

ONLINE MARRIAGE FROM THE PERSPECTIVE OF ISLAMIC LAW AND POSITIVE LAW AT THE JUNREJO DISTRICT RELIGIOUS AFFAIRS OFFICE

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Abstract

This research aims to analyze the validity of online marriage contracts according to Islamic law by examining the perspectives of various schools of fiqh and Indonesian positive law. The research method used is qualitative with a descriptive approach. Data collection was carried out through interviews and observations. To enhance data validity, the researcher used source triangulation. The findings show that scholars differ in their opinions regarding the validity of online marriage. The Shafi'i, Maliki, and Hanbali schools reject it due to the emphasis on physical presence, while the Hanafi school permits it as long as the offer and acceptance are conducted simultaneously, even if from different locations. In Indonesia, online marriage is not yet regulated by law, but the Indonesian Ulema Council (MUI) allows it if a representative is used. These findings reflect that, although technology allows for online marriage contracts, caution in adhering to the essential conditions of the contract remains a primary concern.

Keywords: Online Marriage; Islamic Law; Indonesian Law

INTRODUCTION

Marriage is a command of Allah and the sunnah of His prophet that Allah has given to humans, for the continuity of their lives and happiness and to prosper the earth, In addition, philosophically, marriage and couples are characteristics of living beings (Rafli & Misbaahuddin, 2023). God has affirmed that these creatures of His creation were created in pairs with each other. Marriage is built with the aim of creating a happy, eternal, and harmonious family (Murniati, 2024).

According to Law No. 1 of 1974 on marriage, it describes marriage as a natural union between a man and a woman as husband and wife, aimed at building a lasting and joyful family (household) grounded in belief in the One Almighty God (Law of the Republic of Indonesia, 2007). Marriage has a complex function and meaning, therefore, marriage is often considered something very sacred (sacred) should not be carried out haphazardly, but of course it must meet the provisions and rules that have been set in religion (Ahmad Rizkhan Nurullah et al., 2024).

Marriage is not only for inner satisfaction, but also has the purpose of carrying out the commands of the Prophet Muhammad (PBUH) and multiplying the descendants of Muslims so that there are more and more Muslims in this world (Sumarjoko et al., 2018). In addition, marriage also has the purpose of protecting her genitals and her partner and maintaining her and her partner's view (Basri et al., 2024).

In this day and age, people use technology for everyday purposes, ranging from communicating with others over long distances, trading (muamalah) to order something, or to talk about something important, no longer need to meet someone physically, due to the distance, but simply by telephone with a live streaming video call service (the 4G network feature is even almost 5G, which allows two callers to talk to each other while at the same time seeing each other's face shapes) In the world of commerce or personal use (Farid, 2018)

With the emergence of modern scientific technology that can change the understanding of convenience that gives birth to discourse on whether or not it has legal value in the context of Islamic Law, as well as in the practical order of *ijab* and *qabul* in marriage which is carried out using online media or other advanced technology of the same kind. One of the pillars of marriage that has been agreed upon is *ijab* and *qabul*, so the

implementation of *ijab* and *qabul* often raises the question of whether or not *ijab qabul* is carried out online (Nisa, 2022).

An online marriage contract is conducted via video call, where the guardian performs the *ijab* from one location, and the groom responds with *qabul* from a distant place. Both the guardian's words are clearly heard and seen by the groom, and likewise, the groom's response is fully audible and visible to the guardian.

In Indonesia, during the Covid-19 pandemic, in-person wedding ceremonies were prohibited by the government as a measure to curb the spread of the coronavirus (Covid-19), so that many of the prospective brides postpone their weddings. However, some of them chose to hold their wedding secretly without a crowd. This means that it only presents the two prospective brides, guardians, witnesses, and heads (Sujono et al., 2024).

The research conducted by Miftah Farid is entitled "Online Marriage in a Legal Perspective". The results show that along with the development of technology, the marriage contract can be carried out without the physical presence of both parties, but still meet the conditions and the harmony of marriage according to Islamic law. In this case, *ijab* and *qabul*, which are essential components of marriage, must still be carried out, even though it is through a virtual connection. In the context of state law, marriages must be recorded under Law No. 1/1974 and the Compilation of Islamic Law (KHI), but the legal vacuum related to online marriage poses a challenge (Farid, 2018).

In this case, the researcher provides a different perspective related to online marriage, namely through Islamic law, so that it can provide theoretical and practical benefits to the research. This research aims to, 1) find out the various views of scholars related to online marriage, 2) find out the positive legal views related to online marriage, 3) find out the implementation of online marriage at the Junrejo District Religious Affairs Office

METHODS

This research uses a qualitative approach, this method allows the researcher to delve deeper into the experience and perspective of the research subject, which results in a deeper understanding of. The type of research is descriptive, that is, the type of research whose purpose is to present a complete picture of a phenomenon or social reality (Tarihoran & Qurtubi, 2023). This research was carried out at the Junreji District Religious Affairs Office,

which is located at Jalan Pronoyudo no 18, Dadaprejo Village, Junrejo District, Batu City. The research period lasts for 2 weeks starting from September 09 – September 23, 2024.

The data collection method was carried out through observation and interviews. Primary data were obtained from interviews, while secondary data was obtained from additional sources (Anggito & Setiawan, 2018). Primary data sources were discussed with the head of the religious affairs office and the religious extension officer of Junrejo District. Meanwhile, secondary data is collected from document articles or external references. In selecting informants, the researcher applies purposive sampling, a non-random sampling method that selects participants based on certain characteristics related to the research objectives. The researcher uses the triangulation technique of data sources to ensure the validity and validity of the data and conducts in-depth observations to obtain data relevant to the research (Sanasintani, 2020).

RESULTS

1. Views of Ulama Regarding Online Marriage

Based on the results of an interview that has been conducted with the Head of KUA Junrejo, Mr. Ahmad Syamsuddin, explained that online marriage has become a hot topic of discussion, especially in this digital era. According to him, the view of online marriage must be seen from the perspective of the four major madhhabs in Islam: Hanafi, Maliki, Shafi'i, and Hanbali.

In the Hanafi madzhab, online marriage can be accepted in principle on the condition that the marriage contract meets the principles and conditions that have been set, including the existence of a clear qabul ijab and the presence of legal witnesses. However, Hanafi scholars emphasized that the communication in the marriage contract must be able to ensure its authenticity and validity, especially by using secure technology. In contrast to the Hanafi madzhab, the Maliki madzhab has a stricter view. According to this madzhab, the marriage should be carried out with the physical presence of the bride and groom in the presence of witnesses and guardians. Maliki scholars argue that physical presence provides stronger validity in the implementation of ijab qabul, because direct interaction is considered more convincing than long-distance communication.

Madzhab Shafi'i also emphasized the importance of the direct presence of the two brides in the marriage contract. However, according to Mr. Syamsuddin, some modern Shafi'i scholars have opened up opportunities for online marriage on the condition that the technology used can ensure clear communication between the guardian, bride and groom, and witnesses. The validity of online marriage in this madzhab remains a debate, although there are some scholars who are starting to accept it.

Meanwhile, in the Hanbali madzhab, online marriage is basically acceptable as long as the harmony and marriage conditions are met. Like the Hanafi madhhab, Hanbali scholars emphasize the importance of authenticity of communication, the presence of witnesses, and the clarity of *ijab qabul*. However, this view still needs further study in the context of the growing use of modern technology. Mr. Syamsuddin highlighted that, despite differing viewpoints among the four *madhabs*, all concur on the importance of preserving the harmony and essential requirements of marriage. In Indonesia, however, online marriage remains a topic of debate, and each Religious Affairs Office is expected to offer clear guidance in line with fatwas from the Indonesian Ulema Council (MUI) and the applicable national legal regulations.

2. Positive Legal Views Regarding Online Marriage

According to an interview with the head of KUA Junrejo, he views online marriage as a recent phenomenon arising from technological advancement and digitalization. Within Indonesia's legal framework, marriage is strictly governed by Law Number 1 of 1974 on Marriage and various implementing regulations. This law emphasizes that the validity of a marriage largely depends on fulfilling administrative requirements and adhering to the provisions set forth by each religion.

According to Mr. Ahmad, until now positive law in Indonesia has not specifically regulated online marriage. However, as technology increasingly facilitates remote access and interaction, this topic is starting to attract the attention of various parties, including governments, clerics, and legal experts. In terms of state law, the validity of a marriage remains grounded in fundamental principles, including the presence of *ijab qabul*, a guardian, and witnesses, all of which must be conducted in accordance with religious requirements and officially registered by the state through the Office of Religious Affairs (KUA) or the civil registry.

In the context of online marriage, according to him, one of the main challenges is ensuring that both parties who are married are actually present legally even though virtually. This "presence" is the main issue because Indonesia's positive law, both in terms of administration and normative, still prioritizes the physical presence of the two brides and brides when carrying out the marriage contract. Additionally, it is important to ensure that all parties, including guardians and witnesses, can witness the procession live and legally.

Until now, there has been no regulation that explicitly regulates online wedding procedures. However, discussions on this matter have begun to emerge among policymakers and scholars. As the head of KUA, he said that administratively, marriage registration must be carried out with predetermined procedures. This implies that even if the marriage contract is conducted online, registration must still be processed through the KUA, with all required documentation and administrative conditions met.

He explained that in some special cases, for example during the COVID-19 pandemic, some weddings were forced to be held virtually to avoid crowds and comply with health protocols. However, this is done with strict supervision and only in emergency situations, and still requires physical confirmation at a certain stage. This shows that Indonesia's positive law is beginning to adapt to modern situations and challenges, but still retains the basic principles of marriage.

Mr. Ahmad also underlined the importance of caution in implementing online marriage. According to him, even though technology provides various conveniences, marriage is still a sacred event and must be done in the right way according to religious and state law. For this reason, he hopes that there will be clearer and stricter regulations from the government regarding online marriage, so that the public is not confused and can still comply with the applicable legal provisions

3. Online Wedding Arrangements at the Religious Affairs Office of Junrejo District

In an interview with the head of the KUA in Junrejo District, he explained that online marriage, or a marriage contract conducted via virtual media, is a recent development sparking various discussions from both a sharia perspective and Indonesian law. He began by stating that marriage is generally governed by Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law in Indonesia, which specifies that the marriage contract must be conducted with the guardian, the bride and groom, and valid witnesses present.

Normatively, Indonesian law has not yet explicitly accommodated online marriage, as the physical presence of the contracting parties is required..

However, he also acknowledged that technological developments have raised the need to review some rules. Nevertheless, as a headman, he still refers to the existing rules. "As implementers in the field, we must adhere to the regulations that have been set. To date, online marriage has not been formally recognized under Indonesia's legal framework for marriage. Mr. Hadi also touched on the technical challenges in the implementation of online weddings. "We cannot turn a blind eye to technological challenges. Sometimes, the internet signal can be cut off, or there are other technical problems that can interfere with the validity of the contract."

This dive related to online marriage has never happened at KUA Junrejo, but when there is an obstacle such as during covid 19 we enforce marriage in general with a limited number of people and have also done a marriage contract by being represented because one of the guardians or prospective husbands is sick or positive for covid 19.

Although it has not been specifically regulated, Mr. Hadi does not rule out the possibility that in the future there may be legal adjustments regarding online marriage, along with the times. "It is possible that in the future there will be regulations that accommodate this, as long as the conditions of marriage in Islam are upheld

DISCUSSION

Online marriage refers to a type of marriage where the *ijab kabul* transaction occurs through connectivity, utilizing a network or internet system. In this arrangement, the groom, bride, guardian, and witnesses do not physically gather in one location; instead, they interact via visual representations facilitated by electronic devices such as teleconferences, webcams, or other internet-related technologies (Fadlon & Kurniawan, 2016).

In a broad sense, online marriage refers to a union where communication occurs through computers at both locations, each connected to a file server or network and utilizing online media as a tool. Online media encompasses various forms based on telecommunications and multimedia, including portals, websites, online radio, online TV, digital news outlets, email services, and more. Each type has its own unique characteristics

tailored to the features available to users, all of which rely on cached servers and internet networks (Makki & Hamidi, 2021).

Online marriage can be facilitated by employing a projector to display each participant and the relevant parties on a large screen. This setup allows everyone to witness the contract as if they were meeting in person, ensuring transparency and clarity. Additionally, a loudspeaker can be included so that all attendees can hear the proceedings clearly, just as in a traditional marriage ceremony..

To assess whether an individual can conduct an online marriage contract, criteria are established requiring that both men and women wishing to marry must be separated by considerable distance and unable to meet in person due to circumstances preventing them from coming together to complete the contract as intended, such as during the Covid-19 pandemic.

By establishing these criteria, it ensures that those who pursue an online marriage contract are individuals unable to fulfill the contract in the traditional manner. Thus, for them, online marriage is a viable alternative, offering a practical solution when physical distance and time constraints prevent them from conducting the marriage as normally required. This flexibility allows couples to maintain their commitment and formalize their union despite challenging circumstances. Moreover, online marriage not only accommodates those facing geographical barriers but also reflects the evolving nature of relationships in the digital age. As technology continues to advance, it provides innovative ways for couples to connect and celebrate their love, even when they cannot be physically present. By embracing these modern solutions, society can adapt to changing times while upholding the values and traditions associated with marriage

By establishing these criteria, it guarantees that individuals engaging in an online marriage contract are those who are unable to complete the process in the conventional manner. Thus, online marriage becomes a practical alternative for them, serving as a viable solution when distance and time constraints prevent them from conducting the marriage as traditionally required.

1. Views of Ulama Regarding Online Marriage

a. Imam Hambali

According to the Imam Hambali, marriage involves specific conditions, some of which pertain to the *sighat* (contract statements), others to the contracting parties, and still others to the witnesses. One of the conditions within the *sighat* is *ittihad al-majlis*, meaning the *ijab* and *qabul* (offer and acceptance) must occur in a single session. This ensures that the *ijab* and *qabul* are not disrupted by unrelated statements or actions that could be seen as diverging from the contract proceedings. It is not mandatory for the *qabul* to immediately follow the *ijab* statement. As long as the time between them is not overly extended and the brief pause does not detract from the continuity of the contract, the *ijab* and *qabul* are still considered valid..

In the Imam Hambali of thought, the *ijab* and *qabul* must be performed in a single ceremony or gathering, with a sense of immediacy in completing the marriage contract. If a woman states, “I am marrying you,” and the man momentarily speaks unrelated words before saying, “I accept,” the contract remains valid, provided that clear statements are made as part of the marriage contract. However, if the acceptance is given without a verbal declaration, the marriage contract is considered invalid. Consequently, in this view, an online marriage contract would not be legally valid (Muir et al., 2023)

b. Imam Syafi'i

Ittihad al-majlis in the marriage contract according to the view of madhhab Shafi'i is not only concerned with the issue of continuity between the pronunciation of *ijab* and *kabul* alone, or in other words, the continuity between the pronunciation of *ijab* and the *kabul* of a marriage is not the only fundamental aspect of *ittihad al-majlis*, but there are other things that are even worthy of fulfillment for the realization of *ittihad al-majlis*, namely the existence of parties concerned in the same room or place when marriage last. He explained, *ittihad al-majlis* includes two important elements that must support each other, namely the element of unifying the seat or room when the marriage contract is held. This element is in line with the concept of *al-faur* (immediate/direct) which if the *ijab kabul* has been pronounced in the marriage contract, the prospective husband must immediately welcome the *ijab kabul* with its acceptance.

Another aspect of *ittihad al-majlis* in the Shafi'i school pertains to the unification of the place of contract (*ittihad al-majlis aqdi*). This requirement involves the testimony (*shabada*) in the marriage contract, stipulating that the proceedings must be visible and directly witnessed, ensuring that the *ijab* and *qabul* statements are genuinely exchanged as required and that they come directly from the two individuals entering into the contract (Hanifah, 2019).

Syafi'iyah said that online marriage is invalid, because the practice of the contract is not in a united place. Because what is meant by *ittihad al-majlis* is *ijab kabul* which is in one place. According to the Shafi'iyah, what is *illat* in the condition of one assembly is not only to ensure the continuity of *ijab* and *kabul*, but also to ensure the confidence of witnesses in seeing and hearing who said the *ijab* and *kabul*. The meaning of *Ittihadu Majlis* as a unity of place (*Ittihad al-makan*) and simply a unity of time (*ittihad az-zaman*) that must be done in a *kabul ijab* contract. Imam Shafi'i interprets *Ittihad* as a gathering/association/unity. Meanwhile, the seat ceremony. In the sense of the word, Imam Shafi'i interprets in Arabic texts, namely the unity of a place (*ittihad al-makan*). The recitation of *al-majlis* is also found in the Qur'an as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قِيلَ لَكُمْ تَفَسَّحُوا فِي الْمَجَالِسِ فَافْسَحُوا يَفْسَحِ اللَّهُ لَكُمْ وَإِذَا قِيلَ انشُرُوا فَانشُرُوا
يَرْفَعِ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ وَالَّذِينَ أُوتُوا الْعِلْمَ دَرَجَاتٍ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

11. O you who believe, when it is said to you, "Give space in the assemblies," be spacious, and Allah will surely give you space. When it is said, "Stand up," stand up. Allah will undoubtedly raise up those who believe among you and those who are given some degree of knowledge. Allah is meticulous about what you do.

The verse tells about the physical nature of the place, which is "Relax in the assembly." The meaning of *al-majlis* is to have a place, which Allah commands to roam around. If the word is interpreted as time, it is impossible for Allah to tell us to be free at the time. For example: "Please move and sit there." The word sitting, means that there is a place that a person occupies visibly in the eyes of the essence of *ittihad al-majlis* indicates that it concerns the same place in the marriage contract (*al-makan*), not the same time of the *mu'aaqidain*. *Mazhab Shafi'i* assesses, understands, and considers a remote marriage contract invalid (in

this context an online marriage), because it is a different place for the *ijab qabul* (Hamdani et al., 2023)

c. Imam Maliki

Imam Malik's opinion is the same as that expressed by Imam Shafi'i, which is united in one assembly and testimony must be based on hearing and sight. This view assumes that the akad *ijab kabul* through writing or letters is vague (*kinayah*). This interpretation underscores that the requirement for unity in assembly not only ensures continuity in timing but also includes an additional condition: *al-mu'ayanah*, or the physical presence of both parties in one place. This presence allows the *ijab* and *qabul* to be observed directly, ensuring that the pronouncements are clearly expressed. The *ijab* and *qabul* should follow the form and pattern passed down from the Prophet (PBUH) to his followers. Therefore, the terms used in the pronouncement must align with the original *nash*, such as the words *nikah* or *taẓwīj*, and not be substituted with other terms derived by analogy (*qiyas*) (Sallom, 2023).

d. Imam Hanafi

The opinion of Imam Hanafi is different from the opinion of Imam Shafi'i, Maliki and Hambali, Imam Hanafi understands one assembly not in terms of the physical aspects of the parties. Imam Hanafi's perspective permits the *ijab* and *qabul* to be conducted through a written document, provided the letter is read aloud in the presence of witnesses and is immediately responded to by the involved parties. According to Imam Hanafi, a letter read before witnesses can serve as the *ijab* and *qabul*, with an immediate response required to validate the contract.

The Hanafi school says that if the *ijab kabul* of the marriage contract must be with *ittiḥād al-majlis* (One Place), then the online marriage contract is legal, because Hanafiyah interprets *ittiḥād al-majlis* at one time, not one place. The validity of this online marriage does not only there, Hanafiyah in *istinbat al-aḥkām* (law-making) uses *qiyas*. The *qiyas* used is the ability to contract marriage through a letter (*al-kitabah/ar-risalah*). Illat online marriage and marriage certificate are both long-distance, which does not bring together the two parties to the *kabul marriage*. Many scholars say *qiyas* as an argument to the sharia for similar laws. If the correlation equates the law of an event that does not have a legal text with an event that already has a legal law, because it is the same in the legal law, then it is an argument of the determination of the law (Rafli & Misbaahuddin, 2023).

Equating the passage of the qiyas method used by the Hanafi school is a hadith that shows the event of marriage through letters. Hadith of Sunan Abu Dawud 2107:

عَنْ أُمِّ حَبِيبَةَ أَنَّهَا كَانَتْ تَحْتَ عَبْدِ اللَّهِ بْنِ جَحْشٍ فَمَاتَ بِأَرْضِ الْحَبَشَةِ فَزَوَّجَهَا النَّبِيُّ ﷺ
وَأَمَّهَرَهَا عَنْهُ أَرْبَعَةَ آلَافٍ وَبَعَثَ بِهَا إِلَى رَسُولِ اللَّهِ ﷺ مَعَ شُرْحَبِيلِ بْنِ حَسَنَةَ

Meaning: "From um Habibah, that she used to be the wife of Ubaidullah bin Jahsy who died in the land of Habasyah. Then Najasyi married the Prophet (saw) to him, gave him a dowry of four thousand dinars in his name, and sent it to the Prophet (saw) with Shurahbil bin Hasanah

In his book, Imam Abdurrahman Al-Jaziri mentions a Hanafi opinion that emphasizes the importance of sending a written proposal to the woman in the implementation of the marriage contract. After the letter arrived, the contents of the letter were read out in front of the woman's guardian and witnesses in the same assembly. After the letter was read, the guardian immediately said his acceptance of the kabul.

The Hanafiyah version of the legal instrument uses the basis of qiyas. Qiyas are not only used just like that, but must fulfill the pillars of qiyas. In the science of Uşul Fiqhi, there are four pillars of qiyas, namely: Origin, Law, Furu' (branch), and Illat (equality). The *aşal* (origin) of a marriage contract not attended by both *mu'aaqidain* (contracting parties) is deemed permissible, as supported by the Prophet's hadith above. In a *fara'* (branch) context, this applies to marriages conducted via video call or similar methods, where both parties are not physically present in the same location. The shared *illat* (legal reasoning) in both cases is the absence of both parties during the *ijab* and *qabul* of the marriage contract. Thus, by extension, the ruling on the *aşal* supports the validity and permissibility of the practice (Nisa, 2022)

e. Fatwa Majelis Ulama Indonesia

The Indonesian Ulema Council (MUI) as a place for deliberations of Muslim scholars and scholars in Indonesia was also present to answer contemporary/current fiqh problems (masail fiqhiyyah muassiroh), one of which is about online marriage. The Indonesian Ulema Council (MUI) through its fatwa commission has held the 7th Ijtima Ulama on November 9 to 11, 2021 in Jakarta with the theme "Optimizing Fatwa for the benefit of the nation". In

the *ijtima* of the *ulama* there are 14 points of discussion, one of which is about online marriage. The MUI Fatwa on Online Marriage is as follows:

The online marriage contract is deemed invalid if it fails to meet one of the essential requirements for a valid *ijab kabul* marriage contract, which must be conducted with *ittibadu al-majlis* (in a single assembly), using *sharib* (clear) language, and with *ittishal* (direct connection between *ijab* and *qabul*). In the event that the prospective groom and the guardian cannot be in the same place physically, then the *ijab kabul* in marriage can be done by *tawkil* (representation). In this case, Shaykh Zainuddin al-Malibari explained (fathul mu'in):

(تَصِحُّ وَكَالَةٌ شَخِصٌ مُتَمَكِّنٌ لِنَفْسِهِ وَهِيَ تَفْوِيضُ شَخِصٍ أَمْرَهُ إِلَى آخَرَ فِيمَا يَقْبَلُ النِّيَابَةَ لِيَفْعَلَهُ فِي حَيَاتِهِ. فَتَصِحُّ (فِي كُلِّ عَقْدٍ) كَبَيْعٍ وَنِكَاحٍ وَهَبَةٍ وَرَهْنٍ وَطَلَاقٍ مُنْجِزٍ

It is permissible to appoint a representative to a person who is sharia able to do something that is delegated to him for himself. *Wakalah* is the handing over of power by a person to another person with things that can be delegated to be implemented, so that it is carried out while the person is still alive. Therefore, it is legal to appoint a representative in every contract, such as buying and selling, marriage, grant, pawn and *talaq* which are directed to certain women” (Sumarjoko et al., 2018)

2. Positive Legal Views Regarding Online Marriage

The State of Indonesia is fundamentally governed by the law as its supreme authority, with the highest legal document being the 1945 Constitution of the Republic of Indonesia. In matters of *munakahat* (marriage), the country refers to Law No. 1 of 1974 on Marriage (Hanifah, 2019). Regarding online marriage, neither Islamic law nor the Marriage Law contains explicit provisions that explain or regulate it, whether in terms of the validity of the online marriage or in the registration requirements for those participating in it. Therefore, it is evident that a legal gap exists in Indonesia today, both in Islamic law and in the country's positive law (Hamdani et al., 2023).

The process of marriage registration for online marriages is fundamentally tied to the validity of online marriage contracts, as previously discussed. This relationship creates a synergistic and complex dialogue regarding the registration process. The registration of marriages conducted online is intricately linked to other significant matters, particularly

conventional marriages, which generally follow the legal framework in Indonesia. This involves ensuring legal status and administrative recognition from the state for those who marry via online platforms. According to Law No. 1 of 1974, Article 2, Paragraph 2, every marriage must be registered in accordance with applicable laws and regulations. Additionally, the Compilation of Islamic Law (KHI) in Article 5, Paragraph 1 states that to maintain order within the Islamic community, all marriages must be documented (Sallom, 2023).

Regarding the registration of marriage to online marriage, this cannot be separated from the laws and regulations themselves, where it demands and guarantees that marriage is valid, if it is confirmed according to the laws of each religion and its celebration. Thus, based on the text of Law No. 1/1974 article 2 (1), it can be understood that the State guarantees and recognizes a valid marriage, if it is carried out according to the law of each religion and its celebration. Online marriage itself is still a hot issue that occurs today, this is related to its validity in Islamic religious law (Hamdani et al., 2023)

3. Online Wedding Arrangements at the Religious Affairs Office of Junrejo District

Along with the rapid development of technology, many aspects of life have changed, including wedding processions (Maghfuroh, 2021). In the midst of this digital era, discussions about online marriage or marriage contracts that are held virtually are increasingly being discussed, especially during the COVID-19 pandemic which limits face-to-face interaction. This phenomenon presents various discussions, both in terms of Islamic sharia and in terms of applicable law in Indonesia (Harwoto, 2023).

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Marriage in Indonesia is presently governed by Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law. These two regulations expressly state that the marriage contract must be carried out with the physical presence of the guardian, the bride and groom, and legal witnesses in one place. This is in line with the pillars of marriage in Islam which require the direct presence of all parties involved so that the wedding procession is

considered valid (Arif et al., 2022). However, the law in Indonesia has not fully accommodated the concept of online marriage. Although technology continues to develop, physical presence in the implementation of marriage contracts is still considered an absolute requirement. However, the changing times and the needs of society may encourage a review of existing rules in the future (Al-Maliki & Jahar, 2020).

In the realm of Islamic law, the views of scholars related to online marriage are quite diverse. Some scholars allow virtual marriage contracts with certain conditions, such as the clarity of communication between the parties involved, as well as the involvement of witnesses who can actually witness and hear the qabul ijab. However, some other scholars argue that physical presence is still important to maintain the sacredness and validity of the marriage contract procession

The implementation of online weddings faces significant technical challenges. Internet signal instability or other technical problems can interfere with the process of ijab qabul, so that it can affect the validity of the marriage or not. Although there has never been an online wedding in Junrejo District, there are several conditions during the COVID-19 pandemic where the parties involved cannot attend in person. For example, guardians or brides-to-be who are infected with the virus or have health conditions that do not allow physical presence. In such circumstances, the marriage contract ceremony is conducted with the representation of another party, as permitted by sharia provisions. In addition, KUA also imposes restrictions on the number of people present in the wedding procession to comply with applicable health protocols.

Technology can offer practical solutions to several obstacles, wedding processions are still seen as sacred moments that require the presence of all parties. It is important to consider the principles and conditions of marriage, both in the context of positive Indonesian law and Islamic law. However, in the future, it is possible that more inclusive regulations on technological developments will be implemented, while still upholding sharia principles.

CONCLUSION

Online marriage is still a controversial topic, especially in terms of Islamic law and its legal conditions. Several scholars from various schools of thought highlight the important aspect of ittihad al-majlis, which requires the Kabul ijab procession to take place in one place

or ceremony at the same time. The Shafi'i, Maliki, and Hambali schools emphasized that marriage must be held in the same place physically to be valid. On the other hand, the Hanafi School allows *ijab kabul* to be carried out through remote media, as long as it is carried out at the same time and witnessed clearly.

The Indonesian Ulema Council (MUI) asserts that an online marriage contract is considered invalid unless it fulfills the requirements of *ittihad al-majlis*, unless conducted through *tamkil* (representation). In Indonesia's positive law, marriage must be legally recorded and recognized, but online marriage has not been explicitly regulated in Law No. 1/1974 on Marriage. This has resulted in a legal vacuum regarding the legality of online marriage, even though technology continues to evolve.

In its implementation, online marriage faces technical challenges, such as internet signal interference that can affect the validity of the contract. In Junrejo District, for example, although online weddings have never been held, there is a situation during the pandemic where the physical presence of the parties involved is hampered.

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