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Ibn Hazm's Kafa'ah Relevance on Kiai's Role Choosing His Cadre' Spouses as Living Sharia-Based Education

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Abstract

Kiai is a figure who determines who marries whom, especially if the one who marries his pesantren cadres, then the kiai has full authority to choose a life partner as the concept of kafa'ah in maintaining living sharia. In this view of the kafa'ah, Ibn Hazm says "There is no haram for the marriage of unemployed Negroes with Banu Hashim and the wicked remain kufu with obedient women." Likewise, noblemen also kufu with very wicked women. This type of research is literature research as part of qualitative descriptive research based on Raymond Gibbs' cognitive and communicative relevance theory approach. The results showed that cognitive relevance is that kiai see the way of thinking of their cadre partners by looking at their good understanding of religion. While the communicative relevance is, the concept of Ibn Hazm's kafa'ah to kiai who match his cadres by emphasizing moral ethics of communication to cadre pairs to maintain each other's dignity and substantial things in religion.

Keywords: Relevance Theory, Kafa'ah, Ibnu Hazm, Living Sharia

Abstrak

Kiai merupakan sosok yang menentukan siapa menikahi siapa, terlebih jika yang menikahkan kader pesantren miliknya, maka kiai berotoritas penuh memilih pasangan hidup sebagai konsep kafa'ah dalam menjaga living sharia. Dalam pandangan kafa'ah ini, Ibnu Hazm mengatakan "tidak ada keharaman pernikahan orang negro yang penganguran dengan Bani Hasyim dan orang fasik tetap kufu dengan wanita yang taat." Begitu juga orang laki-laki yang mulia juga kufu dengan wanita yang sangat fasik. Jenis penelitian ini adalah penelitian kepustakaan sebagai bagian dari penelitian deskriptif kualitatif yang didasarkan dengan pendekatan teori relevansi kognitif dan komunikatif Raymond Gibbs. Hasil penelitian menunjukkan, relevansi kognitif ialah kiai melihat cara berpikir pasangan kader-kadernya dengan melihat pemahaman agamanya yang baik. Sedangkan relevansi komunikatif ialah, konsep kafa'ah Ibnu Hazm pada kiai yang menjodohkan

kadernya dengan menitikberatkan etika moral komunikasi pada pasangan kader agar tetap saling menjaga martabat dan hal-hal yang substansial dalam agama.

Kata Kunci: Teori Relevansi, Kafa'ah, Ibnu Hazm, Living Sharia

Introduction

In the standard Islamic family law tradition, three figures determine whether a marriage is valid or not: the married couple, the guardian, and the witness. Guardians in marriage can be parents of married couples; However, if the parents have died or must be replaced, then the judge is appointed as a guardian. In the tradition of Islamic boarding schools in Indonesia, what determines the validity of a marriage is not only focused on the three figures above but also the figure of the kiai. In the tradition of Islamic boarding schools in Indonesia, what determines the validity of a marriage is not only focused on the three figures above but also the figure of the kiai. Kiai is a figure who determines who marries whom, especially if the one who marries is his pesantren cadre, then Kiai has full authority to choose a life partner for his pesantren cadre.

If the kiai does not approve of his life partner, then the cadre is not allowed to marry him; On the other hand, if the kiai approves of his life partner, then the cadre can marry him. It is not uncommon for the kiai to match their cadres with their daughters; As a result, the cadre had to Marry him. If not, then the cadre will get "kuwalat". The "cadre" status attached to him has also disappeared.

This phenomenon is interesting to research. The practice of choosing a kiai life partner for its cadres is not only interpreted as a unique socio-religious phenomenon in Indonesia but also interpreted as "living sharia". Shari'ah lives real in the daily lives of cadres in Indonesia. This practice does not violate Sharia but is a living manifestation of Sharia. Like a living organism, sharia was born, then developed, and then became a habit of life for residents. The selection of life partners by kiai has been practiced since a long time ago, then developed, and became a habit of life for cadres.

Serdar Kurnaz in his article entitled "Ibn Rushd's Legal Hermeneutics and Moral Theory for a 'living Shari'a - an Alternative Approach to Islamic Law in Ibn Rushd's Bidayat al-mujtahid." explains that living sharia is sharia "... which in its appearance can change across time and space, and it would not be restricted to the wording in the textual sources." In other words, living sharia means sharia whose surface can change and change in line with the passage

of time and changes in space; Sharia which is not limited to words in textual sources [1]. The practice of choosing a life partner by Kiai, in the sense of Kurnaz, is a practice that is essentially sharia but manifested in a new form because it changes according to contemporary time and space.

Kiai is a figure who has a strategic and central position in society. Kiai has a high position as an educated person in the community.[2]. For centuries the kiai occupied the Islamic leadership sector which was considered the most dominant in the process of social, cultural, religious, and educational development. Kiai has a big role in the community, one of the manifestations of this role is to help build family resilience in society. One of the institutions that instills family education to achieve a family that has strong resilience through religious foundations is Islamic boarding schools. Islamic boarding schools are educational institutions where the kiai is the central figure, and the mosque is the central point that animates it.[3]. Pesantren has many advantages over other educational institutions, such as there is a real example in stages for all its residents, it is strengthened by the pattern of kiai relations with cadres that are not only external but also internal, sterile and maintained so that the situation becomes conducive to the mental growth of students' personalities, dormitories that allow teachers and students to interact effectively at any time. [4].

So, the role of kiai is influential in explaining and understanding to teachers about the position of husband and wife in the cottage, as well as family welfare programs to build strong family resilience so that husbands and wives can carry out a family life that is sakinah, mawaddah, and rahmah. In the tradition of the Javanese in choosing a partner, they usually use the standard of weight, seeds, bebet, or in the religious language it is called kafa'ah (equality). Weight, namely: a review to choose a soul mate in terms of wealth and social status. Seeds are a review to choose a mate in terms of nasab (descendants) and bebet is a review in terms of morals.

The concept of kafa'ah (equality) according to Ibn Hazm he argues that kafa'ah only applies in matters of faith, because in essence Muslims are in the same position, brothers and sisters with each other as stated by Allah SWT in the Qur'an surah al-Ḥujurat verse 10:

ٱللَّهَ وَٱتَّقُواْ ۚ أَخَوَيۡكُمۡ بَيۡنَ فَأَصۡلِحُواْ إِخۡوَةٌ ٱلۡمُؤۡمِنُونَ إِنَّمَا تُرۡحَمُونَ لَعَلَّكُمۡ

The concept of kafa'ah (equality) according to Ibn Hazm argues that kafa'ah only applies in matters of faith, because in essence Muslims are in the same position, brothers and sisters with each other as stated by

Allah SWT in the Qur'an surah al-Ḥujurat verse 10

It is clear from the above verse that there is no difference between a believer and a non-believer. Only in the context of religion does this school contain elements of kafa'ah, even if indirectly. In other words, man is distinguished before God solely because of his obedience to Him, not because of his majesty, prosperity, or beauty. Regarding the view of kafa'ah, Ibn Hazm stated that a very wicked man remains kufu with a pious woman and there is no prohibition against the marriage of an unemployed black man to the Banu Hashim. A nobleman who had a very evil woman by his side was also Kufu. As long as none of them commits adultery, that is, because he believes that an adulterous woman can only marry an adulterous man; But, if the woman repents, she can marry her.

Given the above context, it would be interesting to conduct a scientific investigation of how Ibn Hazm's ideas about the concept of kafa'ah were suggested by the kiai when choosing the life partner of his cadre. In addition, kafa'ah in marriage is considered important, because it concerns the survival between married couples, in particular, the achievement of equality in social matters to ensure the stability of the life of the husband and wife and to avoid the woman and her guardian from the embarrassing view of their marriage in the eyes of 'urf.

Thus, there is a focus of study in this study, namely:

1. What is Ibn Hazm's view of kafa'ah?

2. What is the concept of the relevance of the kafa'ah of Ibn Hazm to the role of kiai in the matching of his cadres as living sharia?

Theoretical Foundations

Relevance

Raymond W Gibbs Jr.'s model relevance theory [5], The methodology of this study is based on two broad hypotheses about the function of relevance theory in communication and cognition:

1. Cognitive Relevance Principle: The goal of human cognition is often to maximize or maximize relevance.
2. Communicative Relevance Principle: Any deliberate act of communication expresses assumptions about its ideal relevance openly

The two types of relevance are a combined compilation of interrelated, namely the first communicative relevance, which according to experts emphasizes the communication aspect, while the second cognitive relevance, is seen by the

emergence of the dominance of thoughts. The kafa'ah dilemma was finally solved by combining these two complementary techniques, which had an impact on the structure of Ibn Hazm's kafa'ah as well as the creation of kyai by his cadres. The interpretation structure is the result of this process.

Kafa'ah Ibnu Hazm

Ibn Hazm gave a fairly loose opinion. According to him[6], marriage does not require (obliged) kafā'ah. Religious principles and piety are very important for couples who want to establish a conjugal relationship. Ibn Hazm stated that every Muslim man has the right to marry any Muslim woman, as long as the woman is not an adulterer, as long as the man does not do so. And based on the Qur'an, surah al-Ḥujurat verse 10:

ٱللَّهَ وَٱتَّقُواْ ۚ أَخَوَيْكُمْ بَيْنَ فَأَصْلِحُواْ إِخْوَةٌ ٱلْمُؤْمِنُونَ إِنَّمَا تُرْحَمُونَ لَعَلَّكُمْ

It means: "Indeed, all believers are brothers".

The concept of Kafa'ah according to Ibn Hazm is different from the imams of the madhhab, especially Imam Shafi'i who argue that kafā'ah is a condition in the usual marriage, not a condition for the validity of marriage. Ibn Hazm as the developer of madzhab Zahiri argued that kafa'ah only applies in matters of faith because in essence Muslims are in the same position.

Role

Role theory is a combined theory of the disciplines of psychology, sociology, and anthropology. In these three disciplines, the role is taken from theater performances.[7]. In theater performances, theater performers have a task as a certain character. His position as a theater player is expected to be able to perform certain behaviors.[8]. The position of the performer in the theater is then described by the position of a person in society. As in the world of theater, the position of a person in society is the same as that of an actor in a theater, that is, the behavior expected of the person does not stand alone, but is always related to others. In this study, the role theory will be used by researchers in analyzing the role of kiai in building family resilience.

The definition of role as a sociological concept was first introduced in 1930-1940 through the works of thought such as George Herbert Mead, Ralph Linton, and Jacob Moreno. Mead uses his symbolic interactionist perspective to center his opinion on the role of individual factors, the evolution of roles through social interaction, as well as the various forms of cognitive concepts by which social factors

understand and interpret behavioral guidelines for themselves and others[9].

Role theory focuses on one of the most important characteristics of social behavior, namely the fact that human beings have different and predictable behaviors according to the situation and social identity that each one has.[10]. The role is defined as "Expectations about appropriate behavior in a job position (Leader, Subordinate)." This theory explains that people are part of certain social positions that hold expectations for their behavior and the behavior of others around them. The role is also said to be a reflection of a person's position in the social system and reflects rights, obligations, and powers as well as responsibilities. Interaction between individuals in the social system then occurs in certain ways by playing each role to anticipate the behavior of people in their environment.

Roles, along with organizational rules and culture, shape the social structure of an organization as seen through the lens of organizational behavior. Two types of behavior are expected in a job, namely (1) role perception: specifically, a person's understanding or awareness of the pattern of behavior or function expected of them, or, in other words, their view of how they should behave; and (2) role expectation: specifically, how others tolerate someone's actions under certain circumstances. With the role that a person plays in an organization, an important component will be formed in terms of that person's identity and ability to work.[11].

In simple terms, a role is a dynamic component of a predetermined status and is centered on a set of rights and obligations. The role is associated with the position of the individual in a certain group or social context, which is shaped by a series of expectations from others regarding the behavior that is expected to be demonstrated by that individual.[12]. There is a mutual expectation for this work. In addition to fulfilling a particular job, one anticipates that others will also act in a certain way toward them. Role holders need to ensure that these expectations align with the duties and obligations associated with their specific role.

Kiai

In society, Kiai is a prominent figure and has a strategic role. The most influential group in Islamic leadership is known as the Kiai, and they have long contributed to the advancement of social, cultural, religious, and educational trends.[13]. According to the Law of the Republic of Indonesia Number 18 of 2019 concerning Islamic Boarding Schools, it is stated that a kiai is an educator who has religious competence and acts as a

figure, role model, and/or caregiver of Islamic boarding schools.[14].

Living Sharia

In Timothy P Daniel's book entitled Living Sharia: Law and Practice in Malaysia, the definition of living Sharia is the legal framework for the foundation and functioning of a society, it also details moral, ethical, social, and political codes of conduct for Muslims at an individual and collective level.[15]. It is the process of the legal framework for the foundation and function of society, as well as detailing moral, ethical, social, and political codes of ethics for Muslims at the individual and collective levels.

Here it can be reflected that all the order of elements related to kafaah will feel stronger if it is practiced inclusively, therefore, in the context of choosing a kyai why match its cadres as an effort to help preserve the concept of shariah that has been taught while in the pesantren.

So that family welfare (family well-being) and family resilience (family resilience) will be created. The definitions of family resilience and family welfare are different but interrelated. The definition of family welfare is more related to family output, both the dimensions of physical well-being, social well-being, economic well-being, and psychological-spiritual well-being. Meanwhile, family resilience shows strength both in terms of input, process, and family output.[16]. So in this study, the researcher will use three indicators of family resilience. The three indicators are indicators of physical resilience, social resilience, and psychological resilience.

Method

In this study, the researcher uses a descriptive qualitative research approach, with literature research based on Raymond Gibbs' cognitive and communicative relevance theory approach to answer the relevance of Ibn Hazm's kafa'ah to the kiai in choosing their partners to foster family resilience. The study collected data from a variety of sources through a chosen index reading approach, which involved the selection of reading guidelines. In particular, data were collected on the application of the postulates of Sharia law and the organization of Ibn Hazm's ideas regarding the concept of kafa'ah and reading. Additional reading relevant to the main issue. The research data that has been collected is processed with editing techniques[17], especially the data collection method for analysis by using only problem formulations and organizing methods. The content analysis method, which is a scientific research approach used to identify the characteristics of the material and draw conclusions from it, is the discussion

technique used by the researcher in this study.

Result and Discussion

A. Ibnu Hazm

Ibn Ḥazm's full name according to Ibn Hazm's biography is 'Ali bin Aḥmad Sa'id bin Ḥazm bin Ghlib bin Shahîb bin Khalf bin Ma'dan Sufyn bin Yazîd bin Abi SufyƀƀBn bin Ḥarb bin Umayyah bin Abd Syʔm al-Umawî. Ibn Ḥazm's grandfather, Yazîd was one of the grandfathers who converted to Islam. He is of Persian origin. Even though Ibn Ḥazm's grandfather, Khalaf, originally traveled to Andalusia[18].

On November 7, 994 AD, after dawn broke in the morning of 384 AH, Ibn Hazm was born. This is also the end of the month of Ramadan. Andalusia (Cordova) was the name of the country before sunrise, although it is now known as Spain and Portugal. Ibn Hazm grew up in a prosperous family. At that time, Aḥmad Ibn Sa'îd, his father, had an authoritative position in the city of Cordova as a vizier.[19]. Ibn Hazm was a scholar with a high memory and broad insights. He began to memorize verses, hadiths, the Qur'an, and other texts when he was young. He continued to consider other studies but turned his attention to the science of fiqh. He participated in halaqahs organized by linguists, physicists, hadith experts, and interpreters.[20].

In the field of fiqh, Ibn Hazm first studied the Malik madhhab, which later became the official madhhab of Andalusia (Spain). Afterward, he found that Imam Shafi'i had criticized Imam Malik's beliefs. As a result, Ibn Hazm considered the Shafi'i madhhab carefully. He then turned to the Shafi'i madhhab and developed Shafi'i criticisms, which made people realize that the Maliks were also ordinary people, so their opinions were not absolute.

Although Ibn Hazm often changed schools, he did so after carefully studying each school. Ibn Hazm's transition from the Shafi'i madhhab, founded by Daud al-Ashbahani through his mentor, Mas'ud Ibn Sulaiman, to the Shafi'i madhhab, the Zahiri madhhab. From the above, the following are Ibn Hazm's teachers: "1. Ibn Abd al-Birri al-Maliki 2. Abu al-Husayn 3. Abd al-Qâsim Abd al-Raḥman al-Azdi 4. Abu Bakr Muhammad Ibn Ishaq 5. Abd Allah al-Azdi 6. Abu Khiyar Mas'ud Ibn Sulaiman 7. Abu Abdullah Ibn Hasal al-Madhiji Ibn Hazm had noble characteristics and behavior as a noble and knowledgeable human being whose works were widely studied and discussed."[21] This is supported by.

1. Ibn Hazm's proficiency in understanding several writings,

supporting documents, and arguments of prominent figures.

2. He was able to guide him to this level of humility because of the majesty and elegance of his personality.

3. He is honest in his dealings with religion, family, friends, and strangers. He even handed over his possessions to others in the right way, even though he still needed them.

4. The purity of his soul and his ability to control his lusts.

5. And reject his opponents with a harsh and wise attitude.

On Sunday, the last day of the month of Sha'ban 456 H, Ibn Hazm died in the field of Lablah. Some say that Ibn Hazm died in Muntu Laisyim, where he was born. He died at the age of 71 years, 10 months, and 29 days. Ibn Hazm's Views on Kafa'ah in Marriage Ibn Hazm affirms that one's religion is the only factor that influences Kafa'ah in marriage. Islam does not support socio-economic equality, according to Ibn Hazm. He agreed with others, stating that since all Muslims are brothers, it is permissible for anyone with dark skin to marry al-Hashimi's daughter even if they are not sure of their origin. Similarly, a devout Muslim woman who shuns adultery is equivalent to a devout Muslim man.[22].

It seems that Ibn Hazm only focused on morality and religious considerations when studying this kafa'ah, Ibn Ḥazm did not make the degree of social status an element of kafa'ah at all, so according to him the noblest woman remains kufu with the most eloquent man as long as she does not commit adultery.

Then in discussing this kafa'ah issue, Ibn Ḥazm divided two things, namely:

a. Descendants (an-nasab)

In the context of heredity, it refers to a person's relationship with his or her ancestors, including father, grandfather, and so on. Ibn Ḥazm did not make the issue of heredity the basis for determining the criteria for kafa'ah. According to him, it is not forbidden for black people to marry noble princesses. Thus the Arabs who belong to the Quraysh tribe as well as Arabs other than the descendants of the Banu Hashim[23]. Academics disagree with Ibn Hazm on this point. Sufyan at-Tsauri, Ibn Jurej, Hasan bin Aly, Ibn Abi Laila, Mughiroh bin Abdurrahman, Al-Mahzumi, and Malik Ishaq bin Rohawiyah were among the scholars who disagreed with Ibn Hazm. They believed that the relationship between an Arab woman and a maula (former slave) should be dissolved.[24]

According to Ibn Ḥazm, the person who had a dispute with him used the fallen asar, which is limited to the asar that explains the Prophet's action of not marrying his daughter except with the Banu Hashim and the Banu Abdu-Sham. Ibn Hazm argues that this Asr prayer is invalid because there is stronger evidence than the words of Allah SWT that can be used as a basis in this matter, namely: "Indeed, a mu'min is a brother because make peace, your two brothers and devote yourself to Allah so that you may receive mercy"[25].

Looking at social status or heredity. Still related to this, Allah explains the women who must be married and also explains the women who are allowed (other than them) to marry without any problem of wealth, beauty, offspring, or social status in society. In other words, Ibn Hazm is still considered kufu as long as you feel that you can marry that person. In addition to using these basic principles, Ibn Hazm also revealed the spectrum of deeds carried out by the Prophet, who subsequently married Zainab (a native of Banu Hashim) to Zahid (a former slave). Given that religion is essentially a major factor in choosing a partner, the above example shows that marrying a commoner to a noble princess is acceptable. Thus, in God's eyes, the rich and the very poor are the same. That's what sets them apart.

b. Religion

Scholars agree that religion has a role in this kafa'ah issue. Similarly, Ibn Hazm emphasized that kafa'ah in marriage is only centered on one's religion. Although the founder of the Zahri School did not directly state the need for this religion, Ibn Hazm agreed with this view.

Although academics agree on this criterion, they disagree on how to interpret religion in terms of kafa'ah. In contrast to Ibn Hazm, other scholars argue that religion is about good morals and istiqomah towards religion; Therefore, a person with bad morals and bad morals does not kufu with a person who is protected from evil deeds, such as a pious woman whose father is also pious. [26]. Although Ibn Hazm did not consider the quality of a person's religion, he claimed that even the most wicked people can kufu with people of good morals as long as they are Muslims and do not commit adultery. As can be seen from the previous statement, Ibn Hazm did not consider one's religion as a determining factor in finding a mate; he is a kufu with any Muslim woman as long as she is a Muslim.

Regarding Ibn Hazm's view, those who have different views think that an evil man can only marry an evil woman, and an evil woman can only marry an evil man. However, no one raised this.

Ibn Ḥazm's opinion is based on the words of Allah, namely:

نَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ ۚ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُو

"The believers are indeed brothers. Therefore make peace between your two brothers and fear Allah, so that you may have mercy."[27].

In addition to the above verse, Ibn Ḥazm also bases his opinion on the words of Allah, namely:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ ۚ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ ۚ أُولَٰئِكَ سَيَرْحَمُهُمُ اللَّهُ ۗ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

“And the believers, male and female, some of them (are) helpers to others. They tell (do) the ma'ruf, prevent the munkar, establish prayers, pay zakat, and obey Allah and His Messenger. They will be given mercy by Allah; Indeed, Allah is the Mighty and the Most Wise."[28].

The Concept of Istinbath Kafa’ah of Ibn Hazm

The Concept of Kafa'ah According to Ibn Hazm Ibn Ḥazm rejected ijtihad using reason. For him, reason has no place to get involved. Only four categories of legal evidence are recognized by Ibn Hazm as the source of law and the basis for the formation of law. The Qur'an is the earliest source used by the Ibn Hazm School. The Qur'an is a message and command from Allah to humans that must be understood and practiced in its contents. The Qur'an needs to be told correctly, recorded in the mushaf, and used as a guideline.

This opinion is based on the words of Allah in the Qur'an, surah an-Nisa verse 38. Ibn Hazm established that the Qur'an is kalamullah. Everything has been clear and real for Muslims. So, whoever wants to know the Shari'a of Allah will find the light and manifest either by Allah through the Qur'an itself or by the testimony of His Prophet and the Prophet does not leave his people in darkness.[29].

According to Ibn Hazm, the Qur'an, which is the basis of Islamic law, is the main source, followed by the hadith of the Prophet and ijma'. Thus, in making the Qur'an the basis of Islam, there is no difference between the many Islamic madhhabs, including Ahlusunah, Mu'tazilah, Khawarij, and Zaidiyah. Furthermore, Ibn Hazm divided the verses of the Qur'an into three different parts, which are as follows:

a. Nash is clear by itself, either from the Qur'an or as-Sunnah.

b. Mujmal, whose explanation is explained by the Qur'an itself.

c. Mujmal, whose explanation is explained by as-Sunnah.

The second source of law according to Ibn Hazm is as-Sunnah or khabar. As in Musthalâh al-Ḥadith, Ibn Hazm divides as-Sunnah into qawliyyah, fi'liyyah, and taqririyyah.

Analysis of the Relevance of Kafa'ah Ibn Hazm to the Role of Kiai in Matchmaking of His Cadres

A harmonious relationship between husband and wife is known as kafa'ah in marriage. In terms of religion and descent, husbands and wives have the same social status.[30]. . Similar to the equality of status between husband and wife, this is expected to result in a prosperous household. The majority of academics agree with this opinion.

Ibn Hazm agreed that a person's religion is the only factor that determines whether or not there is kafa'ah in a marriage. Ibn Hazm based his stance on surah al-Hujurat verse 10 in the Qur'an known as istinbat:

أَنَّمَا ٱلْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا۟ بَيْنَ أَخَوَيْكُمْ ۚ وَٱتَّقُوا۟ ٱللَّهَ لَعَلَّكُمْ تُرْحَمُون

"Meaning: Indeed, all believers men and women are brothers....."

As a Nash al-Qur'an, this verse is clear qoth'i al-tsubuth, that is, the stipulation can be used as an argument. If you look at the above verse, it shows that a Muslim is a brother. By implication, the verse shows that there is an equation. All human beings are created equal and brothers. It seems that Ibn Hazm made this assumption when he decided on kafa'ah based only on faith. From its cognitive and communicative relevance, the verse does not emphasize the aspect of partner thinking and the weakness of communication in the couple, because Ibn Hazm only states that the rich and the poor can marry. A person of rich descent may marry a person of poor descent. Because in essence, all human beings are the same, it is their piety to God that distinguishes them, so in this cognitive and communicative relevance is still within their reach.

Although later fiqh scholars (madzhab imams) provide the criteria for kafa'ah by:

a. Descent: So, just as the Quraish are Kufu with each other, so are the Arabs.

b. Independence: so male slaves do not kufu with free women.

c. The religion of Islam: with this religion, Muslims are kufu with others.

d. Occupation: i.e. low-level work with high occupation and to assess the

level seen from local customs.

e. Wealth: That is, the equality of individuals based on their financial status.

f. Not disabled: especially those who are in good physical condition.

However, Ibn Hazm did not acknowledge the differences among Muslims. This statement is in line with the translation of the Prophet's hadith:

"There is no primacy for Arabs against non-Arabs, there is no preference for non-Arabs against Arabs. There is no virtue of a person who is black or white or vice versa except based on piety. Man came from Adam and Adam came from the earth"[31].

Based on this hadith, the tribes that are Arab and non-Arab are the same. In other words, this hadith hints at the existence of similarities not only between human tribes but also between individual tribes. In the context of communicative relevance, as long as communication is still a natural and healthy thing, it can be included in the criteria for a partner's match, as well as the value of cognitive relevance, for example in terms of understanding ubudiah and mu'amalah, because it has nothing to do with race, ethnicity, and customs.

Islamic law is basically "shari'ah' with the aim of realizing human benefits by guaranteeing basic needs (الضروربة) and meeting secondary needs (الحاجية) as well as complementary needs."[32] ." (التحسيي), in particular in line with what conventions and natural order require, and acting directly to relieve pressure, giving space, and removing limitations.

Ibn Hazm emphasized that kafa'ah in marriage is limited to one's religious beliefs. According to him, there is no social equality in Islam. As an equal to the others, he asserted that since all Muslims are brothers, blacks are allowed to marry al-Hashimi's daughter even if they do not know her origin. Similarly, a pious Muslim woman who is fluent is equal to a noble Muslim man as long as she does not commit adultery.

Ibn Hazm approached this kafa'ah from a strict religious point of view, by moral principles. She does not consider social status to be relevant at all, therefore in her view, the noblest women remain kufu with the most wicked men, as long as she refrains from having an affair. To strengthen his opinion, Ibn Hazm made istinbath by using the words of Allah in the Quran, In this case, the author views that, Ibn Hazm's opinion is very standard because to foster domestic harmony it is necessary to explain such as religion, nasab, property, and others. To prevent bad luck and give advance notice to the prospective husband or wife

before the marriage contract is legally enforced.

In determining kafa'ah, Ibn Hazm uses the ijtihad method by using bayan, which is the state of something in its substance and allows the substance to be known and the essence to be known to those who want to know it. Part of bayan is the technique of 'Am or Khash, as used by Ibn Hazm to set the standard of kafa'ah, so by referring to the explanation of the Qur'anic verse surah al Hujurat (49): 10, at Taubah (9): 71, Ibn Hazm says kafa'ah is only valid in faith.

In addition, Ibn Hazm also adheres to dzahir nash. So the Qur'an and al-Hadith have contained all legal issues, both commands and prohibitions. Semantara Ibn Hazm views the postulates of kafa'ah that are used as the basis for contradicting him to be considered null and void. As mentioned in the previous discussion, Ibn Hazm is a person who has the nasab of Zahiri who bases all problems on the understanding of zahir nash, and in ijtihad, he rejects ijtihad by using ra'yu. Ibn Hazm in ruling the law uses nash al-Qur'an, al-Hadith mutawatir, ijma sahabat, and ijtihad by the evidence.

On the communicative and cognitive relevance of Gibbs about Ibn Hazm's kafa'ah to the kiai who matched his cadres, it is the maintenance or preservation of the shari'ah so that it can survive, by focusing on faith only, as long as the couple maintains each other's dignity, and takes care of the most substantial things.

Conclusion

Ibn Hazm's perspective on the concept of kafa'ah on the role of kiai in matching cadres is that kafa'ah or equality of social status does not exist in Islam, according to him kafa'ah only revolves around one's faith. He argued that there is no prohibition on marriage between the rich and the poor, people of high degrees and low degrees, as long as they believe and do not commit adultery with each other, they are still kufu. The basis and method of legal istinbat on "kafa'ah in marriage and Ibn Hazm are based on zahir nash al-Qur'an surah al-Hujurat (49): 10, surah al-Nur (24): 3, al-Baqarah (2): 221, as well as the hadith of the Prophet in general lafadz."

The cognitive and communicative relevance of Ibn Hazm about this kafa'ah, is still very relevant to the criteria of kiai in the matching of his cadres, as an effort to live sharia, the common thing is the cognitive relevance (level of intelligence) and communicative relevance (ethics/morality of the individual). These two basic things are incidentally the driving force of living

sharia as an effort to maintain the religious knowledge of cadre couples by the kiai for the sake of maintaining the quality of their Islamic knowledge and faith.

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