

LEGAL ANALYSIS OF MARRIAGE CONTRACTS THROUGH VIDEO CALLS IN THE PERSPECTIVE OF MARRIAGE LAW AND ISLAMIC LAW IN INDONESIA

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ABSTRACT

The objectives of this study are 1) to understand the position of the united assembly on *ijab kabul* for marriage via video call; 2) to assess the law of marriage via video call based on the marriage law and Islamic law in Indonesia; 3) to identify the obstacles that arise in the implementation of marriage via video call. To overcome these problems, this research uses the library research method, which means that data is obtained from literature such as books, writings, and sources that are substantial to the issue of marriage through video calls. These sources come from various works that discuss this issue from an Islamic and civil law perspective, among others. The results of the study show that marriage through video calls, within the framework of Islamic marriage law, must comply with the provisions and conditions that apply to the validity of marriage. As long as there is no official decision from a legal institution clarifying how this kind of marriage will be handled in a religious court, then the validity of the marriage depends on whether the *ijab kabul* took place without doubt and fulfilled the applicable terms and conditions. If it fulfills the conditions and pillars of marriage and does not violate the Compilation of Islamic Law, then the marriage is considered valid. This is corroborated by the provisions in articles 27 to 29 of the Compilation of Islamic Law, which emphasize that *Ijab Kabul* must occur without a break in time, be performed by the marriage guardian concerned, and be pronounced by the marriage partner.

Keywords: islamic law, religious courts, marriage law, marriage contract, communication technology.

INTRODUCTION

Humans are God's most perfect creation, endowed with reason and the ability to think. These advantages are movement and communication, which sets them apart from other creatures in this world. The increase in the number of human populations on this planet has resulted in the dispersion of humans to various locations separated by distance, even

though humans are naturally social creatures that require interaction with their neighbors. In a sociological perspective, humans are considered as creatures that cannot live alone. Therefore, each individual has advantages and disadvantages, and to fulfill these shortcomings, they need to interact with other individuals. This can be realized by loving fellow humans regardless of race, ethnicity, or physical differences.

Discussions about marriage have always attracted attention, not only because of the discussion of aspects of sexuality, but because marriage has a sacred significance within the framework of religious teachings. Etymologically, marriage refers to sexual intercourse. There is also another definition that relates it to a covenant. In terms of terminology, according to Abu Hanifah, marriage is a contract entered into for the purpose of enjoying a relationship with a woman, which is undertaken intentionally. The acknowledgment referred to here is one that is in accordance with the provisions set out by religious law, and not simply an acknowledgment made by two individuals who make an agreement merely for the sake of achieving satisfaction. In Law No. 1 of 1974 concerning marriage, Article 1 explains that marriage is a relationship that includes physical and spiritual aspects between a man and a woman who become husband and wife. This relationship is intended to form a prosperous and lasting family or household, based on belief in God Almighty. The core of marriage is the contract, which involves a handover process between the parents of the bride and groom. In this process, responsibilities in a broad sense are exchanged between them as the marriage takes place, along with the acquisition of the legal status of husband and wife (Sudarto, 2021). One of the verses that is often used as a basis for explaining the purpose of marriage in the Quran is QS Al-Rum/30: 21. Based on this verse, it can be concluded that one of the indications of the greatness of Allah SWT is the creation of everything in the form of couples through marriage, namely becoming husband and wife. This is the difference between humans and animals. This verse describes the purpose of marriage, which is to form a harmonious family (*sakinah*), filled with love (*mawaddah warahmah*).

A marriage is considered valid if all the pillars and conditions have been fulfilled. The pillars of marriage include several important elements, namely the presence of *ijab* and *kabul*, which are words from the woman's guardian or his representative which are then accepted by the man or his representative. In addition, marriage also requires the presence of a guardian of the bride-to-be and two witnesses to witness the marriage contract. If any of these elements are not met, then the marriage is considered invalid according to Islamic teachings, and therefore, the couple is not allowed to have intimate relations. However, if all the pillars and conditions have been properly fulfilled, then the marriage is considered valid in the view of Islamic law (Nisa, 2021; Mustofa & Khobairi, 2022). A marriage contract is considered valid when it fulfills two main elements, namely *ijab* and *kabul*, which reflect the consent and agreement between a man and a woman to marry. The process of *ijab* and *kabul* in a marriage contract can use various forms of wording that can be understood by both parties involved. The point is that the words

expressed must indicate the intention and desire to enter into marriage, and they must be understood by the two witnesses present. For example, the husband-to-be can say, "I agree," "I accept," or "I approve" to indicate his consent to the marriage. Similarly, the marriage guardian can use phrases such as "I give you in marriage" or "I marry you" in the ijab process. In Islam, it is stated that a marriage contract is considered valid if it uses any language, speech or action that is accepted and recognized by the general public as valid. This also applies to various other types of contracts. An individual asked their teacher, al-Albani, whether he thought that a marriage contract would be considered valid if there were words of ijab and kabul understood by two witnesses, even if any language was used. He, may Allah have mercy on him, replied that yes, it is valid. Marriage can also be done using expressions such as grant, sale or gift, so long as the parties involved understand what they mean. This is because these expressions are part of the marriage contract, and in Islam, there is no requirement to use specific expressions that explicitly determine the validity of the contract. Any expression can be used if the meaning of the expression is what is intended in Islamic law. In other words, what is important is that there is congruence between the expressions used and their meaning in accordance with Sharia (Amin, 2020).

In the current era, technology is utilized by individuals and businesses to fulfill trade (muamalah) and personal needs. The process of ordering goods or important conversations no longer requires a physical meeting, but can be done via video call, which is a network feature of two parties talking directly while seeing each other's faces (Maghfuroh, 2021). In the business world or everyday life, the use of video calls has become common. However, when video calls are used to perform marriage contracts (munakahat), this is still considered somewhat strange. This is because the execution of a marriage contract is considered a sacred act, and it is not recommended to do it carelessly. Video call marriage refers to a marriage contract that is conducted via video call, where the woman's guardian says the ijab from somewhere, while the husband-to-be says the kabul from a distant location. In this process, the ijab uttered by the guardian can be heard and seen clearly by the husband-to-be, and conversely, the husband-to-be's kabul can be heard and seen clearly by the female guardian. The occurrence of marriage through video calls is the result of rapidly developing technological advances. These advances make it easy for individuals to interact with others, even if they are far apart (Cheng et al., 2008). In the researcher's view, Islamic law is universal, which means that related laws also need to follow the development of the needs of society in order to remain in accordance with the principles and fundamentals of Islamic law itself.

Islamic law refers to the legal system relating to the principles and teachings of the Islamic religion. It includes various rules and regulations that govern various aspects of life, both in human interactions with their fellow man, including criminal law, as well as in human relations with other creatures, including jinn and others. In the Big Indonesian Dictionary, Islamic law is explained as rules and regulations relating to human life that are

based on the Qur'an and hadith. In other words, Islamic law is the result of the interpretation of fiqh in Indonesia. In terms of usual scholars, Islamic law or sharia law refers to the doctrine or provisions of sharia that relate to the actions of qualified individuals (mukallaf), both in the form of commands and prohibitions, which can be decree (taqrir). Meanwhile, in the terminology of fiqh scholars, Islamic law is the influence derived from the words of Allah or the words of the Messenger relating to the actions of qualified individuals, as expressed in categories such as wajib, haram, and mubah. For example, the marriage between Ritma and Fajar on May 20, 2011 took place at the bride-to-be's house in Banyuwangi. In this marriage, ijab was pronounced by the guardian and qabul was pronounced by the prospective groom. A marriage is considered valid according to the view of fiqh scholars if the ijab and qabul can be heard and seen by witnesses and people present in the marriage assembly. However, there are differences of opinion among fiqh scholars regarding the interpretation of the term one assembly. Some interpret it physically, meaning that the two individuals getting married must be in one room that is not separated by a physical barrier. Another approach is non-physical, meaning that the ijab must be pronounced in one ceremony that is not interrupted by other activities unrelated to the marriage contract. Thus, the ijab should be continuous and should not be interrupted by other activities that are not substantial to the marriage process.

Imam Shafi is more inclined to interpret one assembly in physical terms. According to this view, both the guardian and the prospective groom must be in the same room. The aim is that both can clearly see and hear the ijab and Kabul that they say. In this way, the marriage process can take place with maximum clarity and transparency. Imam Shafi'i's view that bases the interpretation of one assembly on the physical aspect is closely related to the requirement of the presence of two witnesses in the marriage contract. In this view, the witnesses must actually see and hear directly what is happening in the marriage ceremony. Therefore, according to Imam Shafi'i, the testimony of blind people is not acceptable because they cannot see. Thus, the marriage contract via video call is considered invalid according to this view because it does not meet the requirements mentioned. Imam Ahmad ibn Hambali interprets an assembly in a broader sense, namely non-physical, which means that it does not necessarily have to be in one physical room. For Imam Ahmad, the most important thing is that Ijab and Kabul must be said at one time or one ceremony directly, without being interrupted by other activities. In this view, the use of a loudspeaker for both parties to hear the ijab and kabul is considered sufficient, so that the marriage contract can be considered valid.

To determine the legal status of an act according to Islamic law, the first step is to understand the most authentic source of Islamic law. By understanding the source of the law, it can be easier to apply the law in various issues. According to the majority of scholars, the most valid sources of Islamic law are the Qur'an and the hadith of the Prophet, and after that is the ijma (agreement) of the companions, atsar (traditions) that follow the teachings of the Prophet, and individual opinions among them. Ijma of the

scholars is not a source of law, but rather a guideline or interpretation of Islamic law, while Qiyas is a tool used to explain and explore Islamic law, not a source of law in itself.

A very important pillar of marriage is *ijab-kabul*, which must be pronounced in a meeting or assembly attended by the parties to be married. In Islamic law, marriage is considered a form of worship that has its requirements and pillars. Therefore, a marriage is considered invalid if one of the conditions or pillars is not fulfilled. One of these very important pillars is *ijab* and *kabul*. In reality, marriage law in Indonesia is regulated by Law Number 1 of 1974 and emphasized by the provisions in the Compilation of Islamic Law. While these laws are supposed to provide a clear legal foundation for marriage and family matters, in practice, their implementation often lacks specific regulations governing certain aspects. This has led to a situation where some marriage practices are based on *ijtihad* or novel legal interpretations.

Scholars have differing opinions in formulating the "law of video call marriage," especially in understanding the concept of "*ittihad al-majlis*." The first opinion, which is held by the Hanafis, considers that *ittihad al-majlis* means uniting the time of the *Ijab* and *Qabul* in one assembly (event), not one physical place. In this case, if the *Ijab* and *Qabul* are performed at the same time, even if they are far apart and use communication devices, the marriage is considered valid if the other conditions and pillars are met. In the Hanafi school of thought, the notion of a "unified assembly" is applied to a man who makes a marriage contract with a woman by letter. When the letter arrives, the contents of the letter are read out in the presence of the woman's guardian and witnesses. In the same assembly after the letter is read, the woman's guardian immediately pronounces her acceptance. According to the Hanafiyyah view, this kind of marriage contract practice is considered valid, because the reading of the *ijab* contained in the prospective husband's letter and the woman's pronunciation of the *kabul* are both heard by two witnesses in the same assembly, and do not occur in successive ceremonies separated in terms of time. Abdurahman al-Jazin in his book "*al-Fiqh al-Madzahib al-Arba'ah*" explains that in the Hanafi Mazhab, "united assembly" refers to a situation where a man sends a letter to contract marriage with a woman he wants. After the letter arrives, the contents of the letter are read out in the presence of the woman's guardian and witnesses. In the same assembly, after the contents of the letter are read out, the woman's guardian immediately pronounces her acceptance. According to the Hanafiyyah view, this marriage contract is valid. This is because the reading of the *ijab* contained in the letter of the prospective husband and the utterance of the *kabul* by the woman are both heard by two witnesses in the same assembly, without the need to carry out the contract separately in terms of time. The Muzhakarrah Jawatan Kuasa (Advisory Council) held on 15-17 December 2011 to discuss the ruling on "video call marriage contracts" has made the decision that the *fuqaha* (*fiqh* experts) agree that the validity of marriage requires that the *Ijab* and *Kabul* be performed in one assembly (*ittihad al-majlis*) so that all parties involved, including the guardian, witnesses and the bridegroom, can be directly involved during the execution of

the Ijab and Kabul. The decision states that a "video call marriage contract" is considered valid if it meets several conditions, including (1) the assembly must reach the level of *al-yakin al-dzan*; (2) there must be no element of deception (*al-gharar*) or doubt; (3) all the pillars and conditions of a valid marriage must be fulfilled in accordance with sharia law; (4) it is advisable for the marriage guardian to marry the couple; (5) there are compelling reasons that prevent the marriage contract from being carried out in the designated place, such as long distance, illness, natural disaster; (6) compliance with applicable state regulations and laws.

Muhammadiyah also issued a fatwa allowing "marriage contracts through video calls" by considering that it fulfills the requirement of *ittihad al-majlis*, and explaining that this is one of the conditions of Ijab-Kabul which is a pillar of marriage. In the fatwa, Muhammadiyah allows marriages that involve communication tools such as telephones, mobile phones, or the internet, especially in cases where the two parties are far apart. In accordance with the explanation above, some Islamic scholars and organizations consider "marriage contracts through video calls" to be valid if they meet certain conditions and at *ittihad al-majlis*. However, these views differ from one school of fiqh to another.

The majority of scholars (including the Shafi'i, Maliki and Hanafi schools) are of the view that a condition for the validity of a marriage contract is that all parties involved must be in the same place and at the same time. This view is based on the understanding of *ittihad al-majlis*, which means the unity of the assembly or the execution of the marriage contract must take place in the same physical assembly, where the Ijab and Kabul occur simultaneously in the presence of all parties involved in the marriage contract. In the view of the Shafi'i Mazhab, a marriage contract with *kinayah* (writing) is also not considered valid because it requires intention. Thus, a marriage contract done through a letter or written message is also considered invalid according to the Shafi'i Mazhab. Thus, in the view of the majority of scholars, including the Shafi'i, Maliki and Hanafi Mazhabs, a marriage contract that is not done in one physical assembly or that involves a contract by letter or written message is not considered valid. This emphasizes the importance of the physical presence of all parties involved in the marriage contract. However, it should be noted that there are differing views on this matter, as explained earlier on video call marriage contracts. Some Islamic scholars or organizations have different views on this matter.

The fatwa of al-Lajnah al-Daimah states that a marriage contract via telephone or internet is not considered valid. The reason for this is because in this day and age fraud, forgery and other negative actions are common, where a person can imitate different voices or languages in one conversation, so that the listener may misunderstand and think that many people are speaking, when in fact it is only one person. In addition, Islamic law is very concerned with protecting honor, souls, and prudence in all aspects of life, including in matters of agreements or ties in *muamalah* (social and business affairs). Therefore, al-Lajnah al-Daimah ruled that marriage over the telephone or internet does

not fulfill the conditions of validity in Islam.

NU, as an Islamic organization with a broad base of supporters in Indonesia and around the world, has responded to the issue of internet marriage as a result of advances in communication technology. *Lajnah Bahtsul Masail*, an official institution under NU that deals with issues of Islamic law, has made a decision regarding internet marriage. According to NU, internet marriage contracts are not considered valid. Considerations include the involvement of the guardian and groom, who cannot do the contract directly over the internet. In addition, witnesses cannot see and hear the marriage contract directly, and the words used in the marriage contract are vague. However, NU also provides a solution for people who have difficulty being physically united with their partner but want to do a marriage contract. The solution is to use the *tawkil* system, which is giving someone the legal right to represent them in the marriage contract, with conditions that are safe and in accordance with religious provisions (*nafs al-Amri*). This means that even though they are not physically united, they can still carry out a marriage contract with the help of a legal representative who fulfills religious requirements.

Advances in information and communication technology have brought significant changes in many aspects of life, including in the marriage process (Owie & Salamah, 2023). In this modern era, marriage through video calls or similar communication media has become an increasingly common phenomenon. Researchers discussed the issue of marriage through video calls because of the implementation of Law Number 1 of 1974 concerning marriage in a society that lives in an era of advances in information and communication technology. The researcher feels that the current marriage law does not adequately address the obstacles faced by the community, such as the implementation of marriage contracts through video calls. In addition, the researcher wants to explain the legal vacuum factors that make the implementation of a video call marriage contract possible, as well as the compelling reasons why this method is chosen over other methods. Her study includes the validity of video call marriage contracts, which is an important aspect that needs to be analyzed in depth. The researcher hopes that her paper can provide a basic understanding of video call marriage contracts according to the Marriage Law and Islamic Law in Indonesia. The aim is for people to better understand the background of this issue, so that they do not easily conclude that a marriage is invalid without conducting a deeper analysis and considering substantial legal aspects.

METHODS

The research conducted in this work is a type of library research, known as library research. This research is based on data obtained from various library sources, such as books, papers, and written works that are substantial to the subject matter under study. These sources include literature that discusses the issue of marriage contracts through video calls, both from an Islamic and civil law perspective, as well as other related sources. The approaches used in this research are theological approach and normative

approach (Islamic law) as well as normative juridical approach (positive law). Theological and normative approaches are used on the issues discussed, which are in accordance with applicable norms or principles, especially in Islamic law. In addition, this research also refers to normative juridical aspects, by analyzing the applicable legal regulations and how they are implemented in marriage through video calls. Through this approach, this research seeks to provide a deeper understanding of the issue of marriage contracts through video calls from the perspective of Islamic law and civil law in Indonesia. This includes an analysis of various substantial laws and regulations.

RESULTS AND DISCUSSION

1. The Law of Video Call Marriage Agreements in Review of the Marriage Law

In today's increasingly complex marriages that are supported by technological advances, such as information technology, the question arises as to whether the *ijab* and *kabul* process can be conducted remotely, for example, by teleconference, telephone, electronic mail, short message (SMS) or facsimile. This question also involves the question of whether marriages contracted in these circumstances remain valid. The Compilation of Islamic Law (KHI) and Law No. 1/1974 on Marriage in Indonesia provide guidance in this regard. Article 4 of the KHI states that a marriage is valid if it is conducted in accordance with Islamic law, and Article 14 of the KHI lists the conditions that must be present, including the prospective husband, prospective wife, marriage guardian, two witnesses, *ijab*, and *kabul*. In addition, Article 27 KHI states that the *ijab* and *kabul* between the guardian and the prospective groom must be clear, consecutive, and without an interval.

Indonesian Law No. 1/1974 on Marriage also emphasizes that marriage is valid if it is conducted in accordance with the laws of each religion and belief. Some scholars, such as Rifyal, consider the *ijab* and *kabul* of marriage to be analogous to commerce, where it no longer requires a single physical assembly. They argue that current technological developments allow both parties to the marriage to be very well connected, even if they are not in the same space and time. This follows the core principle that *ijab* and *kabul* must be clear and unequivocal, and if that can be achieved through technology, then the marriage remains valid. This opinion is supported by Abdus Salam Nawawi, Dean of the Faculty of Sharia at IAIN Sunan Ampel Surabaya, who also sees marriage as a contract or agreement that must fulfill the same principles. Therefore, when the two parties to the contract can be firmly connected through the help of technology, the marriage remains valid.

South Jakarta Religious Court Decision No. 1751/P/1989 is a precedent that establishes that long-distance marriages through the medium of video calls are considered valid under the law. This precedent is a legal basis that can be used as a reference for similar cases in the future. Thus, the courts have recognized the validity of marriages conducted through video calls, in line with technological developments and the needs of society.

Gus Dur, for example, had a long-distance marriage when he was studying in Egypt. When Ijab Kabul was performed, he was represented by another person through a power of attorney. At that time, Gus Dur as the prospective groom was represented by his grandfather from the maternal line, KH Bisri Syansuri. Moqsith Ghazali from The Wahid Institute has a different view in dealing with long-distance ijab Kabul situations. For him, in the process of ijab Kabul, both the prospective bride and groom must be physically present. For Moqsith, this is not only a matter of validity or invalidity, but also a moral consideration. According to him, when someone gets married, they should be physically present in the moment.

2. Positive Law Assessment of Gay Sexual Behavior

On a theoretical basis, a video call marriage contract is similar to a conventional marriage contract. In both cases, there is an ijab (offer from one party) and kabul (acceptance of the offer from the other party) that mutually apply to form a marriage contract. In both situations, it must also fulfill the applicable legal requirements. However, the main difference lies in the practical implementation. In a video call marriage contract, the contracting parties are not in the same physical space. They use remote communication technology such as video calls, telephone calls or electronic messaging to communicate and perform the contract. This is a point of intersection that is a source of debate among scholars and applicable laws in various countries. Scholarly opinions and legal fatwas regarding video call marriage contracts vary. Some scholars allow this kind of contract with certain conditions, while others consider it invalid due to the lack of ittihad al-majlis (unity in one assembly) where both parties are in one physical place at the time of the contract. Some countries have legalized this kind of marriage, while others hold to the traditional opinion and require the physical presence of both parties. At the heart of this difference is how the concept of ittihad al-majlis in marriage is interpreted by various scholars and legal authorities. This shows the complexity of dealing with the ever-evolving technological developments in marriage law and Islamic sharia.

Most scholars agree that marriage in Islamic law is permissible in principle. This means that in Islam, marriage is considered a permissible act and is not prohibited, unless there are valid reasons that make it haram (prohibited) or wajib (obligatory). This principle allows marriage to be adapted to various individual conditions and needs, as well as changes in society and culture. Islamic marriage law is flexible and can be adapted to different situations and conditions. Although marriage is considered an act of worship, the law of marriage is not a fixed and rigid law. Rather, it can change according to the prevailing situation, needs and social values. However, these changes must be in accordance with the basic principles of Islam and must not contradict the teachings of the religion. Therefore, although marriage is basically considered a permissible act, there are various rules, terms, and conditions that must be followed in Islam to make a marriage valid, such as the presence of a marriage guardian, witnesses,

ijab (offer), and kabul (acceptance). Marriage in Islam can be categorized based on several laws (legal statuses) that describe the conditions and characteristics of the marriage. One of the categories is sunnah marriage. The following is a further explanation of marriage with the legal status of sunnah:

A. Sunnah Marriage

Sunnah marriage is a type of marriage that is highly recommended in Islam, but not obligatory. This means that one will be rewarded if one performs it, but will not be sinned against if one chooses not to marry. In a sunnah marriage, the marrying party does not have any particular obligation to marry, and this is often based on the intention to fulfill spiritual and social needs. Marriage in this case does not only aim to fulfill lust and physical desires, but also to achieve higher goals, such as family harmony, spiritual growth, and emotional support (Barber, 2012). Sunnah marriage is often advocated as an act that follows the Sunnah (recommended actions or speech based on the actions and teachings of the Prophet Muhammad SAW) and earns additional rewards from Allah.

B. Compulsory Marriage

Compulsory marriage is a type of marriage that is obligatory in Islam for individuals who meet certain criteria. This is due to reasons such as the inability to refrain from committing adultery, social circumstances that require marriage, or other conditions that make marriage a religious obligation. In compulsory marriage, individuals have an obligation to marry, and delaying marriage can be considered sinful. This aims to protect oneself from committing sins, such as adultery, which are prohibited in Islam. The decision to undertake compulsory marriage is usually based on religious and moral considerations, and is necessary to prevent acts that go against the teachings of Islam.

C. Makruh Marriage

Makruh marriage is a type of marriage that is considered discouraged in Islam, but not explicitly forbidden. This means that although the marriage is not prohibited, there are moral or ethical considerations that make it less desirable. An example of a makruh marriage is when a person is already in a difficult or unstable economic condition, such that marriage may cause financial hardship for the newly formed family. Although makruh marriages are not prohibited, individuals may choose to postpone them or find the best solution to the implementation of the marriage without presenting excessive problems. In many cases, a makruh marriage can become makruh if it involves unreasonable delays. A person who enters into a makruh marriage is usually not punished, but also not rewarded in the same way as a sunnah marriage. Hence, individuals are expected to be cautious in making marriage decisions and consider their readiness financially and socially.

D. Haram Marriage

A haram marriage is a type of marriage that is forbidden or prohibited in Islam because it involves actions that are clearly against the religious and moral principles of Islam. This includes marriages with the intention to harm, ridicule, or take revenge on the other party. An example of a haram marriage is when a person has the intention to marry someone only with the intention of harming or making that person an object of ridicule or contempt. Such marriages are contrary to Islamic values that emphasize love, mercy and justice in marital relationships. Haraam marriages can also refer to marriages that will result in suffering or misery for one of the parties involved, for example, if a person has malicious intent to take advantage of a spouse without justice or treat them abusively. Haraam marriages in Islam are usually invalid, and those who engage in this kind of act will face religious punishment. In addition, such marriages are considered to violate the moral and ethical principles of Islam.

E. Mubah Marriage

A permissible marriage is a marriage whose ruling is permissible or allowed in Islam. It is a type of marriage that is neither forbidden nor obligatory, and the intention of the individual who enters into this kind of marriage is not problematic. People who enter into a permissible marriage have the ability to do so both materially and physically. They are not worried about committing adultery, and if they marry, they will not abandon their spouse. A permissible marriage is usually based on the intention of fulfilling physical and emotional needs, and establishing a relationship that is valid according to religious law. It is a type of marriage that is entered into without any special pressure or obligation. An example of a permissible marriage is when a couple marries because they love each other and want to live their lives together in marriage. They have the ability to fulfill their daily needs and feel ready to get married. In a permissible marriage, the main intention is to fulfill personal needs and live a life together with a partner legally according to religious law. This is the type of marriage that most Muslims consider to be a legitimate and good way to lead a family life.

In Islamic law, the core of the marriage contract is the *ijab* and *kaful*, which are done with a valid intention. It is also important that there is consent and agreement between all parties involved in the marriage contract. In terms of video call marriages, various legal institutions and authorities in Indonesia and other countries have different opinions on the validity of this practice. In the Compilation of Islamic Law (KHI) and the Indonesian marriage law, there are basic principles that must be followed in the performance of a marriage contract. However, when faced with the development of modern technology and situations where the parties wishing to marry are located far apart, there are differences of opinion amongst scholars and legal stakeholders. Some scholars and courts have deemed video call marriages to be valid subject to certain conditions, while others consider physical presence in one assembly

to be essential. Finally, the decision on the validity of video call marriages may differ depending on the views of each individual, authorities and substantial legal institutions. Therefore, when faced with this kind of situation, both the bride and groom and the marriage guardians should consult with competent scholars, lawyers or legal authorities to ensure that their marriage is in accordance with the teachings of their religion and the applicable laws of their country.

Marriages conducted in one assembly with a continuity of time between the pronouncement of *ijab* and *kabul* is a common practice in Indonesia and is part of the traditional procedures that have been applied for many years. Although this is not a legal requirement from the perspective of Islamic law, the practice has become an important part of Indonesian marriage culture and customs. The importance of consent and clarity in the *ijab* and *kabul*, regardless of the practice of one assembly, is a principle advocated in Islam to ensure that marriages proceed properly and in accordance with religious teachings. However, if a marriage is conducted in a different way, such as through a video call or with a marriage guardian who is different in time and space, it is important to ensure that all legal and religious requirements are still met. Individuals and families can decide on the practices that suit them, while adhering to applicable laws and religious teachings. Consultation with local clerics or religious leaders can provide useful guidance in conducting the marriage in accordance with their religious beliefs and values.

The procedure for marriage contracts through video calls has not been explicitly regulated in law, especially in Indonesian marriage law. Therefore, the implementation of a video call marriage contract is often a problem related to the clarity of the process and the legal requirements of marriage. The importance of maintaining clarity and legal requirements in marriage contracts is a principle recommended in Islam. Principles such as continuity in the timing of the *ijab* and *kabul* and clarity in the pronunciation used must still be respected. The involvement of the marriage guardian in the marriage contract process is also important. For those who feel that this practice raises doubts, they should consult with a competent cleric or religious figure for guidance and advice in conducting the marriage in accordance with their religious beliefs and the applicable law. In addition, any future changes or adjustments to the law may provide more detail on the procedures for video call marriage contracts. Until then, it is important for individuals who are getting married to ensure that the practice they choose still fulfills the religious and legal requirements.

There are two different schools of *fiqh* in interpreting the relationship between continuity of time and one assembly in the marriage contract. This reflects the differences of opinion among the schools of *fiqh* that exist in Islam about the valid requirements of marriage. The Shafi'i school interprets the continuity of time as a valid condition of marriage that requires a single assembly. In their view, *ijab* and *kabul*

must occur in one assembly without a significant time gap. The testimony of witnesses is important to ensure the validity of the *ijab* and *kabul*. The Hanafi, Hambali and Maliki groups interpret time continuity more flexibly, where *ijab* and *kabul* can be separated by a certain time gap, such as a sermon between them, without requiring the unity of the assembly. In their view, what is important is the continuity of time and that there is no intention or action that indicates that the marriage is broken.

Excerpt from Article 27 of the Compilation of Islamic Law (KHI) which regulates the continuity and clarity of time between *ijab* and *kabul* in marriage. The article emphasizes that *ijab* and *kabul* in a marriage ceremony must take place consecutively and without a break in time. In video call marriages, regardless of the different views among the schools of *fiqh*, it is important to ensure that the *ijab* and *kabul* take place clearly and consecutively, as stipulated in the KHI. The continuity of time and clarity of *ijab* and *kabul* are important factors in determining the validity of the marriage contract. If all the provisions of the KHI are met, then the marriage contract can be considered valid under Indonesian Islamic law. These differing views reflect the diversity in interpretations of Islamic law and ways of understanding the requirements of marriage. People often follow the school of *fiqh* that suits their beliefs and practices. In the case of video call marriages, this difference may be the basis for some people considering the importance of unity of assembly and continuity of time in the performance of the marriage contract.

The continuity of time and the absence of other activities that break the moment between *ijab* and *kabul* in the marriage contract process is important in Islamic law. In Islamic marriage law, especially according to the views of the different schools of *fiqh*, this principle plays a key role. It is important to understand that this continuity of time is intended to ensure that the performance of *ijab* and *kabul* is not interrupted or withdrawn by either party between the *ijab* and *kabul* processes. This continuity of time is so that the marriage contract can be performed clearly, without any doubt or confusion. Although there are differing views among the schools of *fiqh* on the details of performing the marriage contract, the continuity of time between the *ijab* and *kabul* remains a general principle upheld in Islamic marriage law. By understanding these principles, it is hoped that it will help in performing a valid marriage contract in accordance with Islamic teachings.

Article 28 of the Compilation of Islamic Law, which indicates that the marriage contract can be performed by the marriage guardian concerned, and the marriage guardian can delegate it to another person, is substantial to the video call marriage contract. This article regulates who is entitled to say the *kabul* and how the marriage guardian can represent the prospective groom. In a video call marriage contract, the woman's guardian can be the one to say the *ijab* directly to the prospective groom, or the woman's guardian can delegate someone to do so, provided the conditions are followed. There are certain conditions that must be met in the case of representation,

including an express authorization in writing by the prospective groom. This shows that the Compilation of Islamic Law takes into account the various scenarios that can occur in the performance of a marriage contract and provides substantial guidance in modern situations such as video call marriage contracts. By complying with these provisions, the marriage contract process can still fulfill the pillars and conditions of marriage under Islamic law.

That a video call marriage contract meets the requirements set out in the Indonesian marriage law and the compilation of Islamic law is substantial and it is important to understand that although the process is conducted through modern technology, it still adheres to the terms and conditions of the applicable law. Notice of intention to the registrar, fulfillment of the conditions of marriage, and the provision of good *ittihad* are important steps to ensure the validity of the marriage contract, even when conducted via video call. Thus, the view that a marriage contract via video call can be considered valid if it fulfills the requirements and provisions of the applicable marriage law, including the Compilation of Islamic Law. This shows that marriage law considers the times and technology in performing marriage, provided that the principles and pillars of marriage are fulfilled properly.

The Hanafi scholars' view that the marriage contract can be done without a guardian as long as the parties to the contract are mature and eligible, as well as the flexible and elastic arrangements regarding *Ijab Kabul*, help to understand that there are variations in the interpretation of marriage law in the various *madhhabs* and scholarly views. This flexibility in the language and interpretation of marriage law is recognized by the original law and can be adapted to the changing times and technology. However, it is important to keep in mind that Indonesian marriage law, including the requirement of one assembly, plays an important role in determining the validity of a marriage under the laws of the country. Although there is no regulation that explicitly governs video call marriage contracts, authorities, such as marriage registration officers, can still refer to the existing provisions and decide in accordance with the applicable law.

3. Indicators for Conducting a Video Call Marriage Ceremony

Video call marriage contracts are a practice that is rarely done in everyday life, but there are certain situations where it is necessary to do so. Although the law does not expressly prohibit video call marriage contracts, some of the underlying reasons why people choose to do so are as follows:

A. Potential Development of Technology

Advances in information and communication technology have changed many aspects of daily life, including traditional ways of conducting marriages. A video call marriage ceremony is a clear example of how technology has connected and carried out the marriage process without having to physically meet in one place.

This method is considered substantial with the development of technology because it provides a practical solution for situations where the bride and groom are separated by long distances, whether due to work, study, or other reasons. A marriage contract that can be conducted via video call saves the time, cost and effort involved in physical travel, while ensuring that all aspects of the law and shari'a are still met. As such, this method reflects a way of adapting to modern technology, making the marriage contract process more efficient, effective and in keeping with the changing times.

B. Efficiency

Video call marriage ceremonies, in practice, can be considered more efficient because they offer many advantages. One of the main advantages is efficiency in expenditure of energy, time and transportation costs. The parties to the marriage no longer have to be physically present at the location of the marriage ceremony, which can be far from where they live. This means they can conduct the marriage ceremony without the need to travel long distances, incur transportation costs, or spend valuable time in transit. With video call technology, the bride and groom can gather virtually from their respective locations, connecting through a video call service such as Zoom or Skype. This makes it easier to carry out the marriage ceremony process, making it more practical and efficient. Video call marriage ceremonies also help overcome the obstacle of physical separation caused by work or other obligations. It can enable geographically distant couples to tie the knot without having to sacrifice much time and effort. In the often busy and fast-paced world of modern life, this technology can be an efficient solution to conducting a marriage ceremony without any hindrance.

C. Ease of Interaction

Modern communication technology has revolutionized the way we interact and communicate, including the conduct of marriage contracts. With video call marriage contracts, the process has become much faster and easier, especially when there is geographical separation between the bride and groom. No longer is it physically exhausting, time-consuming and costly to gather in one place. Through video call services such as Skype, Zoom, or similar apps, the bride and groom can meet and conduct the marriage ceremony from their respective locations. This saves time and effort, and provides convenience for those who cannot be physically present in one place. Fast and efficient communication technology makes the marriage ceremony process more inclusive and allows family and friends who are far away to witness this important moment. Thus, video call marriage contracts are an example of how technology has provided a modern solution to bridge geographical distances, make the marriage process more efficient, and facilitate interaction between the bride and groom without significant physical barriers.

D. Work Reasons

In some cases, especially when some of the grooms-to-be work out of town or even overseas, they face obstacles in physically attending the marriage contract. This physical separation can be an obstacle in the conduct of the marriage, especially if they are unable to leave their work or obligations. In such a situation, a video call marriage ceremony can be a practical solution. With the help of video call technology, such as Skype or Zoom, the bride and groom can be involved in the marriage ceremony process without having to be physically present. They can follow the entire procession, hear the Ijab and Kabul pronouncements, and express their consent through this video call service. This still fulfills the religious and legal obligations of marriage without having to sacrifice work or face physical constraints.

E. Technology Efficiency

The use of Skype-based teleconferencing applications and similar technologies has provided a more economical, efficient and accurate alternative for conducting remote marriage contracts. Thanks to advances in communication technology, couples separated by physical distance can undergo the marriage process without having to be in the same location. Applications such as Skype allow couples to connect globally and locally in an economical way, saving time, energy and travel costs. The marriage ceremony process through this medium can be efficient, with good sound and video quality, so that communication between the bride and groom and the parties involved can take place without a hitch. With this technology, the time continuity of the ijab and kabul is maintained, so that the video call marriage contract can reflect the seriousness and validity of the marriage. This is just one example of how technology has facilitated the interactions and processes of daily life, even in something as important as a marriage contract.

The decision to conduct a video call marriage ceremony is usually based on certain compelling needs. These situations are caused by geographical distance separating the bride and groom or time constraints that make it difficult to physically attend the marriage ceremony. Although this is not common practice, technology has provided an invaluable alternative to meet the needs of these special situations. In some cases, the groom-to-be is forced to work outside the city or country, and he is unable to leave work to attend a traditional wedding. In such situations, a video call marriage ceremony is a solution to tie the knot without having to be physically together. With the development of fast, efficient and reliable communication technology, this process can be done smoothly, with the bride and groom seeing and hearing each other as the Ijab and Kabul are said. As such, the decision to conduct a video call marriage ceremony is often a practical solution to go through with their marriage despite the unusual circumstances.

CONCLUSION

The views on video call marriage contracts are based on the requirements of the pillars and conditions of marriage that apply in the Marriage Law and Islamic law in Indonesia. The position of *ijab kabul* in a video call marriage contract can be interpreted in two different ways, and it is not yet clear which view will be applied in the religious courts. However, whichever view is ultimately adopted, the important thing is to ensure that the video call marriage contract process leaves no doubt and fulfills the pillars and conditions of marriage in its execution, even when it involves issues such as one assembly that can be viewed non-physically. The law of video call marriage contracts in Indonesia, according to the Marriage Law and Islamic law, is considered valid if the implementation of *ijab kabul* through video calls fulfills the requirements and pillars of marriage and does not conflict with the Compilation of Islamic Law. This is also reinforced by the provisions of articles 27 to 29 of the Compilation of Islamic Law which emphasize the importance of time continuity in the pronouncement of *ijab* and *kabul*. Although scholars differ in formulating the "law of video call marriage," this difference is based on an understanding of the meaning of *ittihad al-majlis*. Imam Shafi tends to view it in a physical sense, where the guardian and the prospective bridegroom must be in the same room to see each other and clearly understand the *ijab* and *kabul*. Imam Hambali, on the other hand, interprets *ittihad al-majlis* in a non-physical sense, where *ijab* and *Kabul* can be said at one time or ceremony directly and should not be interrupted by other activities. Both opinions are based on the arguments of the pillars and conditions of marriage. So, although there are different views, the main thing is to ensure that the marriage contract via video call fulfills the terms and conditions of marriage and does not contradict the applicable law.

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