THE VALIDITY OF ONLINE MARRIAGE FROM A MAQASID SYARIAH PERSPECTIVE: JASSER AUDA'S SYSTEMIC APPROACH

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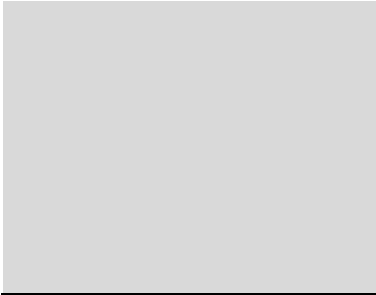rachmaniqbal14@gmail.com, akbarizan@uin-suska.ac.id

Abstract

This study reveals the legality of online marriages, which are currently an alternative solution when the prospective bride and groom cannot meet in person. Technological advances in this digital era have become inevitable, thus becoming a topic of discussion in Islamic law. Online marriages are conducted via video calls, whether through Google Meet, Zoom, WhatsApp, or other applications, thus providing convenience for both parties who are separated by distance and location. This study uses a philosophical approach using the theory of maqashid sharia developed by Jasser Audha. The conclusion of this study is that, according to the perspective of maqashid sharia developed by Jasser Audha, the validity and permissibility of online marriages are a form of openness in Islamic law using a multidimensional method in addressing issues arising from global digitalization, referring to the six approaches in maqashid sharia. Thus, the permissibility of online marriages is in line with the achievement of the values of the features developed by maqashid sharia Jasser Audha.

Intisari

Penelitian ini menguak tentang hukum nikah yang dilaksanakan secara online yang saat ini menjadi solusi alternatif ketika kedua calon mempelai tidak bisa dipertemukan dalam satu majelis secara langsung. Kemajuan teknologi di era digitalisasi ini menjadi sesuatu yang tidak dapat dielakkan sehingga menjadi diskursus di dunia hukum Islam. Pernikahan secara online dilakukan dengan cara video call baik itu melalui platform google meet, zoom, whatsApp dan aplikasi lainnya sehingga memberi kemudahan bagi kedua belah pihak yang terhalang jarak dan tempat. Penelitian ini menggunakan pendekatan filosofis dengan menggunakan teori maqashid syariah yang dibangun oleh Jasser Audha. Kesimpulan dalam penelitian ini adalah menurut perspektif maqashid syariah yang dibangun oleh Jasser Audha, keabsahan dan kebolehan nikah online adalah bentuk keterbukaan hukum Islam dengan menggunakan metode multi dimensi dalam menyikapi persoalan yang muncul

sebagai akibat dari digitalisasi global dengan mengacu pada 6 (enam) pendekatan dalam maqashid syariahnya. Dengan demikian kebolehan pernikahan secara online sejalan dengan ketercapaian nilai-nilai dari fitur-fitur yang dibangun oleh maqashid syariah Jasser Audha.

1. Introduction

Marriage is a sacred institution in Islam which is carried out through the ijab and kabul contract between the prospective bride and groom, their guardian, and witnessed by valid witnesses (Tasyukur & Yustisi, 2024; Wardana & Ananda, 2024). This contract serves not only as a ceremonial formality, but also as a legal foundation that legitimizes the husband-wife relationship and establishes a legal bond with moral, social, and religious consequences. Therefore, the validity of marriage is a fundamental issue in Islamic law (Amin et al., 2023; Khairuddin, 2025; Rohman, 2025; Wahyu & Alam, 2022). Failure to fulfill the pillars and requirements of a marriage contract can result in the invalidity of the marriage, which in turn impacts the legal status of the family, lineage, and civil rights. In this context, discussions regarding the form and mechanism of the marriage contract cannot be separated from the strict framework of Sharia law, which is responsive to social dynamics. Any change in the practice of the marriage contract requires in-depth legal analysis to ensure it does not conflict with the primary objectives of Islamic law.

The development of information and communication technology has brought major changes in human social interaction patterns (Fajriah & Ningsih, 2024; Thahir et al., 2025). Digitalization allows people to conduct various activities without having to be physically present in a single space, from education and employment to economic transactions through audio-visual-based online platforms. This transformation is gradually also penetrating the realm of religious practices, including marriage ceremonies. The phenomenon of online marriages, conducted through media such as video calls, has become an inevitable new reality in the digital age (Hanafiah et al., 2025; Huda, 2025). This practice is often triggered by specific circumstances, such as geographical distance, emergencies, or social restrictions. However, fundamental questions arise regarding whether virtual marriage contracts still meet the principles of

the sanctity and validity of marriage in Islam. This tension between the sacredness of marriage and the efficiency of technology is what makes online marriage a crucial issue in contemporary Islamic legal discourse.

The study of online marriage has attracted the attention of several researchers in the past five to ten years. (Himma, 2025; Rizal & Wahid, 2024a; I. Sujono et al., 2022), for example, examining the validity of marriage contracts through online media by emphasizing the concept of ittihad al-majelis and the continuity of ijab and qabul. (Taufiq et al., 2023; Zahra et al., 2025) examine the practice of marriage contracts via video call from the perspective of Islamic jurisprudence, while (Ismail et al., 2024; Muslimah, 2025) discusses the social and legal responses to online marriage in modern Muslim societies. On the other hand, (Ulum, 2025) began to link online marriage with the maqasid of sharia, but are still limited to the classical maqasid approach that focuses on protecting the five basic needs (al-dharuriyyat al-khams). These studies show that the discourse on online marriage is still predominantly normative-fiqh in nature, and has not yet adopted the contemporary maqasid approach that is systemic and multidimensional.

In the Indonesian context, the debate over online marriage is reflected in the views of religious organizations and institutions. The Muhammadiyah Tarjih Council is of the opinion that a marriage contract conducted via video call can be declared valid according to Islamic law as long as all the pillars and requirements of the contract are met, with an emphasis on the substance of the contract rather than the physical form of the meeting (Mardianingsih & Meidina, 2023; Nuroniyah, 2017). Meanwhile, the Indonesian Ulema Council (MUI) emphasized that online marriages can be invalid if they do not fulfill the valid requirements for ijab and qabul, such as ittisal, clarity of wording, and the meaning of ittihad al-majelis (Rizal & Wahid, 2024b; N. F. Sujono et al., 2024). These differing views indicate that online marriage remains an issue of ijtihadiyah (Islamic jurisprudence) open to further study. However, to date, no study has explicitly elaborated on online marriage using Jasser Auda's six systemic features of the maqasid sharia (Islamic principles of sharia). This approach offers a more contextual, dynamic, and responsive analytical framework to the complexities of Islamic law in the digital age.

Based on the background and research gaps, this article aims to analyze the validity of online marriage from the perspective of contemporary maqasid sharia proposed by Jasser Auda through its six systemic features, namely cognitive, holistic,

open, hierarchical, multidimensional, and goal-oriented approaches. This approach was chosen to view online marriage not only from the formality of the contract, but also from the legal objectives and benefits that sharia aims to realize. The research questions answered in this article are: (1) how is the legal construction of online marriage in contemporary fiqh and fatwa discourse? (2) how is the practice of online marriage analyzed through the six features of Jasser Auda's maqasid sharia system? and (3) to what extent is online marriage in line with the objectives of sharia in maintaining the sanctity, justice, and benefits of marriage amidst the development of digital technology?

2. Research Methods

This research is a library research with a philosophical-normative approach (Chu, 2015; Libraries, 1979). This approach is used to critically and in-depth examine the concept of online marriage as the object of study, both from the perspective of Islamic legal norms and the goals and values sought to be realized by sharia. The normative analysis focuses on the provisions of fiqh (Islamic jurisprudence) and fatwas (religious edicts) concerning the validity of the marriage contract, while the philosophical approach is used to explore the substantive meaning and rationality of the law through the framework of contemporary sharia maqasid (the maqasid of sharia).

Data sources in this study are divided into primary data and secondary data (Creswell et al., 2007). Primary data includes Jasser Auda's key works discussing the maqasid of sharia and its six systemic features, fatwas and decisions of religious institutions such as the Indonesian Ulema Council (MUI) and the Muhammadiyah Tarjih Council regarding the implementation of marriage contracts, and regulations or provisions of Islamic law relevant to marriage practices. Secondary data consists of scientific journal articles, books, and previous research discussing online marriage, marriage contracts through digital media, and studies of the maqasid of sharia, both classical and contemporary.

Data collection was conducted through documentation, namely by searching, identifying, and classifying relevant literature according to the research focus (Burrell & Cane, 1982; Miles et al., 2014). Furthermore, the data was analyzed using qualitative-descriptive analysis by examining the practice of online marriage through the six features

of Jasser Auda's maqasid sharia system to assess its suitability with the objectives of Islamic law holistically and contextually (Villamin et al., 2025).

3. Analysis and Discussion

Analysis

The study's findings indicate that marriage in Islam is understood as a very strong bond (mitsaqan ghalizhan) realized through the marriage contract, consisting of the consent and qabul (consent). Etymologically, nikah means union or sexual intercourse, while terminologically, it is a contract that legally permits marital relations. This concept aligns with the definition in the Compilation of Islamic Law, which positions marriage as an act of worship intended to obey the commands of Allah SWT, and Law Number 1 of 1974, which defines marriage as a physical and spiritual bond to form a happy and eternal family based on the One Almighty God. These findings confirm that the marriage contract is the core of the legality of marriage, not merely a ceremonial procession. Therefore, the validity of the contract is the primary parameter in assessing the validity of a marriage, even when the contract is conducted online.

Based on an analysis of the verses of the Quran and Sunnah, this study found that marriage has a strong normative basis as part of the commands of sharia. QS. Ar-Rum (30): 21 emphasizes that marriage aims to achieve tranquility (sakinah), compassion (mawaddah), and mercy (rahmah), while QS. An-Nur (24): 32 uses the wording of the command (amr) which indicates a strong recommendation to carry out marriage. The interpretation of classical scholars, such as Imam al-Qurthubi, explains that the command is directed at the guardian, thus emphasizing the guardian's central position in determining the validity of the marriage contract. In addition, the hadith of the Prophet Muhammad SAW also places marriage as an integral part of Islamic teachings and a means of maintaining the morals of the community.

These findings demonstrate that marriage in Islam is not merely understood as a legal contract but also as a sharia-compliant institution oriented toward specific goals. The primary purpose of marriage is teleological, namely maintaining social order, human dignity, and the continuation of the offspring. This framework of objectives serves as an important basis for assessing online marriage practices. As long as the contract is executed online, even if it maintains these goals and fulfills the pillars and requirements

stipulated by sharia, online marriage practices can be deemed compliant with the spirit of Islamic law.

The results of fiqh studies indicate a consensus among the major schools of thought (mafiqh) of the Hanafi, Malikiyah, Shafi'iyah, and Hanabilah that the marriage contract is a legal instrument that serves to legalize the marital relationship. However, differences arise in the technical aspects of the contract's implementation, particularly regarding the requirement for immediacy between the ijab and qabul (contract) and the concept of a single assembly (ittihad al-majelis). The Shafi'i and Hanbali schools emphasize the necessity of the ijab and qabul (contract of marriage) taking place in a single assembly without significant interruption, as a form of caution in maintaining the clarity and solemnity of the marriage contract.

In contrast, the Hanafi school allows for flexibility by not requiring the physical presence of the parties in one place, as long as the continuity and clarity of the contract are maintained. This difference in opinion demonstrates that the concept of a single assembly is not purely speculative, but rather the result of scholarly ijtihad influenced by the social context and communication media of the time. Thus, the concept of ittihad al-majelis is open to reinterpretation as technology advances, as long as the principle of caution and the fundamental purpose of the marriage contract are maintained.

The research results show that the pillars and requirements of marriage, namely the presence of the prospective bride and groom, guardians, witnesses, and the acceptance of the marriage contract (ijab and qabul), are essential elements that cannot be omitted, both in conventional marriages and in online marriage practices. These findings confirm that the validity of a marriage under Islamic law is determined by the fulfillment of the normative elements of the marriage contract, not by the form or location of its implementation. In the context of online marriage, the only differences that arise relate to the medium of delivery of the marriage contract, while the legal substance of the marriage remains within the same framework as in-person marriages.

As long as the guardian is legally present, the witnesses are able to clearly witness the marriage contract, and the acceptance of the marriage contract is pronounced in a clear, coherent, and legally accountable manner, the marriage contract still meets the requirements of sharia legality. These findings reinforce the view that technology serves as a means, not a substitute for the pillars of the marriage contract itself. Therefore, online

marriage does not fundamentally change the basic structure of Islamic marriage law, but rather represents a technical adaptation that remains subject to the principle of prudence and the objectives of sharia.

Analysis using Jasser Auda's maqasid sharia (Islamic principles) indicates that online marriage is legally acceptable if it meets six systemic features. First, through the cognitive feature, it is understood that the concept of one assembly is the result of fiqh ijtihad (Islamic jurisprudence), not an absolute sharia provision. Second, the wholeness feature requires that online marriage be evaluated by considering its comprehensive causes and effects, including social and family law impacts. Third, the openness feature emphasizes the importance of legal responses to emergencies and limitations, such as pandemics or geographic distance. Fourth, the hierarchy feature indicates that the technical aspects of the marriage contract are at the hajiyat (pilgrimage) level, not the daruriyat (necessary). Fifth, the multidimensional feature demands the integration of fiqh, social, and technological perspectives. Sixth, the purposefulness feature emphasizes that the goals of marriage, namely maintaining honor, tranquility, and welfare, can still be achieved through online marriage.

Based on the overall analysis, the results of this study indicate that online marriage, in principle, does not conflict with Jasser Auda's maqasid sharia, as long as it fulfills the pillars and requirements of marriage and upholds the basic objectives of sharia. The systemic approach of maqasid allows for a contextual reinterpretation of the concept of ittihad al-majelis without eliminating the sacred value of the contract. This finding also confirms that the contemporary maqasid approach is more adaptive in responding to technological developments than a purely formalistic fiqh approach.

Discussion

This discussion begins with an affirmation that the marriage contract is the core of the validity of marriage under both Islamic law and positive law in Indonesia. From a fiqh perspective, the marriage contract is understood as a mitsaqan ghalizhan, a strong bond that has not only contractual value but also religious value (Muna et al., 2025). This definition is in line with the Compilation of Islamic Law which places marriage as a legal act and also an act of worship, as well as Law Number 1 of 1974 which defines marriage as a physical and spiritual bond to form a happy and eternal family (Takim, 2022). This

finding provides an important foundation for assessing online marriage practices, as it demonstrates that the validity of a marriage is determined by the fulfillment of the pillars and conditions of the marriage contract, not by the technical form or medium of its implementation. Therefore, changing the medium of the marriage contract from face-to-face to online does not necessarily change the legal status of the marriage, as long as the substance of the contract remains normatively and legally sound.

The normative foundations of marriage in the Qur'an and Sunnah further strengthen this substantive approach. Surah Ar-Rum (30): 21 emphasizes that marriage aims to create tranquility, compassion, and mercy, while Surah An-Nur (24): 32 explicitly commands marriage to be performed. Interpretations by classical scholars, such as Imam al-Qurtubi, emphasize that this command is directed to the guardian, making the presence of a guardian a fundamental element in the marriage contract. The hadith of the Prophet Muhammad (peace be upon him) also positions marriage as an integral part of religious teachings. These findings demonstrate that the purpose of marriage in Islam is teleological and oriented toward human well-being. Therefore, the assessment of online marriage cannot be separated from the extent to which the practice is able to realize these goals of sharia, not solely on its conformity with the technical patterns of conventional marriage that have developed in a particular social context.

Perbedaan pandangan mazhab mengenai akad nikah dan konsep ittihad al-majelis menunjukkan bahwa aspek teknis pelaksanaan akad merupakan wilayah ijtihadiyyah. The Shafi'i and Hanbali schools of thought require the continuity of the ijab and qabul (contract) in a single assembly without significant interruption, while the Hanafi school allows for flexibility by not requiring the physical presence of the parties in one location. This difference indicates that the concept of a single assembly does not have a single, definitive definition, but rather is a fiqh construct influenced by the social and technological context of its time. In the modern context, the presence of audiovisual communication technology allows for the continuity of the marriage contract in real time, even though the parties are in different locations. Therefore, this finding opens up space for a contextual reinterpretation of the concept of a single assembly without having to deny the principle of prudence in the marriage contract.

An analysis of the pillars and requirements of marriage in the context of online marriage shows that the basic legal structure of marriage remains unchanged. The

prospective bride and groom, guardians, witnesses, and the vows of ijab and qabul remain indispensable elements. The only difference lies in the medium used to convey the vows and qabul. As long as the words are pronounced clearly, coherently, witnessed by qualified witnesses, and are legally accountable, the contract remains valid according to sharia. This finding strengthens the argument that technology serves as a means, not a substitute for the pillars of the contract. Thus, online marriage cannot be viewed as a deviation from Islamic law, but rather as a technical adaptation that remains within the normative framework of sharia.

Jasser Auda's systemic maqasid sharia approach provides a more comprehensive analytical framework for assessing online marriage. Through cognitive features, this study confirms that the fiqh understanding of a congregation is a product of interpretive human knowledge. Therefore, the concept is open to reconsideration when social and technological contexts change. In this case, online marriage can be understood as a new form of marriage contract that functionally still fulfills the principles of continuity and clarity. This approach allows Islamic law to move beyond mere textual reading to a more reflective and contextual understanding.

The feature of wholeness in Jasser Auda's maqasid sharia demands that online marriage be assessed holistically, not fragmentarily. Legal assessment focuses not only on the technical aspects of the marriage contract but also on its impact on family protection, legal certainty, and social order. In this context, online marriage can actually provide benefits for couples who are hindered by geographical distance, emergencies, or specific situations such as a pandemic. With a holistic approach, online marriage is not seen as a threat to the institution of marriage, but rather as a contextual solution that maintains the fundamental values of sharia.

Openness and multidimensionality are key to constructively interpreting differing views across schools of thought. This approach allows for the integration of classical Islamic jurisprudence (fiqh) perspectives, modern social needs, and technological developments. Thus, the Shafi'i school's strict adherence to a single assembly can be contextually reread without negating its fundamental principles. Communication technology enables the continuity of marriage contracts, functionally equivalent to physical meetings. This multidimensional approach emphasizes that Islamic law does not exist in a vacuum but constantly interacts with dynamic social realities.

The hierarchy of maqasid (maqasid) indicates that the technical aspects of the marriage contract are at the hajiyyah (pilgrimage) level, not the daruriyyah (necessary) level (Shofiyah & Hamidah, 2024). This means that these aspects can be adjusted as long as they do not undermine the primary objectives of sharia. In the context of online marriage, technical adjustments are made to maintain convenience (taysir) without sacrificing the principle of prudence. Meanwhile, the purposefulness feature emphasizes that as long as online marriage can safeguard honor, progeny, and family peace, the practice aligns with the maqasid of sharia. With this approach, the sacredness of marriage is not measured by its outward form, but by the achievement of the objectives of sharia.

The findings of this study are relevant to contemporary practices and fatwas, such as the views of the Muhammadiyah Tarjih Council and the stance of the Indonesian Ulema Council, which allow for the validity of online marriages provided that the pillars and conditions of the marriage contract are met. This demonstrates the harmony between the systemic maqasid approach and institutional ijtihad in Indonesia. Thus, this research is not merely theoretical but also has practical implications for the development of Islamic family law, particularly in responding to the challenges of the digital era.

The novelty of this research lies in the explicit, systematic, and applicable use of Jasser Auda's six maqasid of sharia framework in analyzing online marriage. Unlike previous research that tends to focus on the legality or illegitimacy of formal Islamic jurisprudence, this study offers an evaluative perspective that places online marriage within the overall framework of the objectives, systems, and benefits of sharia. Thus, this research makes a conceptual contribution to the development of contemporary Islamic law and offers a more adaptive and contextual approach to addressing technological dynamics without losing sight of Islamic normative values.

4. Conclusion

This study concludes that online marriage can be positioned as a practice that is principally permissible under Islamic law if it fulfills the pillars and conditions of the marriage contract and upholds the basic objectives of sharia. Through Jasser Auda's systemic maqasid sharia framework, online marriage is understood not as a deviation from marital norms, but rather as a legitimate technical adaptation in the context of social and technological change. The six features of maqasid: cognitive integrity, openness,

hierarchy, multidimensionality, and purpose, demonstrate that the concept of ittihad al-majelis is ijtihadi (informed decision-making) and can be reinterpreted contextually without diminishing the prudential value and sanctity of the marriage contract.

Theoretically, this study contributes to the development of maqasid sharia studies by demonstrating the effectiveness of Jasser Auda's systemic approach in addressing contemporary Islamic family law issues. These findings confirm that maqasid sharia functions not only as normative justification but also as an analytical framework capable of integratively bridging text, context, and legal objectives. Thus, this research enriches the discourse on Islamic family law by offering a more adaptive perspective than the formalistic fiqh approach, which tends to be rigid in response to technological change.

Practically, the results of this study can serve as a reference for religious institutions and legal authorities in formulating online marriage guidelines that guarantee legal certainty and family protection. However, this research remains normative-conceptual in nature. Therefore, further empirical-based research is needed to examine the practice of online marriage in official institutions, such as the Office of Religious Affairs (KUA) or religious courts, including its impact on marriage administration and household sustainability. Such studies are crucial to ensure that legal adaptations to technology remain aligned with the objectives of sharia.

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