

## Analysing the Pesantren Tradition of Arranged Marriages from the “*Kupi Fatwa Trilogy*” Perspective

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### Abstract

This article aims to analyze the phenomenon of arranged marriage traditions in the Islamic boarding school world from the perspective of the KUPI fatwa trilogy. The KUPI fatwa trilogy, namely the *ma'rif* (kindness), *mubadalah* (reciprocity), and true justice approaches, is used to investigate the phenomenon of arranged marriage traditions in the world of Islamic boarding schools. This article uses a library research method with a phenomenological approach which is analyzed using the KUPI fatwa trilogy. Therefore, the nature of this research is descriptive-analytical. Then data collection techniques come from primary and secondary materials. Meanwhile, the analysis technique uses Miles and friends' qualitative data analysis techniques, which consist of data condensation, data presentation, and drawing conclusions. The research results show that the tradition of matchmaking in the Islamic boarding school world has given rise to two characters and models of matchmaking in the Islamic boarding school world, firstly the one-way matchmaking tradition which is coercive, and secondly the two-way matchmaking tradition which is not coercive. Salafi Islamic boarding schools which are still conservative still carry out the tradition of one-way matchmaking which is coercive and one-sided, by denying women the opportunity to participate and hear their opinions regarding matchmaking. This results in injustice

and tyranny towards women, so the tradition of this type of arranged marriage is contrary to the KUPI fatwa trilogy, because women are positioned as objects rather than equal subjects. However, it should be noted that not all Islamic boarding schools follow the custom of one-way arranged marriage, instead, there is a more egalitarian custom known as two-way arranged marriage, where women are treated as subjects with the same rights and freedoms as men. This is in line with the KUPI fatwa trilogy, because the practice of matchmaking like this is a tradition of fair matchmaking and supports women in order to give birth to *ma'rūf* (kindness), *mubādalah* (reciprocity), and true justice. The Miftahul Huda II Bayasari Ciamis Islamic Boarding School is one of the Islamic boarding school institutions that perpetuates the tradition of two-way matchmaking which is non-coercive and in accordance with the spirit of the KUPI fatwa trilogy.

**Keywords:** Arranged marriage tradition; Islamic boarding school world; trilogy; KUPI fatwa

## Introduction

The phenomenon of the tradition of arranged marriage is a kind of custom in a particular society or community as well as a cultural medium for achieving marriage created by humans in a community. This phenomenon can be an act of cruelty and injustice experienced by women if arranged marriages are forced to accept a prospective husband who is sought by their parents or family, or even Kiai authorities in the sense of pesantren. Therefore, at least matchmaking must be equal between the prospective groom and the prospective bride.<sup>1</sup> Meanwhile, the doctrine in the context of pesantren says that arranged marriages are among the ways to gain happiness in this world and the hereafter, so this tradition aims to follow the spiritual path that marrying a pious woman or marrying a pious man is the path to true happiness.<sup>2</sup> However, the question here is whether the tradition of arranged marriages in pesantren is based on an attitude of mutuality and willingness between the two people who are getting married, or whether the compulsion for one of the prospective bride and groom and this will later give rise to a sense of injustice.

This tradition of arranged marriage is a long-standing custom and is deeply rooted in several regions in Indonesia, even in several Islamic boarding school educational institutions. Arranged marriages are a social phenomenon

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<sup>1</sup> Mhd. Rasidin, Natardi Natardi, and Doli Witro, "The Impact of Unequal Marriage on Household Harmony (Case Study in Sungai Penuh City, Jambi)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 2 (2020): 313–36, <https://doi.org/10.22373/sjhk.v4i2.8083>.

<sup>2</sup> Dea Salma Sallom and Mohammad Sirojuddin, "Analisis Maqāshid Al-Syarī'ah Terhadap Peran Wali Mujbir Dalam Perjodohan Di Pesantren APTQ Bungah Gresik," *Al-Qadlāya: Jurnal Hukum Keluarga Islam* 1, no. 2 (2022): 23–33.

and pesantren as “sacred educational institutions”<sup>3</sup> are used as a place to find a partner with the central role of the Kiai as an intermediary. So pesantren is sometimes also used as a place to find a partner as well as a place for the tradition of matchmaking, apart from being an educational and preaching institution. In the sense of pesantren, students have extraordinary obedience to Kiai and their leaders, this obedience also applies to choosing a life partner. The doctrine of arranged marriages in pesantren often aims to protect religion, soul, and lineage, whether matchmaking for the boarding school family itself or matchmaking for male students and their female students. In most pesantren, the doctrine of obedience to parents and teachers is strictly suppressed and cannot be denied their orders.

This tradition of arranged marriage often receives criticism if the motive is based on economic matters and the family’s social situation or strata. For example, a rich man must also be matched with a rich woman, so that this arranged marriage does not reflect the conflict between the two partners in living their domestic life, but rather fulfills the desires of both parents who ignore the child’s disapproval regarding the match. This is where the cruelty and injustice lie in the tradition of arranged marriages which is rife.

Although substitute guardian or “wali nasab” in this case, the woman’s father as her marriage guardian, has the right to force their daughter to marry, which is known as the right of *ijbār* or forcefulness,<sup>4</sup> this right should not be misinterpreted to give rise to compulsion on the part of the woman. Meanwhile, in marriage, there must be willingness from both partners and mutuality between them.<sup>5</sup> Although marriage can be carried out by force or even without consent by a *mujbir* guardian who has the rights of *ijbār*, this applies in emergencies and is important for the child.<sup>6</sup> Girls who are still girls or still virgins are the object of the privilege of *ijbār* by the *mujbir* (a person who has a right to force the women), especially in the view of Imam Syafi’i.<sup>7</sup> This tradition will result in tyranny and injustice, especially for women, if parents arbitrarily arrange marriages without asking their daughters’ opinions first. The tradition of forced arranged marriages will have a big impact on divorce which will also be very detrimental to the woman herself.

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<sup>3</sup> Islamic boarding schools are local institutions that teach Islamic practices and beliefs. See, Muhamad Yusuf et al., “The Role Of Anak Jalanan At-Tamur Islamic Boarding School In Internalizing The Values Of Religious Moderation To College Students In Bandung,” *Jurnal Ilmiah Islam Futura* 23, no. 1 (February 2023): 132–56, <https://doi.org/10.22373/jiif.v23i1.15358>.

<sup>4</sup> Beni Ahmad Saebani, *Fiqih Munakahat 1* (Bandung: Pustaka Setia, 2018).

<sup>5</sup> Sallom and Sirojuddin, “Analisis Maqāshid Al-Syarī’ah Terhadap Peran Wali Mujbir Dalam Perjodohan Di Pesantren APTQ Bungah Gresik.”

<sup>6</sup> Al-Imam Nawawi, *Majmu’ Sbarh Al-Mubadhab* (Kairo: Dar Al-Hadith, 2010).

<sup>7</sup> Sallom and Sirojuddin, “Analisis Maqāshid Al-Syarī’ah Terhadap Peran Wali Mujbir Dalam Perjodohan Di Pesantren APTQ Bungah Gresik.”

This sense of injustice and oppression towards women in cases of forced marriage or coercive arranged marriages is the background for the birth of a fatwa. Fatwa here means responding or being an answer to cases that occur in society. Fatwa means Islamic law's view of something, whether issued by an individual or an institution that is considered authoritative.<sup>8</sup> Syāfi'iy, one of the *imām maẓhāb* (leader of Islamic jurisprudence schools), has a methodology for issuing fatwas, namely experience-based research, or what is called *istiqrā'*. Just like Imam Syāfi'iy used this method to see menstruation in the case of women. According to Ibn Qayyim, changes and differences in fatwas are caused by changes in time, place, situation and conditions, intentions and customs.<sup>9</sup>

Even the Prophet Muhammad Saw did this, namely by listening to women to understand the conditions and situations typical of women. Then the Prophet will issue a fatwa or law that is appropriate to the woman's experience.<sup>10</sup> Therefore, legal fatwas that are issued by individuals or institutions should take into account real and natural experiences, especially for women. Prophet Muhammad SAW also did this, namely by listening to women to understand the conditions and situations typical of women. Then the Prophet will issue a fatwa or law that is appropriate to the woman's experience.<sup>11</sup> Therefore, legal fatwas that are issued either by individuals or institutions should take into account real and natural experiences, especially for women.

So, through the Indonesian Women's Ulema Congress (KUPI)<sup>12</sup>, we want to restore the culture of issuing religious fatwas based on women's experiences, including in determining policies, legal decisions, and laws.<sup>13</sup> Therefore, KUPI is part of religious life, which includes issuing fatwas, which is a full right for both women and men, which is seen as fair and equal. In this religious process, women dialogue with the ulama who are members of the KUPI network who have experienced violence, injustice, and injustice in their lives.<sup>14</sup> Including the phenomenon of arranged marriage traditions.

The tradition of arranged marriages in pesantren has previously been studied by many researchers, but the tradition is never analyzed through the KUPI fatwa trilogy approach. Previous research that has been carried out, for example by Dea Salman Sallom and Mohammad Sirojuddin, analyzed maqashid al-syāri'ah on the role of *mujbīr* guardians in matchmaking at the APTQ Bungah

<sup>8</sup> Faqihuddin Abdul Kodir, *Metodologi Fatwa KUPI* (Cirebon: KUPI, 2021).

<sup>9</sup> Muhamad Izazi Nurjaman and Doli Witro, "The Relevance of the Theory of Legal Change According to Ibnu Qayyim Al-Jauziyyah in Legal Products by Fatwa DSN-MUI Indonesia," *El-Mashlahab* 11, no. 2 (2021): 164–86, <https://doi.org/10.23971/elma.v11i2.3181>.

<sup>10</sup> Kodir, *Metodologi Fatwa KUPI*.

<sup>11</sup> Kodir.

<sup>12</sup> KUPI is an intellectual, cultural and social movement.

<sup>13</sup> Fathoni Ahmad, "KUPI Adalah Ruang Strategis Perjumpaan Ulama Perempuan," *NU Online*, 2017.

<sup>14</sup> Kodir, *Metodologi Fatwa KUPI*.

Gresik pesantren, focusing their research on the traditional role of *mujbīr* guardians in matchmaking at the APTQ pesantren using *maqāṣid as-syāri'ah* approach. Furthermore, another research came into the scope of educational psychology, Iwan Kuswandi and M. Ridwan concentrated on examining suitability or compliance with Kiai (a leader of pesantren).<sup>15</sup> Their findings show that Kiai's acceptance of arranged marriages in pesantren context creates psychological problems for those who participate in these arranged marriages.

Another case turned up from “Al-Ma’šūm Tempuran” pesantren in Magelang, Afina Amna conducted research which centered on the study of charismatic authority in marriage with the study of matchmaking. Afina's research is mainly related to matchmaking customs at the Al- Al-Ma’šūm Tempuran pesantren in Magelang, and Kiai plays an important role in this custom for its students.<sup>16</sup> Furthermore, at “Sabilurrosyad” pesantren Malang, Ahmad Muflihul Wafa conducted a study in 2022 that explored the perceptions of Generation Z students regarding the matchmaking customs carried out by Kiai.<sup>17</sup> Meanwhile, Masyithah Mardhatillah conducted research that examines Madurese women as status symbols and perpetrators of female matchmaking customs. This is important because women in Madura have limited access to decision-making, especially in choosing a partner.<sup>18</sup> The novel *Perempuan Berkalung Sorban* dan *Hati Subita* was the subject of research by Novi Diah Haryanti and Farah Nur Fakhriyah in 2020 on the topic of matchmaking in the pesantren environment.<sup>19</sup> The results of his research concluded that the depiction of arranged marriage in the two novels started from compulsion, in the sense of the practice of forced marriage which ultimately led to divorce and this was very detrimental to the woman. Novi Diah Haryanti's research above is similar to research conducted by Kamila Adnani and friends, but Kamila Adnani's research examines women's rejection of arranged marriage tradition in pesantren using critical discourse analysis of the novel *Perempuan Berkalung Sorban* as the focus.<sup>20</sup>

<sup>15</sup> Iwan Kuswandi and M Ridwan, “Kepatuhan Terhadap Kiai Pesantren Dalam Tinjauan Psikologi Pendidikan,” *Jurnal Tinta* 5, no. 1 (2023): 41–52.

<sup>16</sup> Afina Amna, “Otoritas Kharismatik Dalam Perkawinan: Studi Atas Perjudohan Di Pondok Pesantren Al-Ma'sum Tempuran, Magelang,” *Al-Ahwal: Jurnal Hukum Keluarga Islam* 11, no. 1 (2018): 91–102, <https://doi.org/10.14421/ahwal.2018.11108>.

<sup>17</sup> Ahmad Muflihul Wafa, “Pandangan Santri Generasi Z Terhadap Perjudohan Kiai Perspektif Kafaah,” *Sakina: Journal of Family Studies* 6, no. 3 (2022): 1–15.

<sup>18</sup> Masyithah Mardhatillah, “Perempuan Madura Sebagai Simbol Prestise Dan Pelaku Tradisi Perjudohan,” *Musāwa Jurnal Studi Gender Dan Islam* 13, no. 2 (2014): 167–78, <https://doi.org/10.14421/musawa.2014.132.167-178>.

<sup>19</sup> Novi Diah Haryanti and Farah Nur Fakhriyah, “Pesantren, Perempuan, Dan Subaltern Dalam Perempuan Berkalung Sorban Dan Hati Suhita,” *SULUK: Jurnal Bahasa, Sastra, Dan Budaya* 2, no. 2 (2020): 140–49, <https://doi.org/10.15642/suluk.2020.2.2.140-149>.

<sup>20</sup> Ratna Noviani Kamila Adnani, Wening Udasmoro, “Resistensi Perempuan Terhadap Tradisi-Tradisi Di Pesantren Analisis Wacana Kritis Terhadap Novel Perempuan Berkalung Sorban,” *Jurnal Kavistara* 7, no. 2 (2016): 113–224.

The various studies above show the absence of studies regarding the tradition of matchmaking in pesantren, namely by using an analysis of the KUPI fatwa trilogy on the phenomenon. Therefore, this scientific study aims to find out about matchmaking customs in the realm of pesantren which are studied using the KUPI fatwa trilogy. Therefore, the author was motivated to create a scientific work with the title “Analysing the Pesantren Tradition of Arranged Marriages from the “Kupi Fatwa Trilogy” Perspective”. This work is significant where the expected result can be a model to appropriately act, a new view, and respond to the tradition of arranged marriage equally.

This article is juridical-normative research. This article uses qualitative data from a literature study.<sup>21</sup> Normative legal research is legal research that places law as the norm for system development.<sup>22</sup> Research techniques are a system, work procedure, or method that must be used in conducting research. This is important in the research process because it will determine the approach taken to achieve certain goals. A group of techniques used in various investigative procedures to discover scientific truths is known as research methods.<sup>23</sup> The research described in this article uses library research with a phenomenological perspective. Creswell quotes Eddles-Hirsch who says that the phenomenological approach tries to study and characterize a person's perception of various things in the real world.<sup>24</sup> The KUPI fatwa trilogy is used to evaluate the problem in this scientific article, namely the practice of arranged marriages among pesantren communities. Meanwhile, library research includes collecting various information from books and other written works related to the research problem.<sup>25</sup> This research article is descriptive-analytic in explaining the phenomenon of arranged marriage customs in the pesantren environment and using the KUPI fatwa trilogy to analyze it. Therefore, a phenomenological method combined with analysis was applied. Then, primary and secondary materials in the form of books, articles, scientific works, and research reports that are relevant to the research problem are used as the basis for the data collection. Therefore, documentary study is the data collection method used.

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<sup>21</sup> Dena Ayu et al., “A Sociological Approach to Consumer Protection in E-Commerce Transactions During the Covid-19 Pandemic,” *Khazanah Hukum* 4, no. 3 (2022): 181–91, <https://doi.org/10.15575/kh.v4i3.18690>; Shinta Azzahra Sudrajat, Arzam Arzam, and Doli Witro, “Legal Protection in Labor Dispute Settlement Through Industrial Relations Mechanism,” *Khazanah Hukum* 4, no. 1 (2022): 1–9, <https://doi.org/10.15575/kh.v4i1.17027>.

<sup>22</sup> Darti Busni et al., “Implementation of the Hybrid Contract Concept in Multiservice Ijarah Financing as a Financing Alternative Health Service in the Covid-19 Pandemic,” *JURIS (Jurnal Ilmiah Syariah)* 21, no. 1 (February 3, 2022): 11–25, <https://doi.org/10.31958/juris.v21i1.5173>.

<sup>23</sup> Marzuki, *Metodologi Riset* (Yogyakarta: Prasetya Widya Pratama, 2000).

<sup>24</sup> Helaluddin, “Menegenal Lebih Dekat Dengan Pendekatan Fenomenologi: Sebuah Penelitian Kualitatif,” n.d.

<sup>25</sup> Sutisno Hadi, *Metodologi Research* (Yogyakarta: Andi Offset, 1994).

Meanwhile, the qualitative data analysis method developed by Miles et al was used, consisting of data condensation, data presentation, and conclusion.<sup>26</sup>

## Discussion

### Marriage in Islam

One of the teachings of the Prophet Muhammad about uniting two individuals is marriage.<sup>27</sup> Marriage or marriage between a man and a woman who is not a mahram by entering into a contract to become halal and obtain rights and obligations is also called marriage or marriage.<sup>28</sup> Meanwhile, T.M. Hasbi Ash Shiddiqy defines marriage as a partnership that develops because a man and a woman are accepted to live a legal domestic life. Linguistically, marriage comes from the basic words *nakahā-yankihū-nikāhan* which means engaging in sexual activity. Thus, marriage is the starting point for the establishment of a legally binding husband-wife relationship, giving rise to laws, rights, and obligations.<sup>29</sup>

Imam Hanafi defines marriage as a deliberate *mut'ab* contract, which means that the man can control every part of the woman's body to obtain pleasure. Scholars have different understandings of the meaning of marriage. Imam Shafi'iy describes it as ownership of sexual activity. In other words, whether a husband marries a wife or a wife marries a husband, marriage is a joyful thing for both partners.<sup>30</sup> Imam Hanbali then emphasized that marriage is a contract that regulates the achievement of satisfaction, namely that marriage produces pleasure and satisfaction for husband and wife. The Maliki school of thought emphasizes that marriage is an important *mut'ab* contract to obtain fulfillment without cost.<sup>31</sup> Marriage is defined as follows in the Compilation of Islamic Law (KHI), namely to undergo lifelong worship of God, that is, it must be *misyāqan ghalidān*. A man and a woman become husband and wife to create a happy and eternal family (household) based on the belief in God. This is according to the definition of marriage in Indonesian positive law, especially as stated in Law Number 1 of 1974 concerning Marriage in Chapter I Principles of Marriage.<sup>32</sup>

Therefore, it can be concluded that marriage is a sacred relationship created from a contract between a man and a woman to create a household

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<sup>26</sup> Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook* (California: SAGE Publications, Inc., 2014).

<sup>27</sup> Amna, "Otoritas Kharismatik Dalam Perkawinan: Studi Atas Perjudohan Di Pondok Pesantren Al-Ma'sum Tempuran, Magelang."

<sup>28</sup> Saebani, *Fiqih Munakabat 1*.

<sup>29</sup> Abdul Haris Naim, *Fiqih Munakabat* (Kudus: STAN Kudus, 2018).

<sup>30</sup> Sallom and Sirojuddin, "Analisis Maqāshid Al-Syarī'ah Terhadap Peran Wali Mujbir Dalam Perjudohan Di Pesantren APTQ Bungah Gresik."

<sup>31</sup> Sallom and Sirojuddin.

<sup>32</sup> Mohd Idris Ramulyo, *Hukum Perkawinan Islam: Studi Analisis Dari Undang-Undang Nomor 1 Tahun 1974 Dan Kompilasi Hukum Islam* (Jakarta: Bumi Aksara, 2004).

based on mutual wishes and preferences or mutual likes and mutual willingness which then connects with mutual needs and fulfillment in life. Both of them need to intend to build a household full of mutual love to achieve the goal of having a family.<sup>33</sup> The basis for the legalization of marriage is the Quran, Sunnah, and Ijmā' and ulama's fatwas. Marriage is permissible or legal if it has a legal basis depending on a person's circumstances or abilities. So, this marriage law could change to become *wajib*, *sunnah*, *makruh*, or even *haram*.<sup>34</sup> The prerequisites and pillars of marriage must be fulfilled by the couple entering into the marriage, if these conditions are not met, then the marriage is invalid. The guardian, two witnesses, the marriage contract (*ijab-qobul*), and the bride and groom (the prospective groom and the prospective bride) are the five pillars of marriage according to experts.<sup>35</sup>

### **The Tradition of Arranged Marriage in pesantren**

One way to marriage is arranged marriage. The attempt to marry a man and a woman through the initiative of a third party is known as an arranged marriage.<sup>36</sup> Arranged marriage is thus a union that is not entered into voluntarily; in some cases, pressure from parents or religious authority figures also arises.<sup>37</sup> The habit of matchmaking is not prohibited in Islam, the emphasis is only on finding a partner who upholds religious beliefs and obedience. Arranged marriage is a marriage prepared by parents for their children or by Kiai for their students, which is a custom or tradition for two candidates who are matched without knowing each other beforehand.<sup>38</sup>

According to Wahbah Zuhaili, Islamic traditions that regulate arranged marriages must pay attention to the postulates of the Imam Shafi'i school, which state that prospective brides, especially women, must agree to their marriage if they are still virgins, have reached puberty and are of sound mind. In the sense that the tradition of matchmaking must stem from the consent of the child to be matched, whether male or female. The tradition of arranged marriages in pesantren originates from the tradition of arranged marriages during the time of the Prophet, Aisyah Ra. was betrothed when she was a child by her father, Abu Bakar Ashidqi, with Rasulullah Saw.<sup>39</sup> This phenomenon of arranged marriage is

<sup>33</sup> Sallom and Sirojuddin, "Analisis Maqāshid Al-Syari'ah Terhadap Peran Wali Mujbir Dalam Perjodohan Di Pesantren APTQ Bungah Gresik."

<sup>34</sup> Saebani, *Fiqih Munakahat 1*.

<sup>35</sup> Muhammad Azam, Abdul Aziz, and Sayyed Wahab, Abdul Hawas, *Fiqih Munakahat* (Jakarta: Amzah, 2011).

<sup>36</sup> Mien Ahmad Rifa'i, *Manusia Madura: Pembawaan, Perilaku, Etos Kerja, Penampilan Dan Pandangan Hidupnya Seperti Diceritakan Peribahasannya* (Yogyakarta: Pilar Media, 2007).

<sup>37</sup> Prayogo Kuncoro Insumar, "Perjodohan Sebagai Penyebab Terjadinya Perceraian (Studi Analisis Putusan Hakim No. 1523/ Pdt.G/2015/PA.Sby. Perspektif Maqasid Syariah)," *Jurnal Maqasid: Jurnal Studi Hukum Islam* 4, no. 2 (2015): 1–12.

<sup>38</sup> Amna, "Otoritas Kharismatik Dalam Perkawinan: Studi Atas Perjodohan Di Pondok Pesantren Al-Ma'sum Tempuran, Magelang"

<sup>39</sup> Nas'at Al-Masri, *Nabi Suami Teladan* (Jakarta: Gema Insani Press, 1996).



familiar to both the sons and daughters of Kiai and his female students. Two things that are important in the tradition of matchmaking are considering balance and harmony between the candidates who will be matched and the agreement and mutual acceptance between the two candidates, especially the woman.

Because the Prophet Muhammad Saw. always took into account the woman's consent when it came to matchmaking. Therefore, the tradition of arranged marriages has been a common practice since ancient times in traditional societies,<sup>40</sup> including in Salafi Islamic boarding school educational institutions. However, in Islamic boarding schools that are semi-modern or modern, it is rare to find this tradition of arranged marriages. Until now, pesantren is still an alternative educational institution in producing an Islamic generation, and Kiai is the key figure in the local.<sup>41</sup> Kiai not only plays a role in transmitting knowledge to his students but also plays a role in matchmaking. Determining matchmaking under the authority of the Kiai means that students must be completely obedient, even in silence they are considered to agree, which is usually experienced by women.<sup>42</sup>

In pesantren communities, arranged marriages usually take place with a little romance and a little introduction between the two applicants or both candidates. Usually, this kind of matchmaking tradition occurs in the context of Salaf or traditional prasantren and Kiai has great authority over the matchmaking process for his students.<sup>43</sup> This happens because in pesantren, guardians or parents of students have completely surrendered their children to the Kiai, especially in terms of marriage, and the obedience of students to Kiai is something that cannot be violated, the reason is often found to be the charismatic figure of the Kiai by believing in their blessings.<sup>44</sup> The tradition of arranged marriages must go through *ta'arruf* (the introduction process to get to know each other) another important aspect is *kafa'ab*<sup>45</sup>, which means the same,

<sup>40</sup> Hanung Bramantyo, *Di Balik Layar Film Kartini* (Jakarta: Grasindo, 2017).

<sup>41</sup> Djamaluddin and Abdullah Aly, *Kapita Selekta Pendidikan Islam* (Bandung: Pustaka Setia, 1998).

<sup>42</sup> Amna, "Otoritas Kharismatik Dalam Perkawinan: Studi Atas Perjudohan Di Pondok Pesantren Al-Ma'sum Tempuran, Magelang."

<sup>43</sup> Kuswandi and Ridwan, "Kepatuhan Terhadap Kiai Pesantren Dalam Tinjauan Psikologi Pendidikan."

<sup>44</sup> Hesty Kusumawati and Moh. Hafid Effendy, "Tradisi Perjudohan Di Kalangan Masyarakat Madura Pada Era Millennial," in *1st International Conference on Morality (InCoMora): Dignity and Rahmatan Li Al-Alamin Fakultas Agama Islam* (Universitas Islam Majapahit (UNIM) Mojokerto, 2020), 243–46.

<sup>45</sup> Sallom and Sirojuddin, "Analisis Maqāshid Al-Syarī'ah Terhadap Peran Wali Mujbir Dalam Perjudohan Di Pesantren APTQ Bungah Gresik."

similar, balanced or harmonious, equal or comparable<sup>46</sup>, in terms of religion, physical appearance, material equality, education and other factors.<sup>47</sup>

*Ta'aruf* process is a stage for getting to know each other, so matchmaking is not like the term 'buying a cat in a sack', apart from having to agree (*kafa'ah*), you also have to be mutually pleased with each other, namely the future husband and the future wife, by asking both of them first. regarding willingness to be matched, of course, after carrying out *ta'aruf* process above. So, if an arranged marriage contains an element of coercion, the marriage is not valid. Therefore, mutuality in the tradition of arranged marriages in pesantren is very important.

In the sense of pesantren, the guardian or matchmaker is usually a Kiai who must first ask the candidate, especially the prospective bride, about the candidate they have chosen. Mutual attraction and liking between the two of them is also important, if there is no mutuality then it is certain that the household will not be happy. So, the tradition of arranged marriages in the Islamic boarding school world, both for the sons and daughters of Kiai and for their female students and students, must be based on mutual liking and mutual willingness between both parties. If the tradition of arranged marriage does not have mutual feelings, it even seems forced and coerced, apart from giving rise to tyranny and injustice, it is also feared that the household will give rise to challenges and problems.<sup>48</sup>

Ideally, Islamic boarding schools that perpetuate the tradition of arranged marriages should be as stated above, both male and female candidates who will be matched are given as much space as possible to accept or reject the matchmaking plan by the Kiai. But the problem is usually, only male students have the right to choose based on the tradition or custom of matchmaking in traditional pesantren, while female students only have the right to accept. Thus, there is a disregard for the opinion of the future wife or woman in this situation. According to Afina's research, this is called one-way matchmaking, because Kiai has sole authority to choose partners for his students. Even the silence of female or female students is a sign of support for the tradition of arranged marriages. According to Afina's research findings, the female students' silence was more due to their extraordinary respect and obedience (*ta'dzim*) towards Kiai, even though they were not ready to get married or did not agree with the arranged marriage. Even so, the students still obeyed the Kiai's orders because of the students' extraordinary respect and obedience.<sup>49</sup> Therefore, the custom or

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<sup>46</sup> Rahman Abdul Ghazali, *Fikih Munakahat* (Jakarta: Prenada Media, 2003).

<sup>47</sup> Beni Ahmad Saebani, *Fiqih Munakahat 2* (Bandung: Pustaka Setia, 2016).

<sup>48</sup> Sallom and Sirojuddin, "Analisis Maqāshid Al-Syarī'ah Terhadap Peran Wali Mujbir Dalam Perjudohan Di Pesantren APTQ Bungah Gresik."

<sup>49</sup> Amna, "Otoritas Kharismatik Dalam Perkawinan: Studi Atas Perjudohan Di Pondok Pesantren Al-Ma'sum Tempuran, Magelang."

tradition of matchmaking in Islamic boarding schools usually develops on the initiative of a Kiai or other interested party, in this case, the family of the male candidate who asks the Kiai for help in communicating his good intentions regarding matchmaking, then usually the female party will feel reluctant about it. the Kiai and finally the match took place.<sup>50</sup> So, the position of the Kiai and even the Kiai's wife, who is referred to as Mrs. Nyai, becomes a kind of legitimacy in the matchmaking tradition.

Ignoring views or even agreement on the part of the prospective wife is considered a reflection of the patriarchal culture that is still often found in several Islamic boarding school institutions and Islamic boarding school social activities. Pesantren is a place where patriarchal discourse is reproduced from generation to generation, including in terms of the tradition of arranged marriages and the culture of polygamy. The rules and standards that exist in Islamic boarding school culture, both written and unwritten, are then a manifestation of the patriarchal culture that is present there.<sup>51</sup>

In her research, Marhumah (2011) stated that women's issues in the world of Islamic boarding schools show low gender sensitivity. This gives rise to three interpretations. *First*, pesantren were founded as educational, preaching, and social institutions by men, especially kiai or ustadz. *Second*, the position and role of women in pesantren are seen as unimportant, subordinate, or irrelevant, *Third*, pesantren are seen as unimportant, subordinate, or irrelevant and are seen as hurting women's lives and not having a particular socio-political impact on women's lives, so it is seen as not important for religious social life in a broader context.<sup>52</sup>

The tradition of matchmaking that is friendly towards women is two-way, meaning that Kiai gives his students the choice to accept and reject, not only male students, but the right to accept and reject is also given to female students, in the sense that the two students will Those who are matched by Kiai have the same right to choose. This kind of matchmaking tradition reflects an attitude of justice rather than matchmaking one-sidedly without considering the mutuality of the two candidates for marriage. The phenomenon of arranged marriages in the world of Islamic boarding schools which are not friendly towards women was born due to Middle Eastern mystical practices and teacher-student interactions in pre-Islamic times, this gave rise to traditional Indonesian doctrine about guardians or holy people, this is where the tradition of arranged

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<sup>50</sup> Mardhatillah, "Perempuan Madura Sebagai Simbol Prestise Dan Pelaku Tradisi Perjodohan."

<sup>51</sup> Shofiyullah Muzzammil et al., "Motif, Konstruksi, Dan Keadilan Semu Dalam Praktik Poligami Kiai Pesantren Di Madura," *Jurnal SMART (Studi Masyarakat, Religi, Dan Tradisi)* 7, no. 01 (2021): 129–42, <https://doi.org/10.18784/smart.v7i01.1207>.

<sup>52</sup> Erna Marhumah, *Konstruksi Sosial Gender Di Pesantren: Studi Kasus Kiai Atas Wacana Perempuan* (Yogyakarta: LKiS, 2011).

marriages with extreme obedience to the Kiai began.<sup>53</sup> Therefore, Kiai's choice is the best and if he refuses it, it could result in his marriage not being blessed and causing problems in his domestic life later. The tradition of matchmaking in pesantren aims to build networks in society. So this tradition of arranged marriage is an attempt by Islamic boarding schools to maintain their social networks and form new social networks.<sup>54</sup> So, the marriage tradition and the educational process led to the formation of the Islamic boarding school's social network.<sup>55</sup>

Kiai marries his daughters or female students to his intelligent students, especially students who are close to the Kiai. This is being prepared to become a successor to the Islamic boarding school institution or to create a new pesantren that is affiliated with the previous pesantren so that it has strong social relations.<sup>56</sup> For pesantren families, to maintain and strengthen the social relations of their Islamic boarding school, the Kiai's son, known as Gus, will be betrothed to another Kiai's daughter, called 'Ning', at another Islamic boarding school. However, the essence and good aim of the Islamic boarding school above in perpetuating the tradition of arranged marriages should not give rise to evil or evil by not taking into account the readiness and considerations of the two candidates, especially the wife or woman. The rules of fiqh state that eliminating harm or evil takes precedence over taking away benefits or goodness. The feeling of injustice and oppression towards women is a shame that should take priority.

In this case, even in some areas, the tradition of arranged marriage places women as objects who must accept the person they are betrothed to, as is the case with Madurese women. Women in Madura are always under surveillance when making important decisions in their lives, thereby limiting their ability to fully shape and determine the direction of their own lives and futures.<sup>57</sup> So, the tradition of arranged marriages that are forced by external

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<sup>53</sup> Haryanto Sugeng, *Presepsi Santri Terhadap Perilaku Pimpinan Kiai Pondok (Studi Interaksionisme Simbolik Di Pondok Pesantren Sidogiri Pasuruan)* (Jakarta: Kementerian Agama RI, 2012).

<sup>54</sup> A. Salehudin, "Konstruksi Jaringan Sosial Pesantren: Strategi Eksis Di Tengah Perubahan," *Religi Jurnal Studi Agama-Agama* 10, no. 2 (2016): 204–216, <https://doi.org/https://doi.org/10.14421/rejusta.2014.1002-05>.

<sup>55</sup> Iin Nur Zulaili, "Modernitas Pesantren Dan Kesakralan Pernikahan Dalam Upacara Rahmat Pura," *Fikrah: Jurnal Ilmu Aqidah Dan Studi Keagamaan* 8, no. 1 (2020): 99–114, <https://doi.org/10.21043/fikrah.v8i1.7060>.

<sup>56</sup> Zamakhsyari Dhofier, *Tradisi Pesantren: Studi Tentang Pandangan Hidup Kyai Dan Visinya Mengenal Masa Depan Indonesia* (Jakarta: LP3ES, 2011).

<sup>57</sup> Mardhatillah, "Perempuan Madura Sebagai Simbol Prestise Dan Pelaku Tradisi Perjudohan."

parties, either from parents or by religious teachers or Kiai, will give rise to injustice for women.<sup>58</sup>

Arranged marriages must be based on mutuality and this is based on the story of a woman from the time of the prophet named *Khansa' bint Khadzam* who was forcibly married by her father to a man she did not want. Khansa' was interested in Abu Lubabah bin Abdul Mundzir rather than the man chosen by his father from Bani Amr bin Auf. Then Khansa met the Prophet Muhammad SAW and said "In fact, my father has forced me to marry the person he wants, but I don't want to", then the prophet answered: "There is no marriage with him, marry the person you love". And finally, Khansa' married Abu Lubabah.<sup>59</sup> So, matchmaking must not be forced and must take into account the consent of both men and especially women. In Islam, women have the right and freedom to choose their life partner and the freedom to express their opinions. Therefore, the tradition of arranged marriages in the Islamic boarding school world that gives birth to goodness is the Islamic boarding school institutional model that positions women as equals to men, namely considering the right to speak and choose for both candidates, especially women. On the other hand, the tradition of arranged marriages in the world of Islamic boarding schools which gives rise to injustice and injustice is a model of Islamic boarding school institutions which are patriarchal, meaning that they marginalize the position and voice of women in their matchmaking decisions.

### **The History of KUPI Fatwas**

Pesantren Kebon Jambu in Cirebon hosted the inaugural Indonesian Women's Ulama Congress (KUPI) in April 2017 which became a spiritual, intellectual, cultural, and social validation in formulating religious fatwas. Women's life experiences are used as an authoritative source of knowledge in formulating the narrative.<sup>60</sup> So, the characteristic of KUPI is collective fatwa activities which will later be called religious deliberations, especially regarding three things, namely the need to protect children from marriage, the prohibition of destroying the environment, and the prohibition of sexual violence. Then this religious deliberation also issued recommendations to the parties responsible and was deemed capable of resolving the three things above.<sup>61</sup>

The female ulama in KUPI does not mean women in the biological sex of female, but rather an attitude that is willing to listen to women's experiences has a gender-just perspective, and struggles for social justice for women. The term female ulama is mentioned explicitly as a confirmation of perspective and

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<sup>58</sup> Haryanti and Fakhriyah, "Pesantren, Perempuan, Dan Subaltern Dalam Perempuan Berkalung Sorban Dan Hati Suhita."

<sup>59</sup> Nur Hasan, "Khansa', Perempuan Yang Menolak Perjudohan Di Masa Rasulullah SAW," *islami.co*, 2018.

<sup>60</sup> Kodir, *Metodologi Fatwa KUPI*.

<sup>61</sup> Kodir.

affirmation because social facts show that women are still forgotten and marginalized.<sup>62</sup> KUPI positions women as complete and dignified human subjects. In general, the KUPI fatwa methodology has its roots in the fatwa tradition in the scientific discipline of *uṣūl fiqh*, especially as practiced by ulama in Indonesia.<sup>63</sup> The scholars refer to models of interaction between text and reality in the traditions and treasures of Islamic civilization.

The methodological ideas of ulama and scholars are the foundation for various discussions related to social issues and women in Indonesia. Several institutions carry out training and cadre formation, including the Islamic Boarding School and Community Empowerment Association (P3M) through Fiqh An-Nisa in Jakarta, which is a non-academic institution. Then there is also the academic institution UIN Sunan Kalijaga through the Center for Women's Studies (PSW) which carries out cadre formation to develop and continue the idea of gender justice in Islam.<sup>64</sup> Apart from that, there are also various institutions involved in preaching gender justice in Islam, such as the Institute for Religious and Philosophical Studies (LSAF) Jakarta, Fatayat NU Foundation Yogyakarta, Paramadina Foundation Jakarta, LKiS Foundation Yogyakarta, PSW UIN Jakarta, Aisyiah and Nasyiatul Aisyiah Muhammadiyah, Muslimat and Fatayat NU, and so on.<sup>65</sup>

Rahima, Fahmina, and Alimat are the three institutions that initiated the activities and birth of the KUPI religious deliberation. Rahima and Fahmina have started various activities since 2000, while Alimat only started them in 2010. Previously, halaqoh had been held four times, namely in Padang in November 2016, then in Yogyakarta in October 2016, in Makasar in February 2017, and a national halaqoh regarding the methodology of the KUPI religious deliberation in Jakarta from 2 to 6 April 2017.<sup>66</sup> Rahima and Fahmina have women's clergy cadre formation activities in the form of regular, periodic, and continuous training. 24 book titles have been published by Rahmina and 29 book titles have been successfully published by Fahmina. The methodology of the two institutions was then used in KUPI religious deliberations.<sup>67</sup>

Meanwhile, Rahima is an association that works and operates for education and awareness related to Islam regarding women's reproductive rights. Therefore, Rahima is a non-governmental organization that seeks to

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<sup>62</sup> Kodir.

<sup>63</sup> Kodir.

<sup>64</sup> KH. Husein Muhammad, *Perempuan Ulama Di Atas Panggung Sejarah* (Yogyakarta: IRCISOD, 2020).

<sup>65</sup> Neng Dara Affiah, *Potret Perempuan Muslim Progresif Indonesia* (Jakarta: Yayasan Pustaka Obor Indonesia, 2017).

<sup>66</sup> Kodir, *Metodologi Fatwa KUPI*.

<sup>67</sup> Nina Nurmila, "New Grounded Feminist Approach to Islam in Indonesia: A Textual Analysis of Rahima and Fahmina's Publications," *Journal of Asian Sosial Science Reserch* 2, no. 1 (2020): 25–52.

empower women from an Islamic perspective. To answer the need for information and understanding about gender in Islam as well as developing cadres for the struggle for gender justice, Rahima was born in 2000.<sup>68</sup> Rahima initially limited her efforts to advocating for women's rights and critical education in the context of Islamic boarding schools. However, Rahima developed her network outside the Islamic boarding school context because of community needs. The Cadreization of Women Ulama (PUP) is one of the activities related to Rahima.<sup>69</sup>

This module from the education of female ulama cadres has been seen as the basis for the methodology used in KUPI religious deliberations. Islamic studies in the Women Ulama Cadreship class were then reflected on to provide protection to vulnerable groups and analyze social phenomena from a gender justice perspective.<sup>70</sup> Fahmina also carries out various trainings where the alumni will later be active in religious deliberations. Fahmina recruits mostly men, but the share is mostly 40-50% for female participants.<sup>71</sup> The Fahmina Movement, which was founded based on the critical traditions of Islamic boarding schools and local wisdom with a structural and cultural perspective, makes transformative efforts to change human life towards social relations that are just, dignified, humanist, democratic, and pluralistic.<sup>72</sup>

One of Fahmina's important and timely projects is dawrah (training), which brings together activists, clerics, and decision-makers to discuss Islam and gender. Since 2003, this approach has been practiced in many locations in Indonesia. Then, the more intensive is *dawrah* Kader Ulama Pesantren (DKUP) program which started in 2005. The curriculum of these *dawrah* clearly implies the methodological basis of KUPI religious deliberation.<sup>73</sup> The last one is Alimat which also carries out training. From an Islamic perspective, gender equality and family justice are the goals of a movement of social thought and action known as Alimat. On May 12, 2009, a group of activists in Jakarta formed Alimat. To achieve its goals, Alimat is collaborating with Musawah, a global movement for Muslim women that brings together activists from 40 different countries. Alimat carries out many da'wah collaborations with the preaching assembly community

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<sup>68</sup> Affiah, *Potret Perempuan Muslim Progresif Indonesia*.

<sup>69</sup> AD Eridani, Mawardi AR, and AD Kusumaningtyas, *Merintis Keulamaan Untuk Kemanusiaan: Profil Kader Ulama Perempuan Rahima* (Jakarta: Rahima, 2014).

<sup>70</sup> Helmi Ali Yafie, *Modul Pengkaderan Ulama Perempuan Perspektif Kesetaraan* (Jakarta: Rahima, 2011).

<sup>71</sup> Lies Marcoes-Natsir and DKK, *Peta Gerakan Perempuan Islam Pasca Orde Baru* (Cirebon: ISIF, 2012).

<sup>72</sup> Faqihuddin Abdul Kodir, *Khittab Fahmina2-14: Mengokobkan Kerja-Kerja Kultural Islam Indonesia Dari Cirebon* (Cirebon: Fahmina Institut, 2015).

<sup>73</sup> KH Husein Muhammad et al., *Modul Kursus Islam Dan Gender (Dawrah Fiqh Perempuan)* (Cirebon: Fahmina Institut, 2006).

and private TV stations to preach fair, mutually supportive, and happy family relations.<sup>74</sup>

Together with the NGO Women Headed of Families (PEKKA), Alimat has held various meetings, workshops, and training sessions with grassroots community academics about law and just family relationships throughout Indonesia since 2012. In the modules, family issues are discussed from a justice perspective. Islamic gender.<sup>75</sup> The activities of these three institutions lead to the pre-KUPI halaqoh and these activities also use the same methodology. These activities are also managed by a teacher-student network from the three institutions. This methodology will also be used in KUPI religious deliberations.

There were three main issues brought to the pre-KUPI congress, namely sexual violence, child marriage, and the challenges of sustainable development. The third issue is then narrated with the editorial on environmental destruction. The formulations, problems, challenges, and authority of female ulama are also discussed in these halaqohs.<sup>76</sup> The participants in this congress were divided into three expertise groups. The first group has an educational background in Islamic studies and masters Islamic sources, usually from Islamic boarding schools and Islamic universities. The second group are those who usually accompany community empowerment and vulnerable groups, especially women and children, usually from institutions and communities and the third group is activists who understand social analysis, gender perspectives and issues. These three groups are alumni from Fahmina, Rahima, and Alimat. In the halaqah, they are trained to make decisions regarding religious views regarding three issues that will be on the KUPI agenda.

The Pre-KUPI Congress also discussed women ulama, related to the identification of figures who could be called female ulama, opportunities and challenges as well as other issues that arise in their respective communities which will be brought to the KUPI event. This pre-KUPI halaqoh was held three times on a regional scale in Yogyakarta, Padang, and Makasar and once on a national scale in Jakarta. The third day of the KUPI religious deliberation was held on Thursday 27 April 2017 and was divided into three groups based on the three issues. On the second day these three issues were discussed in parallel along with six other issues, namely the education of Indonesian female ulama, the reaction of Islamic boarding schools towards female ulama, the protection of migrant workers, women in village development, women facing radicalism and violent extremism and the role of the female ulama in responding the humanitarian crisis.<sup>77</sup> Religious deliberation is the fourth stage of a series with

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<sup>74</sup> Kodir, *Metodologi Fatwa KUPI*.

<sup>75</sup> Nur Rofiah, *Modul Lokakarya: Perspektif Keadilan Dalam Hukum Keluarga Islam Bagi Penguatan Perempuan Kepala Keluarga* (Jakarta: PEKKA, 2015).

<sup>76</sup> Kodir, *Metodologi Fatwa KUPI*.

<sup>77</sup> Kodir.



one goal, the first stage is the halaqah of each region, the second stage is the national halaqah regarding methodology, the third halaqah is a parallel discussion and the fourth stage aims to make a final decision on KUPI's religious views and attitudes, this fourth stage is called KUPI religious deliberation held in April 2017.<sup>78</sup>

The results of the deliberations on these three issues<sup>79</sup>, were the taking of the Kebon Jambu oath regarding female clerics, the existence of a mechanism for recording the findings of religious deliberations, and the election of session leaders. Religious Deliberation Manuscripts on Sexual Violence, Religious Deliberation Manuscripts on Child Marriage, and Religious Deliberation Manuscripts on Destruction of Nature are the three texts included in the list. Apart from that, this section also contains general and thematic recommendations, as well as recommendations from the Indonesian Women's Ulema Congress.<sup>80</sup>

### **KUPI Trilogy Approach in Seeing the Phenomenon of Arranged Marriage Traditions in Pesantren**

The phenomenon of the tradition of arranged marriages in the world of Islamic boarding schools is analyzed using the KUPI fatwa trilogy, namely first the concept of *ma'rūf*, second *mubādalah* approach, true justice. Based on his research, Badriyah stated that the word *ma'rūf* is referred to 34 times in the Qur'an, which has the meaning of truth, goodness, and propriety which is known and accepted by the public, because it is considered reasonable and following the principles of ethical teachings, and character. general society and human nature.<sup>81</sup> Therefore, *"everything that contains the values of goodness, truth, and propriety under the Shari'a, common sense and the general view of a society"* is how Badriyah Fayumi defines *ma'rūf*.<sup>82</sup> The word *ma'rūf* apart from containing the principles of justice, reciprocity (mutuality), and cooperation, Quran contains three big ideas: *First*, as one of the principles of social relations; *Secondly*, as a form of appreciation and reference for good traditions accepted and practiced by a society; *Thirdly*, as an approach to determine and contextualize universal Islamic values, such as the necessity of mutual agreement and deliberation in specific and pragmatic social applications<sup>83</sup>

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<sup>78</sup> Kodir.

<sup>79</sup> Kupipedia, "Dokumen Resmi Proses Dan Hasil Kongres Ulama Perempuan Indonesia," n.d.

<sup>80</sup> Tim KUPI, *Dokumen Resmi Proses & Hasil Kongres Ulama Perempuan Indonesia* (Cirebon: Kongres Ulama Perempuan Indonesia, 2017).

<sup>81</sup> Badriyah Fayumi, "Konsep Makrud Dalam Ayat-Ayat Munakahat Dan Kontekstualisasinya Dalam Beberapa Masalah Perkawinan Di Indonesia" (UIN Syarif Hidayatullah, 2008).

<sup>82</sup> Fayumi.

<sup>83</sup> Fayumi.

If *ma'ruf* approach is applied in looking at the phenomenon of matchmaking traditions in the world of Islamic boarding schools, where matchmaking traditions tend to be coercive or one-way in nature, requiring women to submit to the decisions of other people outside themselves, whether parents or Kiai, is a form of injustice and tyranny towards women, especially if the tradition of forced matchmaking (forced marriage) aims to achieve certain things. This is not truth, goodness, or appropriateness. In Islamic teachings, women have the right to determine their choice of their future husband. So, Islamic boarding schools that perpetuate the tradition of forced arranged marriages are not in accordance with one of the KUPI fatwas, namely makruf. It is clear that arranged marriages by ignoring the decisions of one of the candidates, especially the future (female) wife, is a bad thing.

The concept of the second KUPI fatwa trilogy is *mubadalah* which means exchange and mutuality. The idea of the KUPI fatwa formulation approach is to treat men and women equally when referring to, interpreting, and applying source material in legal situations. This means treating men and women equally.<sup>84</sup> This *mubadalah* approach is based on three basic principles of Islamic doctrine. *First*, Islam has teachings that are necessary for both men and women. *Second*, cooperation and reciprocity (mutuality), not hegemony and domination, must be the guiding principles in relationships between men and women. *Third*, harmonize or adapt to the two rules explained above, because the two premises above are in line with the vision of *rahmatan lil 'alamin* and *akhlāq karimah* in Islam.<sup>85</sup>

Therefore, the concept of *ma'ruf* in *mubadalah* approach must treat men and women equally, protecting the good things done and practiced by both sexes. Similar principles also apply to the protection of life, reason, property, family, and religion.<sup>86</sup> So, the phenomenon of the tradition of arranged marriages in pesantren which is forced or only one way, if analyzed using a mutual approach, there is no mutuality or equality between men and women. Because in *fiqh* studies the term *kafā'ah* which includes the concept of equality is used to refer to the right to choose women or their guardians, this standard originates from a woman's perspective. This is done so that the position of husband and wife is balanced and the household remains in balance, according to the study of Islamic jurisprudence.<sup>87</sup>

If women in the tradition of arranged marriages in pesantren are not given access to determine their choices, it means that there is no concept of equality and mutuality in choosing a partner. The difference in choosing a

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<sup>84</sup> Kodir, *Metodologi Fatwa KUPI*.

<sup>85</sup> Kodir.

<sup>86</sup> Kodir.

<sup>87</sup> Ridwan, *Kekerasan Berbasis Gender* (Purwokerto: Pusat Studi Gender. (PSG) Sekolah Tinggi Agama Islam Negeri (STAIN) Purwokerto dan Fajar Pustaka, 2006).

potential life partner does not only belong to men, but women also have the same rights in choosing their path in life, in this case, a soul mate. So, if the tradition of arranged marriages only places men as having the right to choose and women are only positioned to obey the decisions of third parties, this is contrary to the concept of *mubādalah* and gives rise to gender injustice and harm to the women themselves.

This type of Islamic boarding school is still very closely linked to patriarchal culture which marginalizes the role and position of women. Most Salafi or traditional Islamic boarding schools are still seen with a patriarchal culture and women are in subordinate positions. This can be proven by, for example, the interpretation regarding the duty of a woman or wife is to serve her husband, because serving a husband is heaven for the wife, whereas in the interpretation of gender justice, that both must be heaven for each partner, not only the wife is required to be heaven for her husband, but that her husband is also required to be a heaven for his wife. This is where the concept of *mubādalah* is, including in determining matchmaking, both men and women have the same position as well as the same rights in determining and accepting or rejecting a mate proposed by a third party, in this case the Kiai in the world of Islamic boarding schools.

Furthermore, the concept of the final KUPI fatwa trilogy is true justice, which means that goodness must be accepted by women, which is an experience that deviates from their experience and cannot represent the experience of men. As equal subjects and complete human beings, men and women have the right to all goodness, benefit, and welfare.<sup>88</sup> The typical women's experiences in question are conditions such as menstruation, pregnancy, childbirth, and breastfeeding, which men do not experience naturally. Women also experience stigmatization (negative labeling), negativity (not being respected in the decision-making process), marginalization (marginalization from the decision-making system), double domestic and public burdens, as well as physical and psychological violence, and other social experiences.<sup>89</sup>

True justice means gender justice, in the traditional phenomenon of matchmaking in the Islamic boarding school world which is generally unfair if women do not have the ability or are not given access and the opportunity to choose their partner during the matchmaking process. This means that there is domination by a third party, be it parents or Kiai in the Islamic boarding school world, to accept a man who was previously unknown to the woman. So, the tradition of arranged marriages in the Islamic boarding school educational institution model which has a great chance of giving birth to goodness is the Islamic boarding school which provides space and opportunity for women to

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<sup>88</sup> Kodir, *Metodologi Fatwa KUPI*.

<sup>89</sup> Kodir.

voice their ideas and decisions in determining their future husbands. So this will realize true justice and equality.

In the concept of true justice in looking at the phenomenon of arranged marriage traditions in the Islamic boarding school world, to realize justice and equality with men in decision-making, which will have an impact on the future of both parties, women must be allowed to voice their ideas. The tradition of arranged marriages in the Islamic boarding school world which seems forced and one-way shows the superiority of men and the subordination of women, and this is an injustice. The right to *ijbār* or forced marriage according to Abidah el Khalieqy, apart from being contrary to the concept of true justice in the KUPI trilogy, is also contrary to the spirit of freedom in Islam. Injustice, in this case, shows that women are not seen as equal subjects to men, but rather as objects. Therefore, gender inequality occurs in this situation because women are in an inferior position. In reality, women should be required to participate equally in all choices, especially those that impact marriage plans and those that impact the family.

Women should be free to choose their future, including a soul mate or life partner, or at least, have the choice to consider who they should be with. Not only do men have the right to vote, but women also have the same rights. So if an arranged marriage is forced and only one way, it is not under the spirit of *mubādalah* or mutuality and the spirit of true justice in the KUPI fatwa trilogy.

## **Conclusion**

The phenomenon of matchmaking traditions in the world of Islamic boarding schools, if analyzed using the KUPI fatwa trilogy, namely through the *makruf*, *mubadalah*, and essential justice approaches, produces two characteristics and models of matchmaking in the world of Islamic boarding schools, firstly the one-way matchmaking tradition which is coercive and secondly the two-way matchmaking tradition which is not coercive. The two-way matchmaking tradition in the Islamic boarding school world which is not coercive is for example that carried out by the Miftahul Huda II Bayasari Ciamis Islamic Boarding School, while the one-way matchmaking tradition in the Islamic boarding school world which is coercive is for example the Salafi Islamic boarding school which is still conservative under the pretext of blessings. The character and model of Islamic boarding schools with the tradition of one-way matchmaking gives rise to a form of injustice and oppression towards women, so that women do not have the opportunity to participate and express their voice in the matchmaking decision. The one-way tradition of arranged marriages in the Islamic boarding school world does not have any *makruf* or goodness values, it is also contrary to the concept of *mubadalah*, namely mutuality and equality, because in the tradition of arranged marriages it is only one way and seems to force placing or reducing women to objects and not subjects who are equal to men. -man. Because such marriage traditions in the Islamic boarding

school world do not reflect prosperity and wealth, they give rise to gender inequality. Therefore, this is also not in accordance with the third concept of the KUPI fatwa trilogy, namely true justice. Meanwhile, the tradition of arranged marriages that are friendly to women is called two-way arranged marriages, here women are treated equally with men as subjects, and women have the freedom and opportunity to make their own decisions. The tradition of two-way and woman-friendly arranged marriages is in accordance with the spirit of the KUPI fatwa trilogy, thereby giving birth to goodness (*makruf*), mutuality or equality (*mubadalah*), and true justice.

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