

LEGAL CONSEQUENCES OF ONLINE MARRIAGE AS A PHENOMENON OF SOCIAL DEVELOPMENT IN THE DIGITAL ERA.

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ABSTRACT : In Indonesia, the relationship of marriage is set up in Constitution Number 1 of 1974 concerning Marriage, and the contents of the Constitution This set up in Compilation of Islamic Law. However, in a way, In theory, marriage in Indonesia is regulated by law. Number 1 of 1974 concerning Marriage. In general, a procession wedding is carried out in a place that has been set up moreover first by both split parties and families, so that group candidate bride woman attend a ceremony at the same time and place. However, Modernization and globalization, bring adjustments certain throughout time. One of them is the evolution of current technology information and infrastructure telecommunications. Video calls over the Internet require the use of technology For the benefits. However, if video conferencing is used For marriage, that is an aspect new from the procedure of marriage, where the signing contract wedding is considered a step sacred that is not required during done. Focus on the study that will be discussed in writing This is how weddings online as well as How consequence law on weddings online a phenomenon development society in the digital era. The method used is normative legal research with a legal approach to the Act and qualitative data collection. From the results study can concluded that marriage through teleconferencing by the Constitution Marriage Law No. 1 of 1974 and the Compilation of Islamic Law has fulfilled all conditions and pillars of marriage.

Keywords: *Marriage, Online, Phenomenon, Digital Era*

I. INTRODUCTION

The nature of humans as social creatures, humans always live in groups wherever they are. Grouping of humans in a certain location or area is called a community. Aristotle as quoted in his book JB Daliyo stated that humans are *Zoon Politicon*, implying that people as organisms have an innate need to gather.¹ As creatures social, humans want to perpetuate their descendants through marriage. The purpose of marriage is To legitimize interaction sexual between a man and a woman on base voluntarism and justice and to build life a fun-filled family with love and peace in a way that is pleasing to Allah SWT.²

Marriage is a vital issue for the existence of man Because, besides being a means of formation of a family, marriage also includes component interaction between man with fellow human beings, also bonds citizenship, as well as holiness, in essence, connector between man with His God.³ Marriage, according to Munir Fuady, is an incident very important law in life many people impact on legal status of somebody. As a result, problems in marriage This set up strictly by law. ⁴This matter is based on the provisions of Article 1 of Law Number 1 of 1974 Concerning A marriage that affirms that:

Marriage is a bond born inner between a man with a woman as husband and wife to form a family (home) ladder) which is happy and eternal based on Belief in the one and only God.

Marriage is a binding agreement in a way law for the comfort of a woman who is done with full knowledge. The connotation emphasized here is an affirmation that has been in line with Sharia law today, and not only the inauguration is carried out by two people who convene agreement (agreement) which is not solely for convenience.⁵

¹JB Daliyo , 2001, *Introduction Legal Science* , PT. Prenhlmlindo , Jakarta, pp. 12-13

² Soemiyati , 2005, *Islamic Marriage Law and the Law Marriage* , PT Rineka Press, Jakarta, p . 8

³ Wasman and Wardah Nuronyah , 2011, *Islamic Marriage Law in Indonesia: Comparison of Fiqh and Positive Law* , CV. Citra Utama, Yogyakarta, p. 29

⁴Munir Fuady , 2014, *Civil Law Concept* , PT RajaGrafindo Persada , Jakarta, p. 10

⁵ Soedharyo Soimin , 2010, *Law of Individuals and Families* , Sinar Grafika, Jakarta, p. 4.

In Indonesia, the relationship of marriage is set up in Constitution Number 1 of 1974 concerning Marriage, and the contents of the Constitution This set up in Compilation of Islamic Law. However, in a way, In theory, marriage in Indonesia is regulated by law. Number 1 of 1974 concerning Marriage. In theory, rules and legislation that regulate marriage and family should become runway law for Indonesians who will be married; However in in practice, implementation of marriage applies in society with No own regulations that are firmly stated For arranging things In other words, the basis law marriage in Indonesia is not regulation legislation that regulates about marriage and family. Ijtihad now covers more topics as a consequence direct from development.

When it comes To define " law " wedding video calls," academics said. divided. Differences appear from the fact that Ittihad al-majlis signifies that assembly That united in carrying out a marriage contract, and knowledge This obtained through experience and study. The majority of fukohak No demand that the pronounciation acceptance (acceptance) is done immediately (fauriyah) and continuously with pronounciation consent in contracts in general. Ittihad al-majlis and the criteria witness must fill in the Hanafi scholar's opinion First, as explained about the problem important to outline of legal status marriage contract via video chat. Hanafiyyah scholars argue that Ittihad al-majlis is order Acceptance and acceptance of the contract simultaneously and not in One location. There is a greater understanding it's clear here that the need for Ittihad al-majlis is not about two people in one location geographically but about continuity time between agreement and the end acceptance. Although House they far, a " marriage "video call " made by two people in two locations separated can considered original provided fulfills certain requirements and pillars, such as the use of tool communication that allows them To finish the procedure marriage. at the time simultaneously.⁶ According to the interpretation of the concept of the word "Ittihad al-majlis" which is one element that must be fulfilled to be able to happen "ijab" and deed, is origin starts the idea of " legal status " in the matter of " marriage " through marriage ". internet through aqad ." Regarding ittihad al-majlis, the Hanafiyyah scholars confirm that acceptance and acceptance must done in the context of One marriage contract, and not at two different times. More appropriate To say that Ittihad al-majlis refers to the period spent together between Acceptance and acceptance of say that refers to two people who do Ijab and Kabul together in the same physical area. Although two people can do a procedure wedding at the same time, that is Still called an assembly single.⁷

Shaking hands hand is form The most common Ijab Kabul. Guidelines for health COVID-19 pandemic ban shake hands hand in all conditions or circumstances, including in marriage contracts. Thus, marriage is still valid. This means that even though a marriage contract is signed without shaking hands hand, still considered valid.

In the implementation and application of Constitution Number 1 of 1974 concerning Marriage, the author lifts the problem because it relates to the situation of contemporary individuals who live and thrive in the technological era of information and communication demands the public follow current development. he. Face fact marriage contract that was carried out via video call. Research more about emptiness possible laws arising from the contract of the marriage that was carried out via video call is required To determine Why the arrangement appeared, and What reason is the strongest problem the no can resolve. If the marriage contract is original, then must checked in a way comprehensive via video call.

In writing law, the writer focuses studies on the legality of weddings online as well as the consequences law on weddings online as a phenomenon of the development of society in the digital era.

II. RESEARCH METHODS

The type of research used is normative legal research which is by the legal approach and includes legal sources and applicable laws that are of a scientific theoretical nature which can be used to analyze and are closely related to the problems discussed.⁸ The statutory approach is used to analyze the consequences law on weddings online as a phenomenon development society in the digital era. As for the techniques data collection is carried out in a way qualitative with analysis regulation Related laws Topic research. Data was collected through a method study library that uses various source literature example books laws, journals, articles, and provisions regulating relevant legislation with study This.

III. DISCUSSION

1. Legality of Online Marriage

In today's world, people can interact One each other more easily. Important For check and examining technology information and communication as supplies For the progress of the times and as method facilitate the interaction of other people because change continuously in potential technology This. Because of the development of technology fast communication, is now easier than previously To communicate across geographical boundaries.

⁶ *Ibid* , p. 310

⁷ Sadiani , 2008, *Marriage by Telephone* , Intimedia , Palangkaraya State Islamic Institute , p.3.

⁸Bambang Sunggono , 2007, *Methodology Legal Research* , PT. RajaGrafindo Persada , Jakarta, p . 28.

Moreover, video chat has been made possible by various available applications. Accepted in a way wide that service useful video calls for the public Because of ability they For facilitate connection look at the face.

Service video calls are beneficial for those who live Far from family and friends. With service this, people can reduce longing through interaction and looking at faces, even If only through a screen computer. However, it is very capable of satisfying desire.

If the service telephone only can determine the health of somebody through speech, with video calls, the person's condition can seen in a way physical, service video calls are also very useful For determining the condition of someone. This is useful for those who want to Study about health relatives Far they.

When we ask about the existence of somebody through the phone, he Possibly lies about matter that. Service video calls prevent matter This happens because the visuals reveal the person's location. Service video calls can display real-time events. Service video calls are also possible to show weddings and meet family in real time. Video calls have Lots aspect useful, but several can be used with bad.

Video call services are also available for marriage contracts and community events that have happened. The procedure of signing a contract wedding via video conference will be more efficient, faster, and not in doubt Again accurate. Use video chat in contract weddings Enough simple and quality sound and pictures are very clear. Global and local communication through conference telephone or more videos economical cost for sign contract wedding.⁹

Using a contract wedding through *video call* is very useful Because the individual who will Marry does not need Again spend money, time, or property For a procedure contract marriage, can completed at home alone, so that more effective and efficient.

along with passing time and development tool communication, several individuals use telephone media or the internet to make contract weddings For various reasons, including the fact that He currently learns and not There is cost of transportation involved, among others.

If Islamic law is taken into consideration, the legality of the marriage that was carried out through telephone or the Internet is viewed as valid. In his work *al- fiqh 'ala mazahib Alabama*, Abdurrahman al-jaziri argues that consensus Mujtahid academics require an integrated council For Ijab and Kabul. Therefore, the marriage contract is considered canceled If acceptance and acceptance are granted No followed. There is an interpretation clerical about what Ittihad (assembly) means. integrated). What is meant by the assembly of the assembly is acceptance and acceptance granted must done in distance within the time available in One ceremony marriage contract, and not in two distances separate time, meaning consent is spoken in One ceremony, then consent disbands after the ceremony, and “ijab” grant is also said at the next event. In this situation, while two ceremonies consecutive can done in a way independent in the same location, a contract wedding is not legitimate Because the continuity between “ijab” and Kabul is broken. Thus, the presence request integrated related council with need temporal continuity between Acceptance and acceptance, and not For unity location, as shown previously, even If the location joins, if That is done in two different events, in two separate events, then continuity between implementation consent and implementation of Kabul is not yet realized, and the contract wedding with thus Not valid. In his work *Fiqh as-Sunnah*, Said Sabiq suggests that there may have been a separation between Ijab and Kabul at the time discussed the importance of assembly single For Acceptance and acceptance.

Al-Jaziri uses the example of a man who wrote a letter To propose a wedding with the woman he wants For a show draft integrated from the assembly in Hanafi school. The letter was Then read in front of the guardian woman and witness, and in the same ritual, the guardian Woman quickly read his poem so the Contents letter read (acceptance). Practice the marriage contract considered legal by the community Hanafiyah, who thinks that reading the existing “ijab” in the letter candidate's husband and the pronunciation of Kabul by the guardian Woman both of them heard by two witnesses during the same ceremony, different from two ceremonies separate events that occur at different times. In the example, the statement about a contract wedding was first made by the candidate's husband, followed by a recital contract guardian.

Practice the may according to sect Hanafi. ¹⁰Kabul, who immediately spoke after consent was spoken by the guardian, is one of the indicator behavior candidate husbands. On the other hand, the gap time between acceptance and acceptance can show that the candidate's husband No Again fully willing For say Kabul, and the guardian wedding Possible No Again be in position the original, or has stepped back from its certainty. Therefore, continuation acceptance and acceptance of the offer are very important To ensure that each remains in his territory Alone.¹¹

⁹ Eka Risyana Pribadi, *Advantages and Disadvantages in Using Information and Communication Technology*, in <http://risyana.wordpress.com/2009/04/13/keuntungan-dan-kerugian-dalam-penggunaan-teknologi-informasi-dan-komunikasi-tik/>, accessed on January 26, 2025.

¹⁰ *Ibid*, p. 4

¹¹ *Ibid*, p. 5

Between *ijab* and *ijab* granted must in progress in one council, no distracted by conversation or other activities which, according to practice custom, seen deviate from negotiated contract. However, the relationship directly between *Ijab* and *Kabul* is not important. If, after consent stated by the guardian bride woman or his representative, the bride man suddenly withholds self For No declare *Kabul* and new Then announce it, “*ijab*” considered valid. Views This is held by the Hanafi and Hanbali schools of thought.¹² The consequence of this view is that the two witnesses do not have to be able to see with their own eyes the parties performing the marriage contract.

Another perspective is that is located in One of the assemblies is very important, not only For guard continuity between “*ijab*” and *Kabul* but also because the two witnesses must visually confirm that “*ijab*” and *Kabul* are spoken by the two individuals who carry it out the contract. As known, one of the conditions law For the marriage contract is the presence of two witnesses. As stated by experts, bear it answer main second witness is To confirm editorial and linguistic correctness acceptance and acceptance of the contract, and guarantee that *Ijab* and *Kabul* are said by both split parties.

This matter believed that listen an editorial can determine its legitimacy. However, the certainty only can confirmed If the editorial is fully originally spoken by the two completing individual contracts. This is consensus (*mu'tamad*) among academic mujtahid, especially Syafi'iyah scholars.¹³

In evidence legitimacy contract marriage, there is One objective belief that must be achieved by the witness. An editor perhaps can identify the speaker only based on the voice speaker, but a level of trust No will be achieved until the head is checked with eyes. In the contract Marriage, the last one called level guarantee required. Position this is very, very related to attitude academics, especially among Syafi'iyah, who always be careful (*ihtiyat*) in creating law, especially in a subject contract marriage, which functions as worship to something that was before prohibited. Because the evidence must determined on hearing and sight, consent, and *Kabul* through letter without representative No can accept, according to corner view This. Imam Nawawi said in his book *al-Majmu'* that a marriage contract is not legitimate if one of the two settling parties the marriage contract states the acceptance with a shout from a location that is not seen, and screams That with party others, and the last person is quick to pronounce consent granted.¹⁴

From the evidence mentioned above, it is Possible To conclude the principles of main Shafi'iyah in matter this, namely :

a. Testimony must based on on sight and hearing.

Testimony of the blind with thus No can accepted. For complete criteria, there needs To unite the Council, in the sense of joining with a location in a way physical, because only with the requirements of *al- mu'ayanah*, which refer to the views in a way physical, fulfilled. Angle view this is very related with approach Be careful With contract wedding.

b. marriage contract has the meaning of *ta'abbud*.

Therefore, its implementation must limited by the example of the Prophet. Because the marriage contract includes the definition of *ta'abbud*, analogy or *qiyas* is not can be used in its implementation.¹⁵

In the source others, mentioned that the scholar's sect Shafi'I mandates candor, namely when the guardian bride woman proclaims “*ijab*”, the bride and groom man must be quick to announce consent acceptance. Most Indonesian Muslims adhere to the corner view last.

Media contracts, such as telephone, internet, or other media, because various reason.No can be denied the fact that technology communication contemporary used For carry out contracts, such as telephone, internet, or other media because of various reasons.

The contract that was made through telephone was identical to the contract in general, except for the separation distance and the fact that the parties could not see each other. Although in society there are already some who practice online marriage, in law there is no one who practices it in detail and here the author will try to explain the validity of online marriage as seen from positive law.

Constitution Marriage in a way officially acknowledges *Fiqh Munakahat* as a religious law that regulates related topics with weddings for Muslims. Article 2 paragraph 1 of the Law Marriage functioning as base For Constitution this. Conclude from birth articles previously that what is stated legitimate in jurisprudence hypocrisy is legitimate based on Law- Law Marriage. With so, basically No There is a difference between Constitution Marriage and *fiqh munakahat*. Compare Marriage Law Material with material jurisprudence *munakahat*, still There is a difference If comparison done with sect jurisprudence certain. For example, if compared to jurisprudence the prevailing law by sect Syafi'iy, there are differences. However, if compared to jurisprudence hypocrisy with school *fiqh*, the difference Possibly becomes more logical. Therefore, when making the comparison, consider Not only the school in particular but also the whole institution, which is Islamic schools in general overall. Compared with sect

¹² Ahmad Asyhar Basyir , *Islamic Marriage Law* , UII Pres Yogyakarta 2014, p 27)

¹³Satria Effendi M. 2004, *Problems of Contemporary Islamic Family Law* ., p. 6

¹⁴ *Ibid* , p. 7

¹⁵ *Ibid* , p. 8

Syafi'iy, the Marriage Law does not load guardian as a condition wedding is Not true, but not if compared to with Hanafi school.¹⁶

Judging from the explanation above, it can be concluded that marriage law in general or its positive regulations are not much different from what is regulated in the fiqh of munakahat, fiqh of munakahat has also obtained legality from positive law with the legal basis contained in above the difference if positive law adheres to fiqh with different imams, but positive law must regulate in terms of marriage, comply with it as a whole and take a middle path.

The validity wedding is determined by whether the partner is harmonious or not and the circumstances. Formally, marriage through telephone can fulfill pillars, which include the presence candidate husband and wife, two witnesses, a guardian from the bride and groom, and "ijab" accepted. However Thus, based on the state of each pillar, it seems there is a lack of shortcomings that must be overcome. For example, the identity candidate husband and wife must be verified If There is an obstacle To marriage (whether Because of religious restrictions or laws and regulations) or If an agreement from a second split party there is. Check problem This through telephone before signing contract wedding Enough challenging. Similar to randomization about identity guardians who do not Can without taukil, the stage consent is accepted directly by telephone while hold consent is accepted. What is also interesting are the witnesses who only heard the claim consent accepted from the guardian and both brides through telephone use microphone, but No can see What is ongoing.¹⁷

Contract use equalized phone with a contract made by people who meet directly in the time of the *in'iqad* (time the occurrence akad) gives rise to the consequence that when consent is offered without a time limit Then No visit appears accepted, then Mujib (person who offers) "ijab" is released from his "ijab" . As a consequence of equalization contract through telephone or other similar tools with a contract carried out by someone who does not meet directly in matter place the occurrence contract, then provision law on contracts of people who do not meet also applies directly to the contract past telephone.¹⁸

About the place, no doubt Again of course different, each person who makes a transaction is in different places. Therefore, the contract through the telephone is equated with the contract of a person who does not meet directly, so The law also applies to the problem. Thus, the marriage ceremony through telephone or whatever is perfect like tool communication without cable is the majlis mujib (the party offering ijab) to know accepted: because in place that's it accepted can known.

Telephone or other similar tools are enforced like a contract carried out by someone who does not meet directly, where each party is located each other separately. However, in matter talks, agreement past telephone enforced like people who meet directly, where each party perpetrator contract Can hear saying against his speech in a way directly. Therefore, enforce a contract through telephone This is like the contract that was made with the letter to write in matter place the occurrence contract, where one place with other places different.

Article 2 of the Law Marriage stipulates two conditions law For do marriage. The legitimacy wedding is stated strongly and clearly in paragraph first. The only valid requirement For weddings is that matter That is done by the religious beliefs of those who will do marriage. Terms and conditions wedding's role in determining the validity of a wedding according to Islamic law. In line with UUD 1945, explanation Article (1) states that No There is marriage outside the laws of each religion and belief. And what is meant by the laws of each religion and belief is applicable laws For religious and belief groups, during No clash with law This or shown in a way different.

It is clear from regulations that weddings are related closely to the religion of each bride and husband. Thus, marriage be considered legitimate in a way law If done by belief individual who holds the marriage. For Muslims, marriage is only considered legitimate in a way law If done by a defined and aligned process with Islamic legal norms. The matter of marriage registration is regulated in Article (2), which states that marriage must registered by regulation existing legislation. From both elements paragraph this, requirements Article (2) does not There is the relationship with whether marriage is legitimate or not, because the validity of marriage is outlined clearly stated in paragraph (1).

Although in a way explicitly regulates the pillars of marriage, Law Number 1 of 1974 concerning Marriage is a perfect match with Islamic Law and subject to the requirements law wedding with the norms of faith of the individual who will do marriage. However, the law arranges conditions for weddings.

2. Legal Consequences of Online Marriage

A method of communication level continues using technology in the field of technology information For meetings between two people or more called teleconference or teleconference. Michael AM Mirabito and Barbara L. Morgenstern put forward the theory This.¹⁹

¹⁶Amir Syarifudin , 2006, *Islamic Marriage Law in Indonesia* , Kencana , Jakarta, pp. 28-29

¹⁷<http://multazam-einstein.blogspot.co.id/2013/01/hukum-akad-nikah-lewat-teleponinternet.html>

¹⁸ Muhyiddin Al- Qurahdaghi , 2003, *Digital Fiqh* , Qonun -Prisma Media, Yogyakarta, p. 50

¹⁹Muhammad Aniq Yasrony , 2017, " Marriage Contract Via Teleconference Perspective " The Benefit of the Beneficiary , " Al- Hukama 7, p. 205.

“A teleconference is a telephone meeting among two or more participants involving technology more sophisticated than a simple two-way telephone connection”

Frastian, on the other hand, emphasized the parallel between teleconferencing and video streaming at the moment defined term said. This is a new type of video streaming where the signals of electricity in the form of picture moving (video) can be directly connected (*live*) so that Lots of party related can displayed visually at the same time from various locations, he said.²⁰

The two definitions above have two aspects important things to remember. *First*, When it comes to field communication, no Once There is more time Good For using teleconferencing. *Second*, development allows communication to look at an advanced distance far more complex that connects several individuals at the same time (telephone). The meaning of " teleconference marriage contract "clearly states that which is means with marriage contract can done by utilizing technology communication that can connect two individuals or more than that physique far apart in a way simultaneously via audio (telephone) and/ or video (*videoconference*) (video).

Teleconferencing media own benefits and problems, such as it is progress technical news. 1) There is a possibility that teleconferencing media can contribute in a way significant to reducing budget company moment used in place work. 2) In the field of education, teleconferencing media can give more access comfortable for academics with mobility so that can Keep doing outdoor activities and institutional education without ignoring quite enough the answer is ; 3) in life every day, some people want to discuss Lots matter can save time with utilizing teleconferencing ²¹media There are several weaknesses of this media, including the fact that He No conveys the desired message as well when done in a way directly. When the internet connection is limited Because of variations in strength arrest signals between the parties, some problems can develop.²²

Teleconferencing media No can deny present in the midst we, regardless of the pros and cons that come with it. This can be used by whom only, wherever they are, during their source power required For that, even in the process of signing a contract marriage. In a teleconference, at least are two media used, including :²³

1) *Audio conference*

There are three or more channel phones involved in audio conferences, where information is exchanged in a way exclusive through tool talk. More cheaper use of audio conferences than video conferences because the cost incurred more low. Only purchase of telephone unit and cost calling telephone distance far as necessary planned in case this. One of his weaknesses is that the connection between human-to-human interaction in place Work Possible is lost when colleague Work only can heard through the phone, and the quality of calling decreases when a party from another location added to call, so that difficult To communicate and share ideas.

2) *Video Conference*

Calling conference moment This explores the world through podcasting, which is part of emergency-type pattern interaction new, via iPod and networking social. Call conferences can streamed or aired to a wider audience without the need to rotate the number of phones. This video conference own benefits that allow participants to call conferences For each other to meet. Participants can see pictures One each other on-screen television and listen voice One each other through a system hardener voice while utilizing technology video conference. Expression face is also visible and clear so that jokes and comments can appreciated with full meaning. In financial.

A marriage contract through telephone conference is a series of electronic marriage contracts between the candidate bride man and the candidate bride woman. With the use of a connection network telephone or the internet, two people or more can do teleconferencing, which can also be said a two-way conversation including technology communication or network computers and infrastructure supporters.

To enforce contract marriage, a couple uses teleconferencing To make a statement of permission, which the man responds to by disclosing his happiness and approval with union workers. Instead, meet directly, contract wedding This is signed through telephone through teleconferencing (audio conference or video conference where participants can see and hear What is discussed, such as it is in a meeting).²⁴

Contract wedding teleconferencing is almost identical to contract wedding traditional. The difference main is between How Ijab and Kabul are carried out, which is based on location geographical, and time. Although allowing for the participants to only hear voice One each other while calling the phone, now teleconferencing media available like *Skype* and *Zoom meetings*. Marriage contracts now can be quickly implemented, even though taking place in cyberspace.

²⁰Michael AM Mirabito and Barbara L. Morgenstern, 2004, *The New Communications Technologies: Applications, Policy and Impacts*, Burlington: Elsevier, p 218.

²¹Mirabito and Morgenstern, Op Cit., p. 223.

²²Ibid, p. 224

²³Muhammad Aniq Yasrony , Op Cit., p. 208.

²⁴Ibid, p. 209

Legal norms, in particular Islamic law, be separate from the three dimensions of its implementation. Third aspect the is certainty law (juridical), justice (philosophical), and utility (*legal*) (sociological). To get profit from a rule of law, a third element must implemented.

In the formulation of Islamic law, the concept of welfare own place alone. Concept benefits (benefits) used in Islamic jurisprudence. In other words, the ideals that become runway enforcement of Islamic law are known as the intended target. Islamic law is defined by Al-Ghozali as all who contribute to the goal base Islamic law: protection of religion, self, reason, offspring, and property. Mafsadah, on the other hand, refers to everything something that deviates from the five goals of Sharia basis.²⁵

Aspect philosophical justice in law is the most obscure and the most difficult to understand. Character each law enforcer's thoughts law tend hide justice, opposite with expression certainty clear and solid law. Metrics justice is difficult to average out Because everything has a different "feeling" about it. When defining justice in Islam, a person No may more Far from Majid Khadduri's treatise and Sharia, which defines it as "Almighty justice". Islamic law is sometimes called "justice" because God's Sharia was designed To reach the objective of this. In addition, he differentiates between aspect justice substantive and procedural. As Allah has determined, justice That legitimate or Not valid. Everything that is permitted For done in the eyes of God is considered right, and the same thing applies to For on the contrary. Justice procedural, on the other hand, is a feature external to the sharia achieved by the conditions and needs of each community. To objectively set law and judge cases, justice procedural can achieved in hand for those who have the necessary qualifications, such as mujtahid and judge.²⁶

Component social benefits have a connection directly with the community targeted by the law, the thing that is intended protected. As has been shown, changes public needs and even requires legal reform. There are two dimensions of welfare in Islamic law: magnitude of welfare and level his needs. There are three types of scale Uses: "mmah" is one of three possible names for this genus: others are "khah" and "juz'iyah"²⁷ Temporary that, level needs are also shared become three categories: 1) *Malaah arriyah*; 2) *Malaya* and 3) *evil blessings*.²⁸ There are some variables needed under consideration moment to be considered when discussing contract weddings through teleconferencing.

First, the Certainty law is a factor the first thing to be noted (juridical). According to Islamic law, certainty law in context welfare can be classified into three different categories. According to the author (with prioritized validity marriage contract through teleconferencing), including in category the *devil's answer* Where text No in a way clear accommodate or exclude it in a way clear. For certainty, more law, ijihad must be used. Scholars have done this, as shown previously.

Second, the problem of justice (philosophical). In other words, the marriage contract through teleconferencing Possibly has its level of different legitimacy depending on the interpretation of the mujtahids and judges who signed it. Therefore, author No can fully verify the dimensions. The author, on the other hand, is opinionated that the marriage contract has fulfilled the aspect of justice, based on the method of teleconferencing media work and some of the descriptions given by the scholars, especially the four sects about pillars and conditions of harmony marriage contract.

Dimensions third is utility (sociological). Laws that have been standardized, good through fatwas and regulation legislation, according to writer No Can as well as immediately implemented. Reaction and acceptance in society, are good in a way individual and also collectively, together significant, and both each other influence. As a result, a fatwa or regulation favorable legislation one person has not Of course beneficial for other people. Likewise, just Because something is good For One group or individual No means that That will be Good for others. A contract signed marriage via teleconference perhaps takes Lots of dimensions social depending on the community. While some scholars have agreed with contract weddings kind of, the population local Still considers it not enough holy compared to the wedding traditional, although the fact in a way law allows For marriage through teleconference. The marriage contract was signed through telephone call as unfortunately tasnim in context this (need tertiary). Implementation of weddings online is a reality that occurs in society, in detail, marriage online is not yet regulated by law in Indonesia, things This becomes because existence of an emptiness law. While in perspective theory certainty law, all activities and behavior in demand man must clear and have certainty law. Therefore designing and creating a Constitution as well as articles related implementation of weddings online in detail must quickly made

²⁵Abu Hamid Muhammad ibn Muhammad Al-Ghazali, 1997, *Al- Mustasfā Min 'Ilm Al- Uṣūl Riyadh*: Dar al- Wathan, p. 416.

²⁶Majid Khadduri, 1998, *Maḥmūd Al-'Adl Fī Al- Islām*. Syria: Dār al- Ḥaṣad li al- Nashr wa al- Tawzī', pp. 161-176.

²⁷Ahmad Al- Raysuni, 2010, *Madkhal Ila Maqāṣid Al- Sharī'ah*, Cairo: Dar al- Kalimah, pp. 13-16.

²⁸Hammady Al-'Ubaidy, 1996, *Al- Shāṭibī Wow Maqāṣid Al- Sharī'ah*, Beirut: Dar Qutaybah, p. 125.

IV. CONCLUSION

The researcher can obtain conclusion findings following from research given in the section previously:

1. Legality wedding online is allowed marriage through teleconferencing by Constitution Marriage Law No. 1 of 1974 and the Compilation of Islamic Law because has fulfil all conditions and pillars of marriage.
2. Consequence law wedding online no There is a provision in the second rule which is in a way open and arranges marriage contract through teleconference. In the explanation of Article 27 of the KHI only mentioned that condition agreement and acceptance That nature sequentially and not based on time. However, in Article 2 of the UUP, there is a potential gap law that can made into runway the legality of ijtihad of academics in matter marriage. The fatwa of the Indonesian Ulema Council states weddings online is the law legitimate when fulfill provisions laws and conditions legitimacy of marriage.

BIBLIOGRAPHY

- [1] Al- Qurahdaghi , Muhyiddin, 2003, *Digital Fiqh* , Qonun - Prisma Media, Yogyakarta.
- [2] Al-Ghazali, Abu Hamid Muhammad ibn Muhammad, 1997, *Al- Mustaṣfā Min 'Ilm Al- Uṣūl* Riyadh: Dar al- Wathan
- [3] Al- Raysuni , Ahmad, 2010, *Madkhal Ila Maqāṣid Al- Sharī'ah* , Cairo: Dar al- Kalimah
- [4] Al -' Ubaidy, Hammady, 1996, *Al- Shāṭibī Wow Maqāṣid Al- Sharī'ah*, Beirut: Dar Qutaybah.
- [5] AM Mirabito, Michael and Barbara L. Morgenstern, 2004, *The New Communications Technologies: Applications, Policy and Impacts*, Burlington: Elsevier
- [6] Basyir, Ahmad Asyhar , *Islamic Marriage Law* , UII Pres Yogyakarta 2014
- [7] Daliyo, JB, 2001, *Introduction Legal Science*, PT. Prenhlmlindo , Jakarta
- [8] Fuady, Munir, 2014, *Civil Law Concept*, PT RajaGrafindo Jakarta
- [9] Khadduri, Majid, 1998, *Mafhūm Al-'Adl Fī Al- Islām* . Syria: Dār al- Ḥaṣad li al- Nashr wa al- Tawzī '.
- [10] M, Satria Effendi M, 2004, *Problems of Contemporary Islamic Family Law*.
- [11] Mirabito, Michael AM, and Barbara L. Morgenstern, 2004, *The New Communications Technologies: Applications, Policy and Impacts*, Burlington: Elsevier.
- [12] Pribadi, Eka Risyana, *Advantages and Disadvantages in the Use of Information and Communication Technology*, in <http://risyana.wordpress.com/2009/04/13/keuntungan-dan-kerugian-dalam-penggunaan-teknologi-informasi-dan-komunikasi-tik/>, accessed on January 26, 2025.
- [13] Soemiyati, 2005, *Islamic Marriage Law and the Law Marriage*, PT Rineka Press, Jakarta.
- [14] Soimin , Soedharyo , 2010, *Law of Individuals and Families* , Sinar Grafika, Jakarta.
- [15] Sadiani , 2008, *Marriage by Telephone* , Intimedia , Palangkaraya State Islamic Institute .
- [16] Sunggono , Bambang, 2007, *Methodology Legal Research* , PT. RajaGrafindo Persada , Jakarta.
- [17] Syarifudin, Amir, 2006, *Islamic Marriage Law in Indonesia*, Kencana, Jakarta.
- [18] Yasrony, Muhammad Aniq, 2017, " Marriage Contract Via Teleconference: Perspective " The Beneficence of the ...
- [19] Wasman and Wardah Nuronyah, 2011, *Islamic Marriage Law in Indonesia: Comparison of Fiqh and Positive Law*, CV. Citra Utama, Yogyakarta