

## **SEX MORALITY AS THE ESSENCE OF KAFI'AH IN MARRIAGE ACCORDING TO KITABUN NIKAH AL-BANJARY AND THE COMMUNITY OF BANJAR**

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### **ABSTRACT**

*The purpose of this study is to ascertain the opinions of Shaykh Arsyad al-Banjary regarding the significance of sexual morality as the foundation of kafa'ah, both before and after marriage, the trend inclination of sexual orientation of household residents in Banjar, South Kalimantan. The al-Banjari Kitabun Nikah chapter on domestic sex morals, which was composed in the 17th century in Malay-Jawi was studied. Complementary information from three married participants was used in determining the ethical restrictions on sex in marriage as part of kafa'ah (eligibility at marriage). Having healthy children is one of the objectives of a marriage. The husband and wife must engage in sexual activity for this to happen. This study shows that having sexual*

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*ability is a key component of marriage, and that if one wants to get married, one should find out about one's sexual ability from a medical professional. Many people, however, believe that sex is always about having fun. To ensure that neither partner feels disadvantaged, sexual encounters must be carried out on the basis of mutual needs and liking.*

**Keywords:** *al-Banjari; morality; kafa'ah; sex; wedding*

## INTRODUCTION

One of the things that is closely related to human beings when they are born into this world is the need for love and attention from others. This is why human beings are called social creatures. If a person has attained the age when it is appropriate and worthy to marry, a desire arises within him to start a family. Finding a soul mate or a life companion is a progression of effort that must be prepared carefully and seriously.<sup>1</sup>

Before the arrival of Islam, there was a practice in the Arabian Peninsula called *kafa'ah* (equivalent, comparable, eligibility at marriage)<sup>2</sup>. This proves that *kafa'ah*, which subsequently became a topic of intriguing discussion in Muslim society has a

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<sup>1</sup> Abdul Hadi Ismail, "Kafa'ah In The Muslim Community Marriage : A Study of the Social History of Islamic Law," *Indonesian Journal of Education, Social Sciences and Research (Ijessr)* 1, No. 1 (June 30, 2020): 16, <https://doi.org/10.30596/ijessr.V1i1.4878>; Anwar Hafidzi And Norwahdah Rezky Amalia, "Marriage Problems Because Of Disgrace (Study Of Book Fiqh Islam Wa AdilâtuH And Kitâb Al-Nikâh)," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 13, No. 2 (2018): 275.

<sup>2</sup> The Arabian Peninsula Or Simply Arabia Is A Peninsula Of Western Asia, Situated Northeast Of Africa On The Arabian Plate. At 3,237,500 Km<sup>2</sup>, The Arabian Peninsula Is The Largest Peninsula In The World. Huub De Jonge, "Discord And Solidarity Among The Arabs In The Netherlands East Indies, 1900-1942," *Indonesia*, No. 55 (1993): 73-77, <https://doi.org/10.2307/3351087>.

long historical background.<sup>3</sup> Finding a potential spouse or wife with *kafa'ah* in mind is a process for equal opportunity. Prior to the arrival of Islam, one's nasab served as the benchmark for *kafa'ah* but with its arrival, religion or religious practices became the criterion. Based on the location of the community and other elements in the area, *kafa'ah*, which is a requirement that originated from a culture in a certain civilisation has various features.<sup>4</sup>

In Islam, Noor (2014) stated that marriage which is noble and sacred carries the meaning of worshipping Allah, following the sunnah of the Prophet Muhammad SAW and carrying it out on the basis of sincerity, responsibility, and following legal provisions.<sup>5</sup> In the Republic of Indonesia Law No. 1 of 1974 concerning Marriage Chapter 1 Article 1, marriage is a physical and spiritual bond between a man and a woman as a couple on the basis of the goal of building a happy family (household) based on the One Godhead.<sup>6</sup>

According to Ali Muhtarom (2018), in the Islamic marriage, the idea of *kafa'ah* (equality) strives to prevent the detrimental effects of inequality between husband and wife in terms of looks, heredity, income, and religion. Though caste is a closed social stratification structure that defies Islamic principles, the feature of equality in some ways may have a detrimental impact. The results show that the *kafa'ah* criteria, which do not include religion, may cause socioeconomic stratification and even discrimination in society, particularly in regard to married life. Therefore, it is

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<sup>3</sup> Nadav Samin, "Kafā'a Fī L-Nasab In Saudi Arabia: Islamic Law, Tribal Custom, And Social Change," *Journal Of Arabian Studies* 2, No. 2 (December 1, 2012): 109, <https://doi.org/10.1080/21534764.2012.735456>.

<sup>4</sup> Ismail, "Kafa'ah In The Muslim Community Marriage."

<sup>5</sup> Zanariah Noor & Nazirah Lee, "The Conflict Among Hadrami Arab Community In Malaysia Regarding The Issues Of Kafā'a In Muslim Marriage," *Hawwa* 11, No. 2-3 (2014): 252.

<sup>6</sup> Ainul Ruslan, "Konsep Kafa'ah dalam Perkawinan" (Phd Thesis, University of Muhammadiyah Malang, 2016); Eka SURIANSYAH AND Rahmini Rahmini, "Konsep Kafa'ah Menurut Sayyid Usman," *EL-Mashlahah* 7, No. 2 (2017).

important to revisit the idea of *kafa'ah*, which places a greater emphasis on religion than other factors.<sup>7</sup>

The factors for selecting a potential bride to be a life partner, such as income, status, attractiveness, and religion, are often taken into consideration by individuals. The hadith narrated by Imam Bukhari in Sahih Bukhari stated that:

عَنْ أَبِي هُرَيْرَةَ - رَضِيَ اللَّهُ عَنْهُ - عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: تُنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ لِمَالِهَا وَلِحَسَبِهَا وَجَمَالِهَا وَلِدِينِهَا، فَاظْفَرِ بِذَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ. (رواه البخاري)<sup>8</sup>

Translation: “From Abu Hurairah RA. From the Prophet Muhammad SAW. has said: Women are generally married for 4 (four) things: their wealth, lineage, beauty, and religion. Therefore, choose the one who has a religion, you will be lucky.”

(al-Bukhari)

“Narrated Abu Huraira: The Prophet ﷺ said, «A woman is married for four measures, her wealth, her family status, her beauty and her religion. So you should marry the religious woman (otherwise) you will be a loser.”

The word of Allah SWT in the al-Quran in Surah An-Nur verse 26 which means “Women who are vile are for men who are vile, and men who are vile are for women vile (also), and good women are for good men and good men are for good women (also). They (the accused) are clean of what they (the accusers) are accused of. For them forgiveness and noble sustenance (heaven).”

<sup>7</sup> Ali Muhtarom, “Problematika Konsep Kafa’ah dalam Fiqih (Kritik dan Reinterpretasi),” *Jurnal Hukum Islam*, 2018, 205.

<sup>8</sup> Abd Allah Muhammad Ismail, al-Bukhari, al-Jami’ al-Sahih al-Musnad min Hadith Rasul Allah wa Sunanuhu wa Ayyamuhu no. hadith 4802 (Bayrut: Dar al-Fikr)

A contrasting viewpoint from Qodariyah (2020) states that in a marriage, *kafa'ah* essentially refers to proportionality, compatibility, or equality between the prospective husband and bride. In terms of religion, a Muslim who plans to be married must show complete *kafa'ah*. One of the crucial things to accomplish before getting married is to take into consideration a number of factors, including lineage/descendants, religion, belief, career, freedom, and property. However, many couples nowadays disregard the *kafa'ah* requirements, and many weddings even take place between men and women who have a wide age gap. An old woman with a young guy getting married, for instance, or the opposite.<sup>9</sup>

Of course, in a marriage, there are many problems and obstacles faced in everyday life, including the sexuality of husbands and wives where sometimes questions arise as it involves one's sexual satisfaction. Therefore, marriage cannot be taken lightly as it is associated with a long future until the hereafter. Since it is a big decision, it must be thought out thoroughly and planned as carefully and clearly as possible, Marriage is a human inclination and it is human nature to want to build a happy household.

Maintaining sexual happiness is a crucial aspect in maintaining family stability, which is the main fundamental. Its continuity and stability are at risk if there is a disruption. Psychological factors such as emotional intelligence and spiritual intelligence have an impact on how happy or unhappy a marriage is. The goal of this study was to ascertain, based on *kafa'ah* levels of married women, the link between spiritual and emotional intelligence and sexual satisfaction.

## METHOD

The method in this study used a literature review approach from *Kitab an Nikah al-Banjari* which used the Malay-Banjar language, from South Kalimantan, Indonesia, which was written in the 17th century in Jawi. The research involved asking questions to several married couples to find out their views on the importance of sex

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<sup>9</sup> Qodariyah Barkah And Andriyani Andriyani, "Maqashid Al-Syari'ah Concept Of Kafa'ah In Marriage," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 20, No. 1 (2020): 107.

morality as the essence of *kafa'ah* in marriage. To obtain these data, three married participants who were willing to participate in this study were interviewed. The *Kitab an-Nikāh* by Sheikh Muhammad Arsyad Al Banjari was published by the Islamic Education Foundation in Pagar Martapura, South Kalimantan. References made to this book include *Minhaj al Tholibin wa Umdatul Muftin* by Imam Yahya bin Syarafuddin al Nawawi, *Fathul Wahhab Bisyarh Manhaj al Thullaab* by Imam Abu Yahya Zakaria al Anshori, *Tuhfah al Muhtaaj Bisyarh al Minhaaj* by Imam Ahmad bin Muhammad al Haitami, *Nihayah al Muhtaj Ila Syarh al Minhaj* by Imam Muhammad bin Ahmad al Romlie, *Mugni al Muhtaaj ila Ma'rifati Ma'aani Alfaadz al Minhaaj* by Imam Muhammad bin Muhammad al Khotib al Syarbini.<sup>10</sup>

Al-Banjari discussed *kafa'ah* (equality and rights) in his writings which addressed on how to find a potential spouse or wife even after marriage.<sup>11</sup> The source literature employed is carried out with a qualitative technique in interpreting the findings. Data from numerous husband and wife couples who have managed their family lives and are aware of any disabilities that the husband or wife may have in terms of their sexual life further support this issue. In Islamic law, a woman who is unable to reproduce is permitted to divorce her husband.<sup>12</sup> The morality of sex in question is what is the view of *Kitabunnikah* al-Banjari on the purpose of marriage; whether sex is a necessity or an obligation in a marriage?

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<sup>10</sup> Shi Ahmad, "Pokok Pemikiran Syekh Muhammad Arsyad Al-Banjari Dalam Kitab An-Nikah," N.D.; Maimunah Zarkasyi, "Sheikh Muhammad Arsyad Al-Banjari, Ketokohan Dan Sumbangannya," *Jurnal Pengajian Melayu* 23, No. 1 (2020): 185-218.

<sup>11</sup> Muhammad Arsyad Al-Banjari, *Kitab An-Nikāh* (Martapura Kalimantan Selatan: Yayasan Pendidikan Islam Dalam Pagar, N.D.); Anwar Hafidzi And Eka Hayatunnisa, "Kriteria Poligami Serta Dampaknya Melalui Pendekatan Alla Tuqsitu Fi Al-Yatama Dalam Kitab Fikih Islam Wa Adillatuhu," *Syariah: Jurnal Hukum Dan Pemikiran* 17, No. 1 (2018).

<sup>12</sup> Maria Platt, *Marriage, Gender And Islam In Indonesia: Women Negotiating Informal Marriage, Divorce And Desire*, Vol. 51 (Taylor & Francis, 2017).

## RESULTS AND DISCUSSION

The table below shows the various research data that were gleaned through interviews with married persons in Banjar, South Kalimantan:

<b>Interview indicators</b>	<b>Subject A</b>	<b>Subject E</b>	<b>Subject N</b>
Criteria in choosing a partner	Based on instincts	Hardworking, understanding and responsible	Responsible, kind, and hardworking
Knowledge of <i>kafa'ah</i>	Knowing <i>kafa'ah</i> in marriage	No knowledge of <i>kafa'ah</i>	Not having any knowledge of <i>kafa'ah</i>
Importance of <i>kafa'ah</i>	Not important in choosing an equal partner	Not important in choosing an equal partner	Not important in choosing an equal partner.
The purpose of marriage	To avoid fornication and slander from other people as they are in a relationship.	To have children and build a household like others do.	To avoid sinful acts
The view of sexual dysfunction in one partner	If that happens, seek treatment and if that does not work, then he/she accepts the condition and remain in the marriage	Accept both good and bad in the household. Seek treatment if possible, even though the goal of having children is not fulfilled, he/she accepts the condition and remain in the marriage.	Maintains the household and uphold the original purpose of marriage, which is a form of ibadah.

From the results of the study, it is apparent that the three subjects had different criteria in choosing their partners. It could be concluded that the three subjects chose their partner based on their love and confidence. All three subjects had been in a previous relationship before marrying their partner.

In a hadith narrated by Abu Hurairah R.A., Rasulullah SAW said which means: “*A woman is married for four reasons, because of her wealth, her descendants, her beauty, and because of her religion, then choose a religious woman, you will be happy*”. This is not only meant for men in choosing their life partner, but is also meant for women so that they are able to choose their partner based on these four criteria. Islam strongly recommends that women choose men who are of good character, pious, and obedient in religion. Men who are pious comply to the religion and its laws, they know how to treat their wives, behave well towards their wives and maintain self-respect and uphold the religion.<sup>13</sup>

For some people, the word *kafa'ah* is foreign to them and this was experienced by Subjects E and N. However, when the meaning of *kafa'ah* was explained by the researchers, the two subjects immediately understood the meaning of *kafa'ah* in a marriage. Both subjects did not know the word but were able to understand the concept and its meaning.

From the results of the study, the three subjects had the same view in choosing their partners that is by putting aside the measure of equality in terms of wealth, education, and status of their partners and considering that equality in marriage was not that important as they considered that love was more needed in order to maintain their household and make their marriage harmonious and enduring.

*Kafa'ah* in a marriage is very important as it acts as the foundation and main support in achieving the goal of marriage namely the presence of a *sakinah, mawaddah rahmah* family.

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<sup>13</sup> Barkah & Andriyani, “Maqashid Al-Syari’ah Concept Of Kafa’ah In Marriage,” 107.



*Kafa'ah* is not a legal requirement in a marriage, but *kafa'ah* has an important role in the formation of a harmonious family.<sup>14</sup>

The three subjects have different goals in marriage. For Subject A, he wants to avoid fornication, whereas Subject E, he wants to have children and Subject N has the aim of perfect worship. In Islam, marriage is a noble and sacred form of worship. Therefore, marriage cannot be done haphazardly as it has its own goals. In Islamic law, the purpose of marriage is to serve God, fulfill human desires as it is the law of nature that men and women need each other, maintain the offspring of mankind, carry on with the growth and development of a tranquil spiritual life between men and women thus bringing each closer to the other and foster understanding between groups of human beings to maintain the safety of life.

According to Sheikh Arsyad Al-Banjari in his book titled *Kitab an Nikah*, a woman should marry a man who is in agreement with her. This can be found in pages 37-38 which explains *kafa'ah* in choosing a partner.

حاکم دان منونتوة فرمفوان ایت بهوا د نکاحکن اکنی  
دغن لاکي ۲ یغ تیاد سکوفو مک دنکاحکن اکندی  
اوله حاکم نسچای تیاداله صح نکاحن ملیکنن جک  
ادا سوامین ایت تیاد سکوفو دغندی سبب لمه ذکر اتو  
سبب ترفوتغ ذکر جوا تیاد سبب دغن یغ لاینش مک  
صحله دنکا حکن اوله حکم . دان دمکینلاکی جک  
رضاً ستغه درفدس کمال ولیش یغ برسما ن فدهمفیرن  
دان تیاد رضاً سکلین یغ لاینش مک دنکاحکن اوله

<sup>14</sup> Hanin Adila Muhammad Aminudin and Mustafa Mat Jubri, "The Understanding of Malayisan Society on *Kafa'ah* Concept in Marriage," *Journal of Muwafaqat* 2, No. 2 (2019): 104; Aba Fahmi Roby, "Konsep *Kafa'ah*: Studi Pandangan Habaib di Kabupaten Jember," *Rechtenstudent Journal Uin Khas Jember* 1, No. 3 (2020): 293; Anwar Hafidzi, "Determination of *Sekufu* in the *Kitabun Nikah Al-Banjari*," *Syariah: Jurnal Hukum dan Pemikiran* 21, No. 1 (2021): 125.

سؤراغ درفد مریکنت اکندی دغن رضا فرمفوان  
ایت دنکاحکن اکندی اوله حکم نسچای تیاداله  
صح نکاحن. دان دمکینلاگی جک دنکا حکن اکن  
فرمفوان یغ بکر اوله بفاث اتؤ نینین دغن لاکى ۲ یغ  
تیاد سکوفو دغندی دغن تیاد رضا فرمفوان ایت  
برسو امیکندی نسچای تیاداله صح نکاحن.

Translation: “When the Judge rules that the woman be married to a man who is not equal, and she will be married by the judge, then the marriage is not valid, except if the man is not compatible with her due to the weakness in his penis or there is a cut off and there are no other reasons, it is valid to be married by the judge. In case half the guardians are pleased and the remaining are not, and one of them marries her by the judge to a man even with her consent, the marriage is deemed not valid. If a virgin woman who is married by her father or grandfather to a man who is not compatible with her, without the consent of the woman, the marriage is not valid.”

Linguistically, *kufu* is taken from the Arabic term *kafa'ah* which means equality or equal.<sup>15</sup> *Sekufu* in a marriage is the similarity between a husband and wife regarding religion, power, education, wealth, social status, and others. In marriage, *kafa'ah* is a balance between the prospective wife and the prospective husband so that the two candidates do not hesitate to carry on with the marriage.

Or men who are equal to the prospective wife, for example in terms of position, social status and equal in morals and wealth. A prospective husband must be equal to the prospective wife in terms of position, social level as well as in morals and wealth. Therefore, it is recommended that prospective husbands and

<sup>15</sup> Dadang Jaya, “Bagaimana Relasi Suami–Istri Perkawinan Tidak Sekufu Dalam Profesi: Dampak Terhadap Keharmonisan Keluarga,” *Jurnal At-Tadbir: Media Hukum Dan Pendidikan* 31, No. 1 (2021): 1; Laily Liddini, “Kafa’ah Dalam Pernikahan Perspektif Hadis Nabi,” *Khuluqiyya* 3, No. 2 (2021).

prospective wives get to know each other and learn about each other's attitudes, personalities, and behaviours including religious similarities, suitability of social status, as well as lifestyles

Etymologically *kafa'ah* in marriage means equal, comparable, and appropriate. *Kafa'ah* has different meanings according to the four schools, namely, 1) according to the Hanafiyah school, *kafa'ah* is a form of similarity between men and women in terms of lineage, religion, work, independence, wealth, and piety. 2) according to the Malikiyah school, *kafa'ah* in a marriage is a form of equality between men and women in terms of religion, and is not flawed. 3) according to the Shafi'i school, *kafa'ah* is a similarity between men and women in terms of perfection and shortcomings both regarding religion, lineage, independence, work, and avoiding defects so that it allows women to do *khiyar* to their husbands. 4) according to the Hanabiyah school, *kafa'ah* means an equality between men and women in terms of piety, work, independence and lineage.<sup>16</sup>

In the Qur'an, it is not mentioned clearly that *kafa'ah* is something that is prescribed by Islam.<sup>17</sup> It means that in the religion, it does not require that rich men can only marry rich women, but Islam only gives advice in choosing a good partner to people who want to get married so that there is a balance between them and to avoid any debate about it later. Islam did not stipulate

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<sup>16</sup> Ahmad Muzakki, "Kafaah Dalam Pernikahan Endogami Pada Komunitas Arab Di Kraksaan Probolinggo," *Istidial: Jurnal Ekonomi Dan Hukum Islam* 1, No. 1 (2017): 15; Imam Syafi'i, "Konsep Kafaah Dan Keluarga Sakinah (Studi Analisis Tentang Korelasi Hak Kafa'ah Terhadap Pembentukan Keluarga Sakinah)," *Asy-Syari'ah: Jurnal Hukum Islam* 6, No. 1 (2020): 31; Najmah Sayuti, "Al-Kafa'ah Fi Al-Nikah," *Kafaah: Journal Of Gender Studies* 5, No. 2 (2015): 179.

<sup>17</sup> Amini Aisyah Aisyah Amini, "Konsep Sekufu Dalam Pernikahan Perspektif Al-Qur'an (Studi Atas Penafsiran M. Quraish Shihab Dalam Tafsir Al-Misbah)" (Phd Thesis, Institut Agama Islam Negeri Palopo, 2021); Lely Nur Salma, "Analisis Penetapan Pengadilan Agama Salatiga Dalam Konsep Sekufu Yang Menjadikannya Wali Adlal (Study Penetapan Pa Salatiga No. 0085/Pdt. P/2017/Pa. Sal)" (Phd Thesis, Uin Walisongo, 2019); Hafidzi, "Determination Of Sekufu In The Kitabun Nikah Al-Banjari."

such a rule. As it was laid down by the people, there are different opinions among them. *Kafa'ah* is not a legal requirement in a marriage but it should not be ignored, thus it is recommended that *kafa'ah* be taken into consideration in order to achieve the goals of a marriage.

Marriage can be viewed from two different perspectives. On the one hand, marriage is a religious commandment and on the other, it is one way to channel sexual desires which is permitted by the religion.<sup>18</sup> From this perspective, people who are married can channel their sexual desires and other biological needs naturally. Sexual relations between the husband and wife is a matter that cannot involve only one person but must involve another person as the partner.<sup>19</sup> Sexual relations have certain rules and provisions so that one party does not feel harmed.<sup>20</sup>

As a couple, sexual relations are performed based on mutual needs and must be consensual so that neither party feels harmed. When studied from a biological perspective, sexuality is related to sexual organ functions and other biological processes, as well as procedures in maintaining health, functioning optimally, as a means of recreation, and to obtain satisfaction. If one partner experiences problems or when dysfunction occurs in terms of

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<sup>18</sup> Mohamad Shahbani Sekh Bidinâ And Fauziah Shaffieâ, "Voluntary Sex, Rape And Incest Among Unmarried Pregnant Female Adolescents In Malaysia (Seks Sukarela, Rogol Dan Sumbang Mahram Dalam Kalangan Remaja Perempuan Hamil Tanpa Nikah Di Malaysia)," *Jurnal Pembangunan Sosial* 22 (2019): 51.

<sup>19</sup> Mohammad Heidari Et Al., "Sexual Function And Factors Affecting Menopause: A Systematic Review," *Journal Of Menopausal Medicine* 25, No. 1 (2019): 15.

<sup>20</sup> Bronya Hk Luk And Alice Yuen Loke, "Sexual Satisfaction, Intimacy And Relationship Of Couples Undergoing Infertility Treatment," *Journal Of Reproductive And Infant Psychology* 37, No. 2 (2019): 108.

sexuality, it may result in harm to the partner.<sup>21</sup> In addition to making the partner to feel uncomfortable, other impacts that occur in this case may result in a decrease in quality of life, depression, loss of self-confidence, and the feeling of affection towards the partner may fade away. When someone who is married does not find a compatible match or is dissatisfied with the partner, the person experiencing it is allowed to free himself or herself from the marital bond or in other words, seek for a divorce.<sup>22</sup>

Harmony in a marriage can be achieved by understanding each other, trusting each other, loving each other, communicating with each other, and adjusting to each other. To create a family in marriage, there has to be effort between parties in various components which are as follows 1) on the basis of love, 2) having interest in sexual matters, 3) having a sense of romance, 4) having a sense of responsibility 5) maturity in terms of age and thinking 6) efforts in making adjustment 7) similarities and differences 8) integration 9) good physical and mental health 10) good social and economic relationships.

In other aspects, having sex in marriage is important as it is a form of pleasure and a way to relieve stress and make the couple become closer to each other, but when this cannot be carried out

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<sup>21</sup> Selina Abigail, “Disfungsi Seksual Sebagai Alasan Perceraian (Studi Putusan No. 234/Pdt. G/2020/Pa. Gsg). Program Studi Hukum Keluarga (Ahwal Syakhsyiyah)” (B.S. Thesis, Fakultas Syariah Dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta, N.D.); Nur Inayah Mustari, “Disfungsi Pendidikan Seks Pada Keluarga Korban Kekerasan Seksual Di Kecamatan Pattalassang Kabupaten Takalar” (Phd Thesis, Universitas Negeri Makassar, 2019).

<sup>22</sup> Catharine A. Mackinnon, “Sex Equality: On Difference And Dominance,” In *Theorizing Feminism* (Routledge, 2018), 232. Catherine Guirking, Jérémie Gross, And Jean-Philippe Platteau, “Are Women Emancipating? Evidence From Marriage, Divorce And Remarriage In Rural Northern Burkina Faso☆,” *World Development* 146 (October 1, 2021): 105512, <https://doi.org/10.1016/j.worlddev.2021.105512>; Muhammad Nurohim, Yusuf Hanafi Pasaribu, And Asmayani Asmayani, “The Relationship Between A Wife’s Satisfaction In The Iddah Period With Marriage And Divorce,” In *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, Vol. 21, 2021, 208–18; Guirking, Gross, And Platteau, “Are Women Emancipating?”

properly, it will leave a void and there will be no connection with each other.

*Kafa'ah* is not only about being compatible in matters relating to religion, wealth and social status but also in the quality of sexuality of the couple. For example, a problem of dysfunction of the sexual organs of one of the partners. like the occurrence of sexual dysfunction in the male sexual organ, will result in an inability for the couple to achieve sexual satisfaction. Erectile dysfunction (impotence) is the failure of the organ to achieve an erection sufficient for sexual intercourse. These problems can cause problems in the household as the concept of *kafa'ah* in marriage is not properly reached. However, many people still accept the situation by administering alternative treatments if possible. If the problem still persists even after undergoing alternative treatment, , it is up to the couple whether to continue remaining together and accept it or otherwise. Hence, this is the reason why the researchers are interested in delving into this. issue.

*Kafa'ah* is not a requirement in Islam when searching for a partner, but it is also important and becomes one of the criteria in order to maintain harmony in the household. As explained in the introduction, *kafa'ah* is not only related to beauty, wealth, social status and lineage but *kafa'ah* also includes sexual compatibility in a marriage. Marriage is a way of channelling the sexual desire which is permitted by the religion. In a marriage, many people have the goal of having children, thus to make this a reality, it requires a sexual relationship between a husband and his wife.

However, not all married couples are always successful in their sexual relationship,. There are times when they experience failure, for example, husbands who experience sexual dysfunction such as impotence. In the book on marriages by Sheikh Arsyad Al-Banjari, it is explained that women should marry a man who is devout, but if there is a problem with organ dysfunction in one of the partners, it depends on the pleasure seeking and sincerity of the other partner to accept the condition.

From the interviews conducted, the three subjects agreed to continue to accept their partners and maintain their marital relationship based on love and sincerity and pleasure in accepting

their partners. For the love towards their partner, they will accept the good and embrace the flaws.

## CONCLUSION

This study establishes that suitability or compatibility (*kafa'ah*) in a marriage does not include the criteria of whether the husband's sexual organ is weak, dysfunctional or has been removed. It is up to the couple to make decisions regarding the problem, whether the dysfunction is an issue, and whether they are willing to tolerate these flaws. According to Al-Banjari, getting wonderful sex is the goal of a marriage, but if the party is sincere about his/her sexuality or impotence, and it is lawful and there is no issue. This is similar to the opinion of married women, who prefer to remain together rather than get a divorce despite being aware of the sexual dysfunction of the husband. Many people, however, believe that sex is always about having fun. To ensure that neither partner feels disadvantaged, sexual encounters must actually be carried out on the basis of mutual needs and liking. This is the beauty of *kafa'ah* prior to the marriage if the goal is to have a relationship inner satisfaction. However, if one is old or going through menopause, it is reverted to the original concept in marriage, that is the consent of the husband and the wife.

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