

# The Necessity for A Guideline In Selection of Marriage Partners Based on the Concept of Compatibility (*Kafa'ah*)

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## **Abstract**

**Purpose :** This aims of this study is to discuss the concept of compatibility (*kafa'ah*) in marriage according to classical Islamic jurists views and from the perspective of informants including Muftis and Islamic scholars, Shariah Court judges, Shariah lawyers, family counselors, and academic experts in family and Islamic jurisprudence (fiqh).

**Design/methodology/approach :** The research methodology is document analysis and interview session with selected informans. Eight informers consisting of experts in relevant fields were interviewed, including Muftis and Islamic scholars, Shariah Court judges, Shariah lawyers, family counselors, and academic experts in family and Islamic jurisprudence (fiqh). The interviews were conducted based on a semi-structured and structured interview protocol. Interview questions were prepared and distributed in advance based on the research objectives to gather information and insight from informants regarding the criteria of compatibility (*kafa'ah*) in marriage. The interviews were conducted face-to-face and recorded. Qualitative analysis of the interview data was conducted using Atlas.Ti software.

**Findings :** The research finding revealed the necessity of proposing guidelines for the selection of marriage partners based on compatibility (*kafa'ah*) as one of the mechanisms to encourage society to achieve well-being and happiness in marriage in accordance with the *maqasid shariah* (objectives of Islamic law).

**Research limitations/implication :** The implications of the study suggest the need to establish guidelines for compatibility (*kafa'ah*) criteria as a practical guidance in choosing spouse. Furthermore it also needed by shariah courts and Islamic religious offices at the state level when dealing with compatibility (*kafa'ah*) related issues.

**Practical implications :** The characteristics of compatibility (*kafa'ah*) discussed by classical and contemporary scholars need to be reexamined to incorporate additional contemporary criteria. This is because the local context and changing times have indirectly influenced the expansion of contemporary compatibility (*kafa'ah*) criteria.

**Originality/value :** The study shows establishing guidelines of criteria of selecting prospective spouse in marriage, based on al-Qur'an, Prophetic Traditions, classical and contemporary Islamic jurists views would be beneficial in educating the public about the principles of compatibility (*kafa'ah*) in marriage.

**Keywords:** Compatibility (*Kafa'ah*), Islamic marriage, family, husband and wife, shariah court.

## Introduction

Compatibility (*Kafa'ah*) serves as Islamic guidance for selection of prospective husband or wife, based on criteria such as religion, lineage, wealth, and beauty. Islamic scholars differ in opinion on the common practice in selection of a spouse based on compatibility (*kafa'ah*). While it is not a mandatory requirement for a marriage, both classical and contemporary scholars emphasize the importance of compatibility (*kafa'ah*) as a guideline in partner selection. In today's society, there is a broader perception on the concept and criteria of compatibility (*kafa'ah*). This article will discuss these issues based on literature review and the informant recommendations regarding the need to establish compatibility (*kafa'ah*) guidelines in Islam.

## Literature Review

### *The Concept of Compatibility (Kafa'ah/kufu) in Islam*

In the Arabic language, *kafa'ah* means similarity and equivalence. It also denotes the equivalence of something with another in all aspects (Al-Jawhari, 1987). When it is said that someone is *kufu* with someone else, it means they are similar to each other. Ibn Manzur (1993) views *kufu* as similarity and equality. From the word *kufu*, the term *kafa'ah* emerges in the context of marriage, signifying that a husband possesses a similar status, religion, lineage, and other relevant attributes as his wife.

Scholars are of the opinion that the meaning of *kafa'ah* in technical terms does not differ from its meaning in the Arabic language. Therefore, in terms of terminology, *kafa'ah* signifies the equality of attributes between a husband and wife to avoid disgrace in certain matters (Al-Mari et al., 2019; Masturi, 2020). The emphasis is on criteria for the husband only and not for the wife. According to the Maliki school of thought, the compatibility (*kafa'ah*) criteria are considered in terms of religion and health, which means there should be no defect that allows for *khiyar* (Al-Zuhayli, 2012), which is an option to rescind the marriage contract. According to the majority of scholars (*jumhur ulama*), compatibility (*kafa'ah*) includes aspects of religion, lineage, freedom (not being a slave), and occupation. The Hanafi and Hanbali scholars have additional criteria, which is wealth or possession of property (Al-Mari et al., 2019; Al-Zuhayli, 2012; Masturi, 2020).

The purpose of commandments on compatibility (*kafa'ah*) in Islamic jurisprudence is to ensure that marriages and marital happiness can be sustained by applying equality between husband and wife, preventing the wife from experiencing disgrace or shame due to her husband's status according to societal norms (Al-Zuhayli, 2012; Masturi, 2020). Scholars unanimously agree that the right of compatibility (*kafa'ah*) is possessed by the woman and her guardian (*wali*). If a woman marries a man who is not compatible, her guardian has the right to request the annulment (*fasakh*) of the marriage. Similarly, if a guardian marries a woman to a man who is not compatible, the woman has the right to request for annulment (*fasakh*) (Al-Zuhayli, 2012). Compatibility (*Kafa'ah*) can be waived by mutual agreement of both parties, namely the woman and her guardian (*wali*) (Al-Sharbini, 1994).

### *Characteristics of Compatibility (Kafa'ah) According to the Views of Classical Scholars*

The classical scholars held different opinions in determining the characteristics of compatibility (*kafa'ah*). According to the Maliki school of thought, there are two characteristics of compatibility (*kafa'ah*), namely, religious practice and free from illness

which would allow for annulment of marriage (*fasakh*) (Al-Mawwaq, 1994). According to the Hanafi school, there are six criteria of compatibility (*kafa'ah*), which include religious practice, being a Muslim, being free (not a slave), lineage, wealth, and occupation (Al-Kasani 1986). The Shafi'i school, highlighted five characteristics of compatibility (*kafa'ah*): religious practice, dignity, freedom, lineage, free from illness which would allow for annulment, and occupation (Al-Sharbini 1994). The Hanbali school also stipulates five characteristics of compatibility (*kafa'ah*): religious practice, being free, lineage, wealth, and occupation (Al-Buhuti 2000). Based on the perspectives of classical scholars mentioned above, the characteristics of compatibility (*kafa'ah*) based on the views of the respective schools can be compared in the following table:

Table 1: Similarities and differences on compatibility (*kafa'ah*) characteristics according to Islamic schools of thought (Mazhab)

Compatibility ( <i>Kafa'ah</i> ) Criterion from Mazhab's views	Religious person	Not a Slave	Lineage	Wealth	Occupation	Dignity	Free from illness which allow for <i>fasakh</i>
Mazhab Maliki	/						/
Mazhab Syafii	/	/	/			/	/
Mazhab Hanbali	/	/	/	/	/		
Mazhab Hanbali	/	/	/	/	/		

Source : Analysis by the researchers 2023

### ***Difference of Opinion Among Scholars Regarding the Requirement of Compatibility (Kafa'ah) in Marriage***

Scholars did not unanimously agree on the requirement of compatibility (*kafa'ah*) in marriage. The first view argues that compatibility (*kafa'ah*) is a condition for making the marriage contract binding but not a condition for the validity of the marriage contract itself. This is the view of the majority of scholars, including the main four schools of thought (Al-Mari et al., 2019; Al-Zuhayli, 2012; Ghiathan, 2015). The condition to make the marriage contract binding means that the contract is valid even if there is no compatibility (*kafa'ah*), but the guardian (*wali*) has the right to seek annulment of marriage (*fasakh*) to prevent disgrace because of the absence of compatibility (*kafa'ah*) (Al-Sharbini, 1994; Al-Zuhayli, 2012). One of their arguments is based on the verse from the Quran:

“And do not marry polytheistic women until they believe. And a believing slave woman is better than a polytheist, even though she might please you. And do not marry polytheistic men [to your women] until they believe. And a believing slave is better than a polytheist, even though he might please you. Those invite [you] to the Fire, but Allah invites to Paradise and to forgiveness, by His permission. And He makes His verses clear to the people that perhaps they may remember.” [Surah al-Baqarah : 221].

The verse mentioned above indicates that non-Muslims are not compatible (*kafa'ah*) with Muslims. Therefore, Islam does not permit Muslims to marry non-Muslims except if they

belong to the People of the Book, which is permissible in the Quran as stated in Surah Al-Ma'idah, verse 5 (Al-Rushaydi, 2018). This demonstrates the importance of considering compatibility (*kafa'ah*) in marriage, particularly in religious aspects. Furthermore, Islam has established a general guideline for marriage partner selection by emphasizing a righteous and virtuous partner (Al-Rushaydi, 2018).

Allah SWT mentioned in the Quran regarding compatibility (*kafa'ah*) as follows:

Vile women are for vile men, and vile men for vile women. Good women are for good men, and good men for good women; such are innocent of that which people say: For them is pardon and a bountiful provision [Surah Al-Nur: 26].

Furthermore, in the following verse:

O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted. [Al-Hujurat: 13]

These verses indicate that those who are pious have a precedence in the sight of Allah SWT compared to those who are not pious. Therefore, compatibility (*kafa'ah*) in marriage, especially in terms of religion, should be considered based on these Quranic verses (Masturi 2020).

Allah SWT further mentions in the following verse:

And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed, those are signs for a people who give thought [Ar-Rum: 21].

This verse indicates that the purpose of marriage is to attain tranquility, love, and mercy from one's spouse. Therefore, compatibility (*kafa'ah*) should be considered in marriage because these objectives cannot be achieved without it (Ghiathan, 2015).

Furthermore, this perspective is also supported by the actions of the Prophet Muhammad (peace be upon him), who gave Barirah, a slave who had been granted freedom by Aishah (may Allah be pleased with her), the choice of whether to remain in her marriage or leave it because her husband was still in a state of servitude. She chose to separate from her husband (Al-Bukhari 1993; Muslim 2006). If compatibility (*kafa'ah*) were not a requirement in the marriage contract, then the Prophet Muhammad (peace be upon him) would not have allowed Barirah to separate from her husband, who was not compatible with her after she had been freed (Al-Zuhayli, 2012; Ghiathan, 2015; Masturi, 2020).

There is a hadith from the Prophet Muhammad (peace be upon him) that means:

"When someone comes to you with a proposal, and you are pleased with their religion and character, then marry them. If you do not do so, there will be great harm (*fitnah*) and corruption on the earth." (Al-Tirmidhi, 1975. Kitab al-Nikah. Bab ma ja'a fi istihbab al-nikah liman taqat nafsuhi ilayhi. Hadith No. 1084).

This hadith clearly emphasizes compatibility (*kafa'ah*) in terms of religion as a necessary condition for accepting a marriage proposal. If there is no compatibility (*kafa'ah*) in this aspect, then the proposal is not obligatory to be accepted (Al-Zuhayli, 2012; Masturi, 2020). The Prophet Muhammad (peace be upon him) further mentioned:

"People are like the mines of gold and silver. The best among them in the pre-Islamic period are the best in Islam if they gain knowledge" (Al-Bukhari, 1993. Kitab al-Ilm. Bab fadl talab al-ilm al-naf wa ta'limih. Hadith No. 71; Muslim, 2006. Kitab fadail al-sahabah radiyallah anhum. Bab Uthman ibn Affan radhiallahum. Hadith No. 2380).

This hadith demonstrates that each human being is different and their status is not the same as the silver and gold which varies in its quality (Al-Zuhayli, 2012). Therefore, compatibility (*kafa'ah*) is something that should not be taken lightly to avoid incompatibility in marriage. From a logical perspective, a marriage that is based on compatibility would naturally facilitate adaptation and adjustment between the husband and wife due to their similarities. If the husband is not compatible with the wife, it can lead to a loss of respect from the wife towards her husband. This situation can weaken the relationship between them and may lead to divorce because the objectives of marriage are not being met (Al-Zuhayli, 2012).

The second perspective is that compatibility (*kafa'ah*) does not need to be considered at all in a marriage contract. This is the view held by Ahmad in one narration, the Zahiri school, Ibn Hazm, al-Karkhi, al-Hasan al-Basri, as well as the views of Sayidina Umar, Umar Abdul Aziz, Ubayid Ibn Umair, Hammad Ibn Abi Sulaiman, Ibn Sirin, and Ibn Aun (Al-Mari et al., 2019; Al-Zuhayli, 2012; Ghiathan, 2015). This view is substantiated by the following verse of Allah SWT, which means:

O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted. [Al-Hujurat: 13]

This verse indicates that all human beings originate from the same mother and father, and there is no distinction among them except in their piety and righteousness towards Allah SWT. Therefore, there is no need to differentiate between one individual and another when selecting a spouse for marriage because the quality of piety and righteousness (*taqwa*) will ensure harmony and integrity within the family.

The saying of the Prophet Muhammad (peace be upon him) further means:

"Your Lord is one and your father is one. There is no preference for an Arab over a non-Arab, nor for a non-Arab over an Arab; neither is the white superior over the black, nor is the black superior over the white; none have superiority over another except by piety and good action." (Ahmad, 2001. Musnad al-Mukthirin Min al-Sahabah. Hadith No. 22978).

This hadith illustrates that every human being is the same and there is no superiority from a group of people compared to other races except in their piety and righteousness. However, this view is criticized as the meaning of the mentioned text refers to equality in terms of

rights and responsibilities. This is due to the fact that in Islam, each person has the same rights and responsibilities therefore, each individual right must not be differentiated based on their race or skin color. This is because there are differences among human beings, such as differences in their provision and level of knowledge (Al-Zuhayli, 2012).

Based on the realities of life, humans are seen to have differences in terms of their positions and social status. These differences are not considered contradictory to human nature, customs, and religion (Al-Zuhayli, 2012). Among the other arguments for this second perspective are those based on narrations that show that the Prophet Muhammad (peace be upon him) instructed Rabi'ah al-Aslami to marry an Ansari woman even though he himself did not possess wealth to offer as dowry and provide for his wife (Ahmad, 2001). Additionally, the Prophet Muhammad (peace be upon him) also instructed a Qurayshi woman named Fatimah binti Qais to marry Usamah, who was a former slave and had dark skin (Al-Nawawi, 1972; Muslim, 2006). This demonstrates that *kafa'ah* is not a requirement in marriage because if it were a requirement, the Prophet Muhammad (peace be upon him) would not have ordered these marriages to take place (Al-Zuhayli, 2012). Another basis for this argument is the fact that in the punishment of retaliation (*qisas*) for criminal offenses, human blood is considered equal regardless of differences in status, race, or skin color. Therefore, human status is equal in marriage just as it is in criminal punishment (Al-Zuhayli, 2012).

However, this argument has been countered by those who disagree, stating that there are differences between criminal punishment and marriage issues. This is because in criminal punishment, the preservation of the well-being of society as a whole is the concern, aiming to protect society from criminal acts. In contrast, marriage only involves the well-being of the husband and wife to ensure that their marriage remains intact and does not face any problems. The imposition of compatibility (*kafa'ah*) can help achieve this purpose. Therefore, the stance on equality of individuals in criminal punishment is not applicable on the issue of marriage (Al-Zuhayli, 2012).

### ***Literature Review on Compatibility (Kafa'ah) Criteria***

Future studies can expand upon various other criteria when considering the selection of a lifetime partner (Zamali et al., 2014). This is because compatibility, or *kafa'ah*, is influenced by cultural values within a society. It also has different criteria depending on the locality of the community and its surrounding societal factors (Ismail, 2020). Therefore, Miszairi and Mustafa (2018) suggest that there is a need to reevaluate the characteristics of compatibility, or *kafa'ah*, based on the criteria understood by traditional Islamic jurists (*fuqaha'*), adapting to the changing conditions and modern circumstances of the present time. The Irsyad Al-Fatwa Series No. 315 also suggests that other factors should be considered today, which include local custom, political alignment, national issues, and family background. Therefore, if there is a lack of political alignment between two individuals who wish to enter marriage, this could have negative implications throughout the duration of marriage, such as continuous conflicts or even divorce. Therefore, compatibility (*kafa'ah*) in political matters should also be considered before establishing a marriage.

In today's society, Muslim communities are more inclined to choose their lifetime partners based on Islamic law (*shariah*). This is illustrated in a study conducted by Munyratul Hidayah (2004) regarding the factors influencing partner selection among Muslim students at Universiti Teknologi Malaysia (UTM), Malaysia. The study focused on students' perceptions

of partner selection factors according to Islam, other influencing factors, and how students choose their partners. The study found that UTM students use Islamic guidelines in choosing a spouse, based on four main characteristics by the Prophet Muhammad (peace be upon him) in the *hadith* : wealth, lineage, beauty, and religion. However, there are also other factors such as maturity, age, education level, occupation, and ethnicity that influence partner selection among UTM students. The majority of respondents in the study prefer to choose lifetime partners themselves and believe that being in a relationship after marriage is better than engaging in premarital relationships.

Similarly, a study by Abdul Munir and Muhammad AR (2017) regarding partner selection methods based on the recommendations found in *hadith* (sayings of the Prophet), revealed that on average, male respondents in Kota Bharu, Kelantan in Malaysia, prefer potential wives who are obedient to Allah SWT, the Prophet Muhammad (peace be upon him), and their parents. Respondents also prefer their prospective spouse to have a beautiful appearance; however they prioritize religious values. This is because a wife with a strong religious understanding is seen as the pillar of happiness in a family. Furthermore, respondents also value their prospective spouses who have a stable occupation, financial stability, good lineage, and come from large families rather than being the only child. Moreover, male respondents in Kota Bharu also express a preference for finding a spouse on their own without interference from others, including parents.

This is in contrast with the study conducted by Ros Asmaniza (2003) in Besut, Terengganu in Malaysia, regarding partner selection criteria. The study involved male and female respondents who were Muslims and varied in age, education level, and marital status. The study found that age is a determining factor in partner selection criteria among the Muslim community in Besut, Terengganu. Teenagers tend to prioritize physical attractiveness over religious factors when choosing a partner, while the older group prioritize religion over physical appearance. Meanwhile for senior people, prioritize lineage as the primary criteria in partner selection. Among the characteristics of a potential husband that were preferred by the respondents are responsibility, compassion, and leadership. As for potential wives, respondents prefer those with a strong religious commitment, attractive character, virginity, obedience towards their husbands and patience. In selecting lifetime partners, teenagers and young adults prefer to choose their own partner, while older ones are more inclined to choose a partner selected by their parents.

The study conducted by Puteri Amylia and Suzana (2019) indicates that male students at Universiti Kebangsaan Malaysia are more inclined to choose potential partners who are physically attractive, beautiful, and younger than them. This is because they believe that a younger age can impact a woman's fertility and her ability to bear their offspring. On the other hand, female students prefer partners who are older and financially stable to ensure a brighter and more stable future in their households. Other criteria that respondents prioritize include good health, kindness, understanding, intelligence, effective communication skills, good household management, and a university graduate.

The study conducted by Indah, Mukhlis, and Afni (2021) regarding preference on partner selection among young adults, both male and female, in Kecamatan Tampan, Riau Indonesia, involved 400 Muslim respondents. There were 200 males, and 200 females aged 22 and above who were unmarried, showing that religious criteria are the top priority in the selection of a lifetime partner for both genders. It can be concluded that gender differences influence

partner selection criteria among young adults. However, religious criteria remain the top priority for respondents, even though their preferences may differ for other criteria. According to a study by Rafida Ramelan (2021), the concept of compatibility (*kafa'ah*) in family law in Indonesia is considered a common condition and not a legal requirement for a marriage to be valid. This perspective is also similar in Syria and Morocco. However, some Islamic countries like Jordan and Lebanon do consider compatibility (*kafa'ah*) as a legal requirement for the validity of a marriage. All five countries—Indonesia, Syria, Morocco, Jordan, and Lebanon respectively incorporate the concept of compatibility (*kafa'ah*) in their Islamic family law provisions.

In Malaysia, there are no specific provisions regarding compatibility (*kafa'ah*) in the Islamic family law enactments (Miszairi & Mustafa, 2018). Therefore, the practice in Shariah courts is left to the discretion of the judges to determine the criteria to be considered in compatibility (*kafa'ah*) cases (Miszairi & Mustafa, 2018). The determination of criteria of compatibility (*kafa'ah*) has become challenging at the current time, whereby technological advancements highly influence the lifestyle and selection of prospective partners. This has led to a diverse understanding among the public regarding compatibility (*kafa'ah*) criteria in spouse selection. This issue has been illustrated in the case of Shariffah Noor Fadzillah binti Syed Idros vs. Syed Abdullah bin Syed Alwee Civil Case No. 01007–052-0398-2011), at Shariah Lower Court at Pontian, Johor, Malaysia, whereby the judge in the Lower Court accepted the argument that Syed-Syarifah lineage is a criteria for compatibility (*kafa'ah*). However, when the case was appealed to the High Court, the judge ruled that Syed-Syarifah lineage is not a criteria for compatibility (*kafa'ah*) which would allow the guardian (*wali*) to nullify the marriage. Provisions related to compatibility (*kafa'ah*) and its criterion are not explicitly stated in provision of Islamic family laws of Malaysian states.

Nurhanisah et al. (2021) found that while the issue of compatibility (*kafa'ah*) is not explicitly listed as the primary factor leading to a divorce, its absence can indirectly contribute to conflicts in marriages, potentially leading to divorce. This stems from significant differences among the spouses. The researcher also identifies religion, education, economics, and age as among the criteria for compatibility (*kafa'ah*) in contemporary times. Miszairi and Mustafa (2018) opined that it is appropriate to review the criteria of compatibility (*kafa'ah*) as understood by the traditional Islamic scholars (*fuqaha'*) to adapt to changing circumstances and modern times. Rafida's study (2021) found that while compatibility (*kafa'ah*) originally encompassed factors like wealth, lineage, beauty, and religion, as time has progressed, this concept has been expanded to include various other factors such as age, occupation, education, and religious standard..

According to Western studies, the chemistry or similarity between partners in terms of social aspects such as religion, social class, ethnicity, personality, and education has a close relationship with enhancing the harmony of a marriage and achieving a high level of satisfaction (Houts, 1996; Saggino, 2015). The chemistry between partners does have a significant influence on cultivating good social interactions between them (Alayi et al., 2011). According to Sillars et al. (1984), similarity in interests and thoughts leads to the sharing of ideas and opinions therefore creating harmonious communication. Additionally, similarity in social status prevents the exchange of insults related to social status (Fatimah, 2016). This indirectly suggests that having a balance of characteristics between partners can prevent frequent conflicts in marital relationships (Christina & Matulesky, 2016; Koerner & Fitzpatrick, 2002). A striking difference may lead to incompatibility in terms of thinking,



personality, and attitude, which may lead to difficulty in finding common ground or mutual agreement in resolving issues (Dewi & Basti, 2008).

Based on past studies, it is evident that there are diverse guidelines regarding the criteria for compatibility (*kafa'ah*). Furthermore, there is a lack of specific legal provisions regarding compatibility (*kafa'ah*) in the Islamic family law enactments of the states in Malaysia. Additionally, the determination of compatibility (*kafa'ah*) criteria is constantly changing with the passage of time. Therefore, it is justifiable to establish guidelines for compatibility (*kafa'ah*) criteria based on Islamic law with consideration of the changing factors in the present time. These guidelines can be utilized in the Shariah courts and state Islamic religious offices to address issues regarding compatibility. Moreover, this guideline can further educate the community about the concept of compatibility (*kafa'ah*) in marriage.

### **Method**

This study employs document analysis and semi-structured interviews.

### **Document Analysis**

Document analysis involves the study of documents related to the concept and criteria of compatibility (*kafa'ah*) in marriage from the perspective of Islamic law (*shariah*) and Islamic family law. The examined documents include both classical and contemporary Islamic jurisprudence (*fiqh*) books that discuss the concept of compatibility (*kafa'ah*) in marriage, Islamic family law enactments of state governments, articles in journals and proceedings that discuss compatibility (*kafa'ah*) issues in marriage, and research reports by local and International scholars and researchers related to compatibility (*kafa'ah*).

This document analysis is essential to obtain a comprehensive literature review on the criteria of compatibility (*kafa'ah*) in marriage from the perspective of Islamic law and current practices in Malaysia and other countries..

### **Semi-structured Interviews**

Eight informers consisting of experts in relevant fields were interviewed, including Muftis and Islamic scholars, Shariah Court judges, Shariah lawyers, family counselors, and academic experts in family and Islamic jurisprudence (*fiqh*). The interviews were conducted based on a semi-structured and structured interview protocol. Interview questions were prepared and distributed in advance based on the research objectives to gather information and insight from informants regarding the criteria of compatibility (*kafa'ah*) in marriage.

The interviews were conducted face-to-face and recorded. The interview data were later analyzed qualitatively using Atlas.ti software. The analysis of interview data allowed the researcher to gain in-depth and detailed information regarding the experts' view on the necessity and recommendation to establish guidelines for criteria on marriage compatibility (*kafa'ah*) in Malaysia according to *maqasid syariah* (Objectives of Islamic law).

### **Findings**

The conclusion from literature review, based on the views of classical and contemporary scholars, has demonstrated the importance of compatibility (*kafa'ah*) in the selection of spouses. Nowadays, it is evident that in-depth research on guidelines for compatibility (*kafa'ah*) criteria is necessary, as supported by the informants in this study, as discussed below:

***Kafa'ah Guidelines to Assist Judges and Religious Officials***

Interviews with informants revealed the necessity of establishing guidelines for compatibility (*kafa'ah*) to assist judges in making decisions related to issues related to compatibility (*kafa'ah*) in Shariah court. This was suggested by a respondent, as stated in the following excerpt:

*"... there is a need to create a guideline to determine the criteria of compatibility (kafa'ah) in Islamic marriages, and perhaps these guidelines can be formulated as Practice Direction (Arahan Amalan) that can serve as a reference for judges in deciding cases involving issues on marriage compatibility (kafa'ah)." (Informant 1).*

This guideline needs to be established because usually in cases of applications for verifying marital status and applications for marriage dissolution (*fasakh*) due to the guardians (*wali*) refusal or *adhal* (preventing the marriage) in giving consent, judges decide these cases based on the compatibility (*kafa'ah*) between the prospective partners. According to Miszairi & Mustafa (2018), the role of compatibility (*kafa'ah*) in the marriage contract can be understood as a mechanism to balance the rights of a guardian (*wali mujbir*) who has the authority to marry off his daughter without her consent and the rights of a virgin daughter who wishes to marry using the court-appointed *wali* as her guardian, if her paternal *wali* refuses or is reluctant. This matter is viewed within the context of the school of thought that considers the guardian (*wali*) as a condition for the validity of a marriage contract, such as in the Shafi'i school of thought. It is stated as follows:

*"...example of application for verifying marital status or application for marriage dissolution due to the issue of incompatibility or the guardian's (wali) reluctance or refusal, then the criteria of compatibility (kafa'ah) will arise in the court, therefore it would be easier if there were guidelines that could serve as a reference for judges to determine whether someone is compatible or not" (Informant 1).*

The above view aligns with Miszairi and Mustafa (2018), who argue that there is a need to review the criteria of compatibility (*kafa'ah*) according to Maqasid Shariah because the absence of specific compatibility (*kafa'ah*) guidelines contributes to inconsistent court decisions. Furthermore, Zamali et al. (2014) and Ismail (2020) also believe that the criteria for compatibility (*kafa'ah*) need to be reassessed because the public's perception of spouse selection varies and is influenced by local cultural values and changing times.

The guideline on compatibility (*kafa'ah*) are necessary because decided cases in Shariah courts have shown inconsistency in judges' decisions (Miszairi & Mustafa, 2018), leading to cases that originated in lower Shariah court levels being appealed up to the Shariah Court of Appeals, as stated below:

*"The case of Ramli bin Abdul Rahman against Marlia Akma Binti Ramli ... the case started at the lower Shariah court level because the guardian refused. The guardian (wali) did not agree to marry her due to incompatibility. Then the lower court allowed the marriage application under the court appointed guardian (wali hakim), and it was appealed by her father, at the level of her guardian, at the High Court which upheld the previous decision, and it was further appealed at the Shariah Court of Appeal." (Informant 1)*

The guidelines on compatibility (*kafa'ah*) are highly essential for the use of Shariah judges and court registrars who deal with cases or issues related to the determination of compatibility (*kafa'ah*). Moreover, the study's informants suggested that these guidelines should be made into a practice direction, as stated below:

"We don't have any guidelines in the court to determine what compatible (*kufu*) is, how compatible (*kufu*) is, and what are the criteria for compatibility (*kafa'ah*) in marriage. It is highly necessary to establish such guidelines. If I were in the registration department, the appellate department would highly appreciate the establishment of a working paper related to the concept and guideline to be developed into a practice direction." (Informant 1)

### ***Guidelines on Kafa'ah for Guardians and Prospective Spouses***

Islam strongly encourages a person who has intention to marry to choose their partner based on compatibility (*kafa'ah*) criteria because it will assist them in choosing a suitable and compatible partner to attain a successful marriage. This is important because compatibility (*kafa'ah*) is one of the methods recommended in Islam as a consideration in choosing a quality lifetime partner in terms of physical, spiritual, and material aspects (Nurhanisah et al., 2021). Furthermore, many cases of syndicated marriages or elopements occurred among the Malaysian population, who only prioritize their feelings of love without considering the views of their parents. Miszairi & Mustafa (2018) highlighted that most of the cases of syndicated and elopements marriages by Malaysians occurred overseas is due to incompatibility of the potential husband to afford maintenance. Thus it is vital for them to refer to compatibility (*kafa'ah*) guidelines in Islam.

*"From the perspective of necessity, it is true that it is something very much needed... Marriage based on compatibility (kafa'ah)... Some of them do not care, especially those involving secret marriages, marriages that are not legally recognized. So, there should be a guideline for both partners, the guardians, and for the entire community, and Allah knows best."* (Informant 2)

These guidelines are also needed to improve the public's perspective on the importance of selecting a spouse based on compatibility (*kafa'ah*), as stated in the following statement:

*"These guidelines need to be established to help improve perspectives and assist in partner selection so that they consider it even if they are not legally bound."* (Informant 3)

The need for compatibility (*kafa'ah*) guidelines is crucial as it serves as a guide before marriage. Neglecting compatibility (*kafa'ah*) may lead to significant differences between spouses, which could become a source or trigger marital conflicts when these differences make it difficult for the husband and wife to find common ground in resolving issues (Nurhanisah et al. 2021). Therefore, people are advised to choose prospective spouses based on compatibility (*kafa'ah*), as stated in the following excerpt:

*"The use of these compatibility (kafa'ah) guidelines is to provide guidance for partners before they get married."* (Informant 4)

The compatibility (*kafa'ah*) guidelines are essential because today the criteria are broader, in line with the development of current lifestyles and economies, as shown in the studies by Ros Asmiza (2003) and Putri Amylia & Suzana (2018), which added age and university qualifications as criteria. Furthermore, Abdul Munir and Muhammad Az (2017) included the criteria of a working wife. This indicates that nowadays, society has different perceptions and values regarding compatibility (*kafa'ah*), leading them to consider a broader criteria for compatibility (*kafa'ah*). Therefore, these argument substantiate the necessity for establishment of compatibility (*kafa'ah*) guideline as stated in the following statement:

*"Perhaps from my perspective, as someone from the older generation, the value may differ from the current generation. Nowadays, their values are very different. When you ask them what they want in a marriage, in terms of compatibility, some emphasize beauty, some emphasize wealth, and so on."* (Informant 5 )

However, suggestion for compatibility (*kafa'ah*) guidelines is not meant to bind those who intend to choose their future spouse, as it is something very subjective and needs to be adjusted according to individual needs, in line with its commandment in Islam as a common condition in a marriage (Khan & Ullah, 2014) . This is stated as follows:

*"Nevertheless suitability, in my opinion, depends on an individual's intention in the marriage. However, in my view, this guideline is necessary, at least there is something for them to refer to in terms of understanding the recommended criteria. It is not something obligatory or mandatory, but what is highly recommended. People commonly say that if there is compatibility, the household is more harmonious, and so on."* (Informant 5)

The above view is also consistent with the view of Respondent 6, who believes that although compatibility (*kafa'ah*) is a technical matter and not an obligation, its importance cannot be dismissed, especially for the guardian (*wali*) who is responsible for granting permission to marry his daughter, therefore should choose a prospective son-in-law who is compatible with his daughter (Al-Zuhayli 2012, Al-Sharbini 1994). This is explained in the following statement:

*"For the issue of compatibility (*kafa'ah*), I remember that even though it may not seem very technical in the court, if possible, there should be guidelines, tests, to make the guardian (*wali*) aware on how the assessment is made. For example, if UKM provides guidelines for these guardians (*wali*), it will at least create awareness."* ( Informant 6)

Furthermore, the commandment which necessitate compatibility (*kafa'ah*) in marriage is clearly stated in the Quran in Surah al-Baqarah 2:221, An-Nur 24:26, and Hadith Sahih Bukhari which mentioned the guideline on selection of wife who are wealthy, have good lineage/status, beauty, and, prioritize religion. Hadith from Sohiih al-Bukhari highlights the importance of choosing a good woman. This aligns with the following statement:

*"It's compatible and incompatible. Its discussions are indeed found in the Quran and hadith, but its relevance in application should consider its context, the awareness of the guardian (*wali*) himself. So this compatibility (*kafa'ah*) is not only for the court appointed guardian (*wali hakim*), but the majority of marriages are not with the court*

*appointed guardian (wali hakim), instead the majority are with the family's guardian, but depends on the role of the family's guardian..." (Informant 6)*

Based on statements of the above respondents, they agree with the establishment of guideline for compatibility (*kafa'ah*) criteria to educate individuals and society about the importance of referring to guidelines for prospective spouse selection, as prescribed in Islam. Although choosing a spouse based on compatibility (*kafa'ah*) is not a pillar or condition in marriage, these criteria are vital to ensuring marital harmony (Norhafizah et.al. 2019).. The study's informant also supports the view that compatibility (*kafa'ah*) criteria are essential for maintaining a harmony and stability of a household (Chania & Mukri, 2021), as stated below:

*"For me, it is a necessity to ensure a harmonious household." (Informant 7)*

*"Taking into account the customs of our country, we can establish a guideline as a general guide for the public regarding marriage... we need to consider these matters for harmonious households and so on." (Informant 8)*

The necessity to establish the guideline is also in response with the current divorce cases, whereby the issue of incompatibility was among the contributing factors for divorce among Muslim couples (Nurhafizah et. Al. 2019), as stated below;

*"In terms of necessity, I think it is necessary because we also see divorce cases happening because of incompatibility. So, there is a need for guidelines on compatibility (kafa'ah) to serve as a guide for prospective partners before they get married."(Informant 6)*

Although the guidance on compatibility (*kafa'ah*) is not obligatory, it is essential to enhance happiness within Islamic households (Nurhafizah et.al 2009; Hanxio@Indah 2022), and it is considered as commendable (*tahsiniah*) according to Maqasid Syariah, which is mentioned as follows:

*"I think maybe if we look deeply into the aspect of Maqasid Syariah, because the topic is based on what Maqasid Syariah, therefore I feel it doesn't reach the level of necessity (daruriah), in my opinion. I think it's more on the level of commendable (tahsiniah)."(Informant 4).*

## **Discussion and Conclusion**

Compatibility (*Kafa'ah*) serves as guidance for selecting a spouse in accordance with Islamic teachings. Although it is not a mandatory requirement in a marriage, it holds significant importance, as the foundation of a successful marital relationship should prioritize the compatibility criteria between husband and wife to ensure a stable household. This can be achieved by referring to the principles of compatibility (*kafa'ah*). In today's context, in line with economic developments, social dynamics, and changing lifestyles, the characteristics of compatibility (*kafa'ah*) discussed by classical and contemporary scholars need to be reexamined to incorporate additional criteria. This is because the local context and changing times have indirectly influenced the expansion of contemporary compatibility (*kafa'ah*) criteria. Therefore, the implications of this study suggest the necessity of establishing a compatibility (*kafa'ah*) guideline for the benefit of Shariah courts, religious officers,

guardians (*wali*), and prospective couples. These guidelines would also be beneficial in educating the public about the principles of compatibility (*kafa'ah*) in spouse selection.

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### References

- Abdul Munir, I., & Muhamad, A. (2017). Analisis awal pemilihan jodoh kaum lelaki di Kota Bharu, Kelantan. *Al-Hikmah*, 9(1), 3-24.
- Abu Dawud, S. (1988). *Sunan Abi Dawud*. Cairo: Dar al-Hadith.
- Ahmad, I. H. A.-S. (2001). *Musnad al-Imam Ahmad Ibn Hanbal*. Beirut: Muassasah al-Risalah.
- Alayi, Z., Gatab, T. A., & Khamen, A. B. Z. (2011). Relation between communication skills and marital-adaptability among university students. *Procedia - Social and Behavioral Sciences*, 30, 1959 – 1963.
- Al-Buhuti, M. Y. (2000). *Kasyaf al-Qina` An al-Iqna`*. Al-Riyadh: Wizarah al-Adl.
- Al-Bukhari, M. I. (1993). *Sahih al-Bukhari*. Damascus: Dar al-Yamamah.
- Al-Jawhari, I. H. Communication and A.-F. (1987). *Al-Sihah Taj al-Lughah Wa Sihah al-Arabiyyah*. Beirut: Dar al-Ilm Li al-Malayin.
- Al-Kasani, A. B. M. (1986). *Bada'i al-Sana'i fi Tartib al-Shari'i*. Beirut: Dar al-Kotob al-Ilmiyyah.
- Al-Mari, A. M., Sitiris, M., & Arif, A. A. (2019). Athar al-urf fi maayir al-kafa'ah: Dirasah maqasidiyyah. *Al-Majallah al-Alamiyyah Li al-Dirasat al-Fiqhiyyah Wa al-Usuliyyah*, 3(1), 41-51.
- Al-Mawwaq, M. Y. (1994). *Al-Taj Wa al-Iklil Li Mukhtasar Khalil*. Beirut: Dar al-Kotob al-Ilmiyyah.
- Al-Nawawi, Y. S. (1972). *Al-Minhaj Sharh Sahih Muslim Ibn Hajjaj* (2 ed.). Beirut: Dar al-Kutob al-Arabi.
- Al-Rushaydi, M. A. (2018). Al-Kafaah bayn al-zaujain wa atharuha ala aqd al-nikah. *Majallah Kulliyah al-Shariah Wa al-Qanun*, 20(4), 2425-2560.
- Al-Sharbini, M. A. A. (1994). *Mughni al-Muhtaj Ila Ma`rifah Ma`ani Alfaz al-Minhaj*. Beirut: Dar al-Kotob al-Ilmiyyah.
- Al-Tirmidhi, M. I. (1975). *Sunan Al-Tirmidhi*. Maktabah Mustafa al-Babi al-Halabi.
- Al-Zuhayli, W. (2012). *Al-Fiqh al-Islami Wa Adillatuh* (3 ed.). Damascus: Dar El Fikr.
- Chania, D., & Mukri, S. G. (2021). Urgensi kafaah terhadap keutuhan rumah tangga. *Mizan: Journal of Islamic Law*, 5(1), 123-132.
- Christina, D., & Matulesy, A. (2016). Penyesuaian perkawinan, subjective well being dan konflik perkawinan. *Persona, Jurnal Psikologi Indonesia*, 5(1), 1-14.

- Dewi, E. M. P., & Basti. (2008). Konflik perkawinan dan model penyelesaian konflik pada pasangan suami istri. *Jurnal Psikologi*, 2(1), 42-51.
- Ghiathan, H. (2015). Al-Kafa'ah fi al-zawaj fi al-fiqh al-Islami wa qanun al-ahwal al-shakhsiyyah al-urduni. *Majallah Jamiah al-Najah Li Abahath (al-Ulum al-Insaniyyah)*, 29(7), 425-462.
- Houts, R. M., Robin, E. & Huston, T. L. 1996. Compatibility and The Development of Premarital Relationships. *Journal of Marriage and The Family*. 58(1): 7-20.
- Hanxio@Indah. (2022). Urbanization and Changing Criteria of Mate Selection among Urban Malays : A Case Study in Kuala Lumpur. *International Journal of the Malay World and Civilisation*. 10(2), 2022 : 15-26.
- Ibn Manzur, M. M. (1993). *Lisan al-Arab*. Beirut: Dar Sadir.
- Indah, P. R., Mukhlis, & Afni, B. (2021). Studi deskriptif preferensi pemilihan pasangan hidup antara pria dan wanita pada dewasa awal. *Psikobuletin: Buletin Ilmiah Psikologi*, 2(1), 7-14.
- Ismail, A. H. (2020). Kafa'ah in the muslim community marriage : A study of the social history of Islamic law. *Indonesian Journal of Education, Social Sciences and Research (IJSSR)*, 1(1), 16-23.
- Khan, U. A., & Ullah, H. N. (2014). Importance of the law of compatibility (Kufu) in Islamic marriage. *Pakistan Journal of Gender Studies*, 8(1), 231-236.
- Koerner, A. F., & Fitzpatrick, M. A. (2002). Toward a theory of family communication. *Communication Theory*, 12(1), 70–91.
- Masturi, M. (2020). Al-Kafa'ah fi al-zawaj wa dawr al-urf fi tawsiah min majalatiha. *Majallah al-Huquq Wa al-Ulum al-Insaniyyah*, 13(1), 308-336.
- Miszairi, S., & Mustafa, M. J. S. (2018, 12 December 2018). *Pensyaran kafa'ah di dalam akad nikah dan amalannya di dalam undang-undang keluarga Islam di Malaysia*. Paper presented at the Regional Convention on Islamic Studies (RCIS 2018 ), Melaka.
- Muhammad Aminudin, H. A., & Mat Jubri@Shamsuddin, M. (2019). The Understanding of Malayisan Society on Kafa'ah Concept in Marriage. *Journal of Muwafaqat*, 2(2), 104–118. Retrieved from <https://muwafaqat.kuis.edu.my/index.php/journal/article/view/34>
- Munyratul Hidayah, M. (2004). *Faktor-faktor pemilihan jodoh di kalangan mahasiswa Islam UTM, satu kajian terhadap pelajar program khas pensiswazahan guru (PKPG), fakulti pendidikan*. (PhD), Universiti Teknologi Malaysia, Malaysia.
- Muslim, I. H. A.-N. (2006). *Sahih Muslim*. Riyadh: Dar Al-Tayyibah.
- Nurhafizah, H. I., Mohd. Norhusairi, M. H., & Raihanah, A. (2019). An analysis of religious authorities' perception on issue of kufu in Malays' Marriage of Brunei Darussalam. *Melayu: Jurnal Antarabangsa Dunia Melayu*, 12(1), 124-143.
- Nurhanisah, H., Rafeah, S., Mastura, R., & Fatin Nabilah, W. (2021). Kafaah: Impak perbezaan sosial terhadap kesejahteraan rumah tangga. *Journal of Fatwa Management and Research*, 26(2), 311-322.
- Puteri Amylia, U. A., & Suzana, M. H. (2019). Gambaran preferensi pemilihan pasangan hidup pada mahasiswa Universiti Kebangsaan Malaysia. *An – Nafs: Jurnal Fakultas Psikologi*, 13(2), 96-107.

- Rafida Ramelan. 2021. Sekufu dalam konteks hukum keluarga modern. *TAHKIM, Jurnal Peradaban dan Hukum Islam*, 4(1), 117-136.
- Ros Asmaniza, H. A. L. (2003). *Kriteria pemilihan pasangan : satu kajian di kalangan masyarakat Islam di Besut Terengganu*. (Master), Jabatan Fiqh dan Usul, Akademi Pengajian Islam, Universiti Malaya, Kuala Lumpur.
- Saggino, A., Martino, M., Balsamo, M., Carlucci, L., Ebisch, S., Innamorati, M. Picconi, L., Romanelli, R., Sergi, M. R. & Tommasi, M. 2015. Compatibility Quotient and Its Relationship with Marital Satisfaction and Personality Traits in Italian Married Couple. *Sexual and Relationship Therapy*, 31 (1): 83-94.
- Sillars, A. L., Pike, G. R., Jones, T. S., & Murphy, M. A. Communication and understanding in marriage. *Human Communication Research*, 10(3), 317–350.
- Zamali, T., Razizi, T., & Nor Alhana, A. M. (2014). Pemilihan pasangan hidup bercirikan Nilai-Nilai Islam: Pendekatan kabur. *Malaysian Journal of Mathematical Sciences*, 8(1), 139-155.