

Legality of Ijab-Kabul in Oline Marriage From Maqashid Sharia Perspevtive

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Abstract:. *Technological advances and developments that are so rapidly giving birth and giving rise to various problems in family law, such as marriages carried out via online. In most people's view, marriage is a very sacred matter and according to prevailing customs, marriage is carried out directly. At certain times, circumstances demand that it is not in line with the custom of the marriage being carried out, such as very long distances or circumstances that make it impossible to gather during the COVID-19 pandemic. The validity of a marriage is determined by the perfection of the pillars and the conditions for a valid marriage. The existence of a prospective husband, prospective wife, guardian, 2 witnesses and a marriage agreement are the pillars of marriage, and must be carried out in one assembly, according to the consent and acceptance and the guardian does not depend on the terms and times in the future. Interpreting the meaning of an assembly, whether in the same place or at the same time, there are also differences of opinion among Islamic jurists. These differences of opinion lead to differences in establishing marriage laws via online. The first group stated that it was illegal due to caution in matters of the dignity and honor of women which led to legal consequences. The second group stated that it was permissible because they did not have a fundamental difference, only different locations and places of marriage.*

Keywords: *Legalit; Online Marriage; Maqashid Sharia;*

1. Introduction

This article examines the purpose or purpose of enshrining (establishing) Islamic law. The enactment of Islamic law aims to realize human benefit in this world and the hereafter. The study of the aims, purposes, wisdom and secrets of the enactment of Islamic law is called maqashid sharia. The substance of maqashid sharia is benefit, to arrive at an assessment that a case contains maslahah or mafsadah based on an analysis of maqashid sharia which is not only viewed in an applied manner but along with legal dynamics must also be viewed from a philosophical perspective of the legal provisions that are sharia. Attach the Shari' (law maker) to every human being. This reveals that nothing is determined by Allah SWT through the Sharia and its laws except with intent and purpose.

Humans, as social creatures, would not be able to live without law. Society and law are like fish and water, which are different but always united and united. The Roman philosopher Celsius once said "Ubi societas ibi ius" meaning where there is society there

is law. Along with that there is an adage which states "there is no country without law". Likewise, in the Qur'an, surah al-Maidah (5): 48, Allah SWT says: "For every nation among you, We give syir'ah (rules) and a clear path (way) of life (Suma, 2005).

Islam as a teaching that regulates all activities of human life is based on two things; first, creed is a belief that forces its implementation in mu'amalah (social life of the community), second is sharia as long as it concerns legal norms or rules that have two dimensions both vertically/transcendentally and horizontally. A vertical/transcendental arrangement of life that regulates human relationships with Allah SWT and as a form of human responsibility both individually and collectivelyjama'I (collective). Horizontal regulation of human life that regulates social interactions between humans in family, community, national and state life. So these two regulatory dimensions influence the behavior of Muslims in their daily mu'amalah activities (Dewi, 2013).

In Indonesia, Islamic law is fully accepted and enforced by the Islamic community. The acceptance and implementation of Islamic law was clearly visible during the Islamic sultanate/kingdom era. Even during the Islamic kingdom, Islamic law was enforced as state law, as seen during the Aceh kingdom or during the reign of Sultan Agung (Rofiq, 2013).

The application of Islamic law in the lives of Muslims as described above is currently recognized and respected by the Indonesian state constitution as stated in the 1945 Constitution. This is primarily based on the first principle of Pancasila as the state philosophy and basis of state law, namely "Belief in One Almighty God". As emphasized in the 1945 Constitution of the Republic of Indonesia in article 29 paragraph (1), the meaning is that the state recognizes the existence of religion, the state provides protection for religious communities, the state does not discriminate against religious adherents, in fact it provides freedom for every resident to carry out the teachings of their religion and this is the guarantee and state protection for the recognition of human rights by not giving up religious values (Sadzali, 2020). Therefore, the application of Islamic law is the implementation of worship in a broad sense for followers of the Islamic

religion as stipulated in the Islamic religion and in accordance with the first precept of Pancasila and article 29 of the 1945 Constitution.

Sharia is a norm in the Islamic religion which has a very broad scope, involving ritual, ethics, aesthetics, civil law, criminal law and state administration (Mustofa et al., 2021). In the historical and cultural school of law pioneered by Frederich Karl von Savigny (1770-1861) and Henry Summer Maine (1822-1888), it is said that the characteristic of ideal law is that its values live and develop in people's lives (Usman et al., 2021).

Still related to law, marriage law is part of Islamic family law which makes humans very noble creatures. This glory is reflected in the value. Values are something to aim for, achieve and uphold. To arrive at values, norms are born, and from these norms will become law (Usman et al., 2021).

The rules of Islamic marriage law regulate various pillars and conditions in marriage with the aim of human beings being able to develop and procreate so that they are always awake, preserved their dignity, dignity, and dignity and in the end get glory. Therefore, anything that will harm (damage) the lineage becomes a forbidden thing (Basri, 2022).

In the pre-Islamic Arab era, there was a marriage tradition for a woman to be married to two or even as many men as could number up to ten. With the stipulation that if the child is born, the mother can decide and determine which of the men who married the mother is similar to the child. This is one of the ways of marriage that was valid during the ancient Jahiliyah era. According to Imam Bukhari, based on a prophetic hadith, it explains four methods of marriage in pre-Islamic Arabia and only one method is permitted by Islamic law and this method was practiced by the Prophet Muhammad SAW when he married Khadijah. The provisions are that it begins with an offer (khitbah), followed by a contract that is in accordance with the pillars and conditions such as the presence of a guardian, two witnesses, a statement of consent and acceptance, a dowry and ending with walimatul ursy as a form of information to society in general (Basri, 2022).

Changing times along with the development of science and technological advances have given rise to problems in human life which may have never occurred in the past, but which now exist. Like online marriages. Online marriage is a marriage in which communication is carried out using technology such as computers with different places each connected via network or file server. This marriage with advanced technology can connect sound and images via the internet network in real time (Nur, 2020).

In the practical context, online marriage using information technology media is a matter of nature *ijtihad*. This means that this is a contemporary (recent) *fiqh* problem that has never been discussed in "classical" *fiqh* books.

Several studies on the same theme have previously been carried out by previous researchers, among others First, Sururiyah Wasiatun Nisa' (Nisa, 2021), with the focus of his research relating to the validity of a marriage is the achievement of harmony and the conditions of marriage that have been determined in Islamic law. One of the pillars that is currently being discussed is online consent and *qobul*, considering the current conditions of the pandemic, there is a lot of news about online marriage contracts due to various obstacles. Apart from that, currently technology is increasingly sophisticated and developing which makes human work easier. According to the *ulama*, online marriage contracts are valid if what is meant by one *majlis* is one time, not one place of the contract. So, after saying the consent, the *qobul* is also immediately said. Second, Mochamad Adrian Pranata and Muhammad Yunus (Pranata & Yunus 2021), the focus of his research is on the Validity of Marriage Contracts via Video Call According to Islamic Law. Marriage through the media video call is a statement of consent spoken by the woman's guardian which is then answered by the man, based on technological advances through the internet. Marriage contract through the media video call legally fulfill the requirements and terms of marriage, do not conflict with Islamic law, such as the presence of a prospective husband, and the woman's marriage guardian, two witnesses and a consent agreement. This is strengthened by the provisions of articles 27 to 29 of the Compilation of Islamic Law, among other things, not over time, carried out directly by the marriage guardian concerned and pronounced directly by the groom through video

call, then fulfill, among other things, harmony, legal requirements, marriage conditions. Third, Wahibatul Maghfuroh (Maghfuroh, 2021) explained his research findings that a marriage contract via live streaming is a marriage contract that takes place using live streaming social media (such as live Instagram, WhatsApp). The research method used is a normative theological (syar'i) approach, namely an approach using the text, KHI. So that raises the question of what the law is for marriage contracts using Live Streaming from an Islamic legal perspective. Based on data analysis, the conclusion is that the marriage contract law via Live Streaming is legal. Fourth, Ahmad Makki and Hamidi (Makki & Hamidi, 2021), the focus of his research resulted in marriages conducted through online media according to Ulama Syafi'iyah being invalid, while Hanafiyah allows on the condition that there are no interruptions at the time of the wedding, in the sense that there can be no interrupted words and the voice must be clear. And Fifth, Mahardika Putera Emas (Emas, 2020) The results of his research show that online marriage contracts using internet-based video call applications cannot be permitted, this is due to the obligation of physical ittihad majlis (united assemblies). Postponing the holding of walimah during the Covid-19 pandemic to avoid crowds of people, by paying attention to the rules of fiqh. The solution is to carry out the marriage contract during the Covid-19 pandemic season by continuing to carry out the marriage contract by means of the prospective groom being represented in the marriage contract process, while the walimah organizes distributing food to neighbors and those in need. What differentiates this research from previous research is that the discussion places greater emphasis on maqashid sharia, not only explaining the legal status, but most importantly considering the benefits and harms contained in the legal problems of online marriage.

2. Metode

The study in this article is normative legal research or doctrinal research, namely that law is conceptualized as a normative phenomenon that is autonomous and not related to social variables. The form of analysis used is normative-qualitative using secondary data, especially primary legal materials, with data collection techniques in the form of library studies (Irwansyah, 2020) This article aims to contribute to the discussion on the question of what is the maqashid sharia perspective on the legality of consent and

acceptance in online marriages. In its discussion, this article contains an examination of Ijab-Kabul as part of the pillars and conditions of marriage. The next section is legal opinion among Islamic legal experts regarding the concept of ittihadul majlis and ends with a discussion of the maqashid sharia review regarding the legality of consent in online marriages.

3. Result and Discussion

A. Requirements in Marriage

Marriage in Islam is a sunatullah and sunnah of the Prophet Muhammad which is not only limited to ordinary civil relations and contracts which is a channel and medium for every human being to fulfill biological needs that are worth worship. If it is understood only as a civil relationship, it will have no value and will eliminate the sanctity of marriage as a form of social worship to Allah SWT.

Islamic teachings provide basic guidance on the importance of marriage which explains how to shape the life conditions of a husband and wife in a married household. Only with a relationship of affection will a marriage be "peaceful and lasting". Having a life full of peace, husband and wife are expected to be able to carry out the next goal of marriage, namely "to produce pious offspring and always pray for their parents." The offspring that make you happy are "the offspring that soothe the heart and soothe the soul" which in the words of the Qur'an is called "qurrata a'yunin"(Candra, 2022).

Allah SWT in this case commands his servants to do good to their wives and their families. Husband and wife must know their respective rights and obligations. In order to bind and emphasize the promise for mu'asyarah bil ma'ruf, it is necessary to have an expression of promise by one of the parties where the party promising not only promises to their partner, but the promise is also between themselves and Allah SWT witnessed by the angels when the agreement is pronounced (Candra, 2022).

Religious signs include the obligation to marry which is directed at men and women who are able to hasten it. This is in accordance with the statement of the Prophet Muhammad in his hadith "O young people, whoever among you is able to prepare provisions, then get married. Because marriage can actually protect your eyesight and

maintain your honor. Whoever cannot afford it should fast, because fasting can be a fortress”(HR.Muttafaq ‘Alaih) (Rofiq, 2013).

Etymologically, marriage comes from the word of the word *nakaha* *yankihu* married which means to collect or collect. Some Islamic legal experts define marriage as a contract that contains legal provisions regarding the permissibility of sexual relations, namely *nikah* *ortazwijor* equivalent to both. The meaning of this understanding is limited in one aspect, that is, the relationship between men and women is allowed and halal, which was initially forbidden to be halal. As a result of marriage law, there are joint rights and obligations and have a purpose based on mutual help (Nisa, 2021).

The Hanafi scholars define marriage as a contract that provides benefits for carrying out *mut'ah* intentionally. This implies that it is halal for a man to do something steamed with a woman as long as there are no factors that prevent the marriage from being valid according to Sharia (Darmawan et al., 2021).

So, in order to guarantee the certainty of its legality, a marriage must meet the requirements of the marriage pillars, namely; the presence of a prospective husband and a prospective wife with their respective willingness and pleasure, a guardian for the prospective wife, the presence of two fair witnesses, and consent and acceptance. The hadith of the Prophet Muhammad SAW states; from Ibn Abbas and Aisyah ra Rasulullah saw said "A marriage is not valid without an intelligent guardian and two fair witnesses." (HR. Daruquthni, Ibnu Majah and Ahmad). This hadith is the legal basis of the obligation to have guardians and witnesses in marriage (Zahro, 2016).

The requirements for marriage are an integral part of the pillars of marriage, as stated by Ahmad Rofiq (Rofiq, 2013) and is also regulated in article 14 of the compilation of Islamic law (Darmawan, 2021) as follows :

1. Prospective groom
 - a. Muslim
 - b. Male Female
 - c. Obviously the person
 - d. Can give consent
 - e. There are no barriers to marriage

2. The prospective bride

- a. Muslim
- b. Female
- c. Obviously the person
- d. Can give consent
- e. There are no barriers to marriage

3. Marriage Guardian

- a. Man
- b. Mature
- c. Have guardianship rights
- d. There is no guardianship barrier

4. Marriage Witness

- a. Minimum 2 men
- b. Present in Ijab kabul
- c. Can understand the meaning of the contract
- d. Islam It is. Dewasa

5. Acceptance

- a. There is a statement of marriage from the guardian
- b. There is a statement from the prospective groom
- c. Use the words marriage, tazwij or the translation of the words marriage or tazwij
- d. Between ijab and kabul connected
- e. Between Ijab and kabul the meaning is clear
- f. The person involved in the marriage contract is not in the ihram of Hajj/Umrah
- g. The ijab and kabul assembly must be attended by a minimum of four people,

namely: the prospective bride and groom

The man or his representative, the bride's guardian or his representative and two witnesses.

The marriage requirements mentioned above must be fulfilled, if they are not fulfilled then the marriage is considered invalid. In other terms, it is called a fasid marriage as explained by Ahmad Rofiq, quoted by him in the book "Fikih of the Four Schools of

Religion", namely a marriage that does not fulfill the conditions. Meanwhile, a marriage that does not fulfill its pillars is called a false marriage. The status of a false marriage and a fasid marriage is the same, namely that they are both invalid (Rofiq, 2013).

Marriage must be based on the willingness and pleasure of each party. So the form of willingness and pleasure of each party is the presence of consent and acceptance. Consent and consent are elementary elements of the legality of a marriage contract. Therefore, the requirements are very strict and must be met (Zein, 2010).

There are also several requirements that must be fulfilled in the ijab and kabul, namely; First, suitability and agreement of sentences consent and acceptance. The manifestation of conformity between consent and consent is found in the amount of the dowry and the place. For example, the difference in the amount of dowry stated by the guardian is different from the statement of acceptance by the groom. Likewise, there are differences in the place where the marriage ceremony is carried out. So the legal consequence is that the marriage is invalid. Second, the party who uttered the ijab sentence is forbidden to retract his speech. It is obligatory at the time of the contract that the party who utters the sentence of ijab not to retract his speech before the other party says kabul. If the party who pronounced the ijab withdraws his speech, then the ijab falls and is null and void. Because ijab and kabul are integrated matters. Third, completed at the time of the contract. It is forbidden to wait for future contracts such as "I will marry you tomorrow", "I will marry you when the sun rises", and so on. The consent and acceptance between the guardian and the groom must be continuous and it is forbidden to take time apart. Fourth, The marriage contract is carried out in one assembly (ittihad al-majlis). Ijab and kabul must go hand in hand, meaning that when the female guardian says ijab then the other party busies themselves and after that says "accept". So the marriage is invalid because just keeping yourself busy or even standing up can change the ceremony (Nisa, 2021).

B. The Concept of Ittihadul Majelis in the View of Islamic Jurists

Starting from issues that have emerged in the last decade and two years, related to online marriages (telephone, cellphone, zoom, Google Meet, webcam, etc.), according to Ahmad Zahro (Zahro, 2016). The problem lies in the process and procedure of the

marriage contract. Islamic jurists agree that the pronouncement of *ijab* and *kabul* can be delegated to other parties. During the time of the Messenger of Allah, marriage by delegating to another party had already happened according to the hadith of the Prophet, peace and blessings be upon him, from 'Uqbah bin 'Amr, it is said that the Prophet, peace and blessings be upon him, asked a man: Are you happy and willing for me to marry such and such? The man replied: I am satisfied, Then the Messenger of God, may God bless him and grant him peace, asked so-and-so: Are you willing for me to marry that man? He answered: I am willing. So the Messenger of God, may God bless him and grant him peace, married them. (HR. Abu Dawud). Based on this hadith, Islamic jurists agree that a person who is able and willing to attend the marriage ceremony, is considered invalid if the marriage ceremony is represented by a letter even if the letter is understandable and clear. It's just that the Hanafiyah scholars disagree that his marriage is valid by letter due to his inability and inability to attend the marriage ceremony.

The opinion of *jumhur ulama'* (majority of *ulama'*) which requires that the unity of place (*majelis*) in *ijab* and *kabul* is a must. If the assembly of *ijab* and *kabul* are not united, then the marriage is declared void or invalid. Therefore it is necessary to know what is meant by *ittihadul* (united) assembly. According to Satria Effendi M.Zein (Zein, 2010). There are two interpretations of *ittihadul majlis*. First, *ijab* and *kabul* must be performed at the same time and place in the chain of wedding ceremonies. The meaning between *ijab* and *kabul* must be continuous and unbroken. Therefore, the unity of the assembly is a necessity of the sequence of the time of acceptance and acceptance, not related to the unity of place. This means that even if the place is united, but if it is carried out in two separate times and two separate events, then it is considered discontinuous between the promise and the acceptance and will result in the invalidity of the marriage. The unity of the assembly in this first view is a necessity and necessity for continuity between acceptance and acceptance, and the most important thing is to ensure that between acceptance and acceptance is really a manifestation of satisfaction and willingness from both sides.

Second, which states that the unity of the assembly is a must not only for the purpose of ensuring the continuity between *ijab* and *kabul*. According to this second

opinion, the existence of two witnesses must actually witness with their own eyes that the acceptance has been pronounced by both parties. This aims to ensure and convince that the acceptance has indeed been said by the guardian and the groom. So the testimony according to this second opinion must be based on sight and hearing and when the acceptance is by letter and not represented it is declared invalid (Zein, 2010).

Based on the views of the two groups above, there are differences in understanding about *ittihadul majlis* (united assembly) in the implementation of marriage contracts, giving rise to pros and cons. The pro opinion, thinks that what is meant by *ittihad majlis* is that the consent and *kabul* must have continuity, which means that it is prohibited for any other actions or words to appear between the consent and the *kabul*, and the parties to the contract are not required to be in the same assembly or place. Meanwhile, opposing opinions assume that the marriage contract must be carried out in an assembly that is physically united in the same assembly, with the aim of ensuring the continuity of the *ijab* and *kabul*, and is closely related to the duties of two witnesses who must witness with their eyes the consent and consent. *Kabul* was truly spoken by both parties (Emas, 2023).

The discussion above raises problems among the ulama regarding the requirement that the consent and acceptance must be united by the assembly whose marriage is being held online. The problem is when the marriage is carried out online and the assembly is not united, this has an impact on the legality of the contract which contains the validity or invalidity of the consent that has been said by the parties.

So, according to the Shafi'iyah scholars, as explained by Ahmad Zahro, the assembly is physically united, that is, both parties, including the guardian and the groom and also the two witnesses, must be in a certain room and can meet each other face to face, looking at each other. The aim is for each party to be able to see, listen and clearly understand the consent that is being pronounced. On the other hand, according to the ulama' hanabilah, the meaning of uniting the assembly is not physical, but requires the continuation of the consent at one time (Zahro, 2016).

C. Maqashid Sharia perspective on the legality of consent and acceptance in online marriages

Maqashid sharia in the general sense is the aims and objectives to be achieved by law makers (shari') through the legal text itself, whether the legal text contains commands and prohibitions or something that contains the law of permissibility (freedom to choose between doing and abandoning it). The forms of commands and prohibitions contained in Islamic sharia are certainly aimed at providing benefit and avoiding harm in human life. Therefore, the laws stipulated in Islamic sharia always want to provide evidence of achieving these goals in all aspects of personal life, family, group, and even the community as a whole (Basri, 2021). The benefit of a necessity in order to provide a solution to every problem faced by the people, especially if it is not found in the text of the Qur'an and the Prophet's Hadith.

Terminologically, maqashid sharia can be equated with the word wisdom which is behind the application of law, because Allah SWT as the law maker never establishes His laws in vain, therefore many of the wisdom contained therein are known or unknown to everyone. or nothing else. Wisdom is the benefit that is to be achieved by establishing a legal provision. The benefit that is expected to be realized from the enactment of a law is the aim of the law. Therefore, wisdom in this context is nothing other than the purpose of the law itself (Basri, 2021).

It can be understood from the above statement that the establishment of a law in Islamic law must always be oriented and have a touch of maqashid so that the law is more effective and able to provide solutions in human life. If the law is far from being touched by maqashid, then the law will appear to be just a pile of laws and regulations that are devoid of meaning. Therefore, maqashid is something that cannot be separated from the law itself, so that everyone can understand that the law is not just an obligation but is a daily need (Basri, 2021).

Talking about online marriage, this is included in Nawazil fiqh. Nawazil is the plural form of the word nazilah, the word nazi is the root of the word nasal which means the descending and the alighting. In general, nawazil is the plural form of the word nazilah which means referring to an event or disaster, a disaster experienced by society. Terminologically, nawazil is a term that indicates various new events and problems that have emerged today and require ijtihad in order to establish legal status and at the same

time determine the law. According to Musfir bin Ali al-Qahthani, as quoted by Helmi Basri, what is meant by nawazil is "various new events that occur where these events do not have a direct text or dalil and there has never been any ijtiḥad for the law (Basri, 2022).

The definition of Nawazil fiqh as quoted by Helmi Basri is "knowing the Sharia laws relating to various new events occurring in the present which are based on their detailed arguments". According to Helmi, from this definition there are several things to pay attention to, namely: First, the event is confirmed to have occurred. This means that the event that will occur cannot yet be called nawazil fiqh. Second, the problem faced is related to Sharia law, if the problem does not require Sharia law then it is not called Nawazil. For example, problems that require analysis of certain skills in the fields of electronics, agriculture, health and so on are not related to the actions of the Mukalaf regarding halal, haram, permissible and not permissible, then these are not included in the scope of Nawazil fiqh. Third, the problem is new, in the sense that there is no direct text that can be used as a legal argument and there has never been any ijtiḥad by ulama' before. Therefore, if it is found that there has been previous ijtiḥad by ulama' then there is no need for a new ijtiḥad except when there are other elements that demand to be explored and different laws are established. Fourth, the law is really needed by many people. Issues that are not needed by Muslims do not fall within the scope of Nawazil fiqh. For example, the tradition of non-Muslim people living in polar regions is to drink wine or drink alcoholic beverages with the aim of warming their bodies. This is something that is normal for them, but if there are Muslims among them who think that this is permissible for the sake of the benefit, then it falls within the scope of Nawazil fiqh (Basri, 2022).

The issue of online marriage is more precisely nawazil ahkamil usrah, namely a new case in the field of family law. The problem that always arises is related to the permissibility of a marriage contract via teleconference, for example, when the guardian, prospective husband and witness are in places and locations that are far apart between continents or maybe there is something that causes the parties to the marriage contract not to be close to each other so that it is ensured that the parties are not in the same assembly.

The issue of handshakes between guardians and prospective husbands is not something debated by scholars. According to Ahmad Zahro, there is no proof that can be explicitly referenced. It's just that in various hadiths of the Prophet, peace be upon him, it can be found, among others, a hadith from al-Barra' r.a. that the Messenger of God, peace and blessings be upon him, said: "If two Muslims meet and shake hands, then God will surely forgive them until they separate" (HR. Abu Dawud). Therefore, according to Ahmad Zahro, there was explicitly no clear proof of the obligation to shake hands in the marriage contract, so as a result it is not mandatory. But he also thinks that if the situation makes it possible to shake hands it is better. By shaking hands psychologically will influence and give a stronger encouragement to the pronounced acceptance. Therefore, shaking hands in accepting the law is mustahab or sunah (Zahro, 2016).

Advances in science and technology are a logical consequence of changes in human life and not a few also leave various problems for society in general and of course also for legal observers and legal experts who are required to be able to provide solutions for the birth of legal decisions and provisions. So establishing law must be based on maqashid sharia, namely an effort and effort to revive fiqh itself and make fiqh a reform so that it can prove that sharia law can provide solutions and answers to various problems. nawazil what is happening today by considering the benefits and welfare contained in each of these problems (Zahro, 2016).

In the opinion of the author, to answer the problem nawazil marriage via online using the Sharia maqashid theory, of course it must be by looking at and considering the benefits and mafsadat that arise from the question.

The following considerations can be presented, as the author also refers to the considerations given by Helmi Basri in his paper (Basri, 2022) that online marriage in certain conditions can indeed be a solution, provided that the situation, conditions and circumstances really demand it. Therefore, in order for an online marriage to be valid, pay attention to several things:

1. You must avoid things that will damage the contract, such as a network that is not smooth, interrupted video, unclear sound, etc.

2. Unable to attend due to distance or circumstances that do not allow both parties to gather.

Finally, a solution that can be offered to prospective husband and wife couples who are far apart so that they can still get married is by representing someone else to do the consent and vows, either the guardian or the prospective husband. In this way, we can get out of the legal debate between whether or not online marriage is permissible. This is based on and strengthened by the principles of fiqh which state: (Getting out of the dispute comes first) It means: Getting out of the mistake is more important.

4. Conclusion

Based on the analysis and discussion above, this article concludes that the legality of consent and acceptance in online marriage is considered valid if it meets the requirements and harmony. Online marriages can be carried out by considering urgent situations and circumstances. As is known, almost all fiqh literature (Islamic law) states that marriage must be carried out in one assembly. Therefore, the importance of looking at the benefits and harms caused by this matter is something that needs to be considered in the future. This is where the importance of analysis from a maqashid sharia perspective is in order to present legal conclusions based on considerations of the benefit and welfare contained in each issue, especially the issue of online marriage.

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