

RESEARCH ARTICLE

ANALYSIS OF TELECONFERENCE MARRIAGE CONTRACT FROM THE PERSPECTIVE OF WAHBAH AZ-ZUHAILI AND ISLAMIC FAMILY LAW IN INDONESIA

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ABSTRACT - In the current era of technology, it is possible to facilitate marriage contracts with the help of technology that can shorten the process for the parties involved in the implementation of the marriage contract. The purpose of this study is to analyze the views of an Islamic figure on marriage contracts conducted through teleconferences, as well as to find out the prospects of these views in the development of Islamic family law in Indonesia. This research uses a qualitative research method with a library research approach, which involves various activities related to collecting library data, conducting literature reviews, and using primary data sources to reveal factual information for research. The results of this study indicate that the development of marriage through technology continues to progress from time to time, starting from the legalization of Stipulation No. 1751/P/1989 by the South Jakarta religious court until it finally tapered off to the practice of marriage through teleconferencing, starting from teleconferencing using video phones with cell phones to teleconferencing using whatsapp applications, zoom meetings and so on. The findings of this study indicate that marriage contracts conducted through teleconferencing have not been specifically regulated in existing laws in Indonesia, so they are somewhat ambiguous. The legal framework regarding this matter is currently lacking. However, according to Wahbah Az-Zuhaili's perspective, teleconference marriage can be considered permissible and valid. This research can have an impact on the knowledge of the wider community regarding Islamic religious tolerance and religious rules, as well as renewal in the millennial era, and open new insights and policies for the House of Representatives of the Republic of Indonesia to reinforce the legalization of the law in the permissibility of marriage contracts through Teleconference.

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INTRODUCTION

Marriage is sunnatullah. These provisions apply to every human being who lives on this earth, including Muslims. There is no other way to legalize the relationship between a man and a woman in Islam except by marriage. Therefore, the scholars gave a definition of marriage as a contract intended to legalize the relationship between a man and a woman in terms that were previously haram. In Indonesia, marriage is seen as a very important thing, so it is considered necessary to make a special regulation that regulates matters of marriage and some things that are related to it. Article 1 of the Law states that (Nicky Julianda, 2023):

“Marriage is the sacred union between a man and a woman as husband and wife, intended to create a joyful and everlasting family unit founded on the belief in the Oneness of the Supreme Being.”

The article also confirms that Indonesian legal regulations still firmly maintain the precepts of the Supreme Godhead, so same-sex marriage is certainly never accepted in the country's constitution. Communication technology, especially teleconferences are a medium of transmission of a person's intention in doing various things in his daily life that have gained legitimacy in the eyes of the public as a means of liaison is not the core of his actions but as a medium. The marriage agreement through teleconference communication media is a form of accommodation to the community in the context of fiqh as a manifestation of the sensitivity of Islamic sharia in dealing with challenges and developments of the times. And as long as the value of expediency and benefit is achieved in this case by not denying the element of possible glory, then this kind of marriage contract is an alternative effective and efficient option (by not abandoning Islamic law) for modern society (Qodril, 2023).

Online marriage is a form of marriage in which the consummation of the marriage transactions is carried out through circumstances or activities connected to a network or internet system (online) between the bride and groom. Men and women, witnesses and guardians, are not present together, but what is shown is just a sort of visualization created by both sides with the use of technological devices (Mustofa & Khobairi, 2022). Ordinary marriages are generally men and women meet each other face to face and talk directly. Meanwhile, online weddings use power and technological developments to help and carry out marriage in order to convey pictures of the condition of individuals who are interacting as it should be

(M. Gold, 2020). Because it can display visuals or photos in real-time through the Internet network in addition to transmitting voice, teleconference technology is more advanced than conventional telephones. Online weddings using online media or applications are a phenomenon in everyday life, especially in the implementation of *ijab qabul*, such as online weddings during the current pandemic. If the marriage process is generally carried out face to face and in one place, but in online marriage, the marriage contract is not carried out in one assembly (place). The forms also vary. Some are between the guardian and the bride separated, the witnesses are also separated, and there are also those between the bride and groom who are far apart or not in one place (NurFaizi, 2021).

According to Awaluddin, marriage is not just an inner bond or birth but both. The external bond expresses the occurrence of formal things only, while the inner bond expresses the existence of the informal or invisible, both of which are the main foundations for forming a family (Awaluddin, Abidin & Fatimawati, 2023). Abdurrahman Al-jaziri said that marriage is a sacred covenant between a man and a woman to form a happy family. While etymologically, marriage is mixing, alignment or bonding, if it is said that one is married to something else then it means that the two are interrelated. The provisions of Marriage are carried out legally in accordance with the positive rules in Law No. 1 of 1974 concerning Marriage Article 2 Paragraph (1) "Marriage is valid according to the laws of each religion and that trust". Thus, it has clearly proven that whether or not a marriage is valid as a benchmark is the respective religious law (Susanti, Efendi & Kumalasari, 2023). We already know that there are two ways of conducting marriage today due to technological advances, the first marriage is carried out directly without any distance separating the parties, the bride and groom are in the same place and witnessed by witnesses while the second marriage is via video call or through online media such as whatsapp, zoom, skype, instagram, facebook and other social media (Mubarek, 2021). But basically, the implementation of the first marriage is very clear the rule of law, both from a positive legal perspective and religious law. While the implementation of the second marriage is the implementation of marriage that has just been known and the rule of law is not yet clear.

The type of online marriage is one type of remote marriage through technology media and is carried out on the same day. Marriage through video calls has been widely discussed since the existence of COVID-19 in 2020 until now, this is because one of the brides and groom or generally the bridegroom cannot be present in the same place (Cita Riza, 2022). The reason for his interest in this study is because the validity of marriage through video calls there are no rules governing it, while in terms of its implementation, many have practiced it so that it raises the vagueness of the law governing marriage in Indonesia or in other words there is a legal vacuum in this regard. and Researchers also try to find and solve problems this is based on the views of a contemporary Muslim figure and scholar who is Wahbah Az-Zuhaili (Yanianur, 2023). In his book, *Al Fiqhu Al Islam wa Adillatuhu*, Wahbah Az-Zuhaili clearly wrote down the results of his thoughts on family law. One of them is about the requirements of *ijab qobul* which requires *ittihadul assembly*.

The process of marriage contract through video call that is most important to pay attention to is the parties who will hold the wedding, namely the prospective bridegroom, prospective bride, guardians and witnesses. They must first get to know each other, so that there is no hesitation. The second is the determination of the time of the contract, that is, there must be a time adjustment between the bride and groom because with the location of the distant area, it can be It is also certain that there is a time difference. Third, that making a video call has a pause to be able to connect with the intended party, especially if it is a different country (Kasianto, 2021). The development of technology and information, talking using communication tools such as telephones is increasingly sophisticated, in the past people could only communicate only by listening to voices, but in nowadays it is equipped with video and screen facilities so that its use can see each other's faces and images through a computer or android (Khairuddin, 2020). Current technological developments are ushering in society towards a more modern globalization of telecommunications, media and informatics.

During the pandemic in 2021, there were several people who held weddings online through video call applications due to the stipulation of PSBB (Large-Scale Social Restrictions) which resulting in difficulties in carrying out the provisions surrounding Islamic law (Faisal, Isnaeni, Bahrudin & Nasruddin, 2021). On March 25, 2020, there was an online wedding by the couple Kardiman bin Khaeruddin with Febrianti bin Hasanuddin. The groom is in Bajoe, South Sulawesi while the bride is in Kolaka together with her marriage guardian, Southeast Sulawesi. Previously, Kardiman was about to go to Kolaka but was held back and quarantined for 14 days by COVID-19 task force officers at Bajoe Port, the reason was because Kardiman had just come from Surabaya, East Java, while East Java is a red zone area affected by COVID-19. Amri as the head of Kolaka stated that the two got married via video call after his party provided a number of options. However, the bride's family agreed to the wedding through video call in order to hold the wedding as planned (Safirra, 2020).

This phenomenon is interesting to be researched and studied by Islamic family law experts in Indonesia. Because the practice of long-distance marriage contracts using this technological media has never been found in previous times. The practice of marriage contracts in the time of the Prophet and the Salafus salih only stated the permissibility of the *takwil* method, namely the substitute for the perpetrator of the contract if the perpetrator of the contract (both the guardian and the groom) be unable to do so.

RESEARCH METHODS

The type of research used in this research is qualitative more to the source of data used in its completion (Rizal & Baharun, 2022), The details of the research methods that have been carried out by the author are as follows:

1) Research approach

Using descriptive qualitative method

2) Data source

- a) Primary data: In-depth interviews with Islamic jurists, KUA officials, and couples who have conducted teleconference marriage contracts.
- b) Secondary data: Literature, scientific journals, books by Wahbah Az-Zuhaili, and related legal and regulatory documents in Indonesia.

3) Data collection techniques

- a) Documentation: Collecting official documents, books, and articles related to the research topic.
- b) Observation: Non-participant observation of a teleconference marriage ceremony.

4) Data analysis

- a) Data Reduction: Simplifying data obtained from interviews and documentation.
- b) Data Display: Presenting data in the form of narratives or tables to facilitate analysis.
- c) Conclusion and Verification: Drawing conclusions from the analyzed data and verifying them with existing theories.

RESEARCH FINDING and DISCUSSION

Online Marriage Law Perspectives in Indonesia

Proof of the implementation of online marriage related to the technological device used, in this case using the law in Law Number 11 of 2008 concerning Electronic Information and Transactions Article 2, Article 3, Article 4 point (e), and Article 5 point (1) and (2), Article 18(2), and other articles, according to the needs of what we are experiencing. Thus, the fear of some people with online marriage, especially women, in this case can be regulated or protected by Law No.11 of 2008 concerning Information and Electronic Transactions (Lestari, Dewi & Mahaputra, 2023). That way, if there are elements that can be detrimental to the parties concerned, they can be immediately reported and dieldsaplings. In accordance with Article 27 (1) and Article 45 point (1), namely:

Article 27

- 1) Any intentional and unauthorized distribution, transmission, and/or dissemination of Electronic Documents containing indecent content is strictly prohibited. Article 45
- 2) A person who meets the conditions described in Article 27, either in paragraph (1), (2), (3), or (4), shall be subject to a maximum sentence of 6 (six) years of imprisonment and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

Online marriage, in its application and application can be accepted and recognized than marriage through telephone media, because marriage through telephone media is allowed by a panel of judges, but in the case of This is by telephone just hearing the voice of the man without seeing his physical condition, in contrast to video calls whose application is much more advanced than At marriage by telephone, that is, besides being able to hear the voice, but can also be seen the image or shape of someone who is talking. From these problems, it can be compared with the Decision of the South Jakarta Religious Court Number 1751 / P / 1989 concerning the Ratification of the Practice of Contract through ordinary telephone media. If the panel of judges has determined that marriage through telephone media alone is considered valid, for this reason, this provision must be followed regarding online marriage. In positive law and legal law in Indonesia, online marriage has never been mentioned before, there are even no regulations governing it, so in Indonesia related to online marriage lawIt is still experiencing a legal vacuum.

In Indonesia, marriage is regulated and governed by the provisions outlined in Law Number 1 of 1974 and the Compilation of Islamic Law. According to Article 1 of Law Number 1 of 1974, "marriage" or "nikah" is specifically defined as the sacred union between a man and a woman as husband and wife, with the ultimate goal of forming a blissful and everlasting family founded on the belief in the Oneness of the Supreme Being. Additionally, In the Compilation of Islamic Law, Article 2 states that marriage is defined in Islamic law as a union known as "nikah," which represents a profoundly binding contract, referred to as "misaqan ghalizan," intended to adhere to God's commandments, making it an act of worship. It can be seen in Law Number 1 of 1974 and Legal Compilation Islam only describes marriage in general, not even the slightest discussion about online marriage. However, it can be observed from the sound of the article that there are words that can be interpreted related to this online marriage (Nasution, 2018). According to the article, one of marriage's goals is to create an emotional link between a man and a woman as husband and wife with the intention of starting a happy family and abiding by God's commands. That is, marriage is basically to form a happy family, whether the context is through marriage in any form, the most important thing is the purpose of marriage it is to form an eternal family and be founded by Allah Almighty.

Marriage through a regular telephone, if associated with online marriage, then it is also included in the category of marriage recognized by the state because online marriage also aims to obey God's command in order to form a happy and eternal family based on the One True Godhead. Thus, from the explanation, it can be understood that online marriage can

be accepted as valid both in Islam and applicable legislation (Aziz et al., 2018). The utilization of communication technology for the purpose of marriage is not a recent phenomenon; it has been practiced before. However, during the global COVID-19 pandemic, there has been a notable increase in the use of such technology for conducting marriages due to the challenging circumstances posed by the pandemic. Similar incidents have happened in Indonesia on numerous occasions in prior years. Honored by the marriage performed by the couple aria sutarto with nurdiani in 1989, by telephone and continued on the wedding via video teleconference by the couple Syarif Abdurrahman Achmad and Dewi Tarunawati in 2006, Sirojuddin Arif and Halimatus Sa'diyah in 2007, Wafa Suhaimi with pasanganya Ahmad Jamil Rajab who was when It was in Virginia United States in 2009, in 2018 the marriage of fellow police member and Max Walden from Sydney Australia with Safitra Gayatri from Surabaya Indonesia on June 20, 2020 through *Zoom Meeting*. That way marriage through telecommunication devices has always developed from time to time starting from marriage using the telephone to marriage teleconferencing with video conferencing via *Zoom* etc.

Teleconference Marriage Contract from the Perspective of Wahbah Az-Zuhaili

Wahbah Az-Zuhaili clearly wrote down the results of his thoughts on family law. One of them is about the requirements of *ijab qobul* which requires *ittihadul* assembly. Although he did not explicitly mention the law of marriage contracts through modern technological media such as teleconferencing. He used the emphasis of the method of comparison between the opinions of the four madhhabs (Hanafiyah, Shafi'iyah, Malikiyah, and Hanabilah) with the conclusion of the law (*istinbaath al-ahkam*) from Islamic legal sources either *naqli* (Qur'an, as-Sunnah, *ijma''* and *qiyas*) or *aqli* until he concluded that if one of the parties could not be present in The contract assembly then the contract can be done with a writing intermediary or with a messenger so that the author is interested in researching Wahbah Az-Zuhaili's views on the law Marriage via teleconference using the theory of *qiyas* is combining or equating a law or matter that did not exist at that time but has similarities in the followingcases, benefits, dangers and various aspects of the previous case so that they are punished equally (Bachrong et al., 2019). The following is an analysis table of wahbah Az-Zuhaili's opinion on the marriage contract via teleconference:

Tabel 1. Analysis table of Wahbah Az-Zuhaili's opinion on the marriage contract via teleconference (Abdullah, 2022)

Analysis Aspect	The Perspective of Wahbah Az-Zuhaili
Validity of Marriage Agreement	It is necessary to review and assess scholars regarding the applicable provisions of Islamic law and principles in the execution of marriage contracts via teleconference. Validity can depend on the underlying principles of Islamic law and their suitability to developments in telecommunications technology.
Physical Presence	It may emphasize the importance of physical presence in the execution of the marriage contract to ensure the presence of both the bride and groom and witnesses in person.
Agreement and Ijab-Qabul	Pay attention to clarity and certainty in the expression of agreement and <i>ijab-qabul</i> between the prospective bride and the guardian so that the marriage contract is considered valid.

The method of approach used by wahbah az-zuhaili is an emphasis on the comparative method of the comparative method of the 4 madhhabs (Ahmad Makki, 2021), the following is an explanation of the differences of opinion between scholars regarding the interpretation of *ittihad al-majelis* (one assembly) among them are:

- Imam Shafi'i

According to Imam Shafi'i, one of the most important conditions in a marriage contract is the continuity (*Muttashil*) between *ijab* and *kabul*. Therefore, in this school that holds fast to Imam Shafi'i, the pronunciation of *ijab* and *kabul* in one place (eating) and the same period (era) is a must. This implies that the essential aspect of the "*ittihad al-majelis*" contract is the convergence of the physical presence (being together in the same place, such as during a meal), not solely relying on verbal agreement (spoken words) from both parties. Following this viewpoint, Shafi'iyah scholars reject and consider invalid a contract of "*ijab*" and "*kabul*" conducted through written means (such as letters) or representatives. This is because the contract requires immediacy, meaning that "*kabul*" (acceptance) must occur immediately after "*ijab*" (proposal) through direct verbal communication and not with a time gap or through intermediary words. Another very strong reason is that *ijab* and *kabul* must be done with *lafaz* that *Sharih* is spoken directly and clearly so that it is easily understood and understood by the contracting party, while a speech contained in the letter (*kitabah*) is considered obscure or still vague (*kinayah*). Whereas in a marriage is not allowed with something that is not

- Imam Hanafi

Hanafi scholars interpret "*ittihad al-majelis*," the uniting of the assembly during a marriage contract, to be related to the continuous timeframe (epoch) between "*ijab*" and "*kabul*," rather than the unity of place. In this context, "*ijab*" and "*kabul*" must occur within the same time frame specified in the marriage contract; they should not take place in two separate and distinct periods. This means that "*ijab*" must be stated at one time, and immediately after its conclusion, "*kabul*" must be pronounced. Although the "*kabul*" and "*ijab*" events may occur separately but within the same time period, if the continuity between "*ijab*" and "*kabul*" is disrupted, then this type of marriage contract is considered invalid according to the Hanafi interpretation.

Even if the physical presence (place) is united, if “ijab” and “kabal” are carried out at different time periods or as two separate events, the essential continuity between “ijab” and “kabal” is no longer present. As a result, the marriage contract is deemed invalid. One case raised by Ibn Nujaim is in the context of one party contracting to say ijab somewhere (eating), while on the side or side Others say kabul elsewhere, then the contract is considered valid, a if the contracting parties can see their potential spouse and his voice can be heard by sharih, although the two are separated by a long distance (Wibisono, 2022).

According to Imam Hanafi, the expression of “ijab” and “qabul” through oral words is not the only way to conduct the marriage contract. He believes that the contract can also be executed through written means (al-kitabah). Writing is considered equivalent to oral speech in its function. Hence, statements of intent conveyed through written media under Islamic law hold the same legal validity as direct oral pronouncements. For example, al-Jaziri presents a scenario to explain Imam Hanafi's interpretation of the united assembly. In this case, a man sends a letter containing the marriage contract to the woman he intends to marry. Upon the letter's arrival, its contents are read in the presence of the female guardian and witnesses, all gathered in the same assembly. After reading the contents of the letter, the female guardian immediately pronounces “qabul.” Imam Hanafi considers this marriage contract valid because the expression of “ijab” is found in the prospective husband's letter, and the pronouncement of “qabul” by the female guardian is heard by two witnesses in the same assembly. In this scenario, the “ijab” is first expressed by the groom through the letter, and afterward, the “qabul” is pronounced by the female guardian. Such a practice is permitted by Imam Hanafi and is considered valid (Hutagalung & Gloriawati, 2023).

The basis of Imam Abu Haneefa allowing marriage by writing is based on a hadith of the Holy Prophetsa who married um Habibah.

It means: “That um Habibah was the wife of Ubaidillah bin Jashy. Ubaidillah died in the land of Habasyah, so the king of Habasyah (may Allah have mercy on him) married um Habibah to the Prophet (peace be upon him), he paid her afortune of 400 dirhams, then he sent um Habibah to the Holy Prophet (peace be upon him) with Shurahbil bin Hasanah. Then the Holy Prophet (peace be upon him) accepted it. (H.R. David and Nasa'i)”.

In another hadith, the Holy Prophet (peace be upon him) also married two people without bringing them together in an assembly.

It means: “It is from Uqbah ibn Amir that the Holy Prophet (peace be upon him) once said to a man, “Do you like me to marry the Fulanah? He answered: Yes, and the Prophet asked his woman, “Do you like me to marry the Fulan?” She answered: Yes, and they were married between them, and they became husband and wife.” (HR. Abu Dawud).

These two hadiths indicate that it is permissible for a woman to be married to a man without the two directly meeting each other. Apart from written means (such as letters), Hanafi scholars also permit “ijab” and “kabal” through messengers. For instance, a man may send someone to the woman he intends to marry. When the messenger arrives at the designated place, he conveys the man's proposal, and the woman's response (“kabalnya”) is immediately given in the presence of female guardians and witnesses, all gathered in the same assembly.

- Imam Malik and Imam Hambali

The opinion of Imam Malik and Imam Hambali is the same as the opinion 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 contract ijab kabul melalui writing or letter is vague (kinayah). This understanding emphasizes that the requirement of unity in the assembly is not only to maintain continuity of time, but contains another requirement namely al-mu'ayanah of both parties It must be present in one place, because this requirement can see in real terms the pronunciation of ijab and qabul can be realized. The implementation of ijab qabul must be in accordance with the pattern that has been handed down by the Holy Prophetsa for his people. That is why ijab and kabul lafadznya should be as found in nash, such as lafaz nikah or tazwij instead of other lafadz by way of qiyas.

Imam Hanafi's opinion 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 opinion allows the contract of ijab kabul by letter, provided that the letter is read in front of witnesses and the statement in the letter is promptly answered by the parties concerned. According to Imam Hanafi, a letter read in front of witnesses can be said to be ijab kabul and must be answered immediately. From the opinion of Imam Hanafi, KH. Sahal Mahfudz can be analogous that marriage is considered legally carried out through communication media such as teleconference.

The shahih opinion of Imam Shafi', ijab kabul should not be done through correspondence. They reasoned that ijab kabul was a means to show both parties mutual pleasure in the existence of a transaction, and rida could not be convinced if only through a letter. And in addition, if the letter is used as evidence by witnesses if there has been a conflict about the marriage contract. The emergence of differences of opinion between the Imam of the School is because in the Qur'an and Hadith there is nothing that explains definitively and clearly that the implementation of ijab kabul must be carried out directly or interlude. The conditions in question include witnessing. Per one's testimony over a regular telephone is still a matter of debate among scholars. Because the testimony of a person on an ordinary telephone is tantamount to the

testimony of a blind man who does not see something but can hear his voice. Tetfire wedding through teleconference his testimony can be seen directly physically clearly and undoubtedly. The witness involved four deft men. Two people from the male side and two people from the female side orguardians in order to further convince the parties that the opponents of communication are righteous people. For this reason (Aslami et al., 2021), in terms of testimony, marriage via online or via teleconference is considered valid for reasons such as:

- a) The families of the bride and groom already know each other so as to minimize the level of unwanted fraud
- b) Using media that can be used to communicate directly without a long-time difference

Online marriage ijab kabulnya can be witnessed physically intact even though it is in different places can even be said to be one assembly according to the criteria and understanding of ittihad al-The assembly that has been described, is very different from just through ordinary telepon who cannot look at each other physically. With this picture, online marriage via teleconference is considered valid.

Prospects for the Implementation of Teleconference Marriage Agreement on the Development of Family Law in Indonesia

In the compilation of Islamic jurisprudence, specifically in Chapter 2, the concept of “Mitsaqan marriage” is defined as a sacred and binding contract, a covenant aimed at adhering to Allah's commandments and fulfilling them. This form of marriage is considered an act of worship. Furthermore, Article 3 emphasizes that the purpose of marriage is to establish a harmonious and blessed marital life, known as “sakinah mawaddah, warahmah.

Etymologically, marriage in Arabic means nikah or zawaj. Marriage can be understood as “al-wathh`i,” “Al-Dhommuh,” “Al-Tadakhul,” “Al-Jam`u,” or similar to “al-wath wa al aqd.” These terms refer to the act of intercourse, coming together, gathering, union, and contract associated with the institution of marriage (Saputera, 2022). In terms of its definition, marriage can be described as a contractual agreement that permits “istimta” (intimacy/intercourse) with a woman, provided that the woman is not among those who are forbidden due to reasons such as hereditary or milk relationships.

In Islamic religious law, including the provisions of the code of law There are no specific marriage rules in the compilation of Islamic law via video call. In the life of a society that considers that the implementation of marriage must be carried out in one place (Mandasari, 2023). So that there is continuity at the time of the pronouncement of ijab and kabul which is a determinant of the validity and absence of a marriage. However, in the case of the implementation of marriage in one place, it is not a pillar or a legal condition for a marriage, only an ordinance or habit that is carried out by society. The definition of marriage in the Compilation of Islamic Law (KHI) formulates it as follows: “In Islamic law, marriage is referred to as “pernikahan,” which represents a robust covenant or “mi` āqan galīḍan” to faithfully follow and carry out God's commandments, making it an act of worship. If the two formulations of marriage in the above laws and regulations are carefully examined, there is a significant line of difference even though it is not confrontational (Hamdani et al., 2023).

Several conditions must be fulfilled for a marriage to be valid and recognized (Rojikin, 2023). Wahbah Az-zuhaili, in his book on Islamic fiqh wa adillatuhu, elaborates that these conditions are based on the consensus and opinions of Islamic scholars, in sighat akad (ijab and qabul) there are 4 things, namely:

- a) The conformity and accuracy of the sentence ijab with qabul.
- b) The person who utters the sentence ijab shall not retract his utterance.
- c) Completed at contract time.
- d) Conducted in one assembly (ittihad al-majlis)

The relationship in the implementation of ijab and qabul via video call cannot be separated from one of the conditions above, namely the fourth condition which is a condition of the majlis. Because marriage through video call is called whether it has met the requirements of ittihatul majlis Pranata & Yunus, 2021). As studied by Nahdtahul Ulama (NU) through the Lajnah of the Bathsul Mashail Nahdathul Ulama Institute stated as follows:

According to NU, the marriage contract conducted via the internet or online media is deemed invalid due to several considerations. This is because the contract cannot be executed directly, particularly the involvement of the guardian and the groom, which is an essential requirement for a valid marriage. Second, because witnesses do not see and hear sounds directly. While in the marriage contract requires a clear lafaz, and marriage online or through electronic media is included in a vague group.

However, there are differences with the views of the Indonesian Ulema Council which issued provisions based on ijtima' ulama from 9-11 November 2021 in the ijtima' have been discussed several things that related to the law on current issues (Arifin, 2023). one of them is regarding marriage law through electronic media.the legal provisions for marriage through online according to ijtima' ulama are as follows:

- 1) An online marriage contract is legally invalid, if it does not meet one of the requirements for the validity of the qabul ijab marriage contract, which is carried out by ijtihadu al-majlis (being in one majlis, with clear lafadz and ittishal (continued between ijab and qabul directly).

- 2) In the event that the bridegroom and guardian cannot be in one place physically, then *ijab qabul* in marriage can be done by proxy (*cara taukil*).
- 3) In the event that the parties cannot attend and / or do not want to represent, the implementation of the marriage contract online can be carried out by means of the condition of *ittihadu majlis*, *lafadz yang sharih* and *ittishal* characterized by:
 - a) The marriage guardian, groom-to-be and two witnesses are confirmed to be connected through a virtual network that includes sound and images (audio visual).
 - b) In the same time or real time
 - c) There is a guarantee of certainty about the correctness of the existence of the parties
- 4) Online marriages that do not qualify as referred to in number 3 of the law are invalid.
- 5) Marriage as in number 3 must be registered by the officials making the marriage certificate or KUA.

From this description that marriage through video call in Islamic law there are different arguments regarding the validity of the marriage contract through video call, there is about the use of *ijtihad majlis* in the implementation of *ijab* and *Qabul*. According to the author, the understanding of *majlis* judges cannot be equated with the understanding of one *majlis* in the time of the Prophet because basically technological advances are constantly getting more sophisticated.

Table 2. As for the results of the discussion of marriage acts through teleconference perspective Wahbah Az-Zuhaili and Islamic Family Law in Indonesia (Muflikhah, 2023)

Analysis Aspect	The Perspective of Wahbah Az-Zuhaili	Islamic Family Law in Indonesia
Validity of Marriage Agreement	Depending on the underlying principles of Islamic law.	Based on Law No. 1 of 1974 concerning Marriage.
Physical Presence	Emphasizing the importance of physical presence to ensure the bride and groom and witnesses are present in person.	Requires the physical presence of the bride and groom and witnesses at the location of the marriage contract.
Agreement and <i>Ijab-Qabul</i>	Pay attention to clarity and certainty in the expression of <i>ijab-qabul</i> between the bride and groom and the guardian.	The principles of agreement and <i>ijab-qabul</i> are important to ensure that the marriage contract is considered valid.
Views of Indonesian Ulama' and MUI	---	The views of Indonesian scholars and MUI on the validity of marriage contracts through teleconferencing serve as guidelines for Islamic family law in Indonesia.
Technology Implementation	Technical aspects such as reliable technological infrastructure need to be considered so that the marriage contract process runs smoothly and in accordance with legal provisions.	The need for reliable technology infrastructure to carry out marriage contract teleconferencing so that the process runs smoothly and in accordance with legal provisions.

CONCLUSION

The conclusion of the discussion of this study states that we already know that the implementation of marriage today we know there are two ways due to technological advances, the first marriage is carried out directly Without any distance separating the parties, the bride and groom are in the same place and witnessed by witnesses while the marriage is performed The second is via video call or through online media such as *WhatsApp*, *Zoom*, *Skype*, *Instagram*, *Facebook* and other sounlucky media. Meanwhile, regulations in Indonesia have not clearly regulated this online marriage. Wahbah az-Zuhaili with the *ijtihad* method, he mentioned that the process of interpreting Islamic law must also use new methods that are in accordance with the times, not only only using the methods of the previous scholars they used to use

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CONFLICT OF INTEREST

The author wishes to declare no conflict of inclination in this study.

AUTHORS CONTRIBUTION

This research can have an impact on the knowledge of the wider community regarding Islamic religious tolerance and religious rules, as well as renewal in the millennial era, and open new insights and policies for the House of

Representatives of the Republic of Indonesia to reinforce the legalization of the law in the permissibility of marriage contracts through teleconference.

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