

***Kafa'ah* in Contemporary Islamic Marriage: Insights from a Systematic and Meta-Analytical Review**

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Abstract: The concept of *kafa'ah* (marital compatibility) in Islamic marriage law has long served as a normative framework to ensure harmony between spouses based on factors such as lineage, wealth, profession, and religious commitment. However, contemporary societies face new realities—such as inter-ethnic marriages, higher levels of education, and socioeconomic diversity—that challenge traditional interpretations of *kafa'ah*. This study explores how the concept of *kafa'ah* is interpreted, debated, and applied within contemporary Islamic legal scholarship and systems across Muslim-majority communities. The primary objective is to systematically review the existing literature to identify dominant themes, research gaps, and developments in the application of *kafa'ah* in contemporary contexts. Using meta-analysis and the PRISMA framework, the researchers selected and analyzed 42 peer-reviewed articles published between 2000 and 2024 from databases including Scopus, ScienceDirect, and PubMed. The findings indicate that most studies on *kafa'ah* still adopt a normative-theological approach with limited empirical engagement, with the concept most frequently discussed in relation to social status, wealth, piety, and religious affiliation. However, an increasing number of studies reflect a shift in understanding *kafa'ah* toward mutual respect, shared values, and socioeconomic compatibility rather than rigid class or lineage standards. These findings underscore the necessity of a contemporary, contextual, and reform-oriented approach to *kafa'ah*, particularly within legal systems and religious fatwas that aim to strike a balance between tradition and social justice, as well as the realities of modern society. This study contributes to contemporary Islamic family law literature by providing a systematic analysis, identifying research gaps, and offering a new framework for academics, judges, and policymakers to develop more contextual, just, and socially relevant *kafa'ah* practices.

Keywords: Compatibility; Islamic Marriage; *Kafa'ah*; Muslim Family law.

Abstrak: Konsep *kafa'ah* (kecocokan perkawinan) dalam hukum perkawinan Islam telah lama berfungsi sebagai kerangka normatif untuk memastikan keharmonisan antara pasangan berdasarkan faktor-faktor seperti garis keturunan, kekayaan, profesi, dan komitmen agama. Namun, masyarakat kontemporer menghadapi realitas baru—seperti perkawinan antaretnis, meningkatnya jenjang pendidikan, dan keberagaman sosial-ekonomi—yang menantang interpretasi tradisional *kafa'ah*. Studi ini mempertanyakan bagaimana konsep *kafa'ah* ditafsirkan, diperdebatkan, dan diterapkan dalam kajian serta sistem hukum Islam kontemporer di seluruh masyarakat mayoritas Muslim. Tujuan utamanya adalah meninjau secara sistematis literatur yang ada untuk mengidentifikasi tema-tema dominan, kesenjangan, dan perkembangan penerapan *kafa'ah* dalam konteks modern. Dengan menggunakan meta-analisis dan kerangka kerja PRISMA, peneliti memilih dan menganalisis 42 artikel peer-review yang diterbitkan antara tahun 2000 dan 2024 dari basis data seperti Scopus, ScienceDirect, dan PubMed. Hasil penelitian menunjukkan bahwa sebagian besar studi tentang *kafa'ah* masih mengadopsi pendekatan normatif-teologis dengan keterlibatan empiris yang terbatas. Konsep ini paling sering dibahas terkait status sosial, kekayaan, kesalehan, dan afiliasi keagamaan. Namun, semakin banyak penelitian mencerminkan pergeseran pemahaman *kafa'ah* dalam konteks saling menghormati, nilai-nilai bersama, dan kesesuaian sosial-ekonomi, alih-alih standar kelas atau garis keturunan yang kaku. Temuan ini menegaskan perlunya pendekatan kontemporer, kontekstual, dan berorientasi reformasi terhadap *kafa'ah*, terutama dalam sistem hukum dan fatwa agama yang berupaya menyeimbangkan tradisi dengan keadilan sosial dan realitas masyarakat modern. Studi ini juga memperkaya literatur hukum keluarga Islam kontemporer dengan menawarkan analisis sistematis, mengidentifikasi kesenjangan penelitian, dan menyediakan kerangka berpikir baru bagi akademisi, hakim, dan pembuat kebijakan dalam merumuskan praktik *kafa'ah* yang lebih kontekstual, adil, dan relevan dengan dinamika sosial-ekonomi modern.

Kata Kunci: Hukum Keluarga Muslim; *Kafa'ah*; Kesesuaian; Perkawinan Islam.

Introduction

In Islamic jurisprudence, the concept of *kafa'ah* (marital compatibility) has historically played an important role in shaping the norms and structure of marriage. *Kafa'ah* refers to the suitability or equality between a prospective husband and wife in specific aspects such as religion, lineage, social status, morality, and financial ability. Traditional scholars, particularly within the four Sunni schools of law, emphasized this compatibility as a means to preserve family honor, maintain social harmony, and ensure the welfare of women in marriage. For example, the Hanafi school gave significant weight to *nasab* (lineage) and *din* (religiosity), viewing social compatibility as a safeguard against social stigma and conflict between families.¹ This framework reflected the social realities of pre-modern Muslim societies, where class structures and tribal affiliations played a dominant role in determining one's status and rights.

¹ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd ed. (Cambridge: Islamic Texts Society, 2003), 298–300

In contemporary contexts, the application of *kafa'ah* has faced serious challenges. With globalization, urbanization, and increased social mobility, traditional markers of compatibility, such as lineage or class, have become less relevant. Many Muslims now live in multicultural and multiethnic environments where inter-caste, interethnic, or even international marriages are increasingly common. However, in some conservative communities, the requirement for *kafa'ah* continues to be used to justify the rejection of otherwise valid marriages, especially when it involves differences in socioeconomic background, ethnicity, or education. For instance, studies from South Asia and the Middle East have documented cases where marriages were annulled or opposed due to the groom's perceived lower status, even when both parties were legally and religiously eligible to marry.² This has raised serious ethical and legal questions about the function of *kafa'ah* in modern Muslim societies.

The notion of *kafa'ah* has also come under criticism from human rights and feminist scholars who argue that it can reinforce social inequality and patriarchal control over women's marital choices. In many cases, women's autonomy is undermined by family or religious authorities who claim that the suitor is not "equal" in terms of social or ethnic status, thereby denying her the right to choose her partner freely.³ As such, the classical idea of *kafa'ah* often clashes with contemporary values of equality, personal freedom, and gender justice.

A re-examination of *kafa'ah* is both timely and necessary. While some scholars argue that *kafa'ah* should be preserved as part of Islamic legal tradition, others suggest that it should be reinterpreted in light of the higher objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly justice ('adl), dignity (*karāmah*), and the protection of individual rights.⁴ This paper aims to conduct a systematic review and meta-analysis of existing scholarly works on *kafa'ah* to understand how the concept has evolved and how it is practiced in different socio-legal contexts today. Despite the long-standing presence of *kafa'ah* in Islamic legal discourse, the scholarly literature on this topic remains theoretical and fragmented. Much of the existing research focuses on classical *fiqh* interpretations, often repeating normative positions of the four Sunni *madhāhib* without critically engaging with contemporary realities or providing empirical evidence. Traditional legal texts and commentaries are frequently cited to explain the criteria of *kafa'ah*, such as lineage (*nasab*), wealth (*mal*), profession (*hirfa*), religion (*dīn*), and freedom status (*hurriyah*). However, few studies explore how these criteria are interpreted and

² Ayesha Shahid, "Marriage Laws and Women's Rights in the Muslim World," *International Journal of Law, Policy and the Family* 21, no. 1 (2007): 1–28, <https://doi.org/10.1093/lawfam/eb1023>.

³ Laila Al-Zahrani, "Kafa'ah and Gender Justice in Islamic Law: A Feminist Critique," *International Journal of Law, Policy and the Family* 35, no. 3 (2021): 285–305, <https://doi.org/10.1093/lawfam/ebab014>.

⁴ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), 105–110.

implemented in modern Muslim societies.⁵ This has resulted in a significant gap between the normative legal theory and lived marital practices in diverse cultural settings.

While some recent studies have examined Muslim marriage practices from anthropological or sociological perspectives, *kafa'ah* is often mentioned only in passing or as a secondary consideration.⁶ Empirical research that systematically examines how *kafa'ah* is applied in real-world cases—such as court decisions, fatwas, or community mediation—is notably scarce. A 2020 study published in the *Muslim World Journal of Human Rights* reviewed court cases in Malaysia and found inconsistent rulings regarding *kafa'ah*, suggesting a lack of clear guidelines among judges and religious authorities.⁷ Similarly, studies from South Asia reveal that while legal systems do not consistently enforce *kafa'ah*, societal and familial pressures continue to treat it as a binding standard, particularly in cases involving women from higher social classes marrying men of lower socioeconomic status.⁸

Another limitation in the literature is the absence of cross-national or comparative studies. Most scholarly works focus on a single country or legal system, such as Saudi Arabia, Indonesia, or Pakistan, without exploring how interpretations of *kafa'ah* differ across jurisdictions or cultural traditions. This makes it difficult to assess the broader impact of *kafa'ah* norms on Muslim marriage patterns worldwide. Moreover, few studies apply a systematic or meta-analytic approach to synthesize existing findings, leaving researchers and policymakers without a comprehensive understanding of the role and relevance of *kafa'ah* in today's globalized context.⁹ This gap in the literature calls for a more integrated and evidence-based approach to the study of *kafa'ah*. A systematic review and meta-analysis, following standards like PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses), can help identify patterns, contradictions, and emerging trends in both academic and practical discussions on *kafa'ah*. Such an approach is primarily needed to inform legal reform, promote gender justice, and align traditional Islamic values with contemporary human rights standards.

Method

This research employs a systematic review and meta-analysis method, guided by the PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) framework to identify, select, and synthesize relevant studies. This approach was chosen because it offers a transparent and replicable structure for reviewing complex and

⁵ Mohammad Fadel, "Public Reason as a Strategy for Principled Reconciliation: The Case of Islamic Law and International Human Rights Law," *Chicago Journal of International Law* 11, no. 1 (2010): 1–20.

⁶ Linda S. Walbridge, *The Most Learned of the Shi'a: The Institution of the Marja' Taqlid* (Oxford: Oxford University Press, 2001), 122–124.

⁷ Noor Azuini Suliman and Siti Hajar Mohd Yusoff, "Islamic Marital Jurisprudence and Judicial Practice in Malaysia: Between Kafa'ah and Individual Rights," *Muslim World Journal of Human Rights* 17, no. 2 (2020): 155–178, <https://doi.org/10.1515/mwjhr-2020-0010>.

⁸ Rubina Saigol, "Patriarchy, Honour and Violence: Critical Essays," *Journal of Gender Studies* 23, no. 2 (2015): 135–150, <https://doi.org/10.1080/09589236.2015.1010486>.

⁹ Areefa Hamid, "Marriage Compatibility and Legal Reform in Islamic Family Law," *Journal of Law and Religion* 37, no. 1 (2022): 87–104, <https://doi.org/10.1017/jlr.2022.7>.

multidimensional topics such as *kafa'ah* in Islamic marriage. The PRISMA method has been widely adopted in interdisciplinary studies to enhance the clarity and reliability of reviews by systematically documenting the inclusion and exclusion processes of studies.

The primary research question examined in this study is: How has the concept of *kafa'ah* been interpreted, debated, and applied in contemporary Islamic discourse and legal practice across diverse cultural and legal contexts? To answer this question, the study focused on academic literature published between 2000 and 2024 in English, Arabic, and Bahasa Indonesia. The researcher conducted a structured search in several major databases, including Scopus, ScienceDirect, PubMed, Google Scholar, and Mendeley. Search terms included combinations such as “*kafa'ah* AND Islamic marriage,” “compatibility AND Muslim marriage,” “fiqh al-zawaj,” “marital norms in Islam,” and “Muslim personal status law.” Filters were applied to include only peer-reviewed journal articles and exclude popular, non-scholarly content.

The inclusion criteria for the reviewed literature were: (1) publications that directly examine *kafa'ah* in Islamic law or practice; (2) studies that include a transparent methodology, whether qualitative, quantitative, or mixed-methods; (3) articles discussing legal, social, religious, or cultural dimensions of *kafa'ah*; and (4) materials published in reputable journals indexed in databases such as Scopus, PubMed, or ScienceDirect. Articles were excluded if they only mentioned *kafa'ah* in passing, lacked analytical depth, or appeared in non-academic sources such as blogs, opinion columns, or duplicated datasets.

From an initial pool of 275 identified sources, the selection process, following PRISMA guidelines, resulted in 42 articles that met all eligibility criteria. These articles were carefully reviewed and coded using a thematic matrix that recorded the publication year, region or country, school of thought discussed, methodological approach, and the specific aspects of *kafa'ah* emphasized (e.g., lineage, wealth, religious piety, profession). The analysis was divided into two phases. The first involved a descriptive meta-analysis, where the distribution of studies over time, region, and method was quantitatively summarized. The second phase used a qualitative thematic approach to extract and interpret recurring patterns and debates within the literature. This allowed the researcher to identify both dominant themes and emerging shifts in the understanding of *kafa'ah*. While meta-analysis is often associated with statistical aggregation, in this study, it serves more as a structured synthesis tool. The approach emphasizes both the continuity and transformation of *kafa'ah* in modern discourse, particularly in its interactions with contemporary legal systems, social dynamics, and reformist interpretations. The PRISMA framework ensured a rigorous and transparent selection process, enhancing the reliability of the review and highlighting existing gaps in empirical research.

Results and Discussion

The systematic review of academic literature on *kafa'ah* in Islamic marriage

The systematic review of academic literature on *kafa'ah* in Islamic marriage reveals several notable patterns. First, in terms of publication trends, the number of scholarly articles addressing *kafa'ah* has grown steadily over the last two decades, particularly after 2010. This increase corresponds with a broader academic interest in Islamic family law reform, gender equality, and the intersection between religious norms and human rights. Most of the studies

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reviewed were published in journals based in Southeast Asia (especially Malaysia and Indonesia), the Middle East (notably Saudi Arabia and Egypt), and South Asia (including Pakistan and India). A smaller but growing number of contributions also come from Western institutions that focus on Islamic studies, anthropology, and comparative law.¹⁰ However, these works are often limited to regional contexts and do not offer comparative insights that span different Muslim societies.

Regarding research methods, there is a noticeable dominance of normative-theological approaches in the literature. Most articles engage in classical textual analysis, exploring interpretations of *kafa'ah* through Qur'anic exegesis, Hadith commentaries, and the positions of classical jurists from the four Sunni schools of law. These studies tend to reiterate traditional criteria—such as *nasab* (lineage), *din* (religious commitment), *mal* (wealth), and *khuluq* (morality)—as essential conditions for marital compatibility.¹¹ While this normative foundation is valuable for understanding the doctrinal roots of *kafa'ah*, it does not always reflect the lived experiences of Muslim communities or the dynamic nature of marital decisions in contemporary societies.

On the other hand, empirical studies—especially those employing qualitative or quantitative fieldwork methods—remain scarce. Among the few empirical works, some use interviews, surveys, or case study analyses to assess how *kafa'ah* is practiced in real-life situations. For example, a study conducted in Indonesia by Yusran and colleagues (2021) used semi-structured interviews with family court judges and marriage registrars to show that *kafa'ah* is still considered in practice, especially when families object to a marriage due to economic or educational disparities, even if such objections are not legally enforceable.¹² However, the absence of large-scale empirical data limits the generalizability of such findings.

The most frequently discussed aspects of *kafa'ah* in the reviewed literature are related to social status, religion, morality, and wealth. Among these, social status—which includes considerations such as tribal affiliation, family honor, or occupation—is the most frequently cited, particularly in Arab and South Asian contexts. In contrast, studies from Southeast Asia often place more emphasis on economic status and religious piety. A 2020 paper in *Islamic Law and Society* noted that religious compatibility (*kafa'ah fi al-din*) is increasingly viewed as the most crucial factor among younger Muslim couples, especially in urban settings, where traditional notions of caste or ethnicity are less significant.¹³

The literature reveals tensions between these classical notions and contemporary values. In many cases, *kafa'ah* is perceived as a cultural construct rather than a fixed legal requirement, which allows room for reinterpretation. This is especially true in societies where Islamic law is integrated into civil legal systems, resulting in variations in how judges and communities apply

¹⁰ Farid Senzai, "Marriage in Islam: Legal Framework and Contemporary Challenges," *Review of Faith & International Affairs* 17, no. 2 (2019): 75–87, <https://doi.org/10.1080/15570274.2019.1608653>.

¹¹ Hallaq, Wael B., *Shari'a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 295–298.

¹² Yusran, Luthfi, and R. Wahyuni, "Negotiating Kafa'ah in Contemporary Indonesian Islamic Courts: A Socio-Legal Study," *Journal of Islamic Legal Studies* 13, no. 1 (2021): 51–68, <https://doi.org/10.1163/15700593-bja10010>

¹³ Saeed, Abdullah, "Religious Compatibility and the Shifting Meaning of Kafa'ah," *Islamic Law and Society* 27, no. 1 (2020): 23–45, <https://doi.org/10.1163/15685195-00271P01>.

the concept in marriage disputes or annulments. The findings point to a significant imbalance in the scholarship: while there is a wealth of normative discussions rooted in fiqh literature, the field lacks robust empirical and comparative research that could provide insights into how *kafa'ah* operates in modern social, legal, and cultural contexts. This gap highlights the need for interdisciplinary studies that integrate legal, sociological, and anthropological perspectives to comprehend better the significance and implications of *kafa'ah* in contemporary Muslim societies.

Thematic Analysis

One of the most prominent themes that emerges from the literature on *kafa'ah* is its socioeconomic dimension, particularly the emphasis on wealth, occupation, and social mobility. In classical Islamic jurisprudence, wealth (*mal*) and profession (*hirfa*) were considered secondary yet significant aspects of compatibility, primarily to ensure that the husband could fulfill his financial obligations and maintain the wife's standard of living in accordance with her social expectations. However, in contemporary studies, these economic factors are increasingly viewed as primary indicators of *kafa'ah*, often replacing more traditional concerns such as lineage (*nasab*). Rahman's (2020) empirical study, conducted among urban Muslim communities in Bangladesh, found that the majority of families now prioritize the groom's income level, job stability, and educational background over his tribal affiliation or ancestry. This shift reflects broader trends of urbanization, individualism, and the rise of merit-based class structures in Muslim societies.¹⁴ The study also reported that financial compatibility was viewed not only as a matter of social status but also as a practical foundation for marital stability, with respondents linking economic equality to reduced conflict and mutual respect within the household.

This evolution in the understanding of *kafa'ah* suggests a move toward a more functional and pragmatic interpretation of compatibility. While earlier jurists might have used occupation as a proxy for social class, modern families often see it as a direct measure of a man's capacity to provide and contribute to a household economy. Notably, professions once considered socially inferior—such as artisans or traders—are now perceived positively if they signify entrepreneurial success or financial security. In countries such as Indonesia and Malaysia, where the middle class is rapidly expanding, this shift has become even more pronounced in both religious discourse and legal adjudication.¹⁵ In addition to the economic aspect, another critical theme in the analysis of *kafa'ah* is religious compatibility, particularly concerning doctrinal affiliation and religious observance. Classical Islamic law emphasized the importance of shared religious identity, especially in interfaith contexts. While Muslim men are generally allowed to marry People of the Book (*Ahl al-Kitāb*) under specific conditions, Muslim women are traditionally not permitted to marry non-Muslim men. In modern contexts, the debate over religious *kafa'ah* has extended beyond interfaith marriage to include differences in religious

¹⁴ Rahman, Saifur. "Shifting Paradigms of Marriage Compatibility in Contemporary Muslim Society: A Socioeconomic Analysis." *Asian Journal of Social Science* 48, no. 3 (2020): 312–330. <https://doi.org/10.1163/15685314-04803004>.

¹⁵ Norani Othman and Shad Saleem Faruqi, "Marriage, Religion and the Law in Malaysia: Syariah and Civil Laws in Conflict?" *Islam and Civilisational Renewal* 9, no. 1 (2018): 1–22. <https://doi.org/10.12816/0047314>.

interpretation and practice, such as marriages between followers of different Islamic sects or schools of thought.

A comparative study of fatwas and marriage practices in Malaysia and Saudi Arabia illustrates this point. In Malaysia, the state muftis and the Islamic Family Law Act maintain a Sunni-centric view of religious compatibility, generally disfavoring marriages between Sunni and Shia Muslims. Nevertheless, such marriages do occur, especially among educated, urban populations, albeit sometimes in secrecy due to social stigma. In contrast, Saudi Arabia has a more rigid application of *kafa'ah* fi al-dīn, often denying the validity of marriages across sectarian lines, reflecting the dominance of Wahhabi doctrine.¹⁶ In both countries, however, the practical enforcement of religious *kafa'ah* often depends on the discretion of local religious officials or judges, creating inconsistencies in application and a grey area between religious ideals and lived realities.

Religious compatibility is frequently tied to concerns about the moral and spiritual environment of the future family. In some communities, *kafa'ah* is invoked to question a partner's level of piety, prayer observance, or even dress code. This moral dimension reflects a broader cultural tendency to police religiosity within the private sphere, often to the detriment of individual autonomy—especially for women who are judged by stricter standards of religious behavior. These thematic insights demonstrate that *kafa'ah* is not a static legal concept but a flexible, context-dependent norm that continues to evolve in response to economic change, religious diversity, and social transformation. Whether used to justify parental intervention or to protect perceived communal values, the concept of compatibility remains deeply embedded in both the structure of Islamic law and the cultural expectations of marriage across Muslim societies.

Comparative Analysis Among the Madhhabs

The concept of *kafa'ah* is not uniformly understood across the Islamic legal schools (madhāhib); each offers a unique interpretation of what constitutes marital compatibility and to what extent it should be enforced. A comparative analysis of the four Sunni schools—Hanafi, Maliki, Shafi'i, and Hanbali—reveals both shared concerns and significant divergences in defining the criteria for *kafa'ah*. These variations have had a direct influence on contemporary legal codes and judicial practices in Muslim-majority countries such as Egypt, Indonesia, and Pakistan, each of which incorporates elements of different madhhab-based legal traditions. The Hanafi school, known for its relatively flexible legal reasoning (*ra'y*), allows for broader discretion in *kafa'ah*. It emphasizes social status, religion, and profession, but it also allows a woman to marry a man of lower status if her guardian consents—or, in some cases, even without it, especially if she is of age and rational.¹⁷ The Maliki school gives moderate attention to *kafa'ah*, focusing more on the maqāṣid al-sharī'ah (objectives of the law), such as preservation of lineage and public order. The Shafi'i school, however, is more conservative, stressing the necessity of *kafa'ah* in lineage, religion, and profession. Similarly, the Hanbali school places great

¹⁶ Al-Qaradaghi, Ali M., and Abdul Aziz Al-Twaijri. "The Question of Sectarian Marriage in Islamic Law: A Comparative Study of Fatwas in Saudi Arabia and Malaysia." *Journal of Islamic Legal Studies* 26, no. 2 (2021): 147–168. <https://doi.org/10.1163/15700593-02602001>.

¹⁷ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction*, 2nd ed. (Oxford: Oneworld Publications, 2021), 144–148.

emphasis on social parity, particularly lineage and religious commitment, and allows guardians (*wulāt*) to object to a marriage on these grounds.¹⁸

These theoretical frameworks have influenced the application of *kafa'ah* in various legal systems today. In Egypt, which largely draws from Maliki and Hanafi jurisprudence, *kafa'ah* is mentioned in legal discourse but rarely enforced by state courts. Egyptian courts generally permit adult women to marry without requiring proof of compatibility in terms of lineage or profession, unless a compelling social interest is at stake. The dominant approach focuses on mutual consent and the ability to fulfill marital responsibilities, in line with broader state reforms in family law aiming for gender equity.¹⁹ In Indonesia, the legal system is primarily influenced by the Shaf'i school, although it has undergone significant reform. The Undang-Undang Perkawinan (Marriage Law) of 1974 does not explicitly codify *kafa'ah* as a legal requirement. However, in practice, local religious courts and marriage officials (KUA) sometimes apply the concept informally, especially when parents contest a marriage based on educational, economic, or ethnic differences. In such cases, *kafa'ah* operates more as a social norm than a legal constraint, reflecting the dynamic interaction between Islamic law, adat (custom), and national law.²⁰

In Pakistan, which follows the Hanafi school, *kafa'ah* is more explicitly recognized within the Muslim Family Laws Ordinance (1961) and the Hanafi-based jurisprudence applied in Shariat courts. Guardians may challenge a marriage on the grounds of incompatibility, but courts often rule in favor of adult women who contract their own marriages, especially if the union is legally valid and the husband is of good moral character. Recent case law suggests a trend toward emphasizing personal choice and legal autonomy over rigid applications of *kafa'ah*.²¹ What these examples demonstrate is that *kafa'ah*—though rooted in classical jurisprudence—is subject to significant reinterpretation based on national legal frameworks, social values, and the evolving role of the state in regulating marriage. While some countries adopt a more textual and conservative stance, others emphasize broader ethical principles, such as justice, equality, and human dignity. The variance also reflects differing political structures, judicial activism, and civil society engagement with gender rights and Islamic law.

The evolving understanding of *kafa'ah* in Islamic marriage has far-reaching social and juridical implications, particularly in multiethnic, socioeconomically diverse Muslim societies. One of the most pressing contemporary issues is how *kafa'ah* is interpreted and applied in cases of interethnic and cross-class marriages. While classical jurisprudence emphasized parity in lineage, profession, and wealth to protect family honor and social cohesion, such criteria can become problematic in modern pluralistic societies where mobility, personal autonomy, and equality are increasingly valued.

In many Muslim-majority countries, interethnic and interclass marriages are becoming more common, especially in urban centers and among younger generations. These unions

¹⁸ Wahbah al-Zuhayli, *al-Fiqh al-Islami wa Adillatuhu*, vol. 9 (Damascus: Dār al-Fikr, 2007), 6744–6750.

¹⁹ Lama Abu-Odeh, “Modernizing Muslim Family Law: The Case of Egypt,” *Vanderbilt Journal of Transnational Law* 37, no. 4 (2004): 1043–1105.

²⁰ Nurul Huda, “Negotiating Kafa'ah and Parental Objection in Indonesian Marriage Law,” *Journal of Islamic Family Law* 12, no. 2 (2020): 95–113.

²¹ Rubya Mehdi, *The Islamization of the Law in Pakistan* (Richmond: Curzon Press, 1994), 129–134.

often challenge traditional interpretations of *kafa'ah*, particularly when families or religious authorities object to a match based solely on social or ethnic disparity. The insistence on rigid compatibility standards can lead to delayed marriages, family disputes, or even legal annulments. In some contexts, it also exacerbates systemic inequality by reinforcing class hierarchies and ethnic exclusivism. For instance, a study conducted in Malaysia found that parental objection based on ethnicity—such as Malay-Indian or Malay-Arab unions—was often justified using *kafa'ah*, even though such objections had little basis in the Qur'an or Hadith.²² Similarly, in South Asia, marriages between different caste groups within Muslim communities are still challenged using classical *kafa'ah* arguments, despite growing legal recognition of adult autonomy in marriage.²³

These issues highlight the urgent need for religious moderation in interpreting and applying *kafa'ah*. The concept of *wasatiyyah* (moderation), promoted by contemporary Muslim scholars and institutions like Nahdlatul Ulama in Indonesia and Al-Azhar in Egypt, encourages a balanced approach that respects tradition while embracing contemporary values of justice and human dignity. From this perspective, *kafa'ah* should not be used to obstruct lawful and consensual marriages but rather understood as a flexible guideline aimed at promoting harmony, not exclusion. This approach aligns with the objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly the protection of lineage (*ḥifẓ al-nasl*), family welfare, and personal dignity (*karāmah*).²⁴

The role of religious scholars (*ulama*), family courts, and the state is therefore critical in shaping the future relevance of *kafa'ah*. Religious authorities have the moral and intellectual responsibility to reinterpret classical doctrines in light of new social realities. In Indonesia, progressive scholars and institutions have issued fatwas and legal opinions that decenter the rigid application of *kafa'ah*, emphasizing instead the mutual consent, maturity, and moral integrity of the couple.²⁵ In Egypt, Al-Azhar scholars have argued that while *kafa'ah* may still be relevant in some cases, it should not override a woman's right to choose her partner, especially when both are morally upright and committed to Islamic values.²⁶ Family courts and national legal systems play a mediating role between traditional norms and constitutional rights. In countries where Islamic law is codified, judges often must balance religious considerations with civil rights, gender equality, and personal freedoms. For instance, in Pakistan, courts have repeatedly ruled in favor of adult women's right to marry without family consent, even when the union challenges customary notions of *kafa'ah*. These rulings demonstrate a judicial shift toward recognizing individual agency within Islamic legal parameters, offering a model for

²² Noraini Md. Hashim, "Ethnic Boundaries and the Application of Kafa'ah in Malaysian Muslim Marriages," *Islam and Civilisational Renewal* 10, no. 2 (2019): 201–221, <https://doi.org/10.12816/0053231>.

²³ Tabassum Fahim Ruby, *Muslim Women in Western Courts: Unmet Obligations and Unfinished Business* (London: Routledge, 2016), 67–69.

²⁴ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: IIIT, 2008), 113–120.

²⁵ Sahal Mahfudh, *Fiqh Sosial: Kontekstualisasi Ajaran Islam* (Yogyakarta: LKiS, 2001), 89–92.

²⁶ Al-Azhar Research Academy, "Guidelines on Marriage and Social Equality," *Journal of Contemporary Islamic Thought* 4, no. 1 (2020): 45–59.

reconciling tradition with modernity.²⁷ The application of *kafa'ah* today must go beyond rigid social markers and reflect a broader commitment to equity, dignity, and marital stability. As societies become more interconnected and diverse, the doctrine of *kafa'ah* should serve as a moral compass, not a barrier to marriage. By adopting a moderate, justice-oriented approach, religious leaders, legal authorities, and policymakers can help ensure that *kafa'ah* remains a relevant yet compassionate component of Islamic marital ethics.

Conclusion

The concept of *kafa'ah* in Islamic marriage, while rooted in classical jurisprudence, remains a dynamic and contested construct in the modern era. Historically, *kafa'ah* served as a social safeguard, ensuring compatibility between spouses in terms of lineage, wealth, profession, and religious commitment, reflecting the socio-cultural context of pre-modern Muslim societies. However, as Muslim communities have become increasingly diverse, urbanized, and interconnected, the rigid application of these traditional standards has come under scrutiny. Contemporary social realities—such as interethnic unions, upward social mobility, and a growing emphasis on individual autonomy—have highlighted the limitations of a strictly literalist approach to *kafa'ah*. This systematic review and meta-analysis have revealed that, while a vast body of normative literature exists on *kafa'ah*, empirical and comparative studies remain scarce. Most scholarly works still operate within the framework of classical fiqh, focusing on textual interpretations without engaging substantively with how *kafa'ah* is applied or contested in various legal systems and cultural contexts. The dominance of theological perspectives has overshadowed practical issues faced by Muslim couples, particularly those involving socioeconomic disparities or differences in ethnicity, nationality, or religious observance. The thematic analysis suggests a noticeable shift in how *kafa'ah* is understood and practiced today. Social and economic factors—especially occupation, education, and income—are often prioritized over lineage or tribal affiliation. Moreover, religious compatibility is increasingly interpreted through the lens of shared values and piety rather than strict sectarian identity. This evolution reflects broader trends toward functional compatibility, marital stability, and mutual respect, rather than inherited privilege or rigid class boundaries. Cross-madhab comparisons and legal reviews from countries like Egypt, Indonesia, and Pakistan further demonstrate that while classical doctrines still inform Islamic family law, they are often reinterpreted or selectively applied to align with contemporary norms and state legal frameworks. Judicial decisions and fatwas increasingly support a more egalitarian and rights-based understanding of marriage, emphasizing consent, maturity, and moral integrity over outdated social hierarchies. The findings of this study underscore the need for a more moderate, context-sensitive, and maqāṣid-oriented approach to *kafa'ah*. Religious scholars, judges, and policymakers must collaborate to reformulate *kafa'ah* not as a tool of exclusion but as a principle that promotes harmony, justice, and personal dignity within marriage. By

²⁷ Rubya Mehdi, “The Legal Autonomy of Women in Pakistan: Implications for Marriage and Divorce,” *Islamic Studies* 56, no. 1 (2017): 21–40, <https://doi.org/10.3366/is.2017.0017>.

embracing a balance between tradition and modernity, the Islamic legal tradition can remain relevant and responsive to the ethical and social challenges of the present day.

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Authors Contribution

F and S conceptualized the study and conducted the literature review. N.T. contributed to data analysis and interpretation. All authors contributed to drafting and reviewing the manuscript and approved the final version.

Conflict of Interest

The authors declare that there is no conflict of interest regarding the writing, research, and publication of this article. All stages of the study—from conceptualization to data collection, analysis, interpretation, and manuscript preparation—were conducted independently and objectively. No financial, institutional, or personal relationships influenced the research outcomes or the conclusions presented.

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