

THE *KAFAAH* CONCEPT OF THE *SAKINAH* FAMILY IN MUSLIM GENERATION BASED ON ISLAMIC LAW

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Abstract

The idea of the sakinah family in the current Muslim generation. This study aims to explain the meaning of the Sakinah family as one of the aims of marriage mentioned in the Qur'an. The aim of the research is to get ideas that can be used in contemporary life besides having a deep understanding of the substantive meaning of the term. The approach method used in this research is normative juridical. The results of the study state that a sakinah family is a family that maintains harmony, peace, and comfort and operates according to legal and religious principles based on the findings of an examination of a number of concepts by contemporary interpreters. Every prospective husband and wife must make early preparations for their marriage, especially those involving moral, material, mental and spiritual abilities, and must be determined to build and maintain family continuity in accordance with religious and social norms in order to realize sakinah family.

Keywords: *Islam; Kafaah; Sakinah.*

A. INTRODUCTION

The benefits of Muslim marriage are covered under Islamic law (*maqid*). According to Islamic tradition, this marriage is a crucial tool in the advancement of the *ummah*. When it comes to the development project, marriage refers to a solid partnership between a man and a woman as spouses who are working to create a happy family based on the core principles of Islam.¹ Islam encourages forming a family, Islam invites people to live under the auspices of a family because family is like a small picture in a stable life which is the fulfillment of human desires without eliminating their needs. The family is a place of nature that is in accordance with the will of Allah subhanahu wata'ala for human life since the existence of the caliph.² Marriage has its own significance and value that is distinct from religious rituals in general.³ Marriage and every endeavor to create a happy family must follow the Shari'ah's laws and guidelines. Muslim husbands and wives thus get near to one another as "the garments to the body". The

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- 1 Nur Ahid, *Family Education in Islamic Perspective*, Yogyakarta, Rajawali Press, 2010, page.74.
 - 2 Ali Yusuf As Subki, *Fiqh Keluarga (Pedoman berkeluarga Dalam Islam)*, Jakarta, Penerbit AMZAH, Cetakan Pertama, 2010, page.23
 - 3 Prasasti Dyah Nugraheni, The Implementation of Marriage Different Religion and Their Due to the Law of The Religion of Marriage Status, *Law and Justic*, Vol. 4, No. 2, 2019, page.68-82

woman is inseparable from her husband's honors, or vice versa. Both success and misfortune are shared amongst them.

The woman is inseparable from her husband's honors, or vice versa. Both success and misfortune are shared amongst them. The person has the woman is tasked with taking care of the household, and they are joined as husband and wife who seek Allah approval to get married.⁴ The smallest social grouping is the family. It is considered to be the cornerstone of creating a good country. The family must be the foundation of this national initiative since it holds the key to the advancement of the country. According to Muhammad Syaltut, "Family is the cornerstone of Ummah. The growth of the family determines the strength or weakness of the foundation. Family and marriage are also privileges that should be appreciated as gifts from Allah. This assertion relates to the Qur'an, "And among His Signs is this that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect."⁵

Based on the idea of doing actual study using the literature, it was discovered that the setting between theory and in practice is very different with regard to how the sakinah family is understood in Islamic law. As a result, the Sakinah family serves as both a biological connection and a setting for their children's instruction and education.⁶

According to the Qur'an, God created everything, including man, in pairs to ensure the planet's survival. As a single created entity, man has a natural inclination for the polar opposite sex. QS Ali-Imran:14 further explains that this was commanded by Allah swt. When two individuals find each other attractive and have a deep emotional connection, it's only natural for them to decide to be married as a means of formalizing and legitimizing their commitment to one another. Marriage between a man and a woman is one of God assigned paths for him to procreate, ensure the survival of the species, ensure the continuity of society, and ensure the continuation of his or her own lineage.

Based on the idea of actual investigation via the literature, it was discovered that there are significant differences between the theoretical and practical contexts for comprehending the sakinah family in Islamic law. So the Sakinah family serves as a location for their children to learn and grow in addition to serving as a biological connection.⁷

According to Law Number 1 of 1974, the purpose of marriage is to create a joyful and eternal family (home) based on Allah the Almighty rules.⁸

4 Abdurrahman L, *Women in Shari a (Islamic Law)*, London, Ta-Ha Syaltut Publishers, 2006, page.65

5 Mohammad Fauzan Ni'ami, Tafsir Kontekstual Tujuan Pernikahan Dalam Surat Ar-Rum: 21, *NIZHAM*, Vol. 9, No. 1, Januari-Juni 2022, page.11-23

6 Siti Chadijah, Karakteristik Keluarga Sakinah dalam Islam, *Rausyan Fikr*, Vol. 14, No. 1, 2018, page.113-128

7 Abdul. Kholik, Konsep Keluarga Sakinah dalam Perspektif Quraish Shihab, *Inklusif*, Vol. 2, No. 2, Des 2017, page.20-40

8 Atun Wardatun and Bianca J. Smith, Woman-Initiated Divorce and Feminist Fiqh in Indonesia: Narrating Male Acts of Nushūz in Marriage, *Ulumuna*, Vol. 24, No. 2, 2020, page.266–295

In the view of Islam, marriage is not merely a civil matter, nor is it a family matter and a cultural issue, but it is also related to religious matters because marriage is carried out to fulfill and comply with the rules of Allah Subhanahu wata'ala and the sunnah of the Prophet Muhammad SAW and carried out in accordance with the instructions of Allah and the Prophet His, marriage begins with the implementation of the *Akad*.⁹ The marriage *Akad* is the halal entry point for Two people in a relationship Create a unitary family in which all members share responsibilities for the upkeep of the home and the community. Function biology, function education, function connections, functions protection, function socialization, and function economic are only few of the responsibilities and functions of family outlined.¹⁰ Family tasks and responsibilities are not to be taken lightly, which is why it is particularly crucial for spouses to work together for the sake of their children. There are a lot of jobs that need to be done in a single household to provide for everyone.

Mature This Lots discovered failed family operate duties and functions the family he has, the anticipated *sakinah* in family frequently failing to materialize. Many families have issues as they become older, and some examples include infidelity, domestic abuse, and adolescent delinquency. Many people turn to divorce as a solution to the difficulties they endure at home, and for good reason. In 2022, there were around 516.34 thousand divorces involving Muslim marriages, an all-time high for the past decade. The rise in divorce cases indicated a growing acceptance of the practice. Even so, divorcing in Indonesia can have serious consequences, especially for women.¹¹ Based on structural feminism theory discussed in this context, there have been legislations or laws that permit women (wife) to file for divorce from their husbands, it is actually a sort of consensus (legitimacy) for them to be more involved in family life. These laws have enabled women to establish themselves as objects instead of just subjects. The woman (wife) no longer experiences diverse treatment and negative attitudes, such as discriminations and stereotypes, in every divorce case that befell them because she has become an object. The aforementioned legislation actually has a gender-neutral spirit if viewed from a gender standpoint. Realizing egalitarian values and family justice is the spirit of the law. In many divorce situations, both men (husbands) and especially women (wives) suffer losses as parties because of the dichotomy and marginalization of rights in the name of gender.¹²

Family problems that eventually lead to divorce are a symptom of a foundation in the family that isn't solid enough to support its members'

9 Henderi Kusmidi, Konsep *Sakinah*, Mawaddah dan Rahmah Dalam Pernikahan, *El-Afkar*, Vol. 7, No. 2, Juli-Desember 2018, page.63-78

10 Wirda Wiranti Ritonga, Roles and Functions of the Family in Islam, *Islam & Contemporary Issue*, Vol. 1, Issue. 2, 2021, page.47-53.

11 Statica Research Department, downloaded from <https://www.statista.com/statistics/705558/number-of-muslim-divorces-in-indonesia/>

12 Maimun, The Women's Rights in Divorce and Discourse of Gender Equality in the Dynamics of Divorce in Madura, *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, Vol. 6, No. 1, January-June 2022, page.468-492

hopes and dreams for the future. Discuss the issues with the Foundation's family choosing method and the resulting effects on the husband and wife's happiness. It's possible that either insufficient votes were cast in the election or because there are more factors that might act as a trigger. The above-mentioned degree of education held by the problematic electoral candidate with whom the writer is inspired.

Results of Study Many studies have been written on this topic; some examples include: "Effort forming Family Sakinah on the Family Memorization Al-Qur'an."¹³ "Family Sakinah in the Study of Islamic Law"¹⁴ and "Many Discussed Studies." Family sakinah was studied by Putri Ayu Kirana Bhakti, Muhammad Taqiyuddin, and Hasep Saputra from the perspective of the Qoran.¹⁵

The purpose of this research is to better understand how *Kafaah*, or Islamic legal education, helps families achieve *sakinah* (prosperity) in Islam. Family sakinah may be achieved by an examination of formal education from an Islamic legal viewpoint.

B. RESEARCH METHODS

The research approach uses normative juridical, normative legal research methods can be interpreted as legal research at the level of norms, rules, principles, theories, philosophies, and legal rules in order to find solutions or answers to problems either in the form of legal vacuum, conflict of norms, or ambiguity norm. Thus the normative legal research method has characteristics as library research or literature research which is different from empirical (non-doctrinal) research methods which are characterized by field research.¹⁶ Because of the qualitative character of this study, library research is the primary data collection technique. The library is a research technique since it houses the sources for the study being conducted, such as books, dictionaries, encyclopedias, journals, papers, periodicals, and so on. Researchers also employ study fields to uncover contextual details relevant to their work. The author of this research collects data using a technique documented in the study's methodology. Researchers use the Quran and hadith as their primary sources, consult a variety of scholarly journals and publications, and conduct in-depth interviews with several sources in order to compile their findings. The data supplied is also reduced, displayed, and verified by researchers to ensure its validity and suitability to the researchers' expectations.

13 Muzalifatul Muna, Moh. Munir, Upaya Membentuk Keluarga Sakinah Pada Keluarga Penghafal Alquran, *Jurnal Antologi Hukum*, Vol. 1, No. 2, Desember 2021, page.65-80

14 Asman, Keluarga Sakinah Dalam Kajian Hukum Islam, *Al-Qadha: Jurnal Hukum Islam dan Perundang-Undangan*, Vol. 7, No. 2, Desember 2020, page.99-116

15 Putri Ayu Kirana Bhakti, Muhammad Taqiyuddin, Hasep Saputra, Keluarga Sakinah Menurut Perspektif Al-Qur'an, *Al Tadabbur: Jurnal Ilmu Alquran Dan Tafsir*, Vol. 5, No. 2, November 2020, page.229-250

16 Yati Nurhayati, Ifrani, M.Yasir Said, Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum, *JPHI: Jurnal Penegakan Hukum Indonesia*, Vol. 2, Issue. 1, February 2021, page.1-20

C. RESULTS AND DISCUSSION

1. Marriage, Its Purpose and Characteristics Sakinah Concept

Wedding in a manner etymology of them interpreted by Muhammad bin Ismail al- Kahlani who stated that Marriage in language is mix and match enter and use in meaning intercourse, as well means contract." Besides in a manner language, definition other can seen in a manner the term conveyed by Abu Zahrah which states that Marriage is unlawful contract association between a man and one girls and each other Help help each other as well as limit things to be rights and obligations each.¹⁷

Marriage, according to Mawardi Al, is "a contract between the prospective husband and wife." In order to grant good wishes in accordance with Islamic law. Because Islam has established so many requirements, criteria, and laws pertaining to married couples' relationships as well as their material, psychological, and familial relationships, marriage may be referred to as a solid agreement. Because love, affection, and trust are the bonds that bind marriage, it is referred to as *mitsqn ghalizhn*. Therefore, even if the love contract is broken, there will still be affection, and if the affection is broken, the parents may still give their children a command that must be supported by the law and the name of Allah.¹⁸

Based on research conducted by Muhammad Fauzan Ni'ami stated that when viewed from the purpose of holding a marriage, the orientation of marriage is to obey God's commands and the realization of a *sakinah, mawaddah, and rahmah* family. This is also recorded in article 2 of the Compilation of Islamic Law which states that marriage is a strong contract to obey Allah's commands. Whereas in article 3 it is explained that the purpose of marriage is to achieve a *sakinah* family life.¹⁹

The use of the word *sakinah* is synonymous with harmonious household conditions which become a complex status in the marital relationship between husband and wife, based on the word of Allah SWT. which reads: "And among the signs of His power is that He created for you wives of your own kind, so that you are inclined to and feel at ease with him, and made Him love and affection among you. Indeed, in that there are signs for people who think" (Q.S. Ar-Rum: 21).

The verse above explicitly explains the creation of human beings in pairs of the same sex and has several different interpretations. The difference lies in the meaning of *sakinah, mawadah, and rahmah*. One of the differences is the understanding of the interpreters on the meaning according to the context. For example, Imam al Qurtubi interprets the meaning of the verse by emphasizing the reproductive function of marriage.²⁰ Meanwhile, contemporary scholars such as Syekh Mutawalli

17 Abu Zahrah Muhammad, *al-ahwal al-syakhsiyyah*, Egypt, Darul Fikri, 1975, page.10

18 M. Quraish Shihab, *The Islam from My Perspective*, Ciputat, Lentera Hati, 2018, page.60

19 Mohammad Fauzan Ni'am, *Op.Cit*, page.11-23

20 Abi Bakr bin Farah Al-Qurtuby, *Al-Jami' Li Ahkam al-Qur'an*, Kairo, Dar Syu'b, 1950, page.14

Asy-Sya'rawi interpret the purpose of marriage by emphasizing the function of marriage as an economic improvement.²¹

Marriage serves as a symbol of husband and wife's commitment to one another and the fulfillment of each other's aspirations. Marriage is a form of obedience to the commands of Allah SWT and Muhammad. In Islam marriage as a means of ensuring the continuity of humanity and the renewal of the caliphate on Earth. further, the Prophet sallallaahu alaihi wasallam also ordered in his words, namely, From Anas bin Malik ra, in fact the Prophet Salla praised Allah and said takbir to him and said: *'... but I pray, sleep, fast, break my fast, and marry women. Who doesn't like my sunnah, then he is not from my group.'* (Muslim HR).

The hadith explains marriage as a form of loyalty to Allah Subhanahu wata'ala and the Prophet sallallaahu alaihi wasallam to control lust and protect oneself from the spread of forbidden lust, biological men need sex or sexual relations with other men. The institution of marriage allows for the proper placement of these obligatory expectations. So that couples no longer need to go elsewhere for financial security. The Prophet sallallaahu alaihi wasallam advised young people to get married immediately.

Marriage in Islam have a value of worship and philosophy, in Islamic Law Compilation, it is explained that marriage is aimed at bringing domestic life *sakinah*, *mawaddah* and *rahmah*.²² The Arabic term "*sakinah*" means "to obtain a defense" and also means calmness, respect, safety, and love. The *Sakinah* family is therefore an extremely excellent family situation, because the ideal is typically uncommon. As a result, it does not occur suddenly. It is backed by strong pillars that initially demand struggle, time, and sacrifice.²³

In addition, the *Maslahah* family is also mentioned in relation to the *Sakinah* family. A family that can provide its essential necessities is the *Maslahah* family bodily, mental, material, moral, and spiritual requirements are among them, as well as bodily and mental demands. Because the issue is the upkeep of fundamental human requirements like religion, soul, property, descent, and reason, this notion is developed from the principles of Muslims as the *Maslahah* family in which people, families, and communities exist.²⁴

Ceremony officialness This is in conformity with the teachings of Allah SWT as seen in Chapter 21, Verse 21 of the Book of the Rum. It takes strong communication and teamwork between all family members, but particularly the husband and wife, to pull off a successful wedding.

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- 21 Syeikh Muhammad Mutawalli Asy-Sya'raawi, *Tafsir Asy-Sya'rawi Juz 18*, Maktabah Shameela, page. 11360
- 22 Alamsyah, Reconstruction of the Concepts of Nusyûz in the Feminist Perspectives, *AL-ADALAH*, Vol. 15, No. 2, 2018, page.293–306
- 23 Ahmad Mubarak, *Family Psychology*, Malang, Madani, 2016, page.120
- 24 Agus Muh. Najib dkk, *Building a Sakinah and Maslahah Family*, Yogyakarta, PSW & IISEP-CIDA, 2006, page.88

Each potential business partner is guaranteed this privilege. According to the criteria they've established, they'll choose a partner prospect.

a. *Kafaah* and Size

Kafaah comes from the Arabic language means equality and balance. kindly term, Muhammad Syatha al- Dimiyati in the book *I'alah at-Thalibin* put forward definition *Kafaah* as following: Something necessary circumstances owned by the candidate husband and candidate wife to produce harmony in a manner Excellent in matter avoid reproach or shame in problem certain in marriage.

Wahbah al- Zuhayli in the book *al- Fiqh al- Islami wow Adillahuhu* state that *Kafaah* means compatibility between candidate husband-wife For avoid shame or reproach in circumstances certain.

Balance and harmony between candidate wife and husband so that each candidate No feel heavy," as defined by Djajaan Nur Dalam in his book *Fiqh Munakahat*, is the key to understanding *Kafaah*. To go through with a wedding. According to the established definition, writer quote from a number of books above, then writer conclusion that knowing *Kafaah* is something vital for the prospective husband and wife to consider in order to achieve harmony and balance in their marriage. So that neither of them will feel burdened by blame or guilt, it is important that they steer clear of certain issues before the wedding.

b. Size *Kafaah*

To ensure a happy and prosperous married life full of sakinah, mawaddah, and rahmah, Islam advises that prospective husbands and wives be compatible with one another. The ease with which you may exercise your legal rights and responsibilities in the home depends on how well you and your partner get along. Academics have divergent views on the importance of size during a wedding. This is what Hanafiyyah scholars say Hanafiyyah scholars agree on 6 (six) things, namely: heredity, Islam, occupation, independence, religion, property. While the Malikiyyah scholars argue as following Malikiyyah scholars only agreed two things, namely religion and circumstances, meaning free from disabled. While the Shafi'iyah scholars that size *Kafaah* he thought are: Shafi'iyah scholars measure *Kafaah* in 5 (five) circumstances, namely: religion or *'iffah* (protecting oneself from heinous acts), independence, descent, freedom from defects, and work.²⁵

As for according to Hanabilah scholars *Kafaah* measured at: Ulama Hanabilah agree on 5 (five) things as well, including: religion, independence, descent, and convenience, meaning property, as well job.²⁶ Opinions *the* above fuqaha explain a number of criteria that can

25 Al-Zuhayli, W, *Fiqih islam wa adillatuhu Jilid 9*, Jakarta, Gema Insani, 2011, page.34

26 *Ibid*

considered by the candidate husband or wife in choose described pair as following:

a. Religion

When making a lifelong commitment, one of the first things to consider is a person's religious background. Muslims are obligated to marry inside their faith. When Muslims marry non-Muslims, their children's names are "then not worth it or comparable"²⁷.

It is founded on the teachings of the Quran Qur'an, Chapter, Verse 221; A.S., "The Mat," Verse 18; and A.N., "The Guide," Paragraph 3. This paragraph explains that a believer shouldn't bother with Muslims until they convert, that an afif lady shouldn't become involved with a kafir man, and that God only forgives adulterers. Hanafiyyah scholars employ the word "knowledge of religion" to refer to their school of thought. However, the Islamic Hanafiyyah school of thought views religious considerations as loyalty in operating rules called syari'at.²⁸

b. Islamic

Hanafiyyah scholars are the only ones who utilize this term, which means they put Islamic law into practice with love and goodness.²⁹ What the Syafi'iyah, Malikiyyah, and Hanafiyyah scholars mean when they discuss topics of faith is already detailed below. This is in accordance with what Allah SWT says in verse 13 of the letter al-Hujurat, and what Rasulullah SAW is said to have stated in the hadith: *from Abu Hurairah ra said : Rasulullah SAW has said : ' every man is son of Adam, and Adam was created from land ''' (Narrated by Abu Sa'ad)³⁰*. According to the Hadith, there is no Because we are all sprung from Adam, we should treat each other with respect. Even Rasulullah SAW married off Fatima bint Qais, a gorgeous, attractive lady from the flawless Quraysh tribe, to Usama bin Zaid, the son of Zaid bin Harithah, his former slave. Bani Bayadah's daughter was to wed Abu Hindun, a skilled artisan and member of the tribe, according to another edict.

c. Independence

The scholars of the Hanafiyyah, Syafi'iyah, and Hanabilah all believe that freedom is a fundamental of *Kafaah*. No sekufu (slavery) in a society of free people. The following is based on a hadith reported by Muslims: *From Aisha ra she said: that Barirah (a slave) is the wife of a slave, when she was freed Rasulullah SAW said to her: 'You may choose to keep your marriage with your husband or divorce him.''' (HR. Ahmad and Daruquthni)*

d. Descendants

27 Abror Khoiril, *Marriage and Divorce in Islam Law* (2nd ed.), Jakarta, Bening Pustaka, 2020, page.35

28 Al-Zuhayli, W. *Fiqih islam wa adillatuhu Jilid 9*, Jakarta, Gema Insani, page.24

29 *Ibid*

30 Nurliana, Metode Istinbath Hukum Muhammad Ibn Ismail Al-Shan'ani Dalam Kitab Subul Al-Salam, *Al-Fikra: Jurnal Ilmiah Keislaman*, Vol. 5, No. 2, Juli-Desember 2006, page.133-174

The Hanafiyyah and Shafi'iyah schools of thought have divergent views on the relative superiority of the Quraysh to the Bani Hashim. Quraysh kufu Hashim, according to the Hanafi school of thought. The Quraysh No sekufu with the women of the Bani Hasyim and the Bani Muttalib, according to the Shafi'iyah³¹ school of thought. Opinion A hadith attributed to Rasulullah SAW states as much: It was narrated from Wailah bin Asqa' that Rasulullah SAW had said: 'Indeed Allah glorified Kinanah over Bani Ismail, and glorified Quraysh over Kinanah, glorified Bani Hasyim over Quraysh, and glorified me over Bani Hasyim. So I am the best of the best (HR. Muslim)

It is known that Rasulullah SAW married his daughters to persons who were not members of the Hashim clan because of the Hadith's explanation of the necessity of seeing line descendants in choosing a spouse. Like Umm Kulthum and Ruqayyah, who wed the Umayyad prince Uthman bin Affan is youngster Umayyah own side acknowledged to have poor social position descended from Bani Hashim? In order to draw this conclusion, the candidate's seeing-eye spouse and the line of his successors' seeing-eye eyes must be able to perceive glory.

e. Treasure

Although classmate Shafi'i has a different perspective on the topic, Treasure is one of the factors considered when choosing a partnership. So that the impoverished don't sekufu with affluent girls, make the *Kafaah* the appropriate size. Rasulullah saw mentioned this in a hadith, thus it must be true: *From Samirah he said: Rasulullah SAW has said: 'nobility is in wealth, and glory is in piety .*

The kufu size is too little for some people. Basically, he believed that affluent people tend to drown in their own success. Sublime for a Virtuous Woman Nothing to worry about, here's the loot. Both Hanafiyyah and Hanabilah scholars stipulate that a man must have sufficient wealth to provide a dowry and support his wife for life. Opinion According to this hadith, Rasulullah SAW gave the following advice to Fatima bint Qais when she came to him with a problem: Fatima bint Qais ra came Rasulullah SAW after finish the iddah on Umar bin Hafsh bin Mughirah and complained regarding proposal Mu'awiyah bin Sufyan and Abu Jahm to himself, then Rasulullah SAW said: As for Abu Jahm, he is someone who doesn't put stick from his shoulders (hold hand). Whereas Mu'awiyah is someone who doesn't own treasure get married with Usamah (HR. Muslim).

The evocative term regarding Poor Mu'awiyah (no treasure) is emphasized by Hanabilah and Hanafiyyah scholars, who explain why the Messenger of Allah forbade Fatima to accept Mu'awiyah's

31 Sabiq, S. Fiqih Sunnah Jil.3 Penerjemah, Noor Hassanuddin, Jakarta, Pena Pundi Aksara, 2006, page.54

request. Even Allah's Messenger, Osama bin Laden, advises his followers to wed outside the faith. Osama was the Prophet's only son and a used slave, but the Prophet recognized his capacity to provide for his family on his own. This hadith furthers the widespread belief that *Kafaah* is only relevant inside a religious context.

f. Work

It means something someone's practice for obtain sustenance in life. Jumhur Ulama, except Malikiyah, I agree that work be one element *Kafaah*. So, when a Woman or his family own work Dear, no sekufu with man who has work low. According to Wahbah al- Zuhayli about work are: high and low something work can be measured from habit public local. So, sometimes work certain according to something public is honorable, however according to another society is A despicable job or low. Basic opinion This is hadith Rasulullah SAW said: *From ibn Umar ra said: Rasulullah SAW has said: All Arabs One each other, ... except craftsman cupping ."* (Narrated by Hakim). Based on the hadith above, then craftsman brooms, coolies, and so on That No sekufu with the girl she is or his family Work as businessman or the like.

g. Free from disabled

Criteria Both the Malikiyyah and Syafi'iyyah schools of thought agree on this. This man's handicapped stunning body means he can only date women who are physically and mentally fit. Disease lunacy, leprosy, and leprosy are three examples of the flaws in issue. However, divergent opinions emerge when the impairment is not so obvious as in cases of blindness, pregnancy, or physical disfigurement. First, the men is not a sekufu and the woman is OK. Second, Hanafiyyah and Hanabilah scholars assert that the crippled are exempt from *Kafaah*, but that women have the freedom to choose whether or not to accept a man as a guardian

2. Formal Education and *Kafaah*

Education is of paramount significance, round-the-clock, since it helps individuals advance in life. The Arabic term for education is *tarbiyah*, which may be broken down into three parts: -, which means increase and growth; -, which means to be huge; and -, which can be broken down into three parts: control dealing, leading, protecting, and nurturing.³² Education, as proposed by S. Nasution, is the process of "teaching and learning patterns of human behavior according to what society expects." According to research,³³ The Indonesian philosopher Hasan Laggulung, on the other hand, describes education as "an action (action) taken by society, culture, or civilization to maintain the

32 Al-Nawawi, *Syarah Saheeh Muslim (6th Ed.)*, Tangerang, Daruh Sunnah Press, 2016, page.43

33 Zaenal Arifin, Sociological Approaches in Islamic Education Study, *STUDIA RELIGIA: Jurnal Pemikiran dan Pendidikan Islam*, Vol. 4, No. 1, Juni 2020, page.131-139

continuation of his life" This is supported by research.³⁴ According to the preceding description, education is a community-based process with explicit aims, objectives, and objects that employs a methodical approach to ensuring the survival of life and civilization. Habits, behavioral patterns, and cultural norms in modern countries are often taught in official and informal settings. According to the majority of people's linguistic, dietary, and personality traits are learned outside of a classroom setting. Education may be divided into two categories: formal and informal. Formal education refers to "all forms of education or training provided in an organized and tiered manner, both general and specific in nature." From kindergarten through graduate school, there is a clearly defined progression of ever more advanced levels of instruction:

a. Kindergarten

It is possible to bypass the first year of schooling, kindergarten (TK), and go straight to the second, elementary school (SD). Young children lack the cognitive maturity to process abstract ideas. Children start to form their identities independently of their families as they begin to explore the world via their five senses and mimic their caregivers. According to³⁵ "the kindergarten teacher treats and trains students in accordance with the theory of child development, while parents treat their children in accordance with the knowledge and experience they have."

b. Elementary School (SD)

Elementary school is the first level of formal education that must be passed. Children at elementary school age (6-12 years), different from children under 6 (six) years n . Elementary school age children are characterized by rapid intelligence development. Approximately the age of 7 (seven) years logical thinking continues to grow and develop rapidly until the age of 12 (twelve) years. At this time the child is able to understand things that are abstract. Therefore, children at this age have been able to understand lessons that require thought and can already be trained to follow light or simple discipline. Elementary school is when children already have a level of experience and knowledge that helps lay the foundation of religion, morals, and personality in accordance with their environment.

c. High school

Children who are at this age are no longer called children. Physical development, intelligence, emotion, and other social characteristics begin to appear, especially at the age of 13 (thirteen) to 15 (fifteen) years. In the development of intelligence, he has entered the stage of perfection with the ability to draw abstract

34 Badru zaman, Didin Hafidhuddin, Endin Mujahidin, Pendidikan Islami Dalam Pemikiran Hasan Langgulung, *Ta'dibuna*, Vol. 7, No. 1, April 2018, page.1-19.

35 Nasikhin, Abdul Ghofur, Rokhmadi, Ulul Albab, Islamic Educational Thought: Zakiyah Darajat's Perspective, *Al-Aulia: Jurnal Pendidikan dan Ilmu-Ilmu Keislaman*, Vol. 8, No. 2, 2022, page.95-107.

conclusions from something he sees or hears.³⁶ Socially, children at this time are more commonly called teenagers, requiring recognition as individuals who exist in society. Physical and emotional development at this time passionate, desire to be acknowledged, needed other people to strengthen their steps. The role of teachers and families is needed in this matter for the safety of youth from slipping into bad social deviations.

d. College

Tertiary Education is the highest level in formal education, in general teenagers who are already in Higher Education can be said to be starting to calm down, in the sense that they no longer have explosive emotions. Intellect and resourceful management abilities begin to look perfect. They enter the gate of early maturity, especially after being in the third level and above. After arriving at this process they have begun to be able to take lessons and live something in their life. A number of level above formal education is level a must education bypassed by someone who wants to own want to own sign or legality education in the form of a diploma. The higher the level of education, the higher the mindset of a person. The level of education will have a different effect on each level by itself.

Education in this case has several functions such as preparing children for a job, providing basic skills, opening opportunities to improve their fortunes, providing development workers, helping solve social problems, transmitting culture, forming social human beings, a tool for transforming culture, and other functions . other school functions such as as a place to entrust children or as a place to entrust youth. From the description above it can be concluded that there are two main functions of education, namely as a transforming power and community renewal. In advances in technology and science, schools play an important role as *agents of change* , namely bringing about social changes. Education is also expected to be able to reconstruct or change and reshape a new society.

Allah SWT with His compassion establishes laws for humans to attract benefit and reject or avoid harm. The purpose of the law is set to maintain *Maslahah dharuriy* , namely: "benefit whose existence is very much needed by life, meaning that human life has no meaning whatsoever if even one of the five principles does not exist."³⁷ to the extent that a law is established with the intention of protecting the aforementioned five values, it is a manifestation of God's grace and love. So it's up to humanity to fight for it. The principles of mashlahah dharuri are codified in the shari'a for marriage. While the goal of *Kafaah* law is to ensure that the principles of marriage are followed to the letter.A

³⁶ *Ibid*

³⁷ Amir Syarifuddin, *Usul Fiqh*, Banten, Kencana Prenada Media Group, 2011, page.65

peaceful home is prized since it is what the law on marriage intends to achieve. Even if the husband has a greater education than his wife, a significant gap in educational attainment is known to cause inequity, disease, and ultimately the breakdown of the family unit. Urgent consideration must be given to whether or not husband and wife candidates are similarly educated. Taking into account the fact that there is no school of thought which recognizes academic training as constitutive of *Kafaah*.

There are a number of reasons why it is not explicitly forbidden in Islamic law to utilize formal education as a determinant of *Kafaah*. Because formal education did not exist during the time period covered by the scholars of the school of thought that set limits on the elements of *Kafaah* that can be used to determine whether or not to marry women under their guardianship, the factor that causes the law of permissibility of formal education to be one of the elements of *Kafaah* cannot be found. Back then, anybody who was interested in learning could sit down with whatever educator they choose to learn from. In this method, he doesn't have to start at the ground floor as today, bypassing Kindergarten and Elementary School on the way to higher levels of education.

The fact that the state does not standardize its educational programs is also a contributing element. The instructor gets to decide what will be covered in class and how it will be organized. The second issue is that after a person has finished his schooling, he does not get a diploma as evidence that they have completed their education. Therefore, such a diploma is unnecessary while applying for jobs. Mature Here, a person's level of formal education is of utmost importance. The desire to learn via conventional means is well known. Getting a formal education opens up a lot of doors for you. Given the aforementioned roles of education, it follows that higher levels of education increase one's chances of finding gainful employment. Higher education increases one's chances of landing a respectable job. Education may be employed as a component of *Kafaah* if it is built on the provisions of *Kafaah* that have been specified by the scholars, namely the sectors of religion, Islam, independence, lineage, money, and labour. The hadith of Rasulullah SAW that forms the basis of 'ashal is as follows: from ibn Umar ra he said: Rasulullah SAW said: Arabs are in complete alliance with each other, ... except for cupping (HR Hakim).

His *furu'*, on the other hand, is a college degree. Its *illat* is that it makes it simple to acquire a respectable work. Therefore, educational attainment may be employed as a *Kafaah* factor because it has the same *illat* as labor. A person's education level will be a determining factor in the sort of job they may expect to get. Implications Equality in Formal Education Levels Realize Family Sakinah

Every family hopes to one day become a *sakinah* family, and many people work hard to make that goal a reality. Among the many qualities that contribute to a *sakinah* family are calmness, harmony, love,

support, and comprehension among its members. There are a variety of things that millennials in the public opinion who favor the development of families should think about and pay attention to while choosing a spouse. To find someone to spend the rest of your life with, you should prioritize his religious beliefs above everything else. An individual's level of maturity is one of the most important considerations when selecting a life mate. This degree of knowledge should be taken into account as a foundational pillar upon which to establish and grow a strong, loving family *sakinah*. Several other assessments of the value of your time spent constructing your family's *sakinah* are open to you.

The Quran and Al-Hadith essentially provide an explanation for the insights of the *Sakinah* family. The significance of the *sakinah* family must be studied by contemporary Muslim families, and it must be performed on a daily basis. The understanding of the *Sakinah* family can also be connected to a number of other fields of science that study family life. Parenting is another skill that parents need to possess. To be in line with the circumstances, the knowledge of parenting has to be thoroughly updated.

It was discovered that, when it comes to comprehending the *sakinah* family in Islamic law, the setting between theory and the real world is quite different. This finding is based on the idea of genuine study via the literature. As a result, the *Sakinah* family serves as a venue for their children's education and instruction in addition to serving as a biological connection. In a family setting when there is excellent communication (*ma'ruf*) and mutual protection, there is harmony. If family members communicate well with one another, the family is considered to be harmonic. Internally, all issues may be resolved simultaneously.³⁸

There is some information needed in order to get joy, calm, and safety. For instance, knowledge in health, nutrition, economics, management, and other sciences is necessary to enjoy oneself. Similar to this, understanding the soul and its complexities is necessary to achieve serenity. Therefore, it is necessary to have understanding of the many components covered under religion. In order to create a *sakinah* family, we thus require a variety of disciplines, not just Islamic law as it is the case now. Because creating a *sakinah* family involves a great deal of information and strategies in addition to seeing and taking into account the legal factors.³⁹

D. CONCLUSION

Kafaah is a prerequisite for a happy marriage since it ensures that neither the husband nor the bride will be unfairly condemned or shamed for any decisions made by either party. The magnitude of the *Kafaah* is debated

38 Zainal Arifin, *Op.Cit*, page.197-211.

39 Khoiruddin Nasution, Arah Pembangunan Hukum Keluarga Islam Indonesia: Pendekatan Integrative Dan Interkonektif Dalam Membangun Keluarga *Sakinah*, *Asy-Syir'ah: Jurnal Ilmu Syariah dan Hukum*, Vol. 46, No. 1, 2012, page.83-108

amongst scholars. Ancestry, Islam, occupation, independence, religion, and money are the six pillars of society that Hanafiyyah thinkers insist upon. When it comes to religion, autonomy, inheritance, freedom from incapacity, and vocation, Syafi'iyah has similar views with Hanafiyyah. Malikiyyah scholars are united in their *Kafaah* solely when it comes to two issues: religion and perfection. Religion, autonomy, lineage, property, and profession are the five other areas where Hanabilah experts may reach consensus. *Kafaah* is obligatory so that peace and harmony may reign inside the home. It is envisaged that the chasm of difference may be reduced by compatibility and harmony in the aforementioned domains. The Sakinah family is a pleasant family form that may convey serenity, comfort, and security while adhering to a vision and goal that has been established in accordance with religious tenets, laws, and principles that uphold all human values. A married couple is feeling in love, respect, and communication between one another. The formation and continuity of the sakinah family are based on guidelines and the implementation of rules, and the fulfillment of the rights and obligations among each family member. These are just a few examples of benchmarks that can be used to determine whether a family is sakinah

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