

In accordance with Islamic law, Papuan Muslims in Kaimana City Village Apply Kafa'ah to Marriages

Jasmi Irsanti¹, Nur Asia Hamzah², M. Chiar Hijaz³

^{1,2,3}Family Law Study Program, Universitas Muhammadiyah Makassar

Abstract

The growth of Islam in Papua has an impact on the people's customs and culture, particularly marriage practices. This research's central issue is subdivided into a number of substance-related issues, including: 1) What is the common description of Papuan Muslim marriage in Kaimana Kota Village? 2) According to Islamic law, how does kafa'ah apply to marriages between Papuan Muslims? Researchers employed descriptive qualitative research with field research methods, two research orientations, namely the social and theological-normative (syar'i) approaches. Al-Qur'an, hadith, and a number of indigenous Papuan Muslim communities in the Kaimana Kota Subdistrict serve as the data sources for this study. In addition, observation, interviews, documentation, and reference tracking were employed for data gathering. Then, the data is processed and examined in three steps, namely data reduction, data presentation, and conclusion. The findings of this study indicate that the description of Papuan Muslim marriages in Kaimana Kota Village is identical to that of Indonesian weddings in general, with the addition of a number of customary rules that bind the process, including mate selection, igiigree, nuhijna wafen, nobune muere, measuring noses for girls, consent and qabul, and nobune muere virnee naare. The valid kafa'ah consists of two major components: genealogy and religion. In terms of its application to Islamic law, the idea of kafa'ah is subject to two divergent perspectives. First, the situation in which nasab kafa'ah (huuree) is applied determines whether or not it is compatible with Islamic law. From the perspective of Islamic law, the prevalent religious kafa'ah appears harmonious.

Keywords: Kafa'ah; Papua; Islamic Law

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*)Corresponding Author:

jasmiirsanti@gmail.com

Introduction

Marriage is a contract that binds a man and a woman's relationship to become legally married husband and wife under certain conditions and constraints. (Ma'sumatun Ni'mah: 2019, 2). As previously indicated, marriage in Islam is a doctrine based on the Quran and al-Sunnah. Allah's words in QS. al-Nisa'/4 are among the tenets upon which Islamic marriage is based.

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ
وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا
كَثِيرًا وَنِسَاءً ...

Translate:

"O men, be devoted to your Lord, he who formed you by himself and from whom God produced his companion, and from the two Allah reared numerous males and females..."

Imam Jalaluddin taught in the book Tafsir Jalalain that the preceding verse begins with the command of Allah swt. dzat to the people of Mecca to fear the command of Allah swt. Eve, who was fashioned from one of Adam's *shulbu* or ribs. (al-Mahalli and al-Suyuti, 309: 2018) Which of the two was bred by humans in large numbers up until the present? This passage describes the power of God swt., which is the reason why man has continued to evolve from the first man, Adam, and his wife to the man of today, specifically through performing marriages between men and women.

Allah swt. also said in QS al-Nur/24: 32.

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ
وَعِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُعْزِهِمُ اللَّهُ مِنْ فَضْلِهِ

Translate:

"And marry among you those who are single and deserving of your male sahaya servants and your female sahaya servants. If they are destitute, God will endow them with the means to prosper..." (Kementerian Agama RI, 77: 2019)

This is true for men and women who are not slaves and who have confidence in Allah swt. If both parties are poor, Allah s.w.t. will grant them the power to provide for themselves and facilitate their subsistence through the marital *washilah*. On the basis of this scripture, it is possible to conclude that marriage is one of the methods via which God guarantees the life of HIS servant, even though he is materially impoverished. In addition to the postulates derived from the Qur'an listed previously, there are also hadith-based postulates. Messenger of Allah saw. said:

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: قَالَ لَنَا النَّبِيُّ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ: «يَا مَعْشَرَ الشَّبَابِ، مَنْ اسْتَطَاعَ
مِنْكُمْ الْبَاءَةَ، فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغْضُ لِلْبَصَرِ
وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ،
فَإِنَّهُ لَهُ وَجَاءٌ

Translate:

"According to Abdurrahman bin Yazid, the Messenger of Allah (peace be upon him) said us, "O young men, whoever is able to marry should do so, and whoever is not yet able should fast, as that will satisfy his desires." (al-Bukhari, 1293: 2001)

Ibn Hajar al-Asqalani explains in Fathul Bari Bi Syarhi Shahih al-Bukhari that the scholars categorized marriage for men into numerous categories, including obligatory, *sunnah*, *haram*, *mubah*, and *makruh*.

This hadith also advises those who have not been able to marry to do so quickly. In addition, there are suggestions to lower your eyes and maintain your. Marriage is a teaching in Islam that is governed by the Prophet Muhammad's institution of marital peace and its prerequisites. which, if satisfied, renders the marriage legitimate. Alternatively, if one of the pillars of marriage is not met, the marriage's status will alter and it may even be regarded null and void from a religious perspective (Ibn Hajar al-Asqalani, 349-352: 1996).

In addition to the harmony and conditions of the marriage, there are a number of other things that must be considered in order to achieve the harmony of a home. *Kafa'ah* and *sekufu'* are factors that affect the harmony of the home. *Kufu'* is identical and deserving. In terms of marriage, the meaning of *kufu'* is that the husband is proportional to and compatible with the woman (al-Faifi, 2018: 85). From a positional, social, moral, and property standpoint, *Sekufu* is evaluated. Nevertheless, *kafa'ah* or *kufu'* is not a prerequisite nor a pillar in a marriage.

Scholars in the subject of *fiqh* hold divergent views on the issue of *kufu'*, including Ibn Hazm, who believes that *kufu'* is not a criterion for marriage, i.e., any Muslim male who does not commit adultery may marry a Muslim woman who does not commit adultery. While other groups of jurists argue that *kufu'* is a measurement in a marriage, However, morality and virtuous conduct become the benchmark, whilst heredity, talent, fortune, and other factors no longer serve as a yardstick.

Choosing a suitable spouse based on *Kafa'ah* is influenced by a number of factors. Numerous scholars of *fiqh* contend that the term *sekufu* in the hadith refers to the religion it self. If the religions differ, then they are not as secular. In this context, the meaning of *sekufu* is limited, but additional interpretations exist. On the basis of the numerous conflicts that occur in the majority of households as a result of factors such as the vast disparity in economic status between wife and husband, education, age, occupation, or social standing, it can be concluded that the majority of these conflicts can be attributed to various factors. Some of these factors are taken into account when selecting a life partner in order to prevent or reduce domestic disagreements, thereby nurturing both couple harmony and domestic harmony. Certainly, the customs and cultures of each tribe in Indonesia are distinct from one another. Obviously, this is a defining characteristic and image of the nation of Indonesia. There are numerous ways to select a future husband or wife in Indonesian culture. The terms seedling, weight, and *bebet* are frequently encountered in the community when discussing the selection of a romantic partner. Each community group has a unique understanding of the criterion for *kafa'ah* or *kufu'* due to the influence of the diverse tribes and cultures of the Indonesian people, as well as their distinctive lifestyles (Bustanuddin Agus, 85: 2018).

Papua Islamic community has flourished in recent years. Islam in Papua advanced significantly after Papua's incorporation into Indonesia in 1963, compared to its previous state. According to Toni Victor M.

Wanggai's dissertation on the reconstruction of the background of Muslims in the Land of Papua, the percentage of Muslims in the land of Papua in 2006 was 24%. About 2,6 million people make up the population. Compared to the Dutch East Indies era, when the Muslim population was only concentrated in the Fakfak-Kimana, Sorong-Raja Ampat, and Bintuni-Manokwari regions, this development is regarded as extremely significant. In the 1970s, indigenous Papuans in the Central Mountain region (Wamena) began to convert to Islam, and during the era of Indonesian sovereignty, Islam has expanded uniformly throughout Papua's numerous regencies and cities. The entry of Islam in the land of Papua and its subsequent development into a well-established religion in the land of Papua began to influence the customs and culture of the people who had developed and taken root before, both ancestral customs and non-Islamic religions that had first entered and developed in the land of Papua. Based on the researcher's experience as a resident of the immigrant community in West Papua Province and the aim to better explain the social, religious, and cultural life of the Papuan people to the Indonesian population, this study was conducted. On this occasion, researchers attempted to explore the application of *kafa'ah* in marriage among indigenous Papuan Muslims, particularly in the Kaimana Subdistrict, Kaimana District, Kaimana Regency, West Papua, and how *kafa'ah* in marriage is evaluated under Islamic law (Toni Victor M Wanggai, 8: 2018).

Research Method

This research is referred to as library research, which is research conducted by reading books, literature, and studying a variety of theories and perspectives that relate to the studied problems. Regarding this research, the researcher reads and extracts theories from interfaith marriage-related books, journals, manuscripts, and other literature, and establishes laws based on the findings from these various sources.

The following data sources were used for this analysis: Primary legal resources consisting of the Al-Quran, Hadith, Marriage Law, and Islamic Law Compilation. And Secondary Law materials, such as books, papers, and journals, as well as internet access to chapters pertaining to the issue of interfaith marriage in both Islamic law and Islamic law compilations.

Research methods

This study was conducted utilizing a method of descriptive qualitative field research (field research).

Methodology of Study

The following methodology will be utilized by researchers:

Based on the qualitative nature of the field research, the research methodology will be a social approach method that evaluates field facts as well as relevant and supportive references.

Standard Theological Method (*syar'i*). This research methodology discusses the subject of study in light of a certain review or viewpoint. Perspectives must relate to academics, faculties, departments, and student

study programs within the Faculty of Sharia and Law.

Study Subject and Location

Kaimana Village, Kaimana District, Kaimana Regency, West Papua Province, was selected by the author as the setting for her research. The selection of the research place by the author is based on the author's residence history in the hamlet, where he has resided for several years, and his interest in the culture of the Papuan people, predominantly Muslims. The subject of the research is the implementation of *kafa'ah* in marriages between Papuan Muslims.

Primary data

Primary data are data collected at the study site from people who are directly related to the subject of the investigation or the first party. The primary sources of information for this study are the Qur'an, the hadiths of Rasulullah saw, and the results of observations and interviews conducted with public figures, religious leaders, traditional leaders, and indigenous Papuan Muslim communities residing in Kaimana Village, Kaimana District, Kaimana Regency, West Papua.

Secondary data

Secondary data are data that have been processed from various intermediary media as a support for primary data and have been collected indirectly. The information is collected via libraries, the Internet, or written records of earlier study. Qur'an, hadith, books, the Internet, al-maktabah al-syamilah, turats, and journals are the sources for the

secondary data used to support this study.

Discussion of the Findings

Application of the *kafa'ah* in marriages amongst Papuan Muslims in Kaimana Kota Village

Customary regulations govern the marriage of Papuans prior to their religious education. After religion entered and spread throughout Papua, marriage was likewise governed by religious law, without abandoning the long-standing customary law. *Kafa'ah* in marriage among Papuan Muslims is comprised of two elements, namely *nasab* and religion. This practice is prevalent in the lives of the people. In Papuan Muslim weddings, the *Kafa'ah* is referred to as huuree. Huuree is the unwritten Papuan custom of not marrying a partner with the same surname. Regarding the selection of a life mate, this guideline becomes the most important factor. Clan is something that is carefully guarded, respected, and valued by indigenous Papuans, particularly in Kaimana. During an interview at his home, Mr. Husen stated, "one clan will be executed." The implementation of huuree in marriages amongst Papuan Muslims includes a prohibition against cousin marriage. In Kaimana City, the indigenous Papuans are unfamiliar with the concept of cousin marriage. His social life is still governed by natural and customary law. Those who disobey this prohibition will obviously face consequences. The violation of this law will result in the destruction and loss of the offender's descendants, such as their death, chronic illness, mental retardation, paralysis, or madness. The Papua New Guineans refer to this as markarie, which means

curse. Husen Wergiri clarified the scope of the concept of *huuree* by providing an explanation for marriages between cousins: a niece of a Papuan wife is not permitted to marry the niece of a Papuan husband or vice versa, even though there is no direct blood relationship or *nasab* between the two, but this rule applies to them as well. For example, Werfete clan members are not permitted to marry Werfete clan members, and Watora cannot marry Watora even if the distance between their descendants has reached seven generations. In addition, a Werfete, for instance, should not marry a Wergiri whose parents share the same surname. He stated that this is what differentiates Papuans, especially those in Kaimana, from other tribes such as Arabs and Seram who also reside in Kaimana. As for married couples, if it is discovered in the future that they share a common ancestry, the marriage can be annulled or must be dissolved by both families. This is done to safeguard both parties from the repercussions of breaking applicable rules. When asked about the criterion for selecting a life partner, a similar response was provided by a number of respondents: the prohibition on marrying a member of the same clan has become an unavoidable regulation that will undoubtedly be enforced. In addition to *nasab*, which is the primary factor in choosing a companion, religion also plays a significant role as one of the factors for selecting a relationship. Husen Wergiri stated that prior to the introduction of Islam to Kaimana, Papuans were free to marry whoever they choose, provided they did not marry *huuree*. After the introduction of religion, particularly Islam, religion

began to play a significant role and became one of the additional factors considered when choosing a life mate. One of the interviewees stated that in his family, Islam is the most essential aspect other than *huuree*, and that this is even a must. As long as the ideals of *huuree* and religious commonality are met, other variables such as economics, property, surviving a disability, and occupation are not the most important. The effects of the application of *kafa'ah* in Papuan Muslim marriages on the community.

Initially, the Papuan people's ban on inter-clan marriage was enacted to limit and prevent inter-family marriages. This has a direct effect on the life of Papuans, particularly Muslims. The indigenous Papuan Muslim population in Kaimana City has had both beneficial and bad effects, according to study. Among the consequences of this *kafa'ah's* application are the following:

Effects favourably

The diversity of family relationships is expanding and is no longer limited to one or two major families. As a result of the restrictions prohibiting marriage between the same two clans, the scope of the family is expanded.

Excellent familiarity with both family trees and relatives.

Genealogical or lineage preservation When a Papuan Muslim wishes to marry a woman, he must know her ancestry or vice versa. This is one of the measures made to preserve the bloodline or *nasab* while avoiding the curse that has been in existence for a very long time.

Especially in Kaimana City Village, Da'wah Islam is growing in popularity. Religion also plays a vital role in Papuan Muslim marriage *kafa'ah*, in addition to nasab, which is the most crucial factor. When choosing a life mate, the majority of respondents cited religious compatibility as the most important factor. Muslims are the majority of the residents in Kaimana Kota Village.

Impact Adverse

According to the community's beliefs, one of the detrimental effects of *huuree* infractions is the loss of the bloodline. When a Papuan who marries disobeys the applicable law of marrying someone with the same surname, according to their beliefs, all of their lineage will be extinguished as a result of the curse that was incurred. In addition to chronic pain, insanity, and discordant marital relationships, there are a variety of curses.

As one of the effects of the application of *huuree*, the growth of indigenous Papuans, particularly in Kaimana, is slower than that of other tribes.

Islamic Law Review on the Application of *Kafa'ah* in Marriages amongst Papuan Muslims in Kaimana City Village.

Accuracy and suitability in selecting a mate is one of the solid initial foundations for establishing a family. Home life is not a life that is lived for only a few days, but rather it is a life that is lived with the selected partner for the duration of their lives. As is the case with the Papuan Muslim community in Kaimana City, it is crucial to carefully select a suitable companion prior to marriage. The

Papuan Muslim community places a high value on nasab and religion when selecting a partner.

Nasab Factor

The citizens of Kaimana City are extremely concerned with the ancestry of a prospective partner. As indicated previously, the Papuan Muslim community in Kaimana City refers to *kafa'ah* as *huuree*, which signifies that it is forbidden to marry someone with a same surname. The majority of *al-Imam al-Arba'*, excluding Imam Malik, have agreed that nasab is one of the requirements for *kafa'ah* in Islamic law. For Imam Malik (Wahbah al-Zuhaili, 95: 2006), *Kafa'ah* is merely a religion and nothing else. The Prophet said:

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْعَرَبُ بَعْضُهُمْ أَكْفَاءُ لِبَعْضٍ قَبِيلَةٌ بِقَبِيلَةٍ، وَرَجُلٌ بِرَجُلٍ وَالْمَوَالِي بَعْضُهُمْ أَكْفَاءُ لِبَعْضٍ قَبِيلَةٌ بِقَبِيلَةٍ، وَرَجُلٌ بِرَجُلٍ، إِلَّا حَانِكٌ أَوْ حَجَّامٌ

Translate:

From Abdillah ibn Umar ra, the Messenger of Allah pbuh stated: "Some Arabs are sekufu with other Arabs, i.e., between one kabilah and another kabilah, between one man and another man, and slaves are sekufu with each other, i.e., between one kabilah and another kabilah, between one man and another man, except between a weaver and a cup (al-Baihaqi, 217: 2003).

According to the aforementioned hadith, the Arabs' nasab is also *sekufu'*. Arabs are less secular than those from other cultures. While slaves are also *sekufu'* beside slaves.

The *Shafi'iyah* sect divides the nasab of man into two categories, namely:

The Arabs are separated into two groups, the Quraysh and the non-Quraysh, according to Nasab. The Quraysh are *sekufu'* with their kin, but not as *sekufu'* as other Quraysh, with the exception of the *Bani Hashim* and *Abdul Muthalib* clans. These two kabilah are not from the *Quraysh*, yet they can be *sekufu'* with the *Quraysh*; they are not *sekufu'* otherwise.

Non-Arab *nasab*. Even if their moms are Arabs, nasab non-Arabs are not as 'muslim' as *nasab* Muslims. Likewise, non-Arabs are secular with non-Arabs.

The Hanafiyah concur with the Shafi'iyah that the nasab of the Quraisy is identical to the nasab of the Bani Hashim. Abu Hanifah asserts that the nasab of Arabs is neither as *sekufu'* as the nasab of non-Arabs nor as *skufu'* as the nasab of Arabs with the *Quraysh*. The *Hanafiyahs* specialized in nasab in marriage to the nasab of the Arabs because they preserved his nasab, were proud of him, and denounced him among themselves. According to the *Hanabilah* group, non-Arabs are not as *sekufu'* as Arabs, Arabs are only *sekufu'* with other Arabs, and non-Arabs are only *sekufu'* with the servants of the *sahaya*. If a guardian marries an Arab lady to a guy who is not *sekufu'* with her in terms of nasab and who does not have her *ridho*, this guardian has performed an ungodly conduct. On the basis of the previously described beliefs and postulates, it appears that nasab became very significant for Arabs, but this does not make nasab a necessary prerequisite for marriage. Even the

Prophet of Allah (pbuh) married Zainab bintu Jahsyi, a woman with a high nasab, to Zaid bin Haaritsah, a mere slave. The existence of nasab considerations as one of the criterion of *kafa'ah* in order to maintain genealogy or descendants, as well as hasab ownership. Having a companion with a comparable *nasab* or *sekufu'* would be advantageous in certain circumstances.

As previously mentioned, nasab for Arabs is something that is closely guarded, and the same is true for Muslim indigenous Papuans in Kaimana City. It is rumored that one of their clans will be murdered since they are so vigilant. As a result of Nasab's consideration, namely huuree as *kafa'ah* in the selection of mates for the Papuan Muslim community, clan resemblance is the primary criterion for having a partner. It is not permitted to perform marriages between two parties with the same surname because the similarity of clans suggests the existence of familial links.

Based on nasab principles, Islam has regulated who cannot be married. To comprehend how huuree is researched from an Islamic perspective, it is vital to comprehend the Islamic idea of mahram. Mahram is an unsuitable spouse since he has a familial bond centered on nasab, marriage, and marriage. In QS al-Nisa'/4: 22-23, Allah swt. expressly mentions the notion of mahram.

وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ ۗ إِنَّهُ كَانَ فَاحِشَةً وَمَقْنًا ۗ وَسَاءَ سَبِيلًا ﴿٢٢﴾
حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ
وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ
وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِنَ

الرِّضَاعَةَ وَأُمَّهَاتُ نِسَائِكُمُ اللَّاتِي دَخَلْتُمْ بِهِنَّ
فَإِنْ لَمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ
وَخَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَنْ تَجْمَعُوا
بَيْنَ الْأُحْتَيْنِ إِلَّا مَا قَدْ سَأَلَتْ إِنْ اللَّهَ كَانَ غَفُورًا
رَحِيمًا

Translate:

"And do not marry the ladies your father has already wed, unless.. (the events of the past). In truth, the deed was as horrible and despised as the route itself. It is forbidden upon you your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brothers' daughters, your sisters' daughters, and your mothers who have breastfed you, your sisters, the mothers of your wives, the daughters of your wives who are in your care, the wives you have interfered with, but if you have not interfered (and you have divorced), then it is not sinful for you to marry him; and it is forbidden upon you the wives of your brothers Allah is indeed infinitely forgiving and merciful."

In sura al-Nisa'/4:22-23, Allah s.w.t. specifies the following women who are not permitted to marry due to nasab/heredity, marriage, or marriage-related reasons:

1. Mother by genetics
2. Daughters Sisters
3. Aunt of the father (aunt)
4. Aunt of the mother (aunt)
5. The sister's daughter (nephew)
6. The sibling's daughter (niece)
7. Mother's milk
8. Due to persuasion, sisters were formed.
9. Mother-in-law
10. Stepdaughter of an interracial couple
11. Father of his wife (stepmother)
12. Daughter-in-law

13. Aunt of the wife (brother-in-law)

The wife's sister (brother-in-law), the wife's aunt (either from the direction of the father or the mother), the woman who is married, the woman in the *iddah* period, the wife of an infidel if she is creed, a woman of musyrik, the woman who was rejected by three, the adulterous woman, and the woman who was in the midst of a pilgrimage are among those who become mahrams only

The concept of *huuree* in the marriage of the Papuan Muslim community has been discussed previously; its application entails avoiding a partner with a similar surname, as this denotes a blood or familial connection. However, while referring to Allah's words in QS al-Nisa'/4:22-23 regarding *mahram*, if the prospective spouse is picked from outside the previously listed group, even if their clans are similar, they are permitted to marry under Islamic law.

Once, the Caliph Umar ibn al-Khatab ra. was instructed to marry a distant woman (not a relative).

قَدْ ضَوَيْتُمْ فَأَنْكِحُوا الْعَرَائِبَ

Translate:

"if you're that weak, marry a foreigner."

Based on the aforementioned comments of Umar ra., it appears that Islam likewise rightly instructs that the selection of life mates should take precedence over those from near relatives (relatives). It aims to prevent the transmission of infectious or genetically flawed diseases. Additionally, by marrying a non-relative, the kinship link will become

more extensive and robust. Umar ra.ini's past is really rational (Neni Rahman, 40: 2016). The specified prohibition is enforced to prevent the transmission of all congenital disorders to the progeny. Numerous studies on congenital diseases of offspring of cousin marriage partners have determined that certain children from marriages based on parallel-cousin patrilineal / FBD (in which a man marries the daughter of his father's brother) have congenital genetic problems.

This indicates that the result of the violation of *huuree*, namely *markarie* (curse), is consistent with the History of Umar ra., namely the intention of enforcing *huuree* so that descendants of the Papuan Muslim community in Kaimana City do not develop hereditary diseases such as mental illness or chronic illness (Yayuk Yusdiawati, 93: 2017). Therefore, researchers recognize that physical or internal abnormalities or deficits in the offspring of cousins are not the result of superstitions such as curses or other such factors, but rather inherited genetic disorders.

Two key conclusions may be derived from the previous discussions of the notion of *huuree* in the context of Islamic law, as well as the issue of curses that are regarded as a result of the violation of *huuree* by society. First, the concept of *huuree* practiced by the Kaimana City community has two positions from the perspective of Islamic law. This concept of *huuree* can become in line with Islamic law if a Papuan Muslim man applies it by not marrying one of the women (also surnamed the same as him) mentioned in the concept of *mahram*, which applies to the prohibition of

marrying a woman with the same surname. On the other hand, the idea of *huuree* appears less compatible with Islamic law if a Papuan Muslim man marries a Papuan woman based solely on clan resemblance and disregarding the Islamic concept of *mahram*. Second, there is a correlation between the statements of Umar ibn al-Khathab ra., who commanded marrying a distant person (not a relative), and the prohibition on cousin marriage in the *huuree* idea of the Papuan Muslim community in Kaimana City. The questioned suitability pertains to preventing the transmission of genetic defects to cousins' offspring.

Aspects of Religion

Concerning the Papuan Muslim community's choice of a spouse, the religious aspect is of utmost importance. Regarding this religious issue, according to *ijma'*, religion is one of the conditions for *kafa'ah*, which is a condition for the legitimacy of a marriage, hence it is not permissible for a Muslim lady to marry an infidel. The following postulates pertain to the significance of religion as a criterion for the *kafa'ah* of a marriage:

In QS al-Baqarah/2:221 Allah (swt) reveals His Word.

...وَلَا تَنْكِحُوا الْمُشْرِكِينَ حَتَّىٰ يُؤْمِنُوا وَلَعَبْدٌ مُّؤْمِنٌ خَيْرٌ مِّنْ مُّشْرِكٍ وَلَوْ أَعْجَبَكُمْ ...

Translate:

"...and you shall not marry a man (men) to a lady of faith until both of them have faith. Truly, a man of faith is superior to a man of faith, even though he withdraws your heart..."

Abu Bakr Abdurrazaq said in his book of interpretation that it is not permissible for a Muslim woman to marry a non-Muslim, i.e., a Jew, a Christian, or a musyrik, according to the meaning of the phrase in the verse of Allah swt. quoted above (Abu Bakar Abdurrazaq, 341: 1419 H). Muhammad ibn Amri Nawawi al-Jawi al-Bantani further said that the interpretation of the preceding verse is that a Muslim lady should not marry a non-believer in Allah swt. until he or she accepts Islam and abides by its laws (Muhammad bin Amri Nawawi al-Jawwi al-Bantani, 76: 1417).

The Word of Allah as found in QS al-Nur/24:26.

الْخَبِيثَاتُ لِلْخَبِيثِينَ وَالْخَبِيثُونَ لِلْخَبِيثَاتِ
وَالطَّيِّبَاتُ لِلطَّيِّبِينَ وَالطَّيِّبُونَ لِلطَّيِّبَاتِ ...

Translate:

"Vile women for vile men and vile men for vile women"

According to Ibn Abbas, the interpretation of this verse is that a bad person would associate with a bad person, even in terms of speech. Therefore, one should not combine a good woman with a bad man. In QS al-Hujurat 49:13, Allah (s.w.a.) utters His Word.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَى
وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ
عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Translate:

"O Man, we have certainly formed you from a man and a woman, and we have given you countries and tribes so that you may know one another. Indeed, the most noble of you on the side of God is also the most pious. Allah is indeed All-Knowing and All-Conscious".

Religion is the primary factor in *kafa'ah*, with religion being the only criterion for the Malikiyah faction. The Malikiyahs believe, in accordance with the verse QS al-Hujuraat/49:13 of the Qur'an, that the most honorable person on Allah's side is the most pious. As for religion as a factor, it is irrelevant whether a person is Muslim or not, as selecting a Muslim mate is required. Religion as a criterion for *kafa'ah* entails selecting an equal spouse in terms of ungodliness, abstaining from doing terrible religious deeds, and adhering to Islamic law at all times.

Malikiyahs contend that *kafa'ah* in Islam means that a man should be an impious Muslim. In contrast, according to Imam Shafi'i, men are expected to have the same level of honor and moral conviction as women. Though the male is ungodly for adultery, he is not as sincere as a Muslim lady, even if he has repented, because the Torah does not absolve him of his tarnished name. Alternatively, if he is an ungodly man not because of adultery, but because of anything else, like as intoxication or lying, and he repents, it is said that he is *sekufu'* with a lady who has a strong moral character. Religion as a criterion for *kafa'ah*, according to Imam Ahmad, makes a godless and ungodly male inferior to a just and awake-in-honor Muslim lady. His past and evidence are therefore dismissed. This shortcoming is inherent to his humanity. On the basis of some scholarly perspectives and the described postulates, it is possible to conclude that religion as a criterion for *kafa'ah* is one of the legal requirements that must be met when a woman chooses a mate. Religion is

the only criterion for *kafa'ah* even within the Malikiyah faction. Thus, it is extremely suitable and consistent with Islamic law for the Papuan Muslim community to prioritize religion when selecting a spouse (Paimat Sholihin, 6: 2021).

Conclusion

According to research done by researchers in Kaimana City Village, West Papua with research issues related to the Application of *Kafa'ah* in Marriage between Papuan Muslims, which is then reviewed in accordance with Islamic law, the research in reaching numerous results, including:

1. The description of marriage in general, which includes traditions in the procession before and after the wedding, is generally the same as the description of marriage among indigenous Papuans, particularly Muslims in Kaimana City Village. The process of selecting a spouse, *igiigree*, *nuhijna wafen*, *nobune muere*, measuring a girl's nose, *ijab* and *qabul*, and *nobune muere virnee* are all included in a summary of papuan marriages in Kaimana City Village. When it comes to picking a partner, there are no restrictions on doing so as long as the potential spouse is Muslim and has a different last name.
2. The application of *kafa'ah* in the lives of the Papuan Muslims in Kaimana City Village contains two basic factors and is a requirement before entering into a marriage connection, namely being unable to marry someone who

has a similar surname and must be the same one. A cousin marriage is not included in the definition of *huuree*. Most scholars agree that *kafa'ah* is not a requirement for a marriage's legality. In contrast to a number of other requirements, like *nasab*, property, employment, independence, and non-defects, religion is a requirement that must be met to ensure marital peace. According to the analysis of the application of *kafa'ah* in Papuan Muslim weddings in Kaimana Kota Village in accordance with Islamic law, the use of *kafa'ah* in religion as one of the reasons for choosing a mate is permissible under Islamic law. In Kaimana Kota Village, *nasab* is the primary factor in determining a spouse for Papuan Muslims. Based on the author's study, there are two ways to look at the Islamic *nasab* criteria for avoiding choosing a spouse from the same clan. First, not wedring the woman indicated in the concept of *mahram* seems to correspond with this idea. On the other side, this idea also appears to be less consistent with Islamic law when a man marries a woman by depending solely on "clan likeness" without taking into account the Islamic concept of clan. Second, when considering Umar ibn al-advise *Khatab's* to avoid being married to family members, there appears to be agreement between his words with the idea of *huuree* in order

to prevent the chance of genetic defects being passed on to offspring through cousin marriages.

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