ONLINE MARRIAGE IN MAQOSHID AL-SYARIAH PERSPECTIVE

Rizal Rahman Hamzah[*1], **Nasaruddin Nasaruddin**[2]

[1]*Islamic Family Law Study Program (Akhwal Syaksiyyah) State Islamic University Datokarama Palu, Indonesia*
[2] *State Islamic University Datokarama Palu, Indonesia*

Corresponding Author: Rizal Rahman Hamzah, E-mail: rizalhamzah2308@gmail.com

ARTICLE INFO	ABSTRACT
Volume: 3	Allah created humans in pairs, apart from being a necessity, it is also a way to preserve the human population on earth.
KEYWORD	Islam regulates the relationship between a man and a woman by means of a legal marriage bond. In modern times such as today, the marriage model is developing by means of online marriages. With the maqashid in mind, online marriages can be recognized if appropriate mechanisms are put in place to ensure the fulfillment of these conditions. In this regard, technological innovation should be used to support rather than replace the basic principles of Islamic law. This also shows the importance of adaptation and ijtihad in dealing with new challenges that arise in the digital age.
Online marriage.	Maqasid al-Shariah is the purpose or intention behind Islamic sharia, which aims to protect five main things: religion (hifz al-din), soul (hifz al-nafs), intellect (hifz al-aql), offspring (hifz al-nasl), and property (hifz al-mal). Every law in Islam is designed to achieve one or more of these objectives. Therefore, the legal analysis of online marriage should consider whether it supports or undermines the maqasid.

1. Introduction

This online marriage is very interesting to discuss because this problem is a contemporary problem that will not be found in classical books except in general or discussing from certain angles only.

2. Literature Review
the reference sources in this study are the book kifayatul akhyar, fathul qorib and journals related to online marriage. among the titles of the journal, namely Online Marriage during the Covid-19 Outbreak Relevance of Maqashid Sharia, Marriage Acts Through Zoom in the Perspective of Fiqh etc.

3. Methodology

This research methodology mainly uses a qualitative approach known as library research, which includes conducting investigations within the scope of a library to collect and carefully analyze data drawn from various scholarly sources. (Calibri (Body), Font Size 10)

3.1 Subheading (if any)

---

[*] **Rizal Rahman Hamzah** is a Student of Islamic Family Law Study Program at Postgraduate School, State Islamic University Datokarama Palu, Indonesia. This paper was presented at the 3rd International Conference on Islamic and Interdisciplinary Studies (ICIIS) 2024, as a presenter, held by the Postgraduate School State Islamic University Datokarama Palu, Indonesia.

In this research, the primary sources include well-known fiqh books such as "Kifayatul Akhyar", "Fathul Qorib", "Fathul Mu'in", and "Maqashid al-Syariah" by Yusuf Al-Qardhawi.

3.2 Subheading (if any)

Analysis of research data through a qualitative approach usually follows an inductive path .

4. Results and Discussion

The law of online marriage in the perspective of maqashid al-Syariah is not allowed if it does not pay attention to the pillars and conditions of marriage. And it is allowed if the emergency conditions, such as plague, distance or work. because marriage is a necessity and it is human nature to need the opposite sex. Online marriage is still a matter of debate and there is no definite legal agreement. Although some scholars and fiqh academics allow it, it should be remembered that online marriage has greater risks and potential harm than offline marriage. Therefore, it is more affdhol to carry out marriage in person for the sake of the blessing and harmony of the bride and groom's family.

5. Conclusion

The law of online marriage in the perspective of maqashid al-Syariah is not allowed if it does not pay attention to the pillars and conditions of marriage. And it is allowed if the emergency conditions, such as plague, distance or work. because marriage is a necessity and it is human nature to need the opposite sex. Online marriage is still a matter of debate and there is no definite legal agreement. Although some scholars and fiqh academics allow it, it should be remembered that online marriage has greater risks and potential harm than offline marriage. Therefore, it is more affdhol to carry out marriage in person for the sake of the blessing and harmony of the bride and groom's family.

References :

JOURNALS :

Bachrong, Faizal, Fathur Marzuki, and Handar Subhandi Bakhtiar. "Praktik Pencatatan Ijab Qabul Via Online Dalam Proses Akad Nikah Di Makassar." Pusaka 7, no. 1 (2019): 49–62. https://doi.org/10.31969/pusaka.v7i1.241.

BOOKS:

Ghazali, Abd. Rahman. "Fiqh Munakahat," 8–9. Bogor: Kencana, 2003

THESIS AND DISSERTAION:

Haezan, M. (2008). Dakwah Rasululaha SAW Menurut Historis Islam (Periode Mekah-Madinah). (Sarjana Skripsi), Sekolah Tinggi Agama Islam Negeri, Surakarta.

Rahmanto, A. (2019). Nilai Toleransi Beragama Dalam Buku Akidah Akhlak dan Implementasinya Pada Pembelajaran di SMA Muhammadiyah Satu Bantul Yogyakarta. (Master), Uuniversitas Islam Negeri Sunan Kalijaga, Yogyakarta.

PROCEEDINGS:

Moxley, E., Kleban, J., & Manjunath, B. S. (2008). Spirittagger: a geo-aware tag suggestion tool mined from flickr. Paper presented at the Proceedings of the 1st ACM international conference on Multimedia information retrieval, Vancouver, British Columbia, Canada.

ONLINE SOURCES:

O'Reilly Iii, C. A. (1989). Corporations, Culture, and Commitment: Motivation and Social Control in Organizations.

Managing Human Resources. online di: <http://road.uww.edu/ROAD/tourignl/MBA745section4/oreilly.pdf> . Diakses tanggal 16 November 2009 http://www.internetworldstats.com/stats.htm. Diakses tanggal 20 Oktober 2015.

ONLINE NEWSPAPER:

Kompas. (2011). Naik 13 Juta, Pengguna Internet Indonesia 55 Juta Orang. Diakses 17 Juli 2017, dari Kompas Media http://tekno.kompas.com/read/2011/10/28/16534635/Naik.13.Juta..Pengguna.Internet.Indonesia.55.Juta.Orang