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1 Juridical Study of Islamic Law Against Marriage Under the Hand Through Online Applications

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Abstract

1 In Indonesia, the only recognized legal frameworks for marriage are Law No. 1 of 1974 and the Compilation of Islamic Law's marriage articles. However, at the start of 2015, the media reported on a new phenomenon known as "online marriage," where certain individuals offered marriage services for a fee without the need for a marriage guardian. In examining the legal status of these marriages under Islamic law, it is important to note that no guardian or even a prospective bride is required. This qualitative study uses a juridical-normative approach and a literature review as its methodology. Primary data was obtained from online marriage service providers, while related references served as secondary data sources. The findings of the study indicate that these marriages are considered invalid under both religious law and legislation.

Keywords: Underhand Marriage; Online Media; Islamic Law

Introduction

Islam regulates marriage in this way. Marriage in Islam has its own rules that there are pillars and conditions that must be met, so that the marriage is valid according to the provisions of Islamic law. The pillars of marriage are a determining factor for the validity or invalidity of a marriage (Hidayat, 2023:4). The terms of marriage are factors that must be met by the subjects of law which is an element or part of the marriage contract (Djubaidah, 2010:107). The majority of scholars agree that the pillars of marriage are; the existence of a prospective husband and wife who will perform the marriage, The Guardian of the prospective bride, the presence 5 two witnesses, and the marriage contract shigat (Abidin, 2009:63). Dalam masalah syarat per.an According to the Quran a Muslim is one who has absolutely su 5 ndered to Allah and his commands and believes in pure Tawhid (the oneness of God) that isn't tainted with any shirk and this is why the Almighty has introduced prophet Abraham as a true prophet. According to the Shafi'i school requires marriage several conditions in shigat, the two brides and the witnesses (Al Zuhaili, 2011:91).

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In the laws and regulations in Indonesia the rules regarding the validity of marriage stated, "Marriage is valid, if done according to the law of each religion and belief it (Marriage Law No.1 of 1974). The laws of each religion and belief that includes provisions that apply, to the extent not contrary or not otherwise specified in this law. So for Muslims, the validity of marriage is if it is done according to Islamic law (Djubaidah, 2010:214). Regarding the pillars of marriage, the KHI also mentioned the pillars of marriage consists of prospective husband, prospective wife, wali, two witnesses, ijab and kabul (compilation of Islamic Law Article 14). The conditions of marriage are described in Law No. 1 of 1974 on marriage in a separate chapter, Chapter Two which mentions the conditions of marriage in several articles (Marriage Law No.1 of 1974).

In addition, the rules of marriage are explained in detail in the law in a statement, "every marriage is recorded according to the prevailing laws and regulations" (Marriage Law No.1 of 1974). The sentence in the Marriage Act regarding the necessity of recording a marriage may be less strict. But in the compilation of Islamic law the rules for recording marriage the sentence is further emphasized, namely saying " " a marriage that is carried out outside the supervision of a marriage registrar employee does not have the force of law " (compilation of Islamic Law Article 14). In other words, KHI emphasized that marriages that are not registered are not valid according to the laws and regulations in Indonesia.

Most Indonesians better understand the definition of marriage under the hand is a marriage that is legal according to religion but not legal according to the law. In other words, marriage under the hand is a marriage that is not registered in KUA but in harmony and marriage conditions are met. Marriage under the hand is indeed one of the problems of marriage. On the one hand, if the religious conditions and pillars are met, then the marriage, however, remains valid. On the other hand, if marriage is not recorded, it will cause many questions later on. The recording of each marriage is the same as the recording of important events in a person's life, such as birth, death stated in the certificates, a deed that is also contained in the Register of records (Talib, 2006:157).

Marriage under the influence causes a lot of problems. In addition to not being legally recognized, but still in great demand. Especially with full of motives in its implementation. Under hand there is no examination of Guardians, witnesses, the status of the bride and groom in advance as is done with registered marriages. This makes it possible for irregularities to occur because without a strict examination, it is even an opportunity for people to offer marriage services under hand. The development of technology is utilized by marriage service providers under the hand to offer their services through online media. Siri marriage services offered through online media had become a heated discussion in early 2015 and caused strong reactions from some circles. Around the month of March 2015 the media heavily reported the issue of marriage services under this hand.

If traced through a search on the internet we find many marriage services under the hand offered through websites that they make themselves or they advertise their services at certain website addresses. In one of the shows on television, trying to trace one of the practices of marriage services providers under the hand offered through online media. In the search there are prospective brides and grooms who came to the service provider and expressed his intention to get married. Service providers set a certain rate to the bride and groom. When it comes to Guardians, these providers do not require guardians from Imam Malik and Abu Hanifa. Witnesses are also prepared by the service provider. The witness who was asked was also the origin of a witness without considering whether the witness did meet the conditions and the witness did not previously know the bride who would marry under the hand. Service providers also do not mind if the man who will be married status is already married, does not require prior permission with his wife. After the wedding process takes place, the bride gets a piece of paper that for the service provider is

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a 9 kind of marriage certificate. The bride is free to write the date in the deed (<https://www.youtube.com/watch?v=CgJiZv6OewY>, accessed June 17, 2016).

From the umpteenth of many conditions and pillars for the validity of marriage, according to Islamic law, wali is a very important and decisive thing. According to Imam Shafi'i guardian for the bride, while for the prospective groom is not required wali marriage for the validity of the marriage (Ramulyo, 2009: 215). The issue of guardianship is indeed the most important thing to look at in marriage. Islamic law or the law regulates the guardianship of marriage in detail. The opinion of Imam mazhab that allows marriage without a guardian cannot be directly concluded just like that. Moreover, the majority of scholars argue that the Guardian including the pillars of marriage, KHI also include Guardian as pillars of marriage.

The above exposure is the consideration of the author to conduct a deeper study related to the above phenomenon. Therefore, the study is intended to answer questions related to the implementation of marriage under the hand and the reasons used in offering its services through aplikasi online applications.

Theoretical Basis

5 According to the Quran a Muslim is one who has absolutely surrendered to Allah and his commands. *sunatullah* Islam recommends performing marriage as stated in various expressions in the Qur'an and Sunnah. This is in accordance with Article 2 of the compilation of Islamic law (KHI) which states that "marriage according to Islam is a marriage, which is a 10y strong contract or *mitsaqan ghalidzan* to obey the co 10ands of Allah and perform it is worship" (compilation of Islamic Law Article 2). Marriage in principle is a contract that justifies the relationship, limiting rights and obligations, as well as mutual assistance between men and women who are not muhrim (Sudarsono, 1992:188).

Marriage is a strong bond *mitsaqon gholidhon* between husband and wife. Allah Swt says in surat an-Nisa verse 21:

"And how are you going to take it back, when you have been associating with each other (as husband and wife). And they have taken from you a firm Covenant". In its implementation, it becomes the basis for the importance of marriage registration, because basically, marriage registration aims at the realization of legal certainty, the intention is to have legal involvement and legal protection of the marriage itself. Therefore, the registration of marriage is a formal requirement for the validity of marriage. These formal requirements are procedural and administrative. Completing the marriage contract is obligatory, but it is not complete without a record. This is why marriage is mandatory. With the registration of marriage, the existence of marriage is formally recognized juridically (Muktiarto, 1993: 47).

Metode Research Methods

The study used a qualitative-descriptive approach. And this type of study is included in the literature review (Mardalis, 2008:24). The point is that this study is based on a review of data sourced from online media that provide information about marriage services under the hand as a primary source. The secondary data used are relevant works, among others: *Marriage Registration a 12 marriage not recorded according to written law in Indonesia and Islamic law* by Neng Djubaidah, *Islamic marriage law: an analysis of Law No. 1 of 1974 and compilation of Islamic law* by Mohd. Idris Ramulyo, *Marriage Law I* by Khoiruddin Nasution and others. Then the collected data is analyzed qualitatively by deductive thinking, which is an analysis based on notions or facts that are general, then examined and the results can solve specific problems.

Results and Discussion

8 According to the language, marriage under the hand means a marriage that is carried out secretly or a marriage that is kept secret. While according to the term, marriage under the hand is a marriage that can be declared valid in religion (if the conditions and pillars are met) but not legal force (al-Zuhaili, 1989:81). Basically, in the study of Fiqh, marriage under the hand is included in the practice that is debated by scholars, among others, it can be explained that Imam Malik declared the marriage is void, because the marriage must be announced to the wider community. While Imam Shafi'i and Abu Hanifa declared marriage under the hand of the law is valid, but makruh done (al-Zuhaili, 1989: 71).

7 Meanwhile, in the review of the law there are rules for living together, namely as described in Law No. 1 of 1974 on marriage that "marriage is a bond born between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on the Almighty God". The consideration is that as a country based on Pancasila where the first precept is the supreme deity, then marriage not only has an element of birth or both have an important role. Marriage also aims to form an agreement between a man and a woman, which has civil aspects including: voluntariness, consent of both parties, freedom of choice, and emergency (Tihami, S7rani, 2013:16). As for the compilation of Islamic law (KHI), which is in Article 2, it confirms that marriage is a very strong contract or *M* (3) *iso* (10) *anghalizhan* to obey the command of Allah and carry it out is worship (Syarifudin, 2013:40). Thus, marriage for Muslims is a religious event and the person who performs it has committed an act of worship. Marriage in Islam is a matter of worship.

Then, related to the practice of marriage under the hand, that the marriage has two senses: *the first* is promoted through *online media* and its execution is carried out clandestinely without legality from the state. This is the same as *siri* in general because it is done under the hand and without state registration. The difference is only a technical problem in arranging an agreement to perform a marriage contract in one ceremony. *In addition to the above*, perpaduan iklan maupun pelaksanaannya dilakukan secara *the application is also available online* (<http://news.metrotvnews.com/read/2015/03/19/373553/pengertian-.sionline> retrieved on Thursday, July 13, 2017, at 11: 00).

Various *siri marriage* services are openly advertised in cyberspace. The cost of wedding services also varies, ranging from Rp. 1,000,000 (One Million rupiah) to 4,000,000 (four million rupiah). Wedding under this hand can be done by telephone or video call with skype. Even the guardian for the bride can be represented at the same time by the penghulunya itself or can choose to be provided by the penghulu with the consent of the bride and groom from *the online marriage services*.

Which has recently become a hot topic in the media, has a varied, including:

- a. There are similarities with. under ordinary hands

This Model, which *is online* is just an advertisement for its promotion. Namely marriage services under the hand that find the headman and guardian judge then advertise it online. The name of the marriage contract remains *offline* aka face to face. The problem is, the Guardian is not necessarily valid religiously. Therefore, women who still have parents or guardians nasab, he is not entitled to use guardian judge.

- b. Marriage through online media

The marriage contract can be done face-to-face or *online* using media such as *skype*, in accordance with the agreement. Both parties of the bride and groom who want *to end their single status* are not

thinking long enough to do this kind of wedding under the online hand. It is only enough to contact the marriage service under the hands of online and the service provider has provided the headman, Guardian and witnesses who are ready online to marry them online.

c. Marriage under the hand online

The second type of marriage may last a long time, although it is not clear whether the headman and Guardian, the third marriage is only for a certain period of time. Just like MUT'ah ala *Shi'ah*, it can be said only a cover to hide covert prostitution.

From the exposure of the variations of marriage under the hand above can be illustrated by practice as well as there is someone who offers the services of the marriage headman initials (UA), which advertises his services. The Penghulu operates in Bandung, West Java. He argued that marriage under the hand does not violate the rules of religion because its purpose is noble. He also asserted that marriage under the hand is a lawful way to avoid zina. Here there is a bond of *semati sehidup* that has been spoken by two people. The chief, claims to be ready to facilitate couples who will perform a wedding under the hand complete with the chief, witnesses and married testimony. And the preparation for the wedding is only needed money, the wedding can take place. The money in question (UA) is a service money for himself as an impromptu chieftain. According to him, marriage can be done anywhere, including in a room where he meets people who are ready to be married.

He has married dozens of couples, most of his marriages are secret. The reason is not to get the blessing of the wife for the man or do not get the blessing of the parents. The marriage mechanism (UA) is very simple. There is a bride who pledges a promise, then there is a little sermon in the implementation of the marriage contract by (UA). The procession also does not need to be attended by two brides, if unable, one can be by phone then the marriage is considered valid. "As long as when asked whether the groom or the bride is serious about marrying their partner, then it is legal". About the authenticity of the marriage book he can not promise anything. Similar to (UA), online peggulu marriage services online are also carried out by (UR) located in East Jakarta, he said briefly the mechanism is only to come with a partner, then bring the dowry that has been agreed between the couple. Meanwhile, for the cost of marriage under the hand of 2 million reserved for two witnesses and guardian judge.

Based on the exposure of tracing from data sources related to research variables, then it is necessary to analyze the practice of marriage under hand. However, previously it must be understood first about *online marriage* so that by understanding the context first, then we can explore the law and establish the law in fact so that we can avoid the possibility of establishing a law that is far from the truth. Because this problem is very complex.

. *Online marriage* is a form of marriage whose *ijab qabul transactions* are carried out through a state of connectivity or activities connected to a network or internet system (*via online*), so between the groom and the Bride, The Guardian and the witness do not meet each other and gather in one place. What exists and is displayed is only a form of visualization from both parties through the help of electronic tools such as *teleconferencing, webcam* or others that are still related to the internet.

Online marriage in the general sense, is a marriage whose communication is carried out with the help of computers in both places, each of which can be connected to a *file server* or *network* and use *online media* as a tool to help. *Online Media* itself is a media based on telecommunications and multimedia (computer and internet). In it there are portals, *websites* (website), *radio-online*, *TV-online*, *online Press*, *mail-online*, and others, with the characteristics of each in accordance with the facilities that allow *users* to use which of course comes from the *Cacha server* and the internet network (Nugroho, 2012: 29).



Online marriage itself when compared with ordinary marriage if from the above explanation, it can be concluded that there is no substantial difference to the wedding ritual between *online wedding rituals* with wedding rituals as usual. The thing that distinguishes *online marriage* from ordinary marriage is in the essence that it is closely related to the place (*ru'at*) in the implementation or execution of the contract, but the rest is all the same. The implementation of marriage is usually between men and women can meet, face to face and talk in person, as well as *online marriage*. In the implementation or implementation of *online marriage*, it uses the power of technological developments to assist in the implementation of marriage in order to convey the image of the condition of individuals who are interacting (*teleconference*) as it should. *Video teleconference technology* is more sophisticated than the telephone, because in addition to delivering voice, this technology can display images or imagery in *realtime* through the internet network.

Marriage via *online* itself can be facilitated by using a *projector* (firing tool) to a large screen to display each party and the elements who want to hold a marriage contract. This is to prove and make everyone able to see the contract as meet, meet, face to face directly and especially so as it should be, and also included loudspeakers so that everyone can hear clearly as desired in general marriage.

The main element that supports and strengthens the implementation of this agreement is that it uses the internet base or *server* as its working tool, which is assisted by *webcame*, ICT applications, such as automatic Office applications, electronic mail, SMS, forums, *knowledge*, *websites*, through telephone communication facilities, the internet and the global internet and so on in terms of its application.

From the above explanation, it can be concluded that there are differences regarding the cultural shift in terms of performing the contract. Where in the usual marriage contract is done with *muwa jahahbil Ma'rUUf* (face to face directly) in one place. However, for *this online marriage muwa jahahbil Ma'rUUf* both done, but not with one place, where *online marriage* is done with the separation of the distance between the contract.

There are several factors and reasons that are the main foundation for them why they should do marriage under the hands of *online*, including :

1. Save them from the wrath of God.
2. The marriage process is easy to implement
3. According to them the practice of this kind of marriage has been qualified and harmonious in marriage.
4. The absence of a goal to have offspring.
5. After that they can have sexual relations freely like a legitimate husband and wife in general.

Many of those who practice this kind of marriage consider that marriage under *this online hand* is not at all against the rules of Sharia in Islam. Meanwhile, looking at the procedures for the implementation of marriage under *this online hand* including practices that are very easy to do. Only by calling or contacting services that provide marriage facilities through *online* only, the bride and groom who will carry out this marriage do not need to bother to meet the requirements that exist in marriage in general, namely guardians or witnesses. Because the marriage service provider under *this online hand* already provides what is needed by prospective couples who will do the wedding.

Online marriage service providers *online* have prepared guardians for women even though they are not guardians on the original terms. They assume that the important thing is that there is already a guardian who marries even though it is not the original Guardian. His witness is also provided and the headman is also smart about religious matters, according to their confession. Simply by paying Rp.

2,000,000 to Rp. 2,500,000, the candidates can already have their wedding. The implementation of the marriage contract is also very easy, the bride and groom do not have to come to see the prince but can be carried out online with *skype video call* (video call via *skype*).

Most who practice this kind of marriage are women who work in nightclubs or karaoke places in big cities. Who are very promiscuous and very concerned about how to get along and are ready to serve the men who are ready to need the services of these women. While the men who practice this kind of marriage are mostly swinger men who thirst for sexual pleasure and like to obey their passions. Most of them are married and have children.

After that, when they have done this kind of marriage, the spouses have the right to carry out activities or work before they get married. The wife is allowed by her husband to work as usual in a nightclub to serve guests who come as usual even though she does not have sexual relations with the guests she serves after marriage. Because they only want to connect to the husband who has married *her online*. And they agreed not to have children after marriage.

According to the author by just looking at the above reasons is still not enough to allow marriage under *the hand online*. This shows that it is not enough just to see the fulfillment of the conditions and pillars even though the conditions and pillars in marriage under *the online hand* above by them are considered valid to justify or allow an act. However, it is still not in accordance with the purpose of marriage that has been prescribed by the religion of Islam that leads for married couples to build a family that is *sakinah mawaddah wa rahmah*. Then this marriage should not be done.

It is undeniable that marriage under the hands of *this online* only aims to meet purely biological needs and indulge the passions for the sake of getting sheer pleasure. This is evidenced by the perpetrators of marriage under the hands of *this online* marriage melaksanaka not see from the rules of Islamic law that does not care about the requirement to meet the requirements of the legal pillars in marriage. In the sense that his guardian is not a proper guardian, the witness is not a witness commanded in Islam, the penghulunya is also not necessarily a pious person in Islam, all of these include Abal-abal alone. And there is no purpose to build a household that *sakinah Mawaddah warahmah* in marriage and husband and wife agreed not to have children.

The process of marriage contract under *this online hand*, it can be said with a marriage contract that is carried out in different assemblies (not one place) in the sense of not physically face to face. So according to the opinion of the Shafi'i, Maliki and Hanbali schools, marriage under *the hand online* is not allowed. Meanwhile, according to the Hanafi school, it allows marriage contracts that are not carried out in a physical assembly. The understanding of an assembly by the majority of scholars is understood by their presence in one place physically, therefore if a marriage contract is not carried out in one place then the marriage is not valid. Likewise, if the prospective groom is unable to attend an assembly at the time the marriage contract is held but the man sends a letter as *qabulhis qabul* then the marriage remains invalid. This opinion was expressed by scholars from among the Maliki, Shafi'i, and Hanbali sects.

While in the opinion of the valid Shafi'i school, *ijab qabul* should not be done through correspondence, good *ijab qabul* in transaksi *Muamalat transactions* especially in conducting a marriage contract. They argue that *the qabul ijab* is a means to show both parties mutually *ridla* satisfied with the transaction, and *ridla* can not be convinced only by a letter. The solution offered by the Shafi'i school is to delegate the contract to someone and then the representative is present in the marriage contract, if so then the scholars agree that the transaction represented is legally valid. Therefore, according to the view in the Shafi'i School of *ijab qabul* by letter without representing invalid.

Meanwhile, according to scholars from the Hanafi school, they argue that the understanding of the contract of one assembly is not only seen from the physical presence of the party, but *the ijab* and *qabul* must be done in one place and continuously and mutually continuous. In this case, the scholars of the Hanafi school allow the marriage contract through a letter as long as the letter is read in front of witnesses and directly answered it is said as *ijab* and *qabul*.⁹ For the opinion of contemporary scholars regarding marriage law under *the online hand* as follows: (<http://www.nu.or.id/18/03/2016/LBMNU/> - under-hand-online-so-Event-adultery accessed on July 8, 2017).

1. According to KH. Khaizun Tafdlila deputy chairman of the institution *Bahtsul Masail* said that if the marriage under the hands of *the online* contract abal-abal, clearly unlawful. And when it comes to sex, it is an act of adultery because the conditions and pillars of marriage are only abominable.
2. According to KH. Mahmudi, one of the prominent Nahdlatul Ulama scholars in Pakis Aji sub-district, Jepara Regency, said that marriage under the hands of *online* that is rife today is one of the practices of adultery. Because in the contract the woman uses a guardian who is not clear, a witness who is not clear, the penghulunya only a masquerade as a person who claims to be pious smart religion and in carrying out *the ijab qabul* is not in a state of Assembly directly with face to face. According to him, the assembly contract has not been said to be valid if it is carried out only through internet video because it contains uncertainty and cannot be physically seen directly in one place.
3. According to KH. Fah¹¹ Rozi, one of Muhammadiyah ulama leaders in Kedung District, Jepara regency, said that the practice of marriage under the hands of *online* is illegal, because all the elements in the marriage are fake, not the original as instructed by religion.

Based on the explanation of the *salaf scholars* as well as contemporary scholars described above can be a reason to declare that the practice of marriage is not legal. The practice of marriage under the hands of *online* occurs because of the offer of marriage services from individuals who want to reap the benefits to the common people by facilitating marriage under the hands by using *online media*. The procedure for implementation is also very easy because the prospective bride and groom do not have to come to see the chief because simply using *skype online media* can already hold a marriage contract, guardians and witnesses have been provided by the bidder services. And the contract can be held even though the bride and groom are not in one place. From this it is clear that the practice of marriage under *this online hand* is not valid to be carried out because all the elements in this marriage are not clear from the one who marries and The Guardian and witness are also not clear can be interpreted that the Guardian and witness are not from the woman.

According to the author, the practice of marriage under the hands of *this online* is a reason for the perpetrators to justify adultery under the guise of having carried out a marriage contract, in order to be able to freely have a biological relationship with the opposite sex. The contract of marriage under *this online hand* can be said to be inappropriate or there is no connection in the thoughts of the *salaf scholars* regarding the contract that must be carried out in one assembly. Likewise, it is corroborated by the explanation of several fatwas issued by contemporary scholars who consider that the contract performed in marriage under the hands *online* of the law is *haram* because the perpetrator is not in one place and harmonious in marriage is just a fabrication or abal-abal.

In addition, it can be interpreted that the marriage contract under *the online hand* is only an engineering or contract that is not clear in the sense that only an abal-abal only because all the *pillars are* not fulfilled is also done not in one assembly by the service providers and prospective brides, in the name of a marriage that is considered valid according you can have a biological relationship with the opposite sex. Then, it is necessary to present an analysis from the perspective of the legislation of the Republic of Indonesia. As a state of law, Indonesia has always stood on the law as the highest Constitution, and the

highest Constitution in the state of Indonesia is the Constitution of the Republic of Indonesia in 1945. then, in the case of munakahat (marriage), we rely on Law No. 1/1974 On Marriage.

Speaking of . under hand *online*, within Islamic law and The Marriage Act itself there are no rules that explicitly explain and regulate about this. Similarly, in the context of the validity of marriage under *online* his online hand, or even in the application of marriage registration for those perpetrators of *online marriage*. Thus it can be ascertained that in this case there is a legal vacuum in force in Indonesia today, either in Islamic law or also in positive law in Indonesia. In the application of marriage registration for *online marriage*, basically it is closely related to the validity of an *online marriage* contract, which in the previous discussion the author has described about the validity of *online marriage*, and with these descriptions the discussion of the application of marriage registration for *online marriage* becomes synergized and becomes a complex discussion.

The application of marriage registration for those who *have an online marriage* is closely related to other important events in this case ordinary marriage which is generally applicable in Indonesia. namely related to the legality and administrative recognition of the state against those who marry through *online media*. Where in law No. 1/1974 in the sound of Article 2 Paragraph 2 states that every marriage is recorded according to the prevailing laws and regulations (Marriage Law No. 1 of 1974). And in KHI Article 5 Paragraph (1) it is explained that in order to ensure the order of marriage for the Islamic community, every marriage must be recorded (compilation of Islamic law).

From the sound of these articles confirms the state in this case the law says that every marriage is recorded according to the laws and regulations in force, and it has become clear, that we as a legal society are bound to the rules made by law. Our country is a country of law, thus we can understand that, all affairs in the state of Indonesia is obliged to run based on the norms or rules of law in force. Likewise, for the registration of marriage in the Marriage Law as explained above, it becomes a prerequisite for those who want to get recognition in the eyes of Indonesian legislation or law. Related to the registration of marriage against *online* marriage, this can not be separated from the legislation itself, where he demanded and guaranteed that marriage is valid, if *dikakukan* according to the laws of each religion and belief it (Marriage Law No. 1 of 1974).

Where when marriage under the hand of *online* is not accepted and is considered invalid by religion, then the absolute law of the country does not accept and facilitate the application of marriage registration, this is as an *impact* or implication of the law of marriage under the hand of *online* as related in Suara KHI Article 4 marriage is valid, if Act No. 1/1974 Article 2 (1), that marriage is valid, if done according to the law of each religion and belief.

The quality in a society like this is an obstacle to the Marriage Law in KHI Article 5 and 6, among them is that in order to ensure the order of marriage for the Islamic community every marriage must be recorded. The registration of the marriage, as mentioned in Paragraph (1) shall be conducted by the Registrar of marriages as stipulated in law No.22, 1946 jo. Law No. 23 of 1954. To comply with the provisions of Article (5), every marriage must take place in the presence and under the supervision of a marriage registrar. A marriage performed outside the supervision of a marriage registrar has no legal force. From a formal juridical perspective, serial marriages are prohibited by law, either law No.1 year 1974 and compilation of Islamic law (KHI). Then the marriage under hand through *online media* that is carried out by not meeting the criteria of the two positive laws, is considered invalid or the same is said that the marriage is considered non-existent.

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Conclusion

Based on the study above, it can be concluded that the implementation of marriage under the hand provided marriage services under the hand, the procession of the qabul agreement is the same as marriage in general. The difference is that there are some marriage service providers under the hand who are willing to marry without a guardian. One of the service providers even clearly mentioned the reason for the marriage using the version of Imam Malik and Abu Hanifa. The bride and groom who do not bring witnesses the service provider is already providing witnesses in the marriage under the hand. Calan bride simply come with a photo 3x4 without handing over the papers. There are even service providers who do not ask the identity of the bride and groom. After the marriage process, married couples get a letter that according to the service provider serves as proof that the marriage has been carried out.

The reason the marriage service provider under the hand offers its services through online media is the assumption that marriage under the hand becomes one way to prevent adultery is indeed the basis behind the emergence of marriage service providers under the hand offered through online media to support marriage under the hand by using its services. The phenomenon of marriage under the hand offered through online media is indeed a discussion by some parties. Not only the marriage services under the hand that he offers, but the reason the services help marriage under the hand will prevent adultery also invite reactions from some parties.

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