

From Classical *Kafā'ah* to Contemporary Economic Justice: A Hadith-Based Legal Reassessment in Islamic Family Law

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Abstract

This study aims to reassess the concept of economic *kafa'ah* by re-examining prophetic traditions (*ahadith*) through a phenomenological and socio-legal lens. Employing qualitative methodology, this research integrates thematic hadith analysis, historical contextualization of classical juristic opinions, and phenomenological interpretation to explore shifts in meaning and application. The findings reveal that economic *kafa'ah* in prophetic tradition primarily emphasizes ethical reliability, economic responsibility, and shared life capital rather than pre-existing wealth or social pedigree. Contemporary application suggests that *kafa'ah* is a dynamic construct that may emerge through mutual potential, education, work ethic, and long-term economic cooperation. The legal reassessment demonstrates that classical hierarchy-based criteria are not immutable; instead, they may be contextualized according to *maqasid al-shari'ah* to promote economic justice, household stability, and gender balanced financial roles. This study concludes that economic *kafa'ah* should be reconstructed as a principle of equitable capability and shared socio-economic commitment rather than rigid material equivalence.

Keywords: *kafa'ah*, hadith studies, Islamic family law, economic justice, phenomenology, *maqasid al-shari'ah*

Introduction

The concept of *kafa'ah* in Islamic family law represents a classical theme that has once again emerged as a focal point in contemporary academic discourse, particularly as family values, social structures, and economic orders undergo profound transformations.¹ On one hand, traditional fiqh literature regards *kafa'ah* as an essential element for achieving marital harmony and frequently frames it as a social protection mechanism for women within the patriarchal frameworks of pre-modern societies. On the other, rapid socio-economic changes, increasing female participation in the public sphere, and the growing understanding of marriage as an equal partnership have provoked scholarly unease: does the classical formulation of *kafa'ah*, which heavily emphasizes wealth and social status, remain relevant in Muslim societies that are progressively moving toward economic justice and mutual role-sharing?

Previous scholarship has systematically outlined the criteria of *kafa'ah* from the perspectives of various fiqh schools, identifying religion, lineage, occupation, and financial capacity as core dimensions of spousal equivalence.² Compiled studies have clarified how the opinions of classical jurists were shaped by hierarchical and highly stratified historical social contexts. Several modern investigations have likewise underscored the continuing urgency of *kafa'ah* as a means of preventing relational imbalances and ensuring financial readiness for family formation. It is thus well established that *kafa'ah* is a dynamic concept inseparable from its surrounding social reality and serves a preventive function in fostering harmonious households.

Recent research has begun to explore the understanding and application of *kafa'ah* in contemporary Muslim marriages, though attention remains largely confined to socio-normative aspects rather than in-depth economic-legal analysis. For instance, Nur Atikah Binti Jailani and Zuliza Mohd Kusrin's study, "Compatibility (*KAFa'AH*) in Islamic Marriage: A Literature Review," reveals that existing literature reflects considerable diversity in *kafa'ah* criteria (religion, lineage, wealth, profession) yet has not decisively examined economic reinterpretation within the framework of Islamic economic justice.³ Similarly, an empirical study conducted in Malaysia by Kusrin et al., titled "Muslims in Malaysia Understanding in Regards to the Concept of Compatibility (*Kafa'ah*) in Islamic

¹ Mawloud Mohadi, "Normative Islamic Conceptualizations of Families and Kinship through Maqasid Perspectives: A Comprehensive Literature Study," *Malaysian Journal of Syariah and Law* 11 (2023), <https://heinonline.org/HOL/Page?handle=hein.journals/mlsnj11&id=298&div=&collection=>.

² Shahwiqar Shahin, "The Islamic Legal and Cultural Influences on Britain's Shari'a Councils," *Heythrop*, December 18, 2023.

³ Nur Atikah et al., "Compatibility (*KAFa'AH*) in Islamic Marriage: A Literature Review," *International Journal of Academic Research in Business and Sosial Sciences* 13, no. 11 (2023): 2222–6990, <https://doi.org/10.6007/IJARBS/v13-i11/19167>.

Marriage,” involving 355 respondents, found high levels of comprehension of traditional criteria (religion, wealth, lineage) while highlighting the pressing need for updated guidance on partner selection that aligns with modern realities.⁴

Nevertheless, a substantial research gap persists. Existing studies have rarely revisited the specific meaning of economic *kafa'ah* through phenomenological approaches or context-sensitive hadith-based legal reasoning. Discourse on *kafa'ah* continues to be dominated by textual-normative methodologies, whereas contextual interpretations linking *kafa'ah* to modern economic justice, shared life capital, and evolving gender relations remain underexplored. In short, no comprehensive new legal framework has yet emerged that explicitly demonstrates how relevant hadiths can be reinterpreted to support economic equality, financial collaboration, and family resilience in the contemporary era.

This study seeks to reconstruct the notion of economic *kafa'ah* within Islamic family law by re-reading pertinent hadiths through a phenomenological lens and the framework of *maqāṣid al-sharī'ah*. It proceeds from the initial proposition that economic *kafa'ah* in the hadith corpus does not merely denote pre-marital material parity but rather moral capability, economic potential, commitment to mutual cooperation, and collective capacity to generate family welfare. Accordingly, the working hypothesis is that transforming the meaning of economic *kafa'ah* can reinforce principles of economic justice and household stability while simultaneously affirming the inherent flexibility of Islamic law in responding to modern social dynamics.

The research adopts a qualitative approach rooted in normative-textual and phenomenological paradigms, treating hadiths and fiqh constructions as primary normative sources while viewing contemporary social experience as the interpretive space for meaning-making. Philosophically, this approach rests on the premise that hadith texts are not solely legal-normative units but also embody socio-ethical horizons that can be uncovered through deep engagement with their revelatory context, the objectives of the Shariah (*maqāṣid al-sharī'ah*), and present-day realities. Thus, the study moves beyond mere description of *kafa'ah* toward a critical reconstruction that evaluates its relevance and adaptability to contemporary demands for economic justice within Islamic family law.

This methodological choice stems from the recognition that economic *kafa'ah* cannot be adequately grasped through purely deductive-normative readings of classical fiqh; it requires a re-reading of hadiths that is sensitive to the

⁴ Zuliza Mohd Kusrin et al., “Muslim in Malaysia Understanding in Regards to the Concept of Compatibility (Kafa'ah) in Islamic Marriage,” *El-Usrah* 7, no. 2 (2024): 648–76, <https://doi.org/10.22373/ujhk.v7i2.26664>.

lived experiences of modern Muslim communities.⁵ The phenomenological approach illuminates how normative values embedded in hadiths concerning *kafa'ah* are re-signified by Muslims today, especially amid shifting household economic structures and changing gender roles. Moreover, the method facilitates integration of Islamic legal scholarship, hadith criticism, and social phenomena, thereby enabling the development of a more substantive and adaptive conception of *kafa'ah*.

The research design is descriptive-analytic and hermeneutic-normative, with units of analysis comprising hadith texts related to *kafa'ah*, the positions of classical jurists across the Shafi'i, Hanafi, Maliki, and Hanbali schools, and contemporary interpretations of Islamic law. The material object is the concept of economic *kafa'ah* as found in hadiths and Islamic family law, whereas the formal object is the phenomenological re-reading of its meaning and application. The study thereby draws on conceptual frameworks from hadith sciences, *maqāṣid* theory, and Islamic family law analysis to construct a reasoned normative argument for reconstructing economic *kafa'ah*.

Data sources include both primary and secondary materials. Primary sources encompass canonical hadith collections (such as *Ṣaḥīḥ al-Bukhārī*, *Ṣaḥīḥ Muslim*, and *Sunan Abi Dāwūd*), classical works on *uṣūl al-fiqh* and *fiqh al-munākāḥāt*, and contemporary regulations on Islamic family law across various Muslim jurisdictions. Secondary sources consist of internationally indexed journal articles, modern academic books on Islamic family law, thematic hadith exegesis, and scholarly publications addressing gender justice, Islamic legal theory, and Islamic family economics. Data were gathered through intensive library research, searches of international academic databases, and documentary analysis of contemporary fatwas and academic discourse.

Data analysis proceeds in several stages: (1) hadith criticism evaluating chains of transmission and semantic validity (*takhrīj* and *dirāyah al-ḥadīth*), (2) thematic analysis to identify hadith ideas concerning economic responsibility, trustworthiness, and financial cooperation, (3) comparative examination of classical fiqh to trace school-specific formulations and rationales for *kafa'ah*, (4) phenomenological analysis to assess the relevance of hadith values in modern family life, and (5) conceptual reconstruction grounded in *maqāṣid al-shari'ah*, particularly principles of economic justice, protection of family dignity, and broader social welfare. Through these stages, the research produces an argumentative-rational, textual-contextual, and value-oriented formulation of

⁵ Lisa Worthington, "The Lived Experiences of Progressive Muslims: Exploring the Limits of Individualisation," accessed November 23, 2025, http://media.wix.com/ugd/cd26e8_8c87e8cd43e7436390361786dd46053d.pdf.

Islamic law capable of addressing contemporary challenges surrounding economic *kafa'ah*.

Discussion

Understanding *Kafa'ah* in the Hadith According to Classical Scholars

Kafa'ah, or equivalence in marriage, is not in itself a condition for the validity of a marriage contract. The vast majority of scholars (*jumhur al-'ulama'*) nevertheless regard it as a strongly recommended requirement for the proper conduct of marriage.⁶ *Kafa'ah* is assessed from the perspective of the prospective husband and constitutes a right that belongs exclusively to the woman.⁷ Consequently, a guardian (*wali*) may not marry off a woman to a man who is not her equal (*kuf*) unless she explicitly consents.

The criteria for *kafa'ah* as established by classical jurists include the following: religious uprightness and moral character (*istiqamah wa al-akhlāq*), lineage (*nasab*), free status (*hurriyya*), soundness of Islamic lineage, occupation, wealth, and absence of physical defects.⁸ The positions of the four major schools of law on these criteria may be summarized as follows.⁹ The Maliki school considers two primary criteria: religion (*diniyya*) and freedom from disqualifying defects. The Hanafi school recognizes six: religion, being Muslim, free status, lineage, wealth, and profession. The Shafi'i school likewise lists six criteria: religion, purity of character (*ṣalāh*), free status, lineage, profession, and absence of shameful conditions that would trigger the right of annulment (*khiyār*). The Hanbali school, by contrast, bases the woman's right of choice (*khiyār*) on five criteria: religion, profession, lineage, financial prosperity, and free status. For clarity, the criteria according to each school are presented in the table below:

Maliki	Hanafi	Shafi'i	Hanbali
Religion (<i>diniyya</i>)	Religion	Religion	Religion
Freedom from defects	Being Muslim	Purity of character (<i>ṣalāh</i>)	Profession
	Free status	Free status	Lineage (<i>nasab</i>)

⁶Wahbah Zuhaili, *al-Fiqh al-Islami wa adillatuhu*, Juz IX, (Damaskus: Dar al-Fikr, 2007M/1428H), h. 214-217

⁷Muhammad Sayyid Sabiq, *Fiqh al-Sunnah*, Juz III, (IT: Dar al-Fath, 2013M/1434H), h. 409

⁸Muhammad Sayyid Sabiq, *Fiqh al-Sunnah*, h.398-408

⁹Wahbah Zuhaili, *al-Fiqh al-Islami wa adillatuhu*, Juz IX, h. 223-229

	Lineage (<i>nasab</i>)	Lineage (<i>nasab</i>)	Financial prosperity
	Wealth	Profession	Free status
	Profession	Absence of grounds for <i>khiyār</i>	

Wahbah al-Zuhaylī, in his authoritative *al-Fiqh al-Islāmī wa Adillatuhu*, identifies the essential qualities of *kafa'ah* as religious commitment, moral integrity, and piety (*dīn*, *ṣalāh*, and *taqwā*).¹⁰ This view aligns closely with the hadith narrated by al-Tirmidhī, which places religion at the very heart of marital compatibility, and with the counsel preserved by Ibn Mājah urging believers to marry those who are their true equals (*kuf*). The hadiths central to this study consistently highlight four principal factors in determining *kafa'ah*: religious devotion, lineage, wealth, and physical attractiveness. A particularly illuminating narration from Ibn Mājah (no. 607) further explains the Prophetic recommendation to marry a righteous woman “for her lineage,” revealing the protective wisdom embedded in this criterion. Jurists who champion *kafa'ah* bolster their position not only through textual evidence but also through reasoned reflection (*ra'y*), emphasizing that equivalence serves the higher purposes of marriage in Islam. Above all, it seeks to realize the divinely intended household of tranquillity, affection, and mercy (*sakinah*, *mawaddah*, *wa rahmah*) described in Qur’ān 30:21. That verse eloquently points to a profound proportionality between spouses, widely recognized as *kafa'ah*, which prevents deep disparities from fracturing the intimate bonds of family life.¹¹

Scholarly opinions on the legal status of *kafa'ah* fall into two broad perspectives. The first, influenced in part by certain Hanafī positions, draws upon the hadith recorded in the *Musnad* of Aḥmad ibn Hanbal (no. 22391): “An Arab possesses no superiority over a non-Arab except through piety.” From this, proponents conclude that *kafa'ah* is neither a customary requirement nor a condition for contractual validity; excellence resides solely in god-consciousness, rendering ethnic or tribal distinctions largely irrelevant.¹² The second and majority view, upheld by the overwhelming consensus of jurists across the four Sunni schools, maintains that *kafa'ah* constitutes a general and strongly recommended requirement for marriage yet does not affect the legal validity of the contract itself.

¹⁰ Andri Andri, “Urgensi Kafaah Dalam Kompilasi Hukum Islam (KHI) Pada Pasal 15 Ayat 1,” *Jurnal An-Nabl* 8, no. 1 (2021): 1–7, <https://doi.org/10.54576/annahl.v8i1.23>.

¹¹ Ali Muhtarom, “Problematisasi Konsep Kafa'ah dalam Fiqih (Kritik Dan Reinterpretasi),” *Jurnal Hukum Islam* 16 (2018): 205–21, <https://doi.org/10.28918/jhi.v16i2.1739>.

¹² Laily Liddini, “Khuluqiyah, Vol 3 No 2 Juli 2021” 3, no. 2 (2021): 18–50.

This stance finds compelling support in the prophetic traditions that prioritize religious and moral compatibility above all else, ensuring that marital unions foster harmony rather than discord.

“If someone comes to you seeking marriage whose religion and character satisfy you, then marry your ward to him. Should you fail to do so, tribulation will spread across the earth and corruption will become widespread.”

“I most certainly forbid that a woman of noble standing be married except to one who is her equal in worth.”¹³

The Maliki school holds that religion and social standing are the sole determinants of equivalence in marriage.¹⁴ In other words, a woman possesses the right, in a marriage intended to shield her from disgrace, to be matched with someone of comparable status. Jurists from all four major schools of jurisprudence agree that *kafa'ah* (equivalence) does not constitute a condition for the validity of the marriage contract itself, but rather a recommended or customary requirement. The contract remains legally binding even if the woman is not treated as an equal in status.¹⁵ To protect their own honour and that of the woman, her guardians retain the authority to object to and even annul the marriage. Given that wealthy or high-status women typically recoil from unions with men of ordinary background, the establishment of harmony and affection between spouses generally presupposes a degree of parity between them. Husbands, by contrast, are seldom disturbed by such disparity; equivalence is therefore demanded on the male side rather than the female. Since *kafa'ah* is not among the legal requisites of the marriage contract, it is understood instead as a right belonging to the woman and her guardian, empowering them to accept or

¹³ Liddini, Ibn Hammam, Syarh Fathul Qadir, (Bairut: Dar Kutub Ilmiyah), 2003, vol.3, hlm.246. Muhammad bin Khotib al-Syarbini, Mughni Muhtaj ila Ma'rifati ma'aani alfadz alManhaj, (Bairut: Dar Ma'rifah), vol.3, hlm. 219, 'Ali bin 'Abdurrahman alHanafi al-Hashkifi, Addurrul Mukhtar, tahkik: 'Abdul Mun'im Khalil Ibrahim, (Bairut: Dar kutub 'Ilmiyah), 2002, hlm. 186. al-Mughni 6/462, Muhadzdzab 2/38.

¹⁴ Farhat J. Ziadeh, “Equality (Kafa'ah) in the Muslim Law of Marriage,” *The American Journal of Comparative Law* 6, no. 4 (1957): 503, <https://doi.org/10.2307/838163>.

¹⁵ Sue Scott, “The Personable and the Powerful: Gender and Status in Sociological Research,” *Social Research: Politics, Problems, Practice*, January 1, 2023, 165–78, <https://doi.org/10.4324/9781003457367-10/PERSONABLE-POWERFUL-GENDER-STATUS-SOCIOLOGICAL-RESEARCH-SUE-SCOTT>.

reject a prospective union. The majority of scholars, including Imam Malik, Imam al-Shafi'i, and the Hanafi authorities, concur on this point.¹⁶

The predominant view within the Shafi'i school likewise insists that *kafa'ah* is not a condition of validity but merely a general recommendation. The marriage contract is valid even when the woman is not accorded equal standing.¹⁷ Should she and her guardian choose not to waive their right of objection, the marriage simply proceeds as an ordinary union. Were *kafa'ah* truly a prerequisite for validity, the absence of equivalence would render the marriage void, despite the fact that guardians may have relinquished their right to protest.¹⁸

According to Imam Ahmad ibn Hanbal, *kafa'ah* is assessed through piety (*din*) and lineage (*nasab*).¹⁹ Since it is already established that a Muslim woman may not marry a non-Muslim man, the term *din* here does not refer to the simple distinction between Muslim and non-Muslim. Rather, it denotes the capacity to steadfastly avoid whatever contravenes Islamic law while maintaining active religious devotion and God-consciousness (*taqwa*).²⁰ Thus, a man who persists in grave sin (*fāsiq*), whose testimony and narrations are deemed unacceptable, whose life and property enjoy no guaranteed protection under sacred law, and who is disqualified from acting as guardian, cannot be considered the equal of an upright, devout Muslim woman.²¹

From the opinions of the scholars outlined above, it becomes clear that they unanimously regard *kafa'ah* as something other than a requirement for the validity of marriage. Nevertheless, equivalence remains an important consideration when selecting a spouse. The woman's guardians are entitled to

¹⁶A Dahlan, "Kafaah Dalam Pernikahan Menurut Ulama Fiqh," *Asa* 2 (2021): 28–41. <http://menaraislam.com/fiqih-islam/kafaah-dalam-pernikahan>, diakses tanggal 13 Nopember 2022.

¹⁷ Theresia Dyah Wirastri and Stijn Cornelis van Huis, "The Second Wife: Ambivalences towards State Regulation of Polygamy in Indonesia," *Journal of Legal Pluralism and Unofficial Law* 53, no. 2 (2021): 246–68, <https://doi.org/10.1080/07329113.2021.1912579;PAGE=STRING:ARTICLE/CHAPTER>.

¹⁸ Dahlan, "Kafaah Dalam Pernikahan Menurut Ulama Fiqh," Wahbah Zuhayli, *Fiqh Islam wa adillatuhu*, (Jakarta: Gema Insani, 2007), 218

¹⁹ Andri, "Urgensi Kafaah Dalam Kompilasi Hukum Islam (KHI) Pada Pasal 15 Ayat 1."

²⁰ Ahmad Muzakki and Himami Hafshawati, "Kedudukan Dan Standarisasi Kafaah Dalam Pernikahan Perspektif Ulama Madzhab Empat," *Ayy-Syari'ah: Jurnal Hukum Islam* 7, no. 1 (January 12, 2021): 19–38, <https://doi.org/10.55210/ASSYARIAH.V7I1.429>.

²¹ Dahlan, "Kafaah Dalam Pernikahan Menurut Ulama Fiqh," <http://menaraislam.com/fiqih-islam/kafaah-dalam-pernikahan>, diakses tanggal 13 Nopember 2022.

raise objections if the prospective husband lacks comparable religious commitment, thereby safeguarding her from the potentially harmful influence of a man whose conduct falls short of the expected standard of piety.

Reinterpreting the Hadith on *Kafā'ah*: From Classical Norms to Contemporary Economic Justice in Islamic Family Law

The term *kafā'ah* literally denotes *al-tasāwī wa al-ta'ādul*, that is, parity or equivalence. Rooted in Arabic, the word appears in both the Qur'ān and the hadiths.²² In technical usage, *kafā'ah* in marriage signifies that the woman should be matched by a man who is her equal or peer. The underlying principle is that whatever qualities of excellence a woman possesses must also be sought and evaluated in the man who wishes to marry her.²³ Such equivalence extends across several specific domains, and careful attention to these aspects is considered essential for fostering marital harmony, even though *kafā'ah* itself is not an absolute requirement for the validity of marriage.²⁴

In societal practice, the balance or equivalence expected of a husband toward his wife traditionally encompasses moral character and financial standing. The goodness evident in a prospective bride should therefore be deliberately sought in her prospective groom.²⁵ Other sources describe *kafā'ah* in marriage as parity in social rank, ethical conduct, and wealth between the man and the woman he intends to marry. The ultimate emphasis lies in achieving harmony and compatibility, particularly in religious devotion expressed through worship and moral integrity. Consequently, *kafā'ah* emerges as a vital factor in cultivating domestic serenity, minimising household problems that might jeopardise marital longevity, and preventing either spouse from belittling the other.²⁶

Ibn Ḥazm maintained that no fixed standard exists for *kafā'ah*. Any Muslim man may marry any Muslim woman provided neither is guilty of fornication or prostitution. Sayyid Sābiq similarly argued that all Muslims are brethren; even an obscure man of dark complexion cannot be forbidden from

²²Andri, "Urgensi Kafaah Dalam Kompilasi Hukum Islam (KHI) Pada Pasal 15 Ayat 1."

²³ Syarifah Gustiawati and Novia Lestari, "Aktualisasi Konsep *Kafā'ah* Dalam Membangun Keharmonisan Rumah Tangga," *Mizan: Journal of Islamic Law* 4, no. 1 (2018): 33–86, <https://doi.org/10.32507/mizan.v4i1.174>.

²⁴ Dalam Hadis-hadis Hukum, "Konsep *Kafā'ah* Dalam Hadis-Hadis Hukum" 03, no. 02 (2021): 24–34.

²⁵ Ahmad Royani, "Kafā'ah Dalam Perkawinan Islam (Tela'ah Kesederajatan Agama Dan Sosial)," *Al-Ahwal: Jurnal Kajian Hukum Keluarga Dan Kajian Kesilaman* 5, no. 1 (2013): 103–20.

²⁶ Royani.

marrying the daughter of a Hāshimī caliph. A sinful Muslim man remains the equal of a sinful Muslim woman, so long as neither engages in adultery.²⁷ These views clearly illustrate that the criteria for *kafā'ah* are neither rigid nor universally binding and do not constitute essential conditions for a valid marriage contract.

Initial findings reveal that classical understandings of *kafā'ah* were profoundly shaped by the social context of early Islam, where lineage and social hierarchy played decisive roles in determining marital suitability. Prophetic instructions to choose a “matching” spouse were interpreted as safeguards for social and moral stability within the family.²⁸ Analysis of primary texts confirms that *kafā'ah* is not a condition of validity for marriage but rather an ethical and social consideration strongly encouraged by the Prophet (peace be upon him), especially with regard to prospective household harmony.

Classical scholars frequently listed economic capacity (*al-māl*) among the indicators of *kafā'ah*, particularly because a husband is obliged to provide the dower and maintenance. Yet phenomenological examination discloses that economic capacity need not refer solely to existing wealth; it may equally encompass future earning potential, financial discipline, and work ethic. Contemporary interpretation therefore shifts the focus from mere material status to broader economic capability.²⁹

Hadith analysis demonstrates that classical texts enumerate several criteria for spouse selection, including wealth, lineage, beauty, and religion. Nevertheless, the authentic collections of Bukhārī and Muslim underscore religion as the paramount consideration, for it forms the foundation of blessing in married life. A contextual reading suggests that “wealth” in these traditions denotes not absolute riches but financial independence and the ability to manage family economics responsibly.

²⁷ Otong Husni Taufik, “Kafā'ah Dalam Pernikahan Menurut Hukum Islam,” *Jurnal Ilmiah Galuh Justisi* 5, no. 2 (2017): 246, <https://doi.org/10.25157/jigi.v5i2.795>.

²⁸ Institut Agama, Islam Negeri Curup, and Deo Agung Pratama, “Interfaith Marriage in Indonesia: Judicial Interpretation of Surabaya District Court Decision No. 916/Pdt.P/2022/PN.Sby in the Perspective of Human Rights and Islamic Law Compilation,” *Berasan: Journal of Islamic Civil Law* 4, no. 1 (June 11, 2025): 14–34, <https://doi.org/10.29240/BERASAN.V4I1.8390>.

²⁹ Fahmi Tiara Rahma Andrea and Zakiah Nurul Awaliyah, “Fulfillment of The Rights of Wife and Children Post Divorce,” *MIL.Rev: Metro Islamic Law Review* 1, no. 2 (2022): 231, <https://doi.org/10.32332/milrev.v1i2.6211>.

The four major schools of jurisprudence display varying standards for *kafā'ah*, yet the majority concur that it is not a requirement for contractual validity but rather a right belonging to the woman and her guardian. This stance fosters social flexibility by permitting marriages across class boundaries. Phenomenological inquiry further reveals that the rigid economic criteria of classical scholarship have gradually yielded to a more rational flexibility grounded in justice and familial economic potential.

Modern social realities reflect a transformation in the meaning of *kafā'ah* driven by shifting economic structures, rising female education, and greater individual autonomy in partner choice. Marriage is no longer dictated by lineage or class but by psychological compatibility, shared life vision, and readiness to build economic stability together. Thus, *kafā'ah* has evolved into a dynamic process rather than a static precondition.

This study discovers that the classical definition of *kafā'ah*, often rendered in madhhab literature as “equivalence” or “suitability” in lineage, social prestige, religion, and descent, actually possesses far broader scope than commonly understood. Research by Zuhriyah demonstrates that economic capacity has emerged as a criterion in several modern assessments, even though rarely articulated explicitly in classical sources. These findings expand traditional understanding and highlight the critical role of economic dimensions in fostering marital harmony.³⁰ Notably, although classical fiqh literature seldom emphasises economics overtly, both contemporary scholars and recent studies treat financial capability as a relevant variable in assessing spousal compatibility. Several works now insist that religion, morality, social status, and economic capacity must all receive serious consideration within *kafā'ah*, marking a significant departure from narrower traditional interpretations.³¹

The research also establishes that absolute application of *kafā'ah*, such as insisting on exalted lineage, frequently leads to social and economic discrimination. Such practices contravene the higher objectives of Islamic law (*maqāṣid al-sharī'ah*), namely justice, public welfare, and protection of individual rights in marriage. Critical analysis of traditional interpretations therefore underscores the urgent need for reinterpretation to render *kafā'ah* relevant to

³⁰ Lailatul Zuhriyah and Nailal Muna, “Economic Ability as a Kafā'ah Principle and the Recognition of Difabel Marriage Guardian in As-Silāḥ Fī Bayāni An-Nikāḥ by Khalil Al-Bangkalany,” *Al-Ahwal* 16, no. 1 (2023): 89–111, <https://doi.org/10.14421/ahwal.2023.16105>.

³¹ Zuhriyah and Muna.

contemporary contexts.³² Academically, the study contributes a redefinition of *kafa'ah* variables, expanding the concept from mere “equivalence in social status or descent” to an inclusive equivalence embracing religion, morality, and economic capacity. This new construct, termed “economic *kafa'ah*,” enriches Islamic family law literature and furnishes a fresh framework for normative scholarship, thereby offering an integrative perspective that bridges traditional values with the demands of contemporary economic justice.

The methodology employed library research, enabling historical tracing of *kafa'ah* from the pre-Islamic era through early Islam to the present day. Nasution emphasises that transformation in understanding occurred across two major periods: before and after Islam’s arrival in Arab society. This approach reinforces the necessity of contextualising classical texts to align them with modern socio-economic conditions.³³ The study likewise reaffirms that religion (*din*) remains the primary criterion while simultaneously broadening the lens to incorporate economic capacity as an essential element. Thus, it not only corroborates prior findings but introduces a novel variable that deepens analysis within Islamic family law. Adding the economic dimension proves highly pertinent for ensuring spousal welfare and household stability.

Contemporary society often interprets *kafa'ah* rigidly, overemphasising lineage or social rank while neglecting economic capacity and moral character. Such practice stifles the concept’s development and diminishes its relevance today. The research therefore stresses the need for a dynamic, contextual understanding capable of accommodating evolving economic and social realities.³⁴

Study limitations stem from its exclusive reliance on literary and classical sources without empirical data from actual marriage practices. Cultural and regional variables likewise receive insufficient depth, rendering the findings more normative than practical. These constraints provide valuable direction for future research aiming at more applicable recommendations. The study applies Human

³² Muhammad Khakim Ashari and Zumrotus Sholikhah, “Reconstructing the Concept of Kafa’ah in Marriage: The Perspective of Islamic Law and Social Reality,” *Al-Khass: The Indonesian Journal of Islamic Law* 1, no. 1 (2025): 14–23, <https://journal.staimun.ac.id/index.php/alkhass>.

³³ Hamzah Nasution, “KAFA’AH IN ISLAMIC MARRIAGE: CONCEPTUAL RECONSTRUCTION AND CRITICAL REVIEW OF CONTEMPORARY JURISPRUDENCE,” *Qanwam: The Leader’s Writing* 6, no. 1 (2025): 1–12.

³⁴ Muhammad Khakim Ashari and Zumrotus Sholikhah, “Reconstructing the Concept of Kafa’ah in Marriage: The Perspective of Islamic Law and Social Reality.”

Capital Theory to argue that education, skills, and productive potential outweigh inherited economic status. Couples who enjoy opportunities for mutual growth and economic support tend to forge stronger household harmony. This insight aligns with contemporary scholarly efforts (*ijtihad*) to render economic *kafā'ah* adaptive to individual capacity development.

Reconstructing the Understanding of *Limaliha* (Economic Aspect) in the Hadith

When spouses are economically compatible (*sekuflu*), family finances flow more smoothly, especially when *kafā'ah* explicitly includes an economic dimension. A marked disparity in financial capacity between husband and wife often breeds domestic tension. This risk rises sharply if the wife, being materially better off, struggles to restrain feelings of superiority; quarrels may escalate and, in extreme cases, end in divorce, though outcomes ultimately vary across communities.³⁵

Equivalence or balance within the family profoundly influences individual self-confidence, and economic parity is no exception.³⁶ Significant differences emerge between empowered and disempowered women with respect to age, residence, region, household economic index, education, partner's education, partner's occupation, number of children, kinship ties, age gap between spouses, home and land ownership, and inheritance of property.³⁷ It follows that when a wife lacks empowerment and thus stands in imbalance with her husband, the household economy is likely to suffer.

Higher-educated women tend to enjoy greater empowerment because education enhances skills, confidence, and knowledge. Education serves as both a catalyst for empowerment and a pathway to autonomy; it expands employment opportunities, promotes more equitable household decision-making, and reduces tolerance for gender-based violence. Findings also reveal that women from wealthier households, or those who own and inherit property, exercise greater

³⁵ Jurnal Keislaman Vol, "Https://Ejournal.Unzah.Ac.Id/Index.Php/Humanistika" 7, no. 1 (2021): 67–91.

³⁶ Michael B. Wells, Birgitta Kerstis, and Ewa Andersson, "Impacted Family Equality, Self-Confidence and Loneliness: A Cross-Sectional Study of First-Time and Multi-Time Fathers' Satisfaction with Prenatal and Postnatal Father Groups in Sweden," *Scandinavian Journal of Caring Sciences* 35, no. 3 (2021): 844–52, <https://doi.org/10.1111/scs.12900>.

³⁷ Zohra S. Lassi, Anna Ali, and Salima Meherali, "Women's Participation in Household Decision Making and Justification of Wife Beating: A Secondary Data Analysis from Pakistan's Demographic and Health Survey," *International Journal of Environmental Research and Public Health* 18, no. 19 (2021): 1–11, <https://doi.org/10.3390/ijerph181910011>.

agency. Comparable patterns have been observed across Southeast Asia, where women in affluent households are far more likely to participate, jointly or independently, in decision-making than their counterparts in poorer homes.³⁸

The phrase *limaliba* in the hadith concerning criteria for *kafā'ah* in spouse selection refers to the prospective husband's ability to provide the dower (*mahr*) and maintenance (*nafaqah*) for his wife; in short, it carries an unmistakably economic meaning. Hanafi and Hanbali scholars regard wealth as indispensable to married life and therefore include it among the criteria for *kafā'ah*. For them, a man is considered *kafā'ah* only if he can afford both the dower and ongoing maintenance; inability to meet either obligation renders him unsuitable. Abu Yusuf, a prominent disciple of Abu Hanifah, narrowed the criterion to the capacity to provide maintenance alone, arguing that this is easier to assess than the dower and cannot be judged from the father's circumstances. In contrast, Maliki scholars and some Shafi'i followers reject the inclusion of wealth altogether. They contend that treating material assets as a prerequisite for *kafā'ah* risks inculcating un-Islamic attitudes of materialism, contrary to the noble character exemplified by the Prophet (peace be upon him).³⁹

Classical interpretations generally framed economic *kafā'ah* as pre-existing material parity before marriage. Yet in the shifting social landscape of the modern era, such parity need not be present at the time of partner selection; it may emerge gradually after the establishment of the household, sometimes over many years. The sustainability of marriage undeniably hinges on economic stability, and poor financial management remains a frequent trigger for conflict and dissolution.

A contextual and phenomenological reading of the hadith on economic *kafā'ah* demands sensitivity to contemporary socio-economic realities. Compatibility should be understood as a dynamic process rather than a rigid material benchmark. Couples may support one another toward shared financial stability. A man who is not yet financially established at the point of marriage but possesses strong future earning potential, high educational capital, discipline, work ethic, financial literacy, investment foresight, and robust fiscal responsibility can legitimately be deemed *kafā'ah* for his prospective spouse.

³⁸ Lassi, Ali, and Meherali.

³⁹Muzakki and Hafshawati, "Kedudukan Dan Standarisasi Kafaah Dalam Pernikahan Perspektif Ulama Madzhab Empat":34-35.

Given the critical role of economic *kafā'ah* in building enduring households, its contemporary actualisation must strike a balance between material and spiritual dimensions. This aligns closely with marriage economics theory, which views marriage as cooperative partnership between two individuals pursuing joint welfare. Human Capital Theory further illuminates how investment in education, skills, and experience boosts individual productivity and, ultimately, household prosperity.⁴⁰ Applied to spousal relations, the theory highlights how complementary economic resources strengthen stability and vitality. Couples whose resources dovetail tend to construct more resilient homes. Economic equivalence between spouses therefore need not exist prior to marriage; it may be achieved progressively thereafter. The hadith's reference to economic *kafā'ah* thus does not mandate pre-existing material wealth.

From a phenomenological perspective, several lived dimensions warrant attention: the subjective experiences of Muslims when selecting partners, shaped by diverse cultural and social backgrounds; ongoing social transformations, whereby modern Muslims increasingly understand economic *kafā'ah* less as accumulated wealth and more as alignment in life vision and spirituality; and varied community practices, where some emphasise religious standing while others prioritise economic capacity.

Psychologically, equivalence within marriage, including its economic facet, fosters confidence and comfort. Sociologically, particularly within structural functionalism, society is treated as a living organism in constant flux; change in one subsystem inevitably affects others. Society functions as an integrated whole because members share core values that transcend differences.⁴¹

A Muslim woman is inherently incompatible (*ghayr kuf*) with a non-Muslim man; interfaith marriage is unlawful in Indonesia and thus falls outside the scope of *kafā'ah* altogether. Article 2(1) of the Marriage Law stipulates that a marriage is valid only if performed according to the respective religion and beliefs of the parties. The legal framework of the nation-state has rendered interfaith

⁴⁰ Riyanto Wujarso, "Ciptaan Disebarluaskan Di Bawah Lisensi Creative Commons Atribusi 4.0 Internasional PERAN HUMAN CAPITAL DALAM PERTUMBUHAN EKONOMI," 430 *Journal of Information System, Applied, Management, Accounting and Research*. (Printed) 6, no. 2 (2022): 430–38, <https://doi.org/10.52362/jisamar.v6i2.790>.

⁴¹Vol, "https://Ejournal.Unzah.Ac.Id/Index.Php/Humanistika."

unions impermissible unless both parties satisfy the conditions of *kafa'ah*, which they cannot when faiths differ.⁴²

Psychologically, securing a partner who matches one's aspirations greatly facilitates the socialisation cycle toward familial happiness, particularly the serene, loving, and merciful household (*sakinah mawaddah wa rahmah*) idealised in Islam. The sensation of harmony and vitality often inspires couples to transcend their differences, embracing modest circumstances yet remaining rich in affection, finding companionship in quiet nights and lightness amid worry. Spouses who are truly compatible cooperate more readily and cultivate healthy relational bonds. Such compatibility minimises feelings or behaviours of superiority. Shared worldviews and life philosophies likewise converge more naturally.

Communication between husband and wife grows deeper through proximity and mutual presence. Marital harmony depends on closeness, open dialogue, similar temperaments, common interests, aligned visions, and economic balance. True harmony emerges when each partner focuses on giving rather than demanding, on honouring rather than belittling the other. Life's difficulties, when faced with patience and wisdom, frequently conceal profound blessings.⁴³

Husband and wife inevitably differ in numerous ways; marriage unites two distinct personalities, and comprehensive measurement of harmony remains elusive because post-marital realities diverge sharply from pre-marital expectations. Contemporary economic and social conditions differ vastly from those of earlier eras. To mitigate widening family conflict, a robust framework is needed: one that begins with establishing rights, addresses emerging issues constructively, intensifies communication, and recognises the manifold ways in which God protects His servants.⁴⁴ Among the most effective starting points is selecting a spouse who is economically compatible, thereby laying the foundation for healthy, peaceful relational communication.

⁴² Muhammad Zia Ullah, "Interfaith Harmony: A Look at Muslim-Non-Muslim Coexistence Interfaith Harmony: A Look at Muslim- Non-Muslim Coexistence Abstract: Introduction: The Islamic Religion Is a Religion of Ease, Tolerance, and the Lifting Of," *Tanazur* 2, no. 2 (2023): 107–18.

⁴³ Gustiawati and Lestari, "Aktualisasi Konsep Kafa'ah Dalam Membangun Keharmonisan Rumah Tangga."

⁴⁴ Liddini, "Khuluqiyah, Vol 3 No 2 Juli 2021."

Reconstructing the Meaning of *Kafā'ah* and Economic Justice in Contemporary Islamic Family Law

This study reveals that *kafā'ah*, originally a social mechanism designed to safeguard marital stability, has gradually shifted toward an instrument for ensuring the couple's joint capacity to build a thriving household. The findings underscore that the prophetic traditions on spousal equivalence are not rigid prescriptions but flexible responses to evolving social structures. Traditions such as the narration preserved by Ibn Mājah, which urges selecting a partner who is *kafā'ah*, ultimately prioritise the long-term viability of the family rather than the reinforcement of class boundaries.⁴⁵ Consequently, the concept of *kafā'ah* has evolved from mere parity of status to genuine equivalence in the competencies required to nurture a family.

Close analysis demonstrates that references to wealth in the hadith on spouse selection were never intended to entrench inequality but to guarantee reliable maintenance (*nafaqah*) and preserve dignity within marriage.⁴⁶ In today's context, economic *kafā'ah* should therefore be understood as encompassing earning capacity and work ethic rather than accumulated riches. Contemporary realities confirm that couples frequently construct their economic foundation together after marriage; financial disparity ceases to be problematic when underpinned by shared potential, vision, and commitment. The hadith thus emerges as a principle of familial economic justice rather than a tool for reproducing social hierarchy.

Evidence drawn from existing scholarship establishes a robust link between economic parity and emotional well-being within the family. Far from being a purely legal term, *kafā'ah* performs vital psychological and social functions, fostering self-esteem, mutual trust, and marital harmony. Empowered women and couples who share aligned economic perspectives consistently exhibit more egalitarian relationships and fewer conflicts. The prophetic counsel to choose a partner "suitable for depositing one's seed" may now be read as an invitation to select someone psychologically and economically equipped to sustain a healthy family environment.

The research confirms that the majority of classical scholars regarded *kafā'ah* not as a condition for contractual validity but as a consideration of public interest (*maṣlahah*). The relevant traditions are therefore predominantly ethical

⁴⁵ Haruna Babatunde Jaiyeoba and Noor Mohammad Osmani, "Hadith Preservation: Techniques and Contemporary Efforts," *Journal of Fatwa Management and Research* 29, no. 3 (2024): 31–45, <https://doi.org/10.33102/jfatwa.vol29no3.597>.

⁴⁶ Fatin Nasihah Jamal Abd. Nasir and Mustafa Mat Jubri@ Shamsuddin, "The Husband's Obligation in Providing Nafaqah To the Wife During the Pandemic Hardship: An Analysis From an Islamic Perspective," *Jurnal Syariah* 32, no. 2 (2024): 300–349, <https://doi.org/10.22452/syariah.vol31no2.4>.

rather than strictly legalistic in character. At their core, the Prophet's (peace be upon him) teachings aim at family harmony and continuity, not at obstructing unions across social strata. Phenomenological observation further reveals that modern Muslim societies perceive *kafā'ah* less as a barrier and more as moral guidance for prudent partner selection and household risk management.

By tracing the living evolution of *kafā'ah*, this study enriches the literature on Islamic family law. The concept is not fossilised in its historical form but adapts to the changing dynamics of the Muslim community. Since the higher objectives of Islamic law (*maqāṣid al-sharī'ah*) demand that family regulation protect, sustain, and promote household welfare, a contextual reading of the hadith combined with insights from human capital theory offers a fresh lens: economic equivalence is an ongoing developmental process within marriage, not a static prerequisite before the contract.⁴⁷

Ultimately, the findings address a pressing contemporary issue: economic instability ranks among the leading causes of divorce today. Reinterpreting economic *kafā'ah* thus proves highly pertinent to the challenges facing Muslim societies. The family is no longer solely a sacred institution; it has become a socio-economic unit requiring adaptability, financial literacy, and productive collaboration between spouses. The traditions on *kafā'ah* must therefore be understood within a framework of distributive justice and familial economic preparedness, rather than narrowly through the lenses of lineage or inherited class.

Conclusion

This study reveals that the classical concept of *kafā'ah*, long understood primarily as social or lineage parity between prospective spouses, in fact carries a substantial economic dimension that has often been overlooked. The discovery is striking: the principle of *kafā'ah* articulated in the hadith and classical legal literature does not merely emphasise social standing but also highlights financial capacity as a critical factor for lasting marital harmony. By reassessing *kafā'ah* in this light, the research broadens traditional interpretations and reaffirms its profound relevance to contemporary concerns of economic justice.

The work contributes a fresh approach to Islamic family law scholarship by weaving together the perspective of the hadith with modern notions of economic equity. Beyond confirming the previously underappreciated economic facet of *kafā'ah*, the study introduces a normative analytical framework that harmoniously integrates enduring traditional values with the socio-economic demands of today. In doing so, it enriches the existing body of Islamic legal

⁴⁷ Muhammad Habibul Amin and Dhiyuddin Tanjung, "Maqashid Syariah: Perbandingan Antara Pemikiran Al - Ghazali Dan Najmuddin At - Thufi," *El-Mujtama: Jurnal Pengabdian Masyarakat* 4, no. 5 (2024): 2417–29, <https://doi.org/10.47467/elmujtama.v4i5.3497>.

literature through a more contextualised understanding of *kafā'ah* and opens promising avenues for new assessment methods and research questions within the field.

The research is limited, however, by its primary reliance on textual analysis of hadith and classical juridical sources, without direct empirical investigation into actual marriage practices across diverse Muslim communities. Furthermore, cultural and regional variables that may shape the real-world application of *kafā'ah* in family economics have not yet been explored in depth. Future studies that incorporate empirical data, interviews with legal practitioners, and cross-national comparative analysis are therefore strongly recommended to enhance the robustness of these findings and their practical applicability.

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