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Between Tradition and Sharia: Endogamous Marriage Practices in the Pesantren Community of Bandung Regency from a Contemporary Islamic Legal Perspective

Abstract: This study aimed to examine the practice of endogamy in the Pesantren community of Bandung Regency from the perspective of contemporary Islamic law, by highlighting the tension between social traditions and more universal sharia principles. Endogamy, as a practice of marriage between Pesantren residents, is believed to preserve Islamic values, maintain the honour of the *nasab*, and strengthen internal social networks. This research used a descriptive qualitative approach through field research, supported by quantitative survey data and normative analysis based on the theory of *maqāṣid al-syarī'ah*, legal sociology, and contemporary reinterpretation of tradition (*urf*). Data were obtained through questionnaires and in-depth interviews with students, alumni, and Pesantren leaders. The study results showed that most Pesantren residents supported the practice of endogamy for the similarity in values and maintaining the compatibility of couples based on the principle of *kafā'ah*. However, most respondents also realized this practice was more traditional than religious. On the other hand, the younger generation had a strong tendency to reassess the relevance of endogamy and the concept of *kafā'ah* in the modern context. This study concludes that the practice of endogamy and the meaning of *kafā'ah* in the Pesantren community need to be re-reflected through a contemporary Islamic legal approach that emphasizes the principles of justice, benefit, and respect for individual rights. These findings are expected to encourage a transformation of thinking in the Pesantren community towards a more contextual, inclusive, and progressive understanding of Islamic law.

Keywords: Contemporary Islamic Law, Endogamy, Married, *Kafā'ah*, *Urf*.

INTRODUCTION

The Pesantren community in Indonesia¹, particularly in the Bandung Regency area, represents a socio-religious entity characterized by its distinctive value system, traditions, and educational structure.² Within the Pesantren environment, daily life practices are governed by formal institutional regulations and traditional values passed down through generations.³ One enduring practice is endogamy, which refers to marriage among members of the Pesantren community, including students (*Santri*), alumni, or the families of the *Kiyai*.⁴ This practice has become an integral part of the social system, perceived as preserving the purity of Pesantren values, strengthening internal social networks, and sustaining sacred and noble traditions.

Bandung Regency ranks as the third-highest region in West Java regarding the number of Islamic boarding schools (Pesantren),⁵ following Tasikmalaya Regency and Garut Regency. According to data recorded on the SIKAP website managed by the Ministry of Religious Affairs of the Republic of Indonesia, there are approximately 1,996 Pesantren in the area.⁶ Among the numerous Pesantren, which vary in scale from small to large institutions, endogamy is commonly accepted and rarely questioned critically. Several Pesantren even implicitly encourage or warmly welcome marriages within their community, citing shared religious visions, aligned scholarly understandings, and uniform moral values as key reasons. These factors are believed to contribute to creating more harmonious

¹ Naufal Cholily et al., 'Bridging Fiqh and Religious Practice: Actualizing the Function of *Hāshiyah* as a Form of Worship in the Scribal Traditions of Madurese Pesantren Literature', *Journal of Islamic Law* 6, no. 1 (February 2025): 1, <https://doi.org/10.24260/jil.v6i1.3749>.

² Muhammad Anggung Manumanoso Prasetyo et al., 'Strategic Human Resource Cadre Development in Pesantren: A Roadmap to Organizational Resilience', *Pertanika Journal of Social Sciences and Humanities* 33 (April 2025), <https://doi.org/10.47836/pjssh.33.2.19>.

³ Muhamad Yusuf et al., 'The Role of Islamic Boarding Schools in Student Empowerment: Study of Anak Jalanan At-Tamur Islamic Boarding School in Bandung Regency', *Kasetsart Journal of Social Sciences* 45, no. 3 (August 2024): 3.

⁴ Kudrat Abdillah and Silmah Fathimiyah, 'Endogamy In Islamic Boarding School Caretaker Family: A Maslahah Point of View', *Asy-Syari'ah* 24, no. 2 (December 2022): 2, <https://doi.org/10.15575/as.v24i2.20860>.

⁵ Nur Ainiyah et al., 'The Role of Islamic Boarding Schools in Fostering the Independence of New Santri at the Nurul Iman Islamic Boarding School in Bandung', *Al-Afkar, Journal For Islamic Studies* 8, no. 1 (January 2025): 1, <https://doi.org/10.31943/afkarjournal.v8i1.2090>.

⁶ Kemenag, 'Statistik Jawa Barat'.

households, as both partners are thought to possess similar Islamic backgrounds and perspectives. On the other hand, the families of Kyais (Islamic scholars) or Pesantren leaders also tend to feel more at ease when their children marry individuals who are "from within" the Pesantren environment.⁷

This practice is not without issues that warrant deeper academic investigation, particularly from the perspective of contemporary Islamic law. First, it raises questions regarding the religious legitimacy of endogamy itself. Is endogamy a form of Islamic legal prescription recommended by the Sharia, or is it merely a tradition shaped by cultural and historical factors? Second, within an increasingly open and pluralistic society such as that of Bandung Regency, the relevance of this practice is also subject to scrutiny: does endogamy restrict the social interaction of Muslims and hinder opportunities for cultural integration across communities?

A survey conducted among *Santri*, alumni, and teachers of Pesantren in Bandung Regency revealed that over 80 percent of respondents were familiar with or had heard of the practice of endogamy. Several of them were even direct participants in such marriages. Approximately 67 percent agreed with marrying fellow Pesantren members, the most cited reason being "shared values and life goals." Interestingly, however, 45 percent of respondents acknowledged that endogamy was not grounded in religious teachings, but rather constituted a habitual or traditional value embedded within the Pesantren environment. This reflects a dual perception between tradition and religion in how the practice is understood.

This reality highlights a problematic space that calls for theoretical and normative clarification. On one hand, Pesantren continue to serve as custodians of Islamic tradition in Indonesia; on the other hand, they must also remain responsive to the demands of the times and cultivate a reflective attitude toward prevailing social practices.⁸ In this context,

⁷ Nuzul and Hidayatullah, 'Islamic and Cultural Negotiations in Endogamous Marriage in Kerinci', *Jurnal Hukum Islam* 20, no. 1 (June 2022): 1, <https://doi.org/10.28918/jhi.v20i1.6515>.

⁸ Mirwan Mirwan, R. Fakhurrizi R. Fakhurrizi, and Faishal Agil Al Munawar, 'Endogamous Marriages among the Kiai in Sukorejo Islamic Boarding School, Situbondo: A Phenomenological Approach

contemporary Islamic legal thought, particularly the framework of *maqasid al-shariah* (the higher objectives of Islamic law), such as justice, public welfare (*maslahah*), and inclusivity, offers a critical lens through which the practice of endogamy can be examined more judiciously.

The academic concern underlying this study stems from a desire to explore how contemporary Islamic law might serve as a bridge to mediate the tension between tradition and Shariah in the context of endogamy.⁹ Tradition, in this case, represents a lived practice that socially shapes the identity of Pesantren communities. Shariah, by contrast, refers to universal divine norms that transcend local customs. When the two are aligned and mutually reinforcing, harmony is achieved. However, when imbalance occurs, tradition may obscure the essence of Shariah, or conversely, a rigid interpretation of Shariah may marginalize local wisdom.

In practice, endogamy can contribute to social exclusivity, which hinders the Pesantren community's openness to broader society. This raises significant ethical questions from an Islamic perspective: does restricting the possibility of marriage with individuals outside the Pesantren community conflict with the principles of justice and human equality in Islam? Does limiting marital choices to a specific social circle disregard the individual's right to choose a life partner as guaranteed by Islamic law? Such concerns are increasingly relevant in Bandung Regency, a region that has become highly dynamic, urbanized, and multicultural. If Pesantren upholds the tradition of endogamy without allowing space for critical reflection and reinterpretation, there is a risk of social stagnation. On the other hand, if Pesantren can reinterpret this tradition through a contextual approach to Islamic law, they can evolve into institutions that preserve tradition and serve as agents of social transformation.

in the Perspective of Multicultural Fiqh', *Jurnal Adabiyah* 23, no. 1 (June 2023): 1, <https://doi.org/10.24252/jad.v23i1a5>.

⁹ Fauzan et al., 'Endogamous Marriage of Prophet's Descendants on the Perspective of Sociology of Islamic Law', *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 1 (June 2023): 1, <https://doi.org/10.19105/al-lhkam.v18i1.7132>.

This study examines the practice of endogamy within Pesantren communities in Bandung Regency through the lens of contemporary Islamic legal thought. It seeks to describe the practice of endogamy in these communities and to understand the social context and underlying values that sustain it. By achieving these objectives, this study aspires not only to make an academic contribution to Islamic legal studies but also to encourage Pesantren communities to critically reflect on their traditional practices, considering progressive and transformative Islamic values.¹⁰ Several previous studies have explored the practice of endogamy within Pesantren communities and traditional Muslim societies in Indonesia. One such study was conducted at Al-Ashriyyah Nurul Iman Pesantren in Parung, Bogor, revealing that intra-community marriage practices aim to preserve social harmony, religious values, and the continuity of Pesantren traditions. In this context, the *kafā'* ah principle is the primary reference in assessing marital compatibility, where similarities in educational background, religious commitment, and social environment are considered highly significant.¹¹ This study is relatively comprehensive in addressing social aspects and classical Islamic law; however, it has yet to explore the dimension of contemporary Islamic legal thought in depth.

Another study conducted at Pesantren Darul Muta'alimin highlights a strong motivation to maintain the practice of endogamy, primarily to reinforce internal solidarity and ensure the continuity of religious outreach (*da'wah*) through familial networks. The study also reveals that interfamily marriages within the Pesantren community are often influenced by deference to the authority of the *Kyai* and the prevailing belief that families of fellow *Santri* are more likely to uphold and sustain Pesantren values.¹² Nevertheless, this

¹⁰ Ahmad Munjin Nasih, 'Pemaknaan Masyarakat Santri Atas Fatwa- Fatwa Keagamaan Produk Pesantren', *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 14, no. 1 (2014): 119, <https://doi.org/10.18326/ijtihad.v14i1.119-138>.

¹¹ Abdul Aziz, 'Endogamous Marriage Among Santeri Perspectives of the Sociology of Islamic Law', *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 2 (2024): 700-717, <https://doi.org/10.22373/petita.v9i2.294>.

¹² Ahmad Khuza'i Faruq, 'Pemberdayaan Alumni Dalam Pengembangan Mutu Pondok Pesantren (Studi Multikasus Pondok Pesantren Fathul 'Ulum Kwagean Pare Dan Pondok Pesantren Darul Muta'allimin Kertosono) Disertasi Diajukan Kepada Pascasarjana', *Uin Khas Jember*, 2022.

study has not yet connected the practice with the challenges posed by contemporary Islamic legal thought, which is more adaptive to social change.

In the Greater Malang area, studies on the urgency of endogamous marriage within Pesantren circles illustrate the dominant role of Pesantren leaders in determining the marital choices of their children or *Santri*. The underlying concern is the potential erosion of Pesantren values if marriage occurs with individuals outside the community. This research offers a compelling perspective on the authority of the *Kyai*. However, it does not incorporate an analysis grounded in modern Islamic legal thought that emphasizes individual rights and the dynamics of *maqāṣid al-syarīʿah* in shaping family and marriage policies. Beyond the Pesantren context, endogamous practices have also been identified in local communities such as Sindangwangi Village in Brebes Regency. Studied through normative and sociological approaches, this research shows that endogamy is practiced to preserve lineage and cultural heritage and prevent interfamily conflict. However, these findings are more reflective of local cultural patterns and do not capture the distinctive characteristics of Pesantren communities, particularly in terms of their religious values and social structure rooted in the leadership of Islamic scholars.¹³

Based on this mapping, it becomes evident that most previous studies have examined endogamy from sociological, traditional, and classical Islamic legal perspectives. Few have specifically explored this practice within the framework of contemporary Islamic law, particularly in Pesantren communities in Bandung Regency, which possess dynamic social and religious characteristics. However, the realities of modernity, the recognition of individual rights, and the importance of an approach grounded in *maqasid al-shariah* call for a reinterpretation of longstanding practices to ensure alignment with the principles of justice, public interest or *maslahah*, and human rights. This study, therefore, offers a novel contribution by providing an in-depth analysis of endogamous practices in Bandung's Pesantren communities through the lens of contemporary Islamic legal thought, which is

¹³ Jazilatul Humayah, 'Praktik Perkawinan Endogami Jemaat Ahmadiyah Perspektif Sosiologi Hukum', *Fakultas Syariah Universitas Islam Negeri Prof. K. H. Saifuddin Zuhri Purwokerto* 15, No. 1 (2024): 37-48.

responsive to present-day social realities. It is precisely this gap that the research seeks to address, thereby enriching the body of knowledge in Islamic family law and the sociology of Islamic law in Indonesia.

METHOD

This study employs a descriptive qualitative approach using field research, supplemented by quantitative survey data as a supporting instrument.¹⁴ Data collection techniques include the distribution of questionnaires to Pesantren community members in Bandung Regency, in-depth interviews with several key figures (*Kyai*, *Ustaz/Ustazah*, and senior alumni), as well as a literature review of Islamic texts and relevant fiqh books. The qualitative approach was chosen to enable the researcher to capture the deeper meanings of the practice of endogamy, how the Pesantren community understands it, and the dynamics of the values accompanying it. Meanwhile, the contemporary Islamic legal approach is utilized to conduct a normative interpretation of this practice. This approach allows for a dialogical engagement between textual sources (*nash*), tradition (*'urf*), and the current socio-cultural context.

In analysing the data, the researcher employed the theory of *maqāṣid al-sharī'ah* as the primary analytical framework. Foundational principles such as *ḥifẓ al-dīn* (protection of religion), *ḥifẓ al-nafs* (protection of life), and *ḥifẓ al-'ird* (protection of dignity) served as benchmarks for assessing whether the practice of endogamy yields *maṣlaḥah* (benefit) or, conversely, acts as an impediment to social advancement within Muslim communities. This research is grounded in the assumption that Islamic law is not a static entity but a dynamic and contextual value system that interacts with local traditions, social structures, and the religious culture of a given community. In the context of endogamous practices within Pesantren communities, Islamic law intersects directly with longstanding social norms. Therefore, the theoretical approach adopted in this study integrates contemporary Islamic

¹⁴ Yati Nurhayati Et Al., *Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum Jurnal Penegakan Hukum Indonesia (Jphi)*, 2021.

legal theory, *maqāṣid al-sharīʿah*, the sociology of law, and perspectives on local tradition (*ʿurf*).

Contemporary Islamic legal theory plays a crucial role in offering renewed interpretations of endogamy, particularly in response to the increasingly complex challenges of the modern era. Thinkers such as Yusuf al-Qaradawi and Jasser Auda have advocated for a reinterpretation of Islamic legal texts and practices that considers social realities, the principle of justice, and the overarching well-being of the ummah (*maṣlaḥah al-ummah*). This approach does not merely question the validity of classical fiqh, but instead aims to render Islamic law more responsive to social change and the needs of modern society. In the case of Pesantren-based endogamy, principles of justice, individual rights protection, and the social and health impacts of the practice are all critical considerations in evaluating its relevance and legitimacy from the perspective of contemporary Islamic jurisprudence.

Moreover, *maqāṣid al-sharīʿah*, the overarching objectives of Islamic law, serve as an evaluative foundation for assessing traditional practices such as endogamy.¹⁵ Within the framework of *maqāṣid*, five primary objectives must be preserved in any legal formulation: religion, life, intellect, lineage, and property.¹⁶ This study investigates whether the practice of endogamy within the Pesantren communities of Bandung Regency remains aligned with these objectives. For example, if the practice poses risks to genetic health, limits individual freedom in choosing a marriage partner, or results in other negative consequences, it may be considered incompatible with the principles of *maqāṣid al-sharīʿah*. This approach adds an ethical and functional dimension to legal evaluation, moving beyond a purely legalistic or textual analysis toward a more holistic understanding of Islamic law that prioritizes human well-being and adapts to changing social contexts.

¹⁵ Syarifah Ema Rahmaniah and Egi Tanadi Taufik, 'Our Husband And Children Are Not Acknowledged: Endogamy, Gendered Power, and Child Issues in the 'Alawiyyin Marriage in Indonesia', *JOURNAL OF INDONESIAN ISLAM* 18, no. 2 (December 2024): 2, <https://doi.org/10.15642/JIIS.2024.18.2.374402>.

¹⁶ Muhammad al-Thahir bin Muhammad Ibn ʿAtsur, *Maqashid Al-Syari'ah al-Islamiyah* (Qatar: Wizarah al-Awqaf wa al-Syu'un al-Islamiyah, 2004).

From the perspective of the sociology of law, Lawrence M. Friedman's theory of legal structure, legal substance, and legal culture proves highly relevant. The social structure within Pesantren (Islamic boarding schools) is characterized by a strong hierarchy and authority, particularly embodied in the figure of the *Kyai* and the *Kyai's* family. This structure often reinforces endogamous practices as a form of social control and a means of preserving the internal values of the Pesantren. The legal substance may refer to classical fiqh (Islamic jurisprudence) concerning *kafā'ah* or compatibility in marriage, while the legal culture reveals how these norms are institutionalized in daily life, often holding more sway than state law. By applying Friedman's approach, this study seeks to explain what is practiced, why such practices are perpetuated, and how they gain social legitimacy.

Meanwhile, the concept of *'urf* (custom or tradition) in classical Islamic law also contributes to understanding the legitimacy of endogamous traditions in Pesantren. In numerous fiqh texts, *'urf* can serve as a legal basis provided it does not contradict the *nash* (scriptural text) of *sharī'ah* and the *maqāṣid* (objectives of Islamic law).¹⁷ Endogamy as a tradition may be accepted as part of *'urf ṣaḥīḥ* (valid custom), yet its suitability must be reassessed within the context of modern social realities and Islamic legal principles. When a tradition begins to hinder the principles of justice, individual rights, and public welfare (*maṣlaḥah*), contemporary scholars argue that such a tradition must be critically examined and, if necessary, abandoned.

This study also draws inspiration from theories of closed communities and social control within religious communities. Pesantren communities often establish internal norms that differ from those of the broader society. These norms include control over social mobility, gender relations, and mate selection. Endogamous practices function as a form of community control over its members to preserve the "purity" of values and teachings. In this regard, the tradition is not merely a personal matter but constitutes part of an institutionalized socio-religious construct. Herein lies the significance of a contextual

¹⁷ Darnela Putri, 'Konsep 'Urf Sebagai Sumber Hukum Dalam Islam', *ElMashlahah* 10, no. 2 (2020): 14-25, <https://doi.org/10.23971/maslahah.v10i2.1911>.

Islamic legal analysis: law operates not only as a textual doctrine but also as a social practice shaped by ideology, authority, and community structure.

Grounded in this interdisciplinary theoretical framework, the research aims to portray endogamous practices descriptively and critically and normatively analyse how these practices are maintained, negotiated, or even questioned by the younger generation within the Pesantren. The goal is to offer a renewed interpretation of this tradition within the framework of contemporary Islamic law, which prioritizes *maṣlaḥah* (public welfare), justice, and individual rights as its foundational pillars.

RESULTS AND DISCUSSION

The Practice of Endogamy in the Pesantren Community of Bandung Regency

This study aims to explore the perceptions of Pesantren residents regarding the practice of endogamy, which is defined as marriage within the Pesantren community. Data were collected from respondents with diverse backgrounds in age and status, including alumni, *Ustaz/Ustazah* (Islamic teachers), and individuals who have interacted with the Pesantren over varying periods. Most respondents demonstrated a high level of understanding of the concept of endogamy. Specifically, 58 respondents (48%) indicated that they "Know" about it, and 13 respondents (11%) reported that they "Know Very Well," whereas only 5 individuals (4%) stated they "Do Not Know at All." These findings suggest that the practice is widely recognized within the Pesantren community.

Regarding the frequency of endogamy, 60 respondents (50%) reported that it occurs often in their community, while 15 respondents (12%) asserted with strong confidence ("Know Very Well") that it is a common practice. Nonetheless, 25 respondents (21%) stated "Do Not Know," indicating variability in perceptions about the prevalence of endogamy across different Pesantren communities. The view that endogamy functions to preserve Pesantren values and traditions received broad support: 58 respondents (48%) "Agree," and 10 respondents (8%) "Strongly Agree." This reflects the traditional legitimacy attributed to endogamy by most participants. A similar pattern emerged regarding the perception that endogamy aims to uphold the honour of the lineage of the Kyai (religious

leaders), with 49 respondents (41%) "Agreeing" and 14 respondents (12%) "Strongly Agreeing."

Interestingly, the notion that there is social pressure on *Santri* to marry within the *Pesantren* community did not receive dominant support. Instead, 49 respondents (41%) "Disagreed," while only 23 individuals (19%) agreed that such pressure exists. This may suggest that although endogamy is frequently practiced, there is not necessarily explicit coercion to conform to this pattern. Religious perspectives on endogamy were also divided: while 30 respondents (25%) believed endogamy is part of Islamic law, 31 respondents (26%) "Disagreed," and 40 respondents (33%) expressed uncertainty ("Undecided"). This highlights interpretive ambiguity regarding the religious status of the practice. However, there was a stronger consensus that endogamy is not obligatory within Islamic teachings, with 57 respondents (47%) "Agreeing" and 26 respondents (21%) "Strongly Agreeing."

A strong attitude of tolerance toward inter-community marriage choices also emerged. A total of 75 respondents (62%) stated that they "Agree" with *Pesantren* members marrying outsiders, and 32 individuals (26%) even "Strongly Agree." This reflects a significant degree of openness within an environment often characterized as conservative. Regarding the relevance of endogamy in the modern era, 54 respondents (45%) continued to support the practice, yet 31 (26%) expressed uncertainty, and 12 respondents (10%) explicitly disagreed. These findings suggest the emergence of critical reflection on the practice of endogamy considering changing societal norms. Most respondents also supported the notion that contemporary Islamic jurisprudence should re-evaluate the tradition of endogamy. A total of 62 respondents (51%) "Agreed" and 30 (25%) "Strongly Agreed" with this view. This indicates a growing aspiration for reform or reinterpretation of traditional practices within the framework of modern Islamic values.

To deepen understanding of the practice of endogamy among Islamic boarding schools, the researcher conducted interviews with several Islamic boarding school leaders in Bandung Regency. The three interviewees came from different backgrounds—a *kyai* who cared for the *pesantren* as a mother, a mother who taught books, and a young *ustadz* who

is an alumnus of the pesantren and is now active in Islamic intellectual activities. The three provide a distinctive point of view and show the dynamics of thinking between the older and younger generations when viewing the practice of endogamy. The first speaker, Kyai H. Abdul Latif, the caretaker of the Al-Mubarak Islamic Boarding School in the Soreang area, revealed that the practice of endogamy in his pesantren environment has been common for a long time. In Sundanese, he stated:

“Tah di dieu mah, kawinan jero-jero (sesama santri) téh geus biasa ti baheula. Ari sababna, da sarua-sarua weh ku urang, teu kudu adaptasi deui, da geus apal kana kahirupan pesantren.”

This statement illustrates that the same social and cultural background makes home life easier, because both parties are used to the values of the boarding school. However, Kyai Abdul Latif is not rigid. He acknowledges that the changing times have brought about a shift in values, especially in the younger generation:

“Santri ayeuna téh geus loba anu hayang nikah jeung nu ti luar, da geus loba nu kuliah di kota. Tapi ari abdi pribadi, salami dua pihak saling ngarti jeung aya akhlakna, henteu kudu jero-jero ogé teu nanaon.”

This means that if the couple understands each other and has good morals, there is no need to maintain strict endogamy. A similar view, but with a different emphasis, was also conveyed by Mrs. Nyai Hj. Siti Maryam is a yellow book teacher and the wife of the Al-Hikam Islamic Boarding School caretaker in Cicalengka. According to him:

“Kawinan antawis santri jeung santri téh memang leuwih dipikaresep ku kolot mah, sabab ku kituna mah sok disebut leuwih ‘ngarti’, teu kudu loba atikan deui soal adab jeung kahirupan rumah tangga nu islami.”

For Mrs. Nyai, the value of tradition is still important, but it is not the only factor. He showed an open attitude towards the phenomenon of social openness that occurred among young students:

“Ayeuna, seueur pisan santri nu geus loba wawasan, malah aya nu hayang nikah jeung nu alumni kampus ti Jakarta. Abdi mah teu masalah, da pentingna mah niat jeung tanggung jawabna, ulah ngan ukur nitenan asalna ti mana.”

This statement emphasizes that the most important thing is personal quality and readiness to be married, not solely from the community. Even more critical is the view of Ustadz Ridwan, an alumnus of an Islamic boarding school who is now active as a young Islamic intellectual in the Majalaya area. It highlights the social pressures that sometimes accompany the practice of endogamy, and the importance of prioritizing individual rights in choosing a life partner:

“Kuring téh aslina ti pesantren, kuliah ogé jurusan syariah. Tapi nya ah, kuring mah leuwih satuju mun urang meunang milih pasangan nu saluyu jeung visi hirup urang. Ulah nepi ka endogami téh jadi kawajiban, komo lamun aya tekanan sosial ti lingkungan.”

According to him, many students of the current generation are starting to think critically. He stated that the principle of kafā'ah should not be interpreted narrowly and exclusively based solely on the social background of the pesantren:

“Anu penting mah, nilai kafaah téh ulah ngan ukur ditingali tina nasab jeung latar, tapi ti akhlak jeung komitmen ka Islamna.”

Ustadz Ridwan's statement shows how the younger generation of Islamic boarding schools is beginning to encourage reinterpretation of traditional concepts such as endogamy and kafā'ah, taking into account the principles of justice, maslahat, and individual human rights guaranteed by Sharia.

From the three interviews, it can be seen that the practice of endogamy is still maintained by most of the pesantren community, mainly for the similarity of values and internal solidarity. However, there is also a critical awareness that this tradition should not be binding or coercive. This view reinforces the findings in the research that the practice

of endogamy in Islamic boarding schools¹⁸ is more of a social construct that is institutionalized from generation to generation. It, therefore, can be reinterpreted in the light of *maqāṣid al-syarī'ah* to be more adaptive to the challenges of the times.

Conceptualization of Endogamy in the Pesantren Tradition

Etymologically, the term "endogamy" originates from the Greek words *endon*, meaning "within," and *gamos*, meaning "marriage." Thus, endogamy refers to "marriage within a group." This term describes a social practice whereby individuals choose or are directed to marry only within their community, group, or social class, whether defined by ethnicity, religion, caste, or specific social institutions such as Pesantren. Terminologically, endogamy refers to a system or custom of marriage that mandates or encourages individuals to marry within their group, without crossing predetermined social boundaries. Various identities may define this group, such as ethnicity, religion, caste, social class, or religious educational institutions.¹⁹ Such practice is generally maintained to preserve the purity of the group's values, beliefs, or socio-cultural identity.

In anthropological and sociological studies, endogamy is often associated with a community's desire to preserve its social structure and cultural identity.²⁰ Claude Lévi-Strauss, a structural anthropologist, viewed the marriage system as a reflection of a society's social structure, with endogamous practices demonstrating a tendency to insulate the group from external influences.²¹ Meanwhile, Emile Durkheim regarded such practices as mechanisms of social cohesion that strengthen internal group solidarity and protect the shared system of values. On the other hand, within the context of Islamic religion and law,

¹⁸ Resi Atna Sari Siregar et al., 'Islamic Boarding School Cooperatives as an Instrument for Empowering the Community's Economy: Analysis of Islamic Economic Law', *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (June 2025): 1, <https://doi.org/10.19109/nurani.v25i1.27698>.

¹⁹ Muhammad Ikhlas Supardin et al., 'Legal Reasoning By Judges In The Decision Of The Religious Court In The Dki Jakarta Area Regarding Sharia Financing', *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 1-29, <https://doi.org/10.29240/jhi.v10i1.10917>.

²⁰ Iwan Setiawan et al., 'Reforming Marriage Law in Indonesia: A Critical Examination of Islamic Law on the Ban of Interfaith Marriages', *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024): 179-198, <https://doi.org/10.24090/mnh.v18i2.11134>.

²¹ M. Syahrul Ulum and Umi Colbyatul Khasanah, 'Mitos Larangan Menikah Etan-Kulon Kali Brantas Kediri: Tinjauan Strukturalisme Lévi-Strauss', *Realita : Jurnal Penelitian Dan Kebudayaan Islam* 20, no. 2 (2023): 235-252, <https://doi.org/10.30762/realita.v20i2.130>.

the practice of endogamy is often linked to the concept of *kafā'ah* (compatibility) in marriage. In classical fiqh texts, such as *al-Mughni* by Ibn Qudamah²² and *Bidayat al-Mujtahid* by Ibn Rushd,²³ *kafā'ah* is understood as equality between prospective spouses in terms of religion, lineage, profession, freedom (i.e., not being a slave), and social status. In this regard, endogamous practices within the Pesantren community are frequently associated with the desire to maintain *kafā'ah*, particularly regarding shared religious and social backgrounds. For instance, families of Kyais (Islamic scholars) or Pesantren leaders tend to arrange marriages within the Pesantren community to ensure continuity of religious values and identity.

This tradition has been passed down through generations, wherein Kyai families tend to select spouses for their children²⁴ from within the Pesantren community to preserve the purity of the *da'wah* values, the honour of lineage, and the unity of religious vision. Due to shared backgrounds in religious education, fiqh understanding, and Pesantren culture, endogamy fosters harmonious households and minimizes value-based conflicts within family life.²⁵ Endogamy also functions as an informal social control mechanism, reinforced by strong social expectations that marriages occur within the same community. In many Pesantren communities, the practice of endogamy expresses collective solidarity and group identity. This aligns with Emile Durkheim's perspective that marriage within a group fosters social cohesion.²⁶ Within the Pesantren context, these values are institutionalized through a strong leadership structure, particularly embodied by the Kyai, who functions not only as a spiritual leader but also as a guardian of social order. Consequently, endogamy is

²² Muwafiquddin Abu Muhammad Ibn Qudamah, *Al-Mughniy Li Ibn Qudamah*, 3rd edn (Arab Saudi: Dar `Alim al-Kutub, 1997).

²³ Muhammad bin Ahmad bin Muhammad Ibn Rusyd, *Bidayah Al-Mujtahid Wa Nihayah al-Muqtashid*, 1st edn (Kairo: Maktabah ibn Taymiyah, 1415).

²⁴ Ahmad Fauzan and Ilma Silmi Nufus, 'The Problems of Neuroparenting Based on Contemporary Islamic Family Law', *MILRev: Metro Islamic Law Review* 3, no. 2 (December 2024): 2, <https://doi.org/10.32332/milrev.v3i2.9791>.

²⁵ Petita UIN Ar-Raniry, *Endogami dalam Perspektif Sosiologis dan Hukum Islam*, 2020, h. 45-46.

²⁶ Emile Durkheim, *The Division of Labor in Society*, ed. W.D. Halls (New York: Free Press, 1997).

perceived not merely as an individual choice but as a reinforcement of the collective value system and a form of cultural preservation within the Pesantren tradition.

However, several contemporary Islamic legal thinkers, such as Yusuf al-Qaradawi and Jasser Auda, critique the overly formalistic and exclusive interpretation of *kafā'ah*. They emphasize that within the framework of *maqāṣid al-sharī'ah* (the objectives of Islamic law), principles of justice, public welfare²⁷, and individual rights take precedence over maintaining compatibility that is merely symbolic or sociological.²⁸ From this perspective, endogamy lacks a strong legal basis in Sharia unless it demonstrably benefits both spouses and the broader community. Therefore, if the practice of endogamy results in injustice, discrimination, or restricts individual freedom in spouse selection, it must be critically reassessed.

Endogamous practices also have potential negative consequences, such as social exclusivity, limited inter-community interaction, and, in some cases, health risks associated with consanguineous marriage (inbreeding). In more open and pluralistic modern societies, this practice is frequently criticized for conflicting with principles of inclusivity and equality. It is also important to understand that endogamy carries significant symbolic meaning in specific communities, such as Pesantren. It is regarded as a cultural heritage that reflects loyalty to Islamic values, allegiance to educational institutions, and respect for the lineage of religious scholars.²⁹ Within Pesantren circles, endogamy is not merely a social practice but also a form of cultural capital preserved to maintain moral and spiritual authority within the community.

Sociologically, endogamy can also be analysed through Lawrence M. Friedman's legal structure theory, which asserts that legal practice is influenced by three elements: the

²⁷ Zubair Zafar Khan, 'Relating Pleasure Principle & Reality Principle to Islamic Concept of Human Life', *Karachi Islamicus* 2, no. 2 (December 2022): 2, <https://doi.org/10.58575/ki.v2i2.15>.

²⁸ Krismiarsi Krismiarsi and Rayno Dwi Adityo, 'The Urgency of Community Service Imposed as Punishment on Juvenile Delinquents: A Study of al-Shatibi's Maqhasid al-Syariah Concept', *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (2025): 132-48, <https://doi.org/10.18860/j-fsh.v17i1.31246>.

²⁹ Moh Mukri et al., 'The Implementation of the Maslahah Principle in Cultivating Religious Moderation in the State Islamic Universities', *Al'Adalah* 21, no. 2 (2024): 371-400, <https://doi.org/10.24042/adalah.v21i2.23953>.

legal structure, legal substance, and legal culture.³⁰ In the case of endogamy within Pesantren communities, the authority of the Kyai dominates the social structure, the legal substance refers to classical fiqh, and the legal culture is shaped by the strong collective values of the Pesantren community. Therefore, although the state or Sharia law does not formally mandate this practice, it persists due to the powerful social and cultural legitimacy that supports it. Thus, endogamy represents a complex and multidimensional practice that cannot be fully understood solely from a normative legal perspective but must also be examined in terms of culture, social structure, and evolving temporal dynamics. In contemporary Islamic law, evaluating this practice is crucial by balancing principles of justice, public welfare, and individual rights, without outright dismissing deeply rooted local values and traditions.

The Theory of *Kafā'ah* in Islamic Law and Its Relevance to Endogamy

The concept of *kafā'ah* represents one of the fundamental doctrines in classical Islamic marriage law, emphasizing compatibility between prospective spouses across various dimensions of life. Linguistically, *kafā'ah* is derived from the root word *kafaa'a*, which means balance or equivalence.³¹ In fiqh (Islamic jurisprudence) terminology, *kafā'ah* refers to the parity between two individuals intending to marry, aiming to ensure a harmonious union that avoids social imbalance and potential familial conflict. Jurists have traditionally framed *kafā'ah* as a mechanism for preserving family honour and household stability by aligning the prospective bride and groom regarding religious commitment, lineage (*nasab*), social standing, economic capacity, and legal freedom (i.e., not being enslaved).

Within the Hanafi school of thought, *kafā'ah* is considered a crucial requirement for a marriage's validity and sustainability. A man is deemed incompatible if he belongs to a lower social stratum or has a morally questionable reputation compared to his prospective wife. Hanafi scholars place strong emphasis on *kafā'ah* in terms of lineage and religious

³⁰ Lawrence M. Friedman, *Sistem Hukum: Perspektif Ilmu Sosial*, 2nd edn, ed. M. Khozin (Bandung: Penerbit Nusa Media, 2019).

³¹ Nur Atikah et al., *Compatibility (Kafa'ah) in Islamic Marriage: A Literature Review*, 2023, <https://doi.org/10.6007/IJARBS/v13-i11/19167>.

observance, as these are seen to directly impact family dignity and the likelihood of conflict within marriage. In some legal opinions, the bride's family is granted the right to annul a marriage if they perceive the groom as failing to meet the standards of *kafā'ah*. In contrast, the Maliki and Shafi'i schools adopt a more flexible interpretation. They do not consider *kafā'ah* as a condition for the legal validity of marriage but rather as a consideration for compatibility or social harmony (*istihsān*). Imam Nawawi, a prominent figure among the Shafi'i scholars, asserted that while *kafā'ah* is important for preventing familial discord, it is not obligatory as long as both parties consent and willingly accept each other.

In practice, the application of *kafā'ah* within Muslim societies has been highly contextual.³² In the classical era, compatibility between spouses was heavily influenced by rigid social hierarchies, where class stratification played a significant role, and cross-class marriages often led to familial and communal tensions. Thus, observing *kafā'ah* in marriage served to avert social discord and maintain community cohesion. However, social structures have undergone significant transformation in contemporary societies marked by greater egalitarianism. Lineage, caste, and social class are no longer dominant criteria in many marital decisions. Instead, values such as equality, love, and individual rights have become more prominent in partner selection. Consequently, the concept of *kafā'ah*, once seen as a safeguard against social disparity, is now experiencing a shift in meaning and relevance.

The practice of endogamy within Pesantren communities is directly linked to the concept of *kafā'ah*. Many Pesantren maintain a pattern of marriage among internal members—be they *Santri*, alumni, or the families of Kyai (religious leaders)—based on the belief that only partners from similar backgrounds are capable of understanding and upholding the intellectual and cultural values of the Pesantren tradition. For instance, Kyai families often prefer sons- or daughters-in-law who also come from Pesantren lineages or possess a strong religious reputation. Shared religious vision, familiarity with fiqh (Islamic jurisprudence), and first-hand experience of life within a Pesantren environment commonly

³² Achmad Fathoni, 'Family Resilience and Implementation of Islamic Family Jurisprudence on Millennial Muslim Families in Gresik, Indonesia', *Journal of Islamic Law* 2, no. 2 (2021): 247-267, <https://doi.org/10.24260/jil.v2i2.332>.

indicate *kafā'ah*. In this context, *kafā'ah* is interpreted narrowly within the cultural and institutional framework of the Pesantren itself. This localized interpretation gives rise to the practice of endogamy, which is thus understood as both a means of preserving core values and reinforcing the internal identity of the Pesantren community.

Nevertheless, contemporary Islamic legal approaches call for a re-examination of the concept of *kafā'ah* and its relationship to the practice of endogamy. Modern Islamic thinkers such as Yusuf al-Qaradawi and Jasser Auda emphasize that, within the Islamic legal system, the primary concern should not be limited to social or genealogical parity, but rather the alignment of religious values, moral character, and the objectives of marriage. In his book *Fiqh al-Awlawiyyāt* (The Jurisprudence of Priorities), al-Qaradawi asserts that, in the modern era, issues related to justice and the public good (*maṣlaḥah*) must take precedence in legal determinations, including those concerning marriage.³³ Jasser Auda, through the framework of *maqāṣid al-sharī'ah* (the higher objectives of Islamic law) that he developed, argues that all legal rulings should be evaluated in light of their ability to protect the five essential objectives of the Shariah: religion (*dīn*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and property (*māl*). If the application of *kafā'ah* and the practice of endogamy hinder or negate any of these core principles, then such practices must be critically re-evaluated.

In the social reality of Pesantren communities, this progressive legal approach becomes particularly significant. Although endogamous practices are often rooted in the spirit of preserving tradition, they also carry the potential to foster social exclusivity, discrimination against outsiders, and even restrictions on individuals' rights to choose life partners following their preferences. Field data indicate that most Pesantren members recognize endogamy not as a religious obligation but as a culturally inherited norm. Furthermore, many younger *Santri* and alumni express openness to inter-community marriages, signalling an intergenerational value shift. In such a context, the interpretation

³³ Yusuf Al-Qaradlawi, *Fiy Fiqh Al-Awlawiyyat Dirasah Jadidah Fiy Dlaw' al-Qur'an Wa al-Sunnah*, 2nd edn (Kairo: Maktabah Wahbah, 1996).

of *kafā'ah* must be contextualized not to serve as a vehicle for sustaining social discrimination.

Indeed, the concept of *kafā'ah* can be misused to legitimize patriarchal practices or the dominance of certain social classes within the Pesantren milieu. For example, it becomes problematic when Kyai families only accept in-laws from similarly elite religious backgrounds, or when students from lower socioeconomic strata are deemed unworthy of marrying individuals from Pesantren-owning families. Islamic teachings uphold that a person's true worth is determined by their *taqwā* (piety), not by their lineage or social status. As the Qur'an explicitly states:

إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ

"Surely the most noble of you in the sight of Allah is the most righteous among you" (QS. Al-Hujurat: 13).

This forms the foundation for the argument that *kafā'ah* should not be a barrier to marriages grounded in good character and religious commitment.³⁴ Accordingly, in the context of Pesantren communities in Bandung Regency, a reinterpretation of the concept of *kafā'ah* becomes imperative. The practice of endogamy, once regarded as an expression of *kafā'ah*, must be reframed within the broader ethical and legal framework of *maqāṣid al-sharī'ah* and Islamic moral philosophy. The notion of equality embedded in *kafā'ah* should not be narrowly confined to social status or affiliation with the Pesantren environment. Instead, it must encompass alignment in life vision, moral integrity, and the mutual readiness to build a harmonious and spiritually grounded family (*sakinah*). Through this approach, Pesantren communities need not lose their identity; instead, they can enrich and expand it by fostering inclusive Islamic values that are responsive to contemporary society's evolving dynamics.

³⁴ Muhamad Jazil Rifqi et al., 'Children's Legal Identity at Stake: Reconstructing Maqāṣid al-Syarī'ah through Marriage Isbat Applications by the Second Generation in Pasuruan', *El-Mashlahah* 15, no. 1 (2025): 125-148, <https://doi.org/10.23971/el-mashlahah.v15i1.9068>.

Contemporary Islamic Legal Analysis of Endogamy Practices in the Pesantren Community of Bandung Regency

As a dynamic value system, Islamic law consistently seeks to provide relevant guidance on various aspects of life. Therefore, an in-depth analysis of endogamy practices from the perspective of contemporary Islamic jurisprudence is essential to understand the potential legal, social, and health implications. Such analysis also aims to formulate a more comprehensive and contextually grounded perspective that aligns with Islamic principles.

The practice of endogamy closely intersects with the concept of *kafā'ah* in Islamic jurisprudence on marriage (*fiqh al-munākahāt*). Etymologically, *kafā'ah* denotes equality or compatibility,³⁵ particularly regarding social status or dignity.³⁶ In marriage, *kafā'ah* refers to the compatibility or parity between prospective spouses in key aspects deemed crucial for establishing a harmonious and enduring household. Terminologically, scholars of Islamic jurisprudence have defined *kafā'ah* using various expressions that fundamentally convey the same essential meaning, which closely aligns with its etymological sense. It refers to parity between prospective spouses to prevent imbalance or discord in certain critical aspects.³⁷ Scholars of the Shafi'i school, in particular, define *kafā'ah* as a condition whose absence may be perceived as a deficiency or flaw within the marital relationship.³⁸

Scholars hold diverse views regarding the parameters of *kafā'ah* (compatibility). According to the Maliki school, the most fundamental criteria are piety (*taqwa*) and physical condition.³⁹ Meanwhile, most scholars consider piety, lineage (*nasab*), and occupation key factors. Furthermore, the Hanafi and Hanbali schools also include wealth as a relevant

³⁵ Wahbah bin Musthafa Al-Zuhayliy, *Al-Fiqh al-Islamiy Wa Adillatuh* (Damaskus: Dār al-Fikr, 1433).

³⁶ Ahmad Mukhtar Abdulhamid Umar, *Mu'jam Al-Lughah al-'Arabiyah al-Mu'ashirah*, 1st edn (Beirut: 'Alim al-Kutub, 2008).

³⁷ Al-Zuhayliy, *Al-Fiqh al-Islamiy Wa Adillatuh*.

³⁸ 'Alawi Ibn Hamid, *Al-Kafa'ah Fiy al-Nikah* (Yaman: Maktabah Tarim al-haditsah, n.d.).

³⁹ Muhammad bin Ahmad Al-Dasuqiy, *Hasyiyah Al-Dasuqiy 'ala al-Syarh al-Kabir* (Beirut: Dar al-Fikr, 1431).

aspect.⁴⁰ However, the Shafi'i school, in its most authentic opinion, does not regard wealth as a parameter of *kafā'ah*.⁴¹

Scholars differ in their assessment of the importance of *kafā'ah* (compatibility) in marriage. The *tabi'in* scholars Sufyan al-Thawri and Hasan al-Basri argued that *kafā'ah* is neither a condition for a marriage contract's validity (*shahih*) nor an obligation (*luzum*). Consequently, a marriage is considered valid and binding even without considering *kafā'ah*. One of the key arguments supporting the negation of *kafā'ah* as a requirement is found in a hadith narrated by Imam Muslim concerning the Prophet Muhammad's (peace be upon him) encouragement for Fatimah bint Qays, a *Muhajirah* (emigrant), to marry Usamah ibn Zayd, a recently freed slave. The hadith recounts that after Fatimah bint Qays was divorced with triple *talaq* by Abu' Amr ibn Hafs, she spent her waiting period ('iddah) initially at the home of Umm Syarik. However, due to frequent visits by many companions, she was relocated to the house of Umm Maktum. After completing her 'iddah, Fatimah received marriage proposals from Mu'awiyah ibn Abi Sufyan and Abu Jahm. Nonetheless, the Prophet (peace be upon him) preferred Usamah ibn Zayd as a suitable spouse for her, despite Fatimah's initial reluctance. Ultimately, their marriage was blessed with abundant goodness and happiness.⁴² This event provides a significant lesson (*ibrah*) that a noblewoman is not considered superior to a formerly enslaved person. The Prophet's insistence on their union, even when contrasted with Mu'awiyah—a noble Qurayshi from Banu Umayyah who later became a caliph—demonstrates this point. Had there been no recognition of equality in this matter, the Prophet would have prohibited the marriage.

Similarly, there is the narration regarding Bilal, whom the Prophet Muhammad (peace be upon him) instructed to propose to a woman from the Ansar. When the

⁴⁰ Muhammad Amin Ibn 'Abidin, *Hasyiyah Ibn 'Abidin*, 2nd edn (Beirut: Dar al-Fikr, 1966).

⁴¹ Syamsuddin al-Khatib al-Syarbini, *Mughniy Al-Muhtaj Ila Ma'rifah Ma'aniy Alfazh al-Minhaj*, 1st edn (Beirut: Dar al-Kutub al-'Ilmiyah, 1994).

⁴² Abū al Husayn Muslim bin al-Hajjāj, *Shahih Muslim* (Turki: Dar al-Thaba'ah al-'Amirah, 1334); Sulaimān bin al-Asy'ats Abu Dāwud, *Sunan Aby Dāwud Ma'a 'Awn Al-Ma'bud* (India: Al-Mathba'ah Al-Anshāriyah, 1323); Muhammad bin 'Isa Al-Turmudziy, *Sunan Al-Turmudziy* (Beirut: Dar al-Gharb al-Islamiy, 1996); Abu 'Abdurrahman Ahmad bin Syu'ayb Al-Nasā'iy, *Sunan Al-Nasā'iy*, 1st edn (Kairo: Al-Maktabah al-Tijariyah al-Kubra, 1930).

community was reluctant to accept this, the Prophet commanded the Ansar to consent to the marriage of their daughters to Bilal.⁴³ This incident further reinforces the notion that *kafā'ah* (compatibility) in marriage is not an issue of paramount importance.

In contrast, most scholars hold that while *kafā'ah* is not a condition for a marriage's validity (*shahih*), it constitutes a condition for its binding nature (*luzum*). Thus, a marriage that disregards *kafā'ah* is considered not fully binding until the woman or her guardian fully accepts the disparity. The argument supporting this view is based on the following hadith:⁴⁴

عن علي بن أبي طالب: أنَّ رسولَ الله صلى الله عليه وسلم قال له: "يا علي ثلاث لا تُؤَخَّرُهَا: الصلاة إذا أتت، والجنائز إذا حضرَت، والأيم إذا وجدت لها كُفُؤًا"

The meaning of the hadith is: "From 'Ali ibn Abi Talib, that the Messenger of Allah (peace be upon him) said to him: 'O 'Ali, there are three matters that should not be delayed: the prayer once its time has entered, the burial once the deceased is present, and the marriage once a suitable match is available.'"

In addition to this, there is another hadith, which states:⁴⁵

عَنْ عَائِشَةَ، قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "تَخَيَّرُوا لِنُطْفِكُمْ وَأَنْكِحُوا الْأَكْفَاءَ وَأَنْكِحُوا إِلَيْهِمْ"

The meaning of the hadith is: "From 'Aishah, who said: The Messenger of Allah (peace be upon him) said, 'Choose the place of your *nutfah* (semen), marry those who are equal in status.'"

Both hadiths, however, are considered weak in authenticity and thus cannot establish a definitive legal ruling or a unanimous consensus among scholars. Moreover,

⁴³ `Alauddin Abu Bakr bin Mas`ud Al-Kasaniy, *Bada`i Al-Shana`i Fiy Tartib al-Syara`i*, 1st edn (Mesir: Mathba`ah al-Jamaliyah, 1328).

⁴⁴ Muslim bin al-Hajjaj, *Shahih Muslim*.

⁴⁵ Abu `Abdullah Muhammad Yazid Ibn Majah, *Sunan Ibn Majah* (Beirut: Dar al-Risalah, 1998); `Ali bin `Umar Al-Daruquthniy, *Sunan Al-Daruquthniy* (Beirut: Muassasah al-Risalah, 2004); Abu Bakr Ahmad bin al-Husayn bin `Aliy Al-Bayhaqi, *Al-Sunan al-Kubra* (Kairo: Markaz Hijrah lil Buhuts, 2011).

there is no explicit verse in the Qur'an that identifies *kafā'ah* as a prerequisite for marriage. Consequently, the Shafi'i scholars regard *kafā'ah* not as a condition for the validity of marriage but rather as a right of the woman and her guardian, which may therefore be disregarded.⁴⁶

Furthermore, although the wording of the hadith includes a command (*amar*) to choose and marry a partner of equal status, Imam Badr al-Din al-'Ayni provides a more detailed discussion in his commentary on the specific chapter authored by Imam al-Bukhari regarding the non-obligatory nature of selecting an equal match. He asserts that the command to choose an equal partner does not imply an obligatory mandate but instead constitutes a recommendation or encouragement.⁴⁷ Implementing the concept of *kafā'ah* varies across societies depending on local traditions, culture, and religious interpretations. In some communities, considerations of *kafā'ah*, particularly regarding lineage or *nasab* and social status, are strongly emphasized. Families often hold firm preferences for prospective spouses deemed equivalent in family background and social standing. However, with the progression of time and growing awareness of gender equality and individual rights, the emphasis on discriminatory aspects of *kafā'ah* has diminished. Many modern Muslim societies prioritize compatibility regarding religion, morality, education, and life vision as the primary foundation for choosing a partner.

Positive law in various Muslim-majority countries also reflects differing approaches to *kafā'ah*. Some countries incorporate *kafā'ah* in marriage considerations, albeit with varying definitions and scopes. In Indonesia, for instance, the Marriage Law does not explicitly regulate *kafā'ah*, yet religious courts often consider this aspect when resolving marital disputes. In the context of increasingly complex and individualistic modern societies, the relevance of the *kafā'ah* concept warrants reconsideration. While equality in faith and morality remains a top priority, an excessive focus on factors such as lineage and social status may lead to discrimination and hinder marriages founded on love, mutual

⁴⁶ Al-Syarbini, *Mughniy Al-Muhtaj Ila Ma`rifah Ma`aniy Alfazh al-Minhaj*.

⁴⁷ Badruddin Al-'Ainiy, *Umdah Al-Qariy Syarh Shahih al-Bukhariy* (Beirut: Dar al-Fikr, 1431).

understanding, and reciprocity. It is important to recognize that the primary objective of *kafā'ah* is to establish harmonious and enduring marriages rather than to impose rigid social barriers. *Kafā'ah* should be grounded in essential Islamic values such as shared vision and mission in family life, mutual respect, and the ability to cooperate in facing life's challenges.

Furthermore, *kafā'ah* can be interpreted more broadly to encompass equality in educational level, emotional maturity, communication skills, and commitment to family values. These considerations are regarded as more relevant in building a happy and sustainable household in the current era of globalization. As for endogamy, if understood as marriage among relatives, although there are cases that could serve as strong precedents—such as historical accounts showing that the Prophet Muhammad (peace be upon him) married his relative, Zainab bint Jahsh, who was his cousin,⁴⁸ and also the marriages of the Prophet's daughters to their cousins recorded in Islamic history—these are insufficient to argue for the religious endorsement of endogamous marriages among close kin. The concept of mahram essentially serves as a demarcation line for marriages among relatives. Even when not classified as mahram, marriages with relatives who are too close, such as first cousins, are strongly discouraged, one of the reasons being the potential for weakened sexual desire towards close cousins.⁴⁹

Contemporary Islamic law represents a legal approach that seeks to respond to the dynamics of modern society while remaining grounded in the fundamental principles of Sharia. In the context of endogamous practices within Pesantren communities, this perspective plays a crucial role in critically reassessing longstanding traditional customs whose relevance is increasingly questioned in an era characterized by openness, democracy, and respect for human rights. Contemporary Islamic law not only focuses on the formal legitimacy of a practice but also evaluates its moral, social, and welfare aspects, including

⁴⁸ Abū `Abdullāh Muhammad Al-Hākim, *Al-Mustadrak `alā al-Shahihayn* (Kairo: Dār al-Risālah al-`Alamiyah, 2018).

⁴⁹ Abulqasim `Abdulkarim bin Muhammad Al-Rafi`iy, *Al-`Aziz Syarh al-Wajiz*, 1st edn (Libanon: Dar al-Kutub al-`Ilmiyah, 1997).

how the practice impacts individual freedom and dignity. In this regard, endogamy as part of the Pesantren social system requires a critical analysis of whether it still aligns with Islamic values of justice and inclusivity or instead restricts the fundamental right of individuals to choose their life partners freely.

A foundational pillar of contemporary Islamic law is the *maqasid al-shariah* approach, which emphasizes the protection of five essential objectives, namely religion (*din*), life (*nafs*), intellect (*aql*), lineage (*nasl*), and property (*mal*). Within this framework, every social practice, including marriage, must be assessed based on the extent to which it supports or hinders the achievement of these objectives. If in practice endogamy restricts an individual's right to choose a partner from outside the community, limits broader social interactions, or even causes social and psychological pressures, then such practices warrant re-evaluation. The principle of *taaruf*, meaning mutual acquaintance among nations and tribes as referenced in Quran Surah al-Hujurat verse 13, underscores the importance of openness and respect for social diversity in human relationships, including marriage.

Furthermore, contemporary Islamic law accommodates gender justice and respect for individual rights within the context of modernity. Within this discourse, a woman's right to determine her life partner is viewed as part of the fundamental rights guaranteed by Sharia as affirmed in the Prophet's hadith, which states that a guardian cannot marry off a woman without her consent. Therefore, their normative legitimacy can be questioned if endogamous practices occur due to familial pressure, social structures, or Pesantren authority. Social pressure that limits partner choice, mainly when it is not based on religious or ethical considerations but merely on community background or social status, contradicts the Islamic spirit that upholds individual freedom and responsibility.

This perspective is reinforced by the thoughts of contemporary scholars such as Yusuf al-Qaradawi, Abdullah an-Na'im, and Jasser Auda, who emphasize the necessity of reinterpreting Islamic law by considering social contexts and the universal values of Islam.⁵⁰

⁵⁰ Abdullah Ahmed An-Na'im, *Dekonstruksi Syari'ah: Wacana Kebebasan Sipil, Hak Asasi Manusia, Dan Hubungan Internasional Dalam Islam*, 2nd edn, ed. Ahmad Suaedy and Amirudin Ar-Rany (Yogyakarta: PT. LKiS Printing Cemerlang, 2012).

They reject rigid and purely textual approaches to marriage law and advocate for a more adaptive understanding of the law that responds to changing times. In this regard, Islamic law should not serve as a tool to legitimize practices that perpetuate inequality, discrimination, or violations of fundamental human rights. On the contrary, Islamic law must function as a moral and social instrument to realize justice, equality, and the welfare of Muslim families.

A critical reflection on the practice of endogamy within Pesantren communities in Bandung Regency reveals that this deeply rooted tradition cannot be separated from the social, cultural, and religious authority structures that shape it. Endogamous practices are not merely individual choices in selecting life partners but are products of collective value systems institutionalized and transmitted across generations. Within the framework of contemporary Islamic law, such practices must be examined not only from the perspective of jurisprudential validity but also through ethical and functional lenses: whether they bring benefits to individuals and communities or potentially restrict freedom and undermine fundamental human rights. Using the *maqāṣid al-sharī'ah* approach, endogamous practices need to be evaluated in their substantive upholding of the protection of religion, life, dignity, and lineage rather than merely fulfilling formal requirements.

Pesantren communities as religious institutions with a strategic role in shaping the character of the Muslim ummah, face the challenge of reinterpreting traditions to remain consistent with Islamic values that are universal and adaptive. Reflection on the practice of endogamy opens a space for dialogue between scriptural texts (*nash*), local customs (*'urf*), and contemporary societal contexts.⁵¹ This is crucial to prevent Pesantren from becoming trapped in stagnant conservatism and to enable them to position themselves as moderate and visionary agents of social transformation. The reinterpretation of the concept of *kafā'ah* in marriage becomes urgent, shifting from a rigid understanding based on lineage and social status to an emphasis on moral quality, shared life vision, and spiritual maturity of prospective partners.

⁵¹ Putri, 'Konsep 'Urf Sebagai Sumber Hukum Dalam Islam'.

The normative implication of this reflection is the necessity for a paradigm shift in perceiving the practice of endogamy from a cultural heritage regarded as sacred to a social custom that can be critically examined, reviewed, and even transformed following the principles of justice and welfare. This aligns with the spirit of Islamic law as a dynamic and contextual system. Therefore, Pesantren should begin to develop an educational approach for their internal community, including students, alumni, and the families of religious leaders, to understand that choosing a life partner is not merely about preserving tradition but also concerns Muslim individuals' rights, freedoms, and responsibilities. This strategy is essential to foster collective awareness that Islam does not restrict marriage based on social group or affiliation if Islamic values are upheld.

A critical reflection on endogamous practices conveys the message that tradition is not taboo for reassessment. By opening space for interpretation, Pesantren communities can build a bridge between local wisdom and more progressive Sharia principles. Endogamy may continue as a social option but must not become a form of pressure or exclusivity that denies individual rights. Contemporary Islamic law offers an ethical and normative framework to guide this process, ensuring that religious practices consistently uphold justice, benefit, and respect for human dignity.⁵²

Thus, within the context of the Pesantren community in Bandung Regency, the perspective of contemporary Islamic law calls for a reassessment of endogamous practices—not to abolish the tradition entirely, but to critique it in the light of more universal Islamic values. As centres for moral and religious education, Pesantren should be pioneers in reinterpreting traditions to maintain their relevance amid evolving challenges. Openness to intercommunity marriages, if Islamic values are preserved, will not erode the Pesantren's identity; instead, it will strengthen their role in grounding Islam as a mercy to all worlds (*rahmatan lil'ālamīn*). Therefore, endogamy must be considered a cultural choice subject to evaluation and modification, rather than an absolute and permanent religious doctrine.

⁵² Syarif Hidayatullah, *Maslahah Mursalah Menurut Al-Ghazali*, vol. 4, no. 1 (n.d.).

CONCLUSION

This research shows that the practice of endogamy in the pesantren community of Bandung Regency is a social tradition that has been institutionalized and widely accepted to preserve pesantren values, maintain the honor of nasab, and ensure the equivalence of religious values between couples. Although culturally endogamy is widely practiced, most pesantren residents do not consider it a religious obligation but a habit that develops from generation to generation. However, the results of surveys and interviews show critical reflection, especially from young pesantren who question the relevance of endogamy in the context of a more open modern society. This practice is considered to limit the right of individuals to choose a life partner and strengthen social exclusivity that is not in line with Islamic values of justice. Through the approach of *maqāṣid al-syarī'ah*, endogamy must be reviewed, primarily if it does not provide benefits or causes social inequality. The principles of justice, utility, and protection of individual rights must be the basis for assessing the sustainability of this tradition. This research confirms that religious traditions, such as endogamy, are not absolute and can be reviewed according to the needs of the times. As a center of Islamic education, Pesantren has the responsibility to reinterpret social practices to follow substantial, inclusive, and progressive Sharia values.

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AUTHOR CONTRIBUTIONS STATEMENT

HY contributed to the idea and was the principal author of this manuscript. DSS drafts the manuscript, analyzes the data, and discusses the research results. AS and LIZ provide additional perspectives regarding ideas and thoughts and help add references. CMC is also a reviewer who improves and refines the substance of the manuscript.

CONFLICT OF INTEREST

The researchers consciously stated that there is no conflict of interest with any party so that this research can be conducted independently and with integrity, purely in a free scientific corridor.

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