



# Islamic Legal Perspective on the Implementation of Online Marriage Contracts during the Covid-19 Pandemic

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## Abstract

The validity of a marriage is the fulfillment of the pillars and conditions of marriage as stipulated in Islamic law. One of the pillars currently being discussed is the online Ijab and Qabul (marriage contract), considering the COVID-19 pandemic, there has been much news about online marriage ceremonies due to various constraints. Moreover, technology is becoming increasingly advanced and evolving, making human tasks easier. The aim of this study is to examine the legality of online marriage contracts that occurred during the COVID-19 pandemic. This research uses a qualitative research method with a library research type, referencing journals, articles, and books related to the main theme of online marriage contracts. All references, including legal and non-legal sources, are presented and then analyzed carefully. Scholars and fiqh experts have provided arguments about the validity of marriage through online contracts. According to the scholars, an online marriage contract is valid if what is meant by one assembly is one time, not one place. Thus, after the Ijab is stated, the Qabul must also be stated immediately. The research results show that marriage contracts conducted online during the COVID-19 pandemic are legally valid, thereby contributing to resolving the difficulties faced by prospective brides and grooms in gathering to conduct the marriage contract due to social restrictions. The validity of online marriage contracts represents a legal renewal that previously considered that marriage contracts must be conducted in one place.

**Keywords:** Islamic Law, Online Marriage, COVID-19 Pandemic.

## Abstrak

Keabsahan suatu perkawinan adalah tercapainya rukun dan syarat perkawinan yang telah ditentukan dalam hukum Islam. Salah satu rukun yang sedang diperbincangkan saat ini adalah Ijab dan Qabul online, melihat kondisi pandemi COVID-19, banyak sekali pemberitaan tentang akad nikah online karena berbagai kendala. Selain itu, saat ini teknologi semakin canggih dan berkembang yang memudahkan pekerjaan manusia. Tujuan dari penelitian ini adalah untuk mengkaji hukum akad nikah online yang terjadi saat pandemi COVID-19. Penelitian ini menggunakan metode penelitian kualitatif dengan jenis penelitian kepustakaan, penelusuran referensi dilakukan terhadap jurnal, artikel, dan buku-buku yang berkaitan dengan tema utama akad nikah online. Semua referensi yang meliputi sumber hukum dan non hukum dipaparkan, kemudian dianalisa secara cermat. Para ulama dan ahli fiqih telah memberikan argumentasi tentang sah atau tidaknya pernikahan melalui akad online. Menurut para ulama, akad nikah online sah jika yang dimaksud dengan satu majelis adalah satu kali, bukan satu tempat akad. Jadi, setelah mengucapkan Ijab, Qabul juga langsung diucapkan. Hasil penelitian menunjukkan bahwa akad nikah yang dilakukan secara daring pada masa Pandemi COVID-19 hukumnya sah, sehingga hal ini berkontribusi dalam menyelesaikan kesulitan calon pengantin yang akan berkumpul untuk melaksanakan akad nikah karena ada pembatasan sosial. Keabsahan akad nikah secara daring ini merupakan pembaharuan hukum yang sebelumnya menganggap bahwa akad nikah harus dilakukan dalam satu tempat.

**Kata Kunci:** Hukum Islam, Nikah Online, Pandemi COVID-19.



## Introduction

Marriage is not only aimed at fulfilling inner needs but also has the aim of fulfilling the commands of the Prophet Muhammad SAW and increasing the number of descendants in the Muslim community so that there will be more Muslims in this world.<sup>1</sup> Apart from that, marriage also aims to maintain the purity and honor of oneself and one's partner, as well as ensure appropriate views and behavior in the husband-and-wife relationship.<sup>2</sup>

In a marriage, there are pillars of marriage that must be fulfilled, one of which is the Ijab Qabul (marriage contract) which is said by the marriage guardian and the prospective husband. Whether a marriage is valid or not depends on the agreement of consent and Qabul pledged by the parties involved in the marriage.<sup>3</sup>

In an era of increasingly rapid technological development, marriage contracts can be carried out online<sup>4</sup> using communication technology such as telephone, video conferencing, live streaming, etc.<sup>5</sup> during the current COVID-19 pandemic, where social restrictions are very necessary to prevent the spread of the virus. The direct impact of these social restrictions is the postponement of wedding plans. However, with the ease of communication, some people choose to carry out their marriage contract online.<sup>6</sup>

An example is the couple Max Walden and Shafifira Gayatri who performed their marriage contract online on June 20, 2020. Due to the COVID-19 pandemic and the long distance between Sydney, Australia, and Surabaya, Indonesia, the couple decided to carry out their marriage contract via video conference using the platform *Zoom Meetings*. This event was witnessed by both families, both the bride and groom.<sup>7</sup>

In previous research, Wahibatul Maghfuroh stated that a marriage contract via live streaming is a marriage contract that takes place using live-streaming social media (such as live Instagram, and WhatsApp). reduced by one so that according to the perspective of Islamic Law or the Compilation of Islamic Law it is legal, only the procedures for using LiveStreaming are valid.<sup>8</sup>

In another research conducted by Faizal Bachrong, Faizal Bachrong, Handar Subhandi Bakhtiar stated, if grouped then in Islamic law (fiqh regulations) there are still differences of opinion regarding the meaning of '*itihadu al majelis*' in the marriage contract process when

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<sup>1</sup> Luthfi Auni, Abdul Manan, and Al Yasa Abubakar, "Factors Changing the Gayo Ethnic's Traditional Marriage Procession in Lut Tawar Sub-District of Takengon, Central Aceh, Indonesia," *Samarah* 6, no. 2 (2022), <https://doi.org/10.22373/sjkh.v6i2.14888>.

<sup>2</sup> Mahmud Suyuti, "Pandangan Tokoh Masyarakat Pada Perilaku Pasangan Calon Pengantin Selama Masa Khitbah Di Kelurahan Gebang Kecamatan Patrang Kabupaten Jember," *Rechtenstudent* 2, no. 2 (2021): 158–72.

<sup>3</sup> Aisyah Ayu Musyafah, "PERKAWINAN DALAM PERSPEKTIF FILOSOFIS HUKUM ISLAM," *CREPIDO* 2, no. 2 (2020), <https://doi.org/10.14710/crepido.2.2.111-122>.

<sup>4</sup> Yinghui Huang et al., "The Psychological and Behavioral Patterns of Online Psychological Help-Seekers before and during Covid-19 Pandemic: A Text Mining-Based Longitudinal Ecological Study," *International Journal of Environmental Research and Public Health* 18, no. 21 (2021), <https://doi.org/10.3390/ijerph182111525>.

<sup>5</sup> Abdul Hakim and Bagus Haziratul Qodsiyah, "Online Marriage During the Covid-19 Pandemic: A Study of the Fatwas in Egypt, Iraq, Syria, and Saudi Arabia," *Al-'Adalah* 19, no. 1 (2022), <https://doi.org/10.24042/adalah.v19i1.10720>.

<sup>6</sup> Hari Widiyanto, "Konsep Pernikahan Dalam Islam (Studi Fenomenologis Penundaan Pernikahan Di Masa Pandemi)," *Jurnal Islam Nusantara* 04, no. 01 (2020).

<sup>7</sup> Mahardika Putera Emas, "Problematika Akad Nikah Via Daring Dan Penyelenggaraan Walimah Selama Masa Pandemi Covid-19," *Batulis Civil Law Review* 1, no. 1 (2020), <https://doi.org/10.47268/ballrev.v1i1.387>.

<sup>8</sup> Wahibatul Maghfuroh, "AKAD NIKAH ONLINE DENGAN MENGGUNAKAN VIA LIVE STREAMING PERSPEKTIF HUKUM ISLAM," *Jurnal Ilmiah Ahwal Syakhshiyah (JAS)* 3, no. 1 (2021): 94–100.

pronouncing the consent via online.<sup>9</sup> Where, if we refer to the first interpretation as stated above, the requirement for a united assembly in this opinion is understood as a guarantee for continuity between consent and Qabul. Continuity in time between the Ijab and Qabul can be realized from two places by using tools/media that are capable of appearing visually and audio to all people who witness the Ijab and Qabul. So that the witnesses in the marriage contract can ensure that consent and Qabul have occurred between the two parties concerned. In this way, the requirements for continuity of time, place, and pronunciation can be achieved so that there is no worry of falsification of the pronoun and witnesses can also witness directly via the media provided, namely Video Call and others.<sup>10</sup> If we look at the interpretation of the second opinion, it is clear that the practice of online marriage contracts is not valid. As explained above, the pronunciation of the Ijab and Qabul in the marriage contract must be at one place and time, or in Islamic legal terms *muayyanah*, namely physically facing each other. For this reason, it is implied that there will be a united assembly, in addition to guaranteeing the continuity of consent and Qabul in a single session. In this way, the physical fulfillment and realization of one place and time is achieved.

The results of the research above, particularly regarding the registration of marriages, show that there is no firm stance or clarity in the regulations from the organizers and registrars of marriages, in this case, the Office of Religious Affairs, concerning the registration of parties who then carry out the Ijab Qabul online. As explained above, several classical and contemporary scholars have already contributed their thoughts to this contemporary issue. Additionally, the decision of the South Jakarta Religious Court No. 1751/P/1989 regarding the ratification of marriage contracts via telephone can be compared with the case presented by the researcher. The need for this is nothing but a breath of fresh air for anyone who wishes to carry out their marriage vows online.

We all know that the condition for a valid marriage is the consent of the Qabul, which is generally carried out in one assembly.<sup>11</sup> The concept of one assembly has different definitions according to the opinions of scholars. Apart from that, this online marriage contract is a phenomenon of contemporary Islamic jurisprudence problems for which there are no definite provisions in Islamic law.<sup>12</sup> This online marriage contract method has become a topic of discussion for many people, especially regarding the legality of marriages conducted online, making this article important to explain the fiqh perspective on the polemic of online marriage contracts, particularly during the COVID-19 era.

## Method

This research uses a qualitative research method with a library research approach, by exploring various references such as the Al-Quran, journals, articles, and books /books containing the opinions of Imam Hanafi, Imam Hambali, Imam, Maliki, and Imam Syafi'i as

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<sup>9</sup> Faizal Bachrong, Fathur Marzuki, and Handar Subhandi Bakhtiar, "Praktik Pencatatan Ijab Qabul Via Online Dalam Proses Akad Nikah Di Makassar," *PUSAKA* 7, no. 1 (2019), <https://doi.org/10.31969/pusaka.v7i1.241>.

<sup>10</sup> Imam Sujono, "Legal Review of Marriage for Divorced Women Outside the Religious Courts," *International Journal of Islamic Thought and Humanities* 1, no. 1 (March 1, 2022): 1–16, <https://doi.org/10.54298/ijith.v1i1.10>.

<sup>11</sup> Erika nurrohmah Shobaikah, Yandi Maryandi, and Fahmi Fatwa Rosyadi, "Studi Komparatif Nikah Online Menurut Mazhab Syafi'iyah Dan Mazhab Hanafiyah," *Bandung Conference Series: Islamic Family Law* 2, no. 1 (2022), <https://doi.org/10.29313/bcsifl.v2i1.858>.

<sup>12</sup> Mochamad Adrian Pranata, Neneng Nurhasanah, and Muhammad Yunus, "Keabsahan Akad Nikah Melalui Video Call Menurut Hukum Islam," *Jurnal Riset Hukum Keluarga Islam* 1, no. 1 (2021), <https://doi.org/10.29313/jrhki.v1i1.85>.

primary sources, as well as the opinions of modern scholars such as Sayid Sabiq and the Indonesian Ulema Council (MUI) as secondary sources related to the theme of online marriage contracts. In this research, various points of view of ulama and jurisprudence experts will be discussed regarding whether or not online marriage contracts are valid, as well as the legal and social implications of the use of technology in marriage.

### Requirements for the validity of marriage contracts

Several requirements must be met for the validity of a marriage contract. According to the agreement of the ulama, four things are required in a contract (Ijab and Qabul):<sup>13</sup>

1. Conformity and agreement between the sentences of *consent* and *Qabul*.<sup>14</sup>  
Conformity between Ijab and Qabul must exist in terms of the location of the contract and the size of the dowry. If differences occur at the location of the contract, the marriage contract will not be valid because the content of the Qabul sentence will be different from the consent statement. However, if the difference lies in the size of the dowry, for example when the man answers with a dowry that is lower than what the guardian said, such as "I will marry you to my daughter with a dowry of 100 million" and the man answers "I accept the marriage with a dowry of 99 million", then the marriage will also not be valid.
2. The person who said the sentence of consent must not take back what he said.<sup>15</sup>
3. When making a contract, it is stipulated that the person making the Ijab is not to take back his words before the other party says the Qabul, if he takes back his words, then the Ijab is invalid. Because consent and Qabul are one pillar.<sup>16</sup>
4. Completed at the time of the contract.
5. No contracts for future marriages such as "I will marry you tomorrow", "I will marry you when the sun rises", etc. are not permitted. Because the marriage contract is a contract granting ownership rights and replacement. The consent and Qabul between the guardian and the prospective groom must be consecutive and not over time.<sup>17</sup>
6. Done in one assembly (*ittihad al-majlis*).
7. The marriage contract is carried out in one ceremony if both parties are present. When the female guardian said consent then the other party busied themselves and after that said: "accept". So, the marriage is invalid because just keeping yourself busy or even standing up can change the ceremony.<sup>18</sup>

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<sup>13</sup> Barzah Latupono, "Kajian Tentang Perwalian Dalam Ijab Qabul Perkawinan Menurut Hukum Islam," *Lutur Law Journal* 1, no. 1 (2020): 1–8.

<sup>14</sup> Asman Asman, Marilang Marilang, and Kurniati Kurniati, "Existence of Marriage Agreements in Islam Development Studies in the Community of Malay Border Indonesia-Malaysia," *Jurnal Ilmiah Al-Syir'ah* 19, no. 1 (2021), <https://doi.org/10.30984/jis.v19i1.1256>.

<sup>15</sup> Ahmad Sanusi et al., "Cancellation of Marriage Due to Negligence and Legal Consequences," *Samarah* 6, no. 1 (2022), <https://doi.org/10.22373/sjhk.v6i1.10230>.

<sup>16</sup> Togzhan Bakhtybaevna Zhunussova, "Influence of Legal Traditions and Legal Culture on the Institution of Marriage Contracts and the Possibility of Its Improvement: The Experience of Kazakhstan," *Academic Journal of Interdisciplinary Studies* 11, no. 5 (2022), <https://doi.org/10.36941/ajis-2022-0124>.

<sup>17</sup> Dan Anderberg, "An Equilibrium Analysis of Marriage, Divorce and Risk-Sharing," *SSRN Electronic Journal*, 2021, <https://doi.org/10.2139/ssrn.283730>.

<sup>18</sup> Hu Naixin, "Revisiting the Legal Nature and Content of a Marriage Contract in the Modern Law of the PRC," *Humanities and Social Sciences Reviews* 7, no. 5 (2019), <https://doi.org/10.18510/hssr.2019.75133>.

If one party cannot be present at the wedding venue but wants to carry out the marriage contract<sup>19</sup>, it is necessary to send a messenger or letter to the other party to express their desire to get married.<sup>20</sup> Then, if the other party also wants to get married, they must bring a witness and read the contents of the letter or message from the messenger. They must also testify before all parties that they accept the marriage.<sup>21</sup>

### Phenomenon in online marriage during covid-19 pandemic

Online marriage will not happen if there is no reason,<sup>22</sup> below are the phenomena that cause prospective bride and groom to get married *online*<sup>23</sup>, including:

1. COVID-19 Virus Pandemic Quarantine.

The emergence of the COVID-19 virus outbreak has changed the order of life,<sup>24</sup> including in terms of children's education and the family's economic situation.<sup>25</sup> In Indonesia, new rules have been implemented to reduce the spread of the COVID-19 virus<sup>26</sup>, one of which is the 14-day quarantine rule for those coming from outside the city or abroad who are affected by COVID-19.<sup>27</sup> The community consciously obeys this policy for the sake of collective health.<sup>28</sup> One interesting story is a husband and wife who had to get married online because the husband-to-be, Kardiman bin Haeruddin, had to undergo quarantine after traveling from a city exposed to COVID-19 cases. However, their wedding had to go ahead, so they decided to hold it online.<sup>29</sup>

2. Social Distancing Regulation (PSBB).

Applying the same as quarantine for Indonesian citizens who have just traveled, PSBB is also a policy that must be adhered to during the pandemic.<sup>30</sup> Some bridal couples chose to get married even though there was a PSBB, such as Vegas Chandra Dwipanegara and

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<sup>19</sup> Joshua Yukich et al., "Projecting the Impact of the COVID-19 Pandemic on Child Marriage," *Journal of Adolescent Health* 69, no. 6 (2021), <https://doi.org/10.1016/j.jadohealth.2021.07.037>.

<sup>20</sup> Syaiful Azmi, "Bubat: Sisi Gelap Hubungan Kerajaan Majapahit Hindu Dengan Kerajaan Sunda," *Ushuluna: Jurnal Ilmu Ushuluddin* 3, no. 1 (2020), <https://doi.org/10.15408/ushuluna.v3i1.15187>.

<sup>21</sup> Khairuddin Khairuddin, "Tinjauan Hukum Islam Terhadap Adat Peminangan Melalaken Di Desa Tanah Bara Aceh," *Aksara: Jurnal Ilmu Pendidikan Nonformal* 6, no. 2 (2020), <https://doi.org/10.37905/aksara.6.2.103-110.2020>.

<sup>22</sup> Jennifer Harley Chalmers, "Online Marriage Education during COVID-19 Home Lockdown: A Multiple-Baseline Single-Case Experimental Design," *Interpersona* 14, no. 2 (2020), <https://doi.org/10.5964/ijpr.v14i2.3971>.

<sup>23</sup> Yukich et al., "Projecting the Impact of the COVID-19 Pandemic on Child Marriage."

<sup>24</sup> Rahmet Güner, İmran Hasanoğlu, and Firdevs Aktaş, "Covid-19: Prevention and Control Measures in Community," *Turkish Journal of Medical Sciences*, 2020, <https://doi.org/10.3906/sag-2004-146>.

<sup>25</sup> Abdulkadir Atalan, "Is the Lockdown Important to Prevent the COVID-19 Pandemic? Effects on Psychology, Environment and Economy-Perspective," *Annals of Medicine and Surgery* 56 (2020), <https://doi.org/10.1016/j.amsu.2020.06.010>.

<sup>26</sup> Deblina Roy et al., "Study of Knowledge, Attitude, Anxiety & Perceived Mental Healthcare Need in Indian Population during COVID-19 Pandemic," *Asian Journal of Psychiatry* 51 (2020), <https://doi.org/10.1016/j.ajp.2020.102083>.

<sup>27</sup> Rebecca Y.M. Cheung and Iris Yili Wang, "Mindful Parenting Mediated Between Mothers' Perceived Stress During COVID-19 and Child Adjustment," *Mindfulness* 13, no. 12 (2022), <https://doi.org/10.1007/s12671-022-02018-y>.

<sup>28</sup> Rehab H. El-Sokkary et al., "Predictors of COVID-19 Vaccine Hesitancy among Egyptian Healthcare Workers: A Cross-Sectional Study," *BMC Infectious Diseases* 21, no. 1 (2021), <https://doi.org/10.1186/s12879-021-06392-1>.

<sup>29</sup> Maila D.H. Rahiem, "COVID-19 and the Surge of Child Marriages: A Phenomenon in Nusa Tenggara Barat, Indonesia," *Child Abuse and Neglect* 118 (2021), <https://doi.org/10.1016/j.chiabu.2021.105168>.

<sup>30</sup> Maulana Rezi Ramadhana, "A Dataset for Emotional Reactions and Family Resilience during COVID-19 Isolation Period among Indonesian Families," *Data in Brief* 31 (2020), <https://doi.org/10.1016/j.dib.2020.105946>.

Riska Mariska Oktavia. The bride and groom held their wedding ceremony online because of constraints due to the PSBB which was taking place in Surabaya.<sup>31</sup>

### 3. There are activities beyond predictions.

A person's wedding plans can be disrupted by unexpected events. As happened with Brigadier Nova, a member of the Kalimantan Regional Police who was taking part in the UN Police selection in West Java in April 2018. Even though he was busy with the selection, Nova still wanted to carry out the marriage proposal with the prospective groom. Therefore, Nova and her prospective groom carried out their marriage contract online so that their wedding plans would not be delayed.<sup>32</sup>

## **Online Marriage according to muslim scholars view**

Technology is increasingly developing and advancing in this era. Debates arise regarding the existence of online marriage contracts or online marriages.<sup>33</sup> Especially now, the COVID-19 pandemic makes it difficult for people to travel and shake hands.<sup>34</sup> This has become a debate among the public, so several bridal couples have decided to get married with an online contract, not only because of sophisticated technology but also the impact of the COVID-19 pandemic.<sup>35</sup>

The scholars agree that the marriage contract must be carried out in one majlis, where all parties involved such as the marriage guardian, future husband and wife, and witnesses are present at the same place.<sup>36</sup> However, there are differences in the meaning of a majlis. According to the Hanafi Madzhab, what is meant by a majlis is a time when after the consent is said, one immediately responds with the reading of the Qabul. Therefore, according to the Hanafi Madzhab, even though they are in different places, if the Qabul is said immediately after the Ijab then the marriage contract is considered valid. This means that carrying out a marriage contract online via video call, Zoom, or a similar platform is still considered valid because both parties can be present virtually. Meanwhile, according to the Hambali Madzhab, there is no requirement to say Qabul immediately after Ijab.<sup>37</sup>

The meaning of "one majlis" according to the Syafi'i school of thought is when the pronunciation of consent and Qabul occurs in a situation that is considered normal at one time.

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<sup>31</sup> Maghfuroh, "AKAD NIKAH ONLINE DENGAN MENGGUNAKAN VIA LIVE STREAMING PERSPEKTIF HUKUM ISLAM."

<sup>32</sup> Bachrong, Marzuki, and Bakhtiar, "Praktik Pencatatan Ijab Qabul Via Online Dalam Proses Akad Nikah Di Makassar."

<sup>33</sup> Khairuddin Soleh Harahap, Ahmad Qorib, and Imam Yazid, "Ittiḥād Al-Majlis on Marriage Contract According to Hanafiyah and Syafi'iyah (The Study of Online Marriage During Covid-19)," *Jurnal Mahkamah : Kajian Ilmu Hukum Dan Hukum Islam* 7, no. 1 (2022), <https://doi.org/10.25217/jm.v7i1.1871>.

<sup>34</sup> Chalmers, "Online Marriage Education during COVID-19 Home Lockdown: A Multiple-Baseline Single-Case Experimental Design."

<sup>35</sup> Sumarjoko Sumarjoko, Eka Mahargiani, and Amin Nasrulloh, "Tinjauan Akad Nikah Melalui Media Live Streaming Dalam Perspektif Fiqih," *Syariat: Jurnal Studi Al-Qur'an Dan Hukum* 4, no. 01 (2018), <https://doi.org/10.32699/syariat.v4i01.1164>.

<sup>36</sup> Moch. Khafidz Fuad Raya, "Online Wedding During Pandemic the Perspective of Maqāṣid Al-Syar'ah Imam Al-Ghazāli," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 22, no. 1 (2022), <https://doi.org/10.19109/nurani.v22i1.10658>.

<sup>37</sup> Miftah Farid, "NIKAH ONLINE DALAM PERSPEKTIF HUKUM," *Jurisprudentie : Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum* 5, no. 1 (June 8, 2018): 174, <https://doi.org/10.24252/jurisprudentie.v5i2.5437>.

Therefore, the Qabul must be said immediately after the Ijab is said. If you do the marriage ceremony online, make sure the signal is strong so that there is no delay in saying the Qabul.<sup>38</sup>

According to Muhammadiyah's view in the fatwa of the majlis tarjih in 2008, one majlis means that consent and Qabul are carried out at the same time.<sup>39</sup> This means that after the marriage guardian gives the consent, the prospective husband immediately says the Qabul without a long delay. If there is a long-time lag between the Ijab and the Qabul, then the Qabul is not considered an answer to the Ijab. Apart from that, the Ijab and Qabul must not be interspersed with words that are not related to the marriage and must be done in the same place. However, in Muhammadiyah's view, it is best to do the Ijab and Qabul in person by meeting each party, and the Ijab Qabul via video call is only done if distance is an unavoidable obstacle.<sup>40</sup>

In 1986, Dr. Muhammad Uqlah al-Ibrahimi, a lecturer from Kuwait, issued a fatwa that was published in *al-Shariah wa al-Dirasat al-Islamiyyah* Magazine. He stated that it is legal to carry out a marriage contract via long-distance communication media as long as the conditions and terms and conditions are met. Apart from that, he added a requirement, namely that the witness must see the two people who are getting married in person. Therefore, the presence of four witnesses is required, two from the prospective wife and two from the prospective husband. This fatwa does not require a Qabul answer immediately after saying the Ijab.<sup>41</sup>

Dr. Muhammad Uqlah<sup>42</sup> uses the fatwa basis of *maslahah al-mursalah* in explaining the permissibility of marriage contracts through modern communication media. The concept of *maslahah al-mursalah* emphasizes the benefits that arise from action without ignoring the conditions and pillars that must be fulfilled. In this case, Dr. Muhammad Uqlah considers the benefits of the convenience and efficiency offered by modern communications technology in the marriage contract process.<sup>43</sup>

According to Sayyid Sabiq, a majlis in Ijab Qabul should not be interrupted by other discussions that are considered to deviate from the issue of Ijab and Qabul. Wahbah Zuhaili believes that Ijab and Qabul must be done in one place.<sup>44</sup> However, the place referred to here is the time of the ceremony, not the location where the bride and groom are. Therefore, according to Wahbah Zuhaili, if one of the bride and groom is not present at the wedding

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<sup>38</sup> Sumarjoko, Mahargiani, and Nasrulloh, "Tinjauan Akad Nikah Melalui Media Live Streaming Dalam Perspektif Fiqih."

<sup>39</sup> Yulmitra Handayani, "HUKUM PERKAWINAN ISLAM DI RUANG DIGITAL: Bias Gender Dalam Wacana Hukum Perkawinan Di Instagram," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 2 (2022), <https://doi.org/10.14421/ahwal.2021.14201>.

<sup>40</sup> Muhammad Arif Putra, "Penggunaan Media Telekonferensi Dalam Akad Nikah Studi Komparatif Lembaga Bahtsul Masa'il NU Dan Majelis Tarjih Muhammadiyah" (Jakarta: Fakultas Syariah dan Hukum UIN Syarif Hidayatullah, 2017).

<sup>41</sup> Sururiyah Wasiatun Nisa, "Akad Nikah Online Perspektif Hukum Islam," *Hukum Islam* 21, no. 2 (n.d.): 302-19.

<sup>42</sup> Akmal Abdul Munir et al., "The Reasons for Permission to Marry Ahlul Kitāb Women in the View of Sayyid Sabiq," *Al-'Adalah* 18, no. 2 (2021), <https://doi.org/10.24042/adalah.v18i2.10350>.

<sup>43</sup> Muhammad Alwi Al-Maliki and Asep Saepudin Jahar, "Dinamika Hukum Akad Nikah Via Teleconference Di Indonesia," *JURNAL INDO-ISLAMIKA* 10, no. 2 (2020), <https://doi.org/10.15408/idi.v10i2.17523>.

<sup>44</sup> Anwar Hafidzi and Mohd Hatta Mohd. Hani, "Wahbah Zuhaili's and Sayyid Sabiq's Perspective on The Principles of Marriage Contract in Indonesia," *AL-'ADALAH* 17, no. 1 (2020), <https://doi.org/10.24042/adalah.v17i1.5387>.

ceremony and only signs the agreement in front of witnesses, then the marriage contract is still valid.<sup>45</sup>

In classical terminology, the consent and Qabul must be carried out by the two people who are getting married in one place. However, sometimes certain conditions prevent the marriage contract from being carried out in one place. In these conditions, there are two possibilities, namely the joining of the place for the consent and Qabul, or the marriage contract being carried out at the same time but in a different place, such as via video call. However, in the second possibility, there is an additional requirement, namely that the parties making the Ijab and Qabul and the witnesses must be able to hear both of their words. In the current technological era, with video calls, not only voices can be heard, but also the faces and conditions of both parties can be seen.<sup>46</sup>

The fatwa issued by the East Java Fatwa Commission of the Indonesian Ulema Council (MUI) states that marriage contracts over the telephone or long distance in Indonesia are legally valid<sup>47</sup>, by setting out requirements that must be met beforehand. Apart from that, the Chair of the Bengkulu Province MUI, Prof. Dr. Rohiman explained that marriage contracts carried out via video call or online are also valid if they meet the existing requirements.<sup>48</sup> Therefore, it can be concluded that marriages contracted online are considered legally valid.<sup>49</sup>

## Conclusion

The implementation of marriage contracts carried out online during the COVID-19 pandemic is legally valid, and the event in question is the time when the marriage contract is pronounced, not the place of the ceremony. So, when the guardian says Ijab, the man immediately says Qabul. A wedding in one place is necessary so that Qabul can be said as soon as possible. However, the increasing development of technology that allows long-distance interactions such as Zoom, video calls, and others, makes it easier for prospective brides and grooms who are constrained by distance to get married. The view of fiqh experts that allowing the implementation of online marriage contracts has answered the phenomenon of difficulties for people who want to carry out marriage contracts in one place due to the implementation of social restrictions related to efforts to prevent the transmission of COVID-19.

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<sup>45</sup> Eka SURIANSYAH, "GLOBALISASI DAN MASA DEPAN FIKIH (KAJIAN SHIGAT AQAD NIKAH)," *El-Mashlahah* 8, no. 1 (2019), <https://doi.org/10.23971/el-mas.v8i2.1319>.

<sup>46</sup> SURIANSYAH.

<sup>47</sup> M. Sofwan Jauhari and Abdul Ghoni, "The Level of People's Obedience to MUI Fatwas (COVID-19, Bank Interest, and Interfaith Marriage)," *Ahkam: Jurnal Ilmu Syariah* 20, no. 2 (2020), <https://doi.org/10.15408/ajis.v20i2.18685>.

<sup>48</sup> Habib Shulton Asnaw, "PERNIKAHAN MELALUI TELEPON DAN REFORMASI HUKUM ISLAM DI INDONESIA," *Fakultas Hukum Universitas Proklamasi 45 Yogyakarta*, no. 1 (1375).

<sup>49</sup> Wardah Nuroniyah, "ANALISIS AKAD NIKAH VIA TELECONFERENCE MENURUT FIQH MAZHAB DAN HUKUM POSITIF INDONESIA," *Mahkamah: Jurnal Kajian Hukum Islam* 2, no. 1 (2017), <https://doi.org/10.24235/mahkamah.v2i1.1671>.



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