abdul Munir and Muhammad Ar (2017) explored the method of partner selection based on recommendations found in hadiths. The study focused on male respondents in Kota Bharu, who expressed their preferences for potential wives who displayed obedience to Allah, the Prophet Muhammad (peace be upon him), and their parents. Additionally, they emphasized the importance of religious values, as a wife with a strong understanding of religion was seen as the cornerstone of family happiness. Physical attractiveness was also considered desirable, but religious values took precedence. Furthermore, the respondents highlighted the significance of a potential wife having a stable job and financial stability, good lineage and having many siblings not a single child, were also mentioned as desirable traits. The respondents expressed preference for personally seeking out potential wives, without interference from others, including their parents.

There were different findings from Ros Asmaniza's study (2003) conducted in Besut, Terengganu, regarding the criteria for selecting partners. The study included both male and female Muslim respondents from various age groups, educational backgrounds, and marital status. The study revealed that age played a significant role in influencing the criteria for partner selection among the Muslim community in Besut, Terengganu. Teenagers tended to prioritize physical attractiveness over religious values when choosing a partner. However, as individuals transitioned into adulthood, they began to prioritize religion over physical attractiveness. The elderly, on the other hand, placed lineage as the primary criteria for selecting a partner. Among the preferred characteristics for potential husband identified by the respondents were responsibility, kindness, and leadership qualities. As for potential wife, the preferred characteristics included a strong religious commitment, an attractive personality, being a virgin, obedience to the husband, and patience. Regarding the decision-making process in choosing a partner, the teenager and adult groups expressed a preference for selecting their own partners. However, the older generation tended to defer to the choice made by their parents. These findings highlight the influence of age on partner selection criteria within the Muslim community in Besut, Terengganu. It demonstrates the shift in priorities from physical attractiveness to religious values as individuals mature, as well as the influence of lineage and parental involvement in partner selection decisions.

The findings of the study conducted by Puteri Amylia and Suzana (2019) provide insights into the partner preferences of male students at Universiti Kebangsaan Malaysia which tend to prioritize partners who possess attractive physical appearances, beautiful, and younger than themselves. This preference is based on their belief that a younger age contributes to a woman's fertility and her ability to bear their offspring. In contrast, female students in the study expressed a preference for partners who are older and financially stable as they believe that such partners can provide a brighter and more organized future for their

households. Additionally, the respondents considered criteria such as good health, kindness and understanding, intelligence, good communication skills, ability in managing the household, and having a university degree to be important factors in selecting a partner.

In Sabah, the practice of selecting a life partner based on customary traditions continues to be prevalent to this day. One such tradition observed in the Bajau community of Kota Belud is known as "*adat ngerasi*," which serves as a means of seeking compatibility between prospective couples. *Adat ngerasi* custom involves parents selecting a spouse through a prediction based on the estimated numerical value of the letters in the names of the prospective bride and groom. According to their belief, *ngerasi* should be conducted prior to engagement to find a suitable match before establishing a household (Azmin Pullong, Saifulazri, Hidayat Hasbollah & Sohaimi Esa, 2022). The result of this prediction, with an odd remaining value, signifies compatibility between the couple, while an even value indicates incompatibility (Aminah, 2016). An odd *ngerasi* is believed to foster compatibility, chemistry in the marriage, harmony, happiness, abundance, longevity, and a lasting marital relationship. Conversely, an even *ngerasi* is believed to bring about chaos, conflicts, suffering, separation, and even death (Musib, 2016).

The customs regarding the selection of spouses vary among the Sungai ethnic group in Ulu Kinabatangan, Sabah. Specifically, the Sinobu ethnic group practices both endogamy and exogamy, while the Sukang ethnic group primarily practices exogamy. Endogamy refers to choosing a spouse within one's own community, while exogamy involves selecting a spouse outside of one's own ethnicity. Despite both the Sungai Sinobu and Sukang belonging to the same ecology ethnicity, they have distinct beliefs and practices when it comes to selecting spouses (Ronnie Stefhannie & Paul Porodong, 2015).

In the district of Keningau, Sabah, interethnic and interreligious marriages are commonly practiced, becoming a cultural norm among the local community (Suraya & Budi Anto, 2020). Similarly, in the district of Kota Kinabalu, marriages across ethnic, religious, and even national boundaries occur, leading to a significant number of mixed marriages (Budi Anto & Saidatul Nornis, 2020). As a result, Kota Kinabalu has the highest rate of mixed marriages in Sabah (Jheains, 2019). These trends indicate a growing acceptance and openness to diverse cultural, religious, and ethnic backgrounds in the marriage practices within these districts of Sabah.

A study conducted in Kecamatan Tampan, Riau, Indonesia, focused on 400 Islamic respondents who were young adults and unmarried regarding the priority in selection of spouses. The study included 200 men and 200 women aged 22 and above, whereby the findings revealed that religious criteria were the foremost consideration for both men and women when selecting a spouse (Indah, Mukhlis, & Afni, 2021). This indicates that gender differences influence the priority given to specific criteria in partner selection among young adults. However, regardless of these differences, religious compatibility remains a crucial factor for the respondents, even though other criteria may have varying levels of importance.

The Mandar ethnic community in Pambusuang, West Sulawesi, Indonesia follows the practice of marital compatibility (*kafa'ah*) for Syarifah women. Within this community, it is a customary and cultural norm to consider lineage when arranging marriages, whether it is to *habaib* (descendants of the Prophet Muhammad) or non-*habaib* individuals. This practice is known as the "*Siri*" tradition whereby it is generally viewed as inappropriate or disapproved (*Mambul*) for an ordinary man to marry a Syarifah woman, as they are descendants of the Prophet Muhammad. However, this prohibition should not be understood as a strict ban or

prohibition; rather, it serves as encouragement for Syarifah women to marry someone who is compatible with their status (Muh. Ridwan & Hamzah Hasan, 2021).

The Arab community in Kraksan Kabupaten Probolinggo, East Java, Indonesia, follows the practice of endogamous marriage, which is considered a mandatory obligation. Marital compatibility (*kafa'ah*) based on lineage (*nasab*) among syarifah (descendants of the Prophet Muhammad) is a specific cultural tradition (*'urf khass*) observed in the region. The necessity for lineage (*nasab*) compatibility (*kafa'ah*) is influenced by considerations of lineage, social status, and religious affiliation. Failure to adhere to this cultural tradition is regarded as a violation of customary principles and may lead to social and familial sanctions or penalties (Ahmad Muzakki, 2017).

THE PREVIOUS STUDY ON COMPATIBILITY (KAFA'AH) FROM LEGAL PERSPECTIVE

From legal perspective, the Islamic Family Law Enactment in Malaysia does not contain specific provisions regarding compatibility (*kafa'ah*). The determination of compatibility (*kafa'ah*) criteria in court cases is entirely left to the discretion of the judges when delivering their judgments (Miszairi & Mustafa, 2018). Consequently, this has led to conflicting decisions, as observed in appeal cases such as Syed Abdullah al-Shatiri v. Syarifah Salmah (1959, Vol. I, II JH) (1959, I MLJ, 137) and Shariffah Noor Fadzillah Binti Syed Idros v. Syed Abdullah bin Syed Alwee (MAL CASE NO. 01007-052-0398-2011).

In the first case, a young woman was married off by her guardian (*wali mujbir*) without her consent, leading her to bring the case to the Sharia Court. The court initially declared the marriage invalid and ruled in favor of the young woman. However, the case was later appealed by the *wali mujbir*. The presiding judge, in his judgment, referred to the writings of Syekh Abdul Kadir Bin Muhammad al-Makkawi's "Mohamed Law of Inheritance, Marriage, and Right of Women" and overturned the previous order. The judge stated that it is permissible for a *wali mujbir* to marry off a young woman without her consent, so long certain conditions are met. These conditions include: no apparent hostility between the *wali mujbir* and the young woman, compatibility (*kafa'ah*) between the man and the young woman, the man's ability to pay the dowry (*mas kahwin*), no apparent hostility between the man and the young woman, and ensuring that the man does not marry off his daughter with an insufficient dowry (*mas kahwin*). The court concluded that these conditions were fulfilled, as the young woman was still a virgin and the man she was married off to belonged to the syed lineage.

In the second case, an individual sought permission for marriage through a judge-appointed guardian (*wali hakim*) due to the refusal of their guardian (*wali*) to approve the marriage with a chosen man who did not belong to the "syed syarifah" lineage. Initially, the presiding judge in the lower court rejected the application, accepting the argument by the grandfather (*wali mujbir*) whereby the chosen man was not compatible with his granddaughter, who belonged to the syarifah lineage. However, the case was appealed to the Shariah High Court on the grounds that there were no other suitable male candidates for marriage. The High Court accepted the appeal and allowed the appellant to marry the chosen man, despite him not belonging to the "syed syarifah" lineage. This demonstrates the existence of conflicting decisions regarding compatibility (*kafa'ah*) at the judgment stage. These conflicting decisions can arise between the Lower Court and the High Court within a state or region, as well as between different states.

The legislation in Malaysia recognizes compatibility (*kafa'ah*) as a commonly acknowledged requirement in Islamic marriage (Miszairi & Mustafa, 2018). According to Shariah law, a marriage without compatibility (*kafa'ah*) is still considered valid as long as both

the guardian (*wali mujbir*) and the woman being married agree to it, as compatibility (*kafa'ah*) is their right. Similarly, in countries like Indonesia, Syria, and Morocco, compatibility (*kafa'ah*) is recognized as a common requirement but not as a condition for the validity of marriage. However, in countries like Jordan and Lebanon, compatibility (*kafa'ah*) is considered a necessary condition for a marriage to be deemed valid. These five countries Indonesia, Syria, Morocco, Jordan, and Lebanon have included provisions regarding compatibility (*kafa'ah*) in their respective Islamic Family Laws (Rafida Ramelan, 2021).

ISSUES ON COMPATIBILITY (KAFA'AH)

After reviewing previous studies, the researcher has identified key issues that can be explored in this study. Firstly, there is a need to examine the various criteria for compatibility (*kafa'ah*) in Islamic marriages according to Shariah. Secondly, it is important to address the lack of specific legal provisions regarding compatibility (*kafa'ah*) in the Islamic Family Law Enactment in Malaysia. Lastly, exploring the diverse criteria employed by individuals within the community when selecting prospective partners.

The diversity in criteria for compatibility (*kafa'ah*) in Islamic marriage according to Shariah.

The selection of a prospective spouse is mentioned in general terms in the Quran. For instance, Surah An-Nur 24:26 states that wicked men and wicked women are for wicked people, while good men and good women are for good people. However, the precise definition of wickedness and goodness are not explicitly provided, allowing for various interpretations and understandings among different individuals. This lack of clarity is supported by the study conducted by Syarifah Gustawi and Novia Lestari (2016), which found that the Quran and hadith do not offer specific elaboration on the criteria for compatibility (*kafa'ah*). Nevertheless, certain hadiths, such as those found in Sahih Bukhari and Muslim, provide guidance from Prophet Muhammad (peace be upon him) on selecting a spouse. These include considerations of wealth, social status or lineage, physical beauty, and emphasis on religious values. Additionally, a hadith narrated by Abu Daud highlights the importance of choosing a wife based on her fertility, specifically her ability to bear children.

Furthermore, the scholars of different schools of thought (*mazhab*) including Shafi'i, Maliki, Hanafi, and Hanbali, hold varying perspectives on the criteria of compatibility or *kafa'ah* in selecting a prospective husband or wife (Nurchahaya, 2021). For instance, the Shafi'i school of thought considers religion, free-will, lineage, wealth, occupation, and being free from disability or any disreputable attributes as criteria for compatibility. The Maliki school of thought emphasizes religion and being free from any disreputable attributes. The Hanafi school of thought includes religion, Islam, free-will, lineage, wealth, and occupation as compatibility criteria. Meanwhile, the Hanbali school of thought includes religion, free-will, lineage, wealth, and occupation as criteria for compatibility (*kafa'ah*). These differences reflect the scholars' own interpretations and independent reasoning (*ijtihad*), which are efforts to consider the best interest of household (Miszairi & Mustafa, 2018). These variations in compatibility (*kafa'ah*) criteria among scholars highlight that factors other than religion are subject to independent reasoning (*ijtihad*) and are considered based on the societal context of their time.

The absence of specific legal provision on compatibility (*kafa'ah*) in the Islamic Family Law Enactment in Malaysia

The Islamic Family Law legislation in Malaysia does not specifically address compatibility (*kafa'ah*) in marriage. The absence of specific provision creates challenges in determining the criteria during court proceedings. As a result, there were inconsistent judgments in cases

involving compatibility (*kafa'ah*) issues, such as the refusal of a guardian (*wali enggan*). The application of compatibility in the Syariah Court is solely at the discretion of the judge, who determines the criteria to be considered. As a result, judgments vary based on the judge's understanding and perspective. For instance, there is a contradiction between the case of Syed Abdullah al-Shatiri vs. Syarifah Salmah (1959, Jld. I, II JH) (1959, I MLJ, 137) and the case of Shariffah Noor Fadzillah Binti Syed Idros vs. Syed Abdullah bin Syed Alwee (MAL CASE NO 01007-052-0398-2011) regarding the criteria of compatibility (*kafa'ah*) based on the 'Syed Syarifah' lineage. In the first case (Syed Abdullah al-Shatiri vs. Syarifah Salmah), lineage is recognized as a criterion for compatibility, while in the second case, lineage is not considered as a criterion. This contradiction exposes inconsistencies within the Islamic legal system in Malaysia, which can undermine the credibility of the Syariah Courts.

The diversity of criteria in selecting potential partners within society.

The rapid advancement of technology has brought about significant changes in the selection criteria for compatibility or *kafa'ah*. This has a profound impact on people's lifestyles and their approach in choosing potential partners. Consequently, within society, there are now diverse understandings and interpretations regarding the criteria of compatibility or *kafa'ah* when it comes to selecting a prospective husband or wife (Rafida Ramelan, 2021).

Compatibility or *kafa'ah* is shaped by the cultural values prevailing within a community. It can vary based on the specific context and surrounding factors (Abdul Hadi Ismail, 2020). In addition to the four criteria mentioned by Prophet Muhammad (peace be upon him) in the hadith, Imam al-Mawardi introduced three additional criteria: occupation, age, and being free from defect or any disreputable attributes. These criteria were introduced to consider the sociological benefits to the community during that era, as highlighted by Nazaruddin Yusuf (2018). Scholars concur that the criteria of compatibility or *kafa'ah* evolve in response to changing circumstances and the prevailing societal perceptions (Nurhanisah, 2022; al-Asqar & U.S., 1997). It is important to acknowledge that the views of contemporary society may differ from those held in the past.

The determination of compatibility criteria is primarily based on religious factors supported by clear evidence (*dalil*). However, other criteria are subject to interpretation of Islamic law (*ijtihad*) with the intention of safeguarding the interest of the household (Miszairi & Mustafa, 2018). Therefore, it is evident that these criteria are susceptible to change over time, influenced by the societal context of a particular region.

Previous studies have demonstrated the evolving nature of spouse selection criteria across different decades (Indah, 2021). In the context of local communities encompassing diverse ethnic groups, such as in Sabah, the issue of ethnic disparities also merits examination when evaluating compatibility in partner selection. Variations in communication during the initial phases of a relationship can pose challenges for couples (Namri Sidek, 2017), which may contribute to higher divorce rates in Malaysia

CONCLUSION

The concept of compatibility (*kafa'ah*) holds great significance in the pre-marital selection of prospective partners. Islam encourages the choice of suitable partners, as outlined by Islamic law, in order to establish harmony within marriages. However, previous studies have highlighted issues regarding the application of compatibility (*kafa'ah*), indicating a need for more comprehensive research on this subject in the future. Future researchers should consider addressing these issues by reassessing the criteria of compatibility in light of the

objectives of shariah (*maqasid syariah*). This would involve examining the factors that influence the changing dynamics of compatibility in the present time. Furthermore, analyzing the decisions made by Shariah Courts concerning the determination of compatibility criteria and exploring the perceptions of the local community regarding partner selection based on compatibility (*kafa'ah*) are also important aspects to be considered. By conducting such research, a deeper understanding of compatibility (*kafa'ah*) and its application in contemporary society can be achieved.

Motivation for this study arises from the critical need to provide clarity in the realm of compatibility (*kafa'ah*) within Islamic matrimonial jurisprudence. The evolving criteria, shaped by cultural dynamics, necessitate a comprehensive analysis to assist contemporary Muslim communities in navigating these complexities. By delving into the historical evolution of *kafa'ah* criteria and juxtaposing them with present-day perspectives, this study aims to shed light on the nuanced interpretations and applications of the vital concept. It aspires to serve as a valuable resource for scholars, practitioners, and individuals seeking guidance in matters of marriage compatibility.

Moreover, this research endeavor seeks to bridge the gap between theoretical discourse and practical application in Syariah Courts. By offering insights and recommendations based on rigorous academic inquiry, it strives to facilitate more informed and equitable decision-making processes in cases involving compatibility assessments. In a broader context, this study aspires to contribute to the ongoing dialogue surrounding Islamic Family Law, fostering a deeper understanding of its intricacies and implications for individual and communities alike. Through this exploration, we aim to facilitate a more inclusive and harmonious approach to marital unions within Islamic legal frameworks.

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Guidelines for Determining Compatibility (*Kafa'ah*) Criteria in Marriage According to *Maqasid Shariah* (GUP-2022-032)

REFERENCE

Al-Quran

Hadith

Ahmad Dahlan & Mulyadi. 2021. Kafaah dalam Pernikahan Menurut Ulama' Fiqh. *Jurnal Pengembangan Hukum Keluarga Islam*. Vol. 2 (3).

Abdul Munir & Muhamad Ar. 2017. Analisis Awal Pemilihan Jodoh Kaum Lelaki di Kota Bharu, Kelantan. *Al-Hikmah*. 9 (1): 3-24.

Ahmad Muzakki. 2017. Kafaah dalam Pernikahan Endogami pada Komunitas Arab di Kraksaan Probolinggo. *Istidlal*. Vol. 1(1): 15-28.

Ahmad Royani. 2013. Kafa'ah dalam Perkahwinan Islam (Tela'ah Kesederajatan Agama dan Sosial). *Al-Ahwal*. Vol. 5 (1): 103-120.

Ana Billah. 2020. Metode Pemilihan Pasangan Dalam Pernikahan Perspektif Kafa'ah Imam Syafie. Tesis Pascasarjana. Universitas Islam Negeri Maulana Malik Ibrahim Malang.

Azmin Pullong, Saifulazry Mokhtar, Mohd Nur Hidayat Hasbollah & Mohd Sohaimi Esa. 2022. Adat Perkahwinan Masyarakat Bajau Kota Belud, Sabah: Penilaian Dari Perspektif Islam. *Journal of Islamic, Social, Economics and Development*. Vol. 7 (47): 283-294.

- Budi Anto Mohd Tamring & Saidatul Nornis Mahali. 2020. Amalan Kahwin Campur dalam Kalangan Masyarakat di Kota Kinabalu, Sabah. *Malaysian Journal of Social Science and Humanities (MJSSH)*. Vol. 5 (9): 149-162
- Dewi, E.M.P., & Basti, B. 2008. Konflik Perkahwinan dan Model Penyelesaian Konflik Pada Pasangan Suami Isteri. *Jurnal Ilmiah Psikologi Gunadarma*. 2(1): 42-51.
- Eka Suriansyah & Rahmini. 2017. Konsep Kafa'ah Menurut Sayyid Usman. *eL- Mashlahah*. Vol. 7 (2): 35-51.
- Emita Saizali. 2022. Sekufu Penting Elak Suami Isteri Bercerai. *Kosmo*. 29 Mei: <https://www.kosmo.com.my/2022/11/08/sekufu-penting-elak-suami-isteri-bercerai/>
- Fakhrurrazi Yusof. 2013. Senarai Pemilihan Pasangan dan Aktiviti Salahlaku Seks dalam Kalangan Peserta Kursus Pra Perkahwinan Islam di Daerah Johor Bahru. Tesis Dr. Fal, Fakulti Pendidikan, Universiti Teknologi Malaysia.
- H. Otong Husni Taufik. 2017. Kafaah dalam Pernikahan Menurut Hukum Islam. *Dosen Fakultas Ilmu Sosial dan Ilmu Politik Universitas Galuh*. Vol. 5 (2): 168-181.
- Houts, R. M., Robin, E. & Huston, T. L. 1996. Compatibility and The Development of remarital Relationships. *Journal of Marriage and The Family*. 58(1): 7-20.
- Indah Puji Ratnani, Mukhlis & Afni Benazir. 2021. Studi Deskriptif Preferensi Pemilihan Pasangan Hidup Antara Pria dan Wanita Pada Dewasa Awal. *Psikobuletin: Buletin Ilmiah Psikologi*. Vol.2 (1): 7-14.
- Jabatan Perangkaan Sabah. 2021. Buku Tahunan Perangkaan Sabah.
- Koerner, A. & Fitzpatrick, M.A. 2002. Nonverbal Communication and Marital Adjustment and Satisfaction: The Role of Decoding Relationship Relevant and Relationship Irrelevant Affect. *Communication Monographs* 69 (1): 33-51.
- Miszairi & Mustafa. 2018. Pensyaran Kafa'ah di dalam Akad Nikah dan Amalannya di dalam Undang-Undang Keluarga Islam di Malaysia. *Prosiding Konvensyen Serantau Pengajian Islam Peringkat Antarabangsa Siri ke-4, 2018*, hlm. 52-69.