

The Implications of Fazlur Rahman's Double Movement Theory on The Legality of Virtual Marriage in Islamic Law

Implikasi Teori Double Movement Fazlur Rahman terhadap Legalitas Pernikahan Virtual dalam Hukum Islam

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ABSTRACT

*This article examines the implications of Fazlur Rahman's Double Movement Theory for assessing the legality of virtual marriage in Islamic law. It responds to the expansion of digital communication in Muslim family life after the COVID-19 pandemic, which has intensified debates on *ijab* and *qabul*, guardianship, witness presence, identity verification, electronic evidence, registration, and the protection of spouses and children. Using a qualitative hermeneutic-legal approach, this study analyzes Islamic legal texts, contemporary scholarly debates, fatwa and regulatory responses, and comparative practices in several Muslim jurisdictions. The findings show that virtual marriage cannot be judged solely by the physical co-presence of the contracting parties. Its validity must be evaluated through the substantive objectives of Islamic marriage law, including valid consent, contractual clarity, reliable witnessing, legal certainty, protection of lineage, public accountability, and prevention of harm. Through the Double Movement framework, this study argues that virtual marriage may be legally recognized only when all pillars and requirements of marriage are fulfilled through reliable electronic procedures, supported by verified identity, real-time communication, credible witnesses, official supervision, authenticated electronic evidence, and enforceable registration. Conversely, virtual marriage should be restricted when digital procedures create uncertainty, enable manipulation, or weaken the protection of women, children, and family rights. The study contributes an integrative framework that connects Islamic legal hermeneutics, maqasid-oriented reasoning, and practical safeguards for digital family law reform.*

Keywords: Double Movement Theory, Virtual Marriage, Islamic Law, Digital Family Law, Maqasid al-Sharia.

ABSTRAK

Artikel ini mengkaji implikasi Teori Double Movement Fazlur Rahman dalam menilai legalitas pernikahan virtual dalam hukum Islam. Kajian ini merespons meluasnya penggunaan komunikasi digital dalam kehidupan keluarga Muslim setelah pandemi COVID-19, yang memperkuat perdebatan mengenai *ijab* dan *qabul*, perwalian, kehadiran saksi, verifikasi identitas, alat bukti elektronik, pencatatan, serta perlindungan pasangan dan anak. Dengan menggunakan pendekatan kualitatif hermeneutik-yuridis, penelitian ini menganalisis teks hukum Islam, perdebatan akademik kontemporer, respons fatwa dan regulasi, serta praktik komparatif di beberapa yurisdiksi Muslim. Temuan penelitian menunjukkan bahwa pernikahan virtual tidak dapat dinilai semata-mata berdasarkan kehadiran fisik para pihak yang berakad. Keabsahannya harus dievaluasi melalui tujuan substantif hukum perkawinan Islam, meliputi



keabsahan persetujuan, kejelasan akad, keandalan saksi, kepastian hukum, perlindungan nasab, akuntabilitas publik, dan pencegahan kemudharatan. Melalui kerangka Double Movement, penelitian ini berargumen bahwa pernikahan virtual dapat diakui secara hukum hanya apabila seluruh rukun dan syarat perkawinan terpenuhi melalui prosedur elektronik yang andal, didukung oleh verifikasi identitas, komunikasi waktu nyata, saksi yang kredibel, pengawasan resmi, autentikasi alat bukti elektronik, dan pencatatan yang mengikat secara hukum. Sebaliknya, pernikahan virtual harus dibatasi ketika prosedur digital menimbulkan ketidakpastian, membuka peluang manipulasi, atau melemahkan perlindungan perempuan, anak, dan hak-hak keluarga. Penelitian ini berkontribusi dengan menawarkan kerangka integratif yang menghubungkan hermeneutika hukum Islam, penalaran berbasis *maqasid*, dan perlindungan praktis bagi reformasi hukum keluarga digital.

Kata Kunci: Teori Double Movement, Pernikahan Virtual, Hukum Islam, Hukum Keluarga Digital, *Maqasid Syariah*.

INTRODUCTION

Digital transformation has reshaped the institutional, procedural, and evidentiary dimensions of Islamic family law. Marriage, traditionally understood as a solemn religious and legal contract, is now being discussed within digital environments where communication, documentation, and legal administration may occur through electronic media. This shift raises a fundamental question: whether a marriage contract conducted virtually can satisfy the requirements of *ijab* and *qabul*, witness presence, legal certainty, and rights protection. Recent studies show that online marriage, video-call marriage contracts, and even metaverse-based matrimonial practices have become important cases for assessing how Islamic law responds to technological change.¹

The emergence of virtual marriage must be placed within the broader transformation of Islamic law in the digital era. Digital technology is not merely a neutral tool, because it also changes how legal authority, religious practice, social interaction, and proof are constructed.² In Islamic family law, these changes create new problems concerning online marriage contracts, digital dowry, online divorce, reconciliation,

¹ F. Faisal et. al., "Marriage Contract Through Visualization of Online Video Call Communication Media According to Marriage Law and Islamic Law in Indonesia," *SMART: Journal of Sharia, Tradition, and Modernity* 1, no. 1 (2021): 81–97, <https://doi.org/10.24042/smart.v1i1.9847>; Muhammad Abdul Aziz et al., "A Study on Marriage Ceremony Through Video Call Software: Modernity and Islamic Law Perspective," in *Proceedings of the 1st International Conference on Recent Innovations*, 2018, 2960–67, <https://doi.org/10.5220/0009944629602967>; Mursyid Fikri et al., "Emergence of Digital Matrimony: Exploring Islamic Legal Responses to Metaverse Marriages," *Journal of Islamic Thought and Civilization* 14, no. 2 (2024): 246–62, <https://doi.org/10.32350/jitc.142.15>

² M. Arzroomchilar, E., & Olamaiekopaie, "Where Technology Meets Islam: Towards an Islamic Perspective on Technology," *Journal of Islamic Thought and Civilization* 12, no. 2 (2022): 14–27, <https://doi.org/10.32350/jitc.122.02>.

evidentiary mechanisms, and the renewal of the Compilation of Islamic Law.³ Therefore, virtual marriage is not only a technical issue of communication, but also a legal and ethical issue that requires stronger methodological reasoning.

The legal debate on virtual marriage generally revolves around three issues: unity of session, authenticity of consent, and evidentiary reliability. Classical juristic discussions emphasize the clarity of *ijab* and *qabul*, the role of witnesses, and the presence of the guardian. Virtual platforms complicate these requirements because the parties may not be physically present in one location. Some studies argue that a video-call marriage contract may be valid when the essential pillars are fulfilled, the communication is uninterrupted, and the parties can clearly hear and see each other.⁴ Other studies show that disagreement persists because scholars differ in interpreting *ittihad al-majlis*, whether it must mean physical unity or can include simultaneous virtual presence.⁵

Comparative legal responses also remain uneven. In Indonesia, online marriage is still debated because positive law does not yet provide a comprehensive and specific framework for virtual marriage contracts, although several *fiqh*-based arguments allow the practice under strict conditions.⁶ Studies on digital Islamic family law also show that legal reform is needed to address new realities such as online contracts, digital evidence, and the legal consequences of technology-mediated family relations.⁷ Thus, virtual marriage cannot be addressed only through isolated fatwas or practical convenience. It requires a systematic legal methodology that connects doctrinal requirements, technological reliability, institutional supervision, and protection of rights.

Fazlur Rahman's Double Movement Theory offers a relevant framework for this purpose. Rahman argues that Islamic legal reasoning should move from contemporary problems to the historical context of revelation in order to identify the moral-social principles underlying the text, and then return to the present context to formulate

³ Ita Musarrofa et al., "The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law," *Jurnal Hukum Islam* 22, no. 1 (2024): 89–122, https://doi.org/10.28918/jhi_v22i1_4.

⁴ Aziz et al., "A Study on Marriage Ceremony Through Video Call Software: Modernity and Islamic Law Perspective", 2960–67.

⁵ Habil Syahril Haj & Hamidah, "Online Marriage from the Perspective of Islamic Law and Positive Law at the Junrejo District Religious Affairs Office," *ISLAMIKA* 7, no. 1 (2025): 107–23, <https://doi.org/10.36088/islamika.v7i1.5484>; Faisal, F., Isaeni, A., Bahrudin, M., & Nasruddin, "Marriage Contract Through Visualization of Online Video Call Communication Media According to Marriage Law and Islamic Law in Indonesia", 81–97.

⁶ Haj & Hamidah, "Online Marriage from the Perspective of Islamic Law and Positive Law at the Junrejo District Religious Affairs Office", 107–23.

⁷ Musarrofa et al., "The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law", 89-122.

appropriate legal responses.⁸ This method avoids both rigid literalism and unrestricted modernism. It allows Islamic law to remain faithful to its normative foundations while responding to changing social realities, a position that is also supported by Saeed's contextual approach to Qur'anic ethico-legal interpretation, which considers both the socio-historical context of revelation and contemporary Muslim concerns and needs.⁹ In the case of virtual marriage, the first movement examines why Islamic law requires consent, witnesses, guardianship, publicity, and legal certainty, while the second movement asks whether digital mechanisms can realize these objectives today.

When applied to virtual marriage, the Double Movement Theory shifts the analysis from physical form to legal and ethical substance. The essential question is not merely whether the parties occupy the same physical space, but whether the contract preserves valid consent, reliable witnessing, verified identity, transparency, lineage protection, and enforceable rights. Contemporary *maqasid*-based approaches to Islamic family law in the digital era support this type of analysis because they emphasize openness, purposefulness, public benefit, and legal protection without abandoning the authority of Islamic legal texts.¹⁰ Therefore, virtual marriage may be considered conditionally valid when technological procedures can secure the purposes of the marriage contract.

Existing studies have contributed to the discussion by examining video-call marriage, online marriage in Indonesian law, digital family law, and the challenges of metaverse-based marriage. However, much of the literature remains fragmented. Some studies focus on technical validity, while others emphasize legal reform, digital evidence, or *maqasid*-oriented adaptation. There is still a need for an integrated framework that links Islamic legal hermeneutics, *maqasid* reasoning, and practical safeguards for women, children, and family rights.¹¹ This study therefore analyzes the legality of virtual

⁸ F. Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago and London: University of Chicago Press, 1982), 5-8, <https://press.uchicago.edu/ucp/books/book/chicago/I/bo41314165.html>.

⁹ A. Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach* (London and New York: Routledge, 2006), 1, <https://doi.org/10.4324/9780203016770>.

¹⁰ Ita Musarrofa and Husnul Muttaqin "Maqasid Sharia Jasser Auda Theory: Systems Approach to Islamic Family Law in the Digital Era," *Al-Hurriyah: Jurnal Hukum Islam* 9, no. 2 (2024): 194–208, <https://doi.org/10.30983/al-hurriyah.v9i2.8979>; A. Supriatna, "Perkembangan Fikih dalam Era Digital: Kajian terhadap Metode Ijtihad dalam Memahami Masalah Kontemporer," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2024): 717–34, <https://doi.org/10.47467/as.v6i1.5478>.

¹¹ Faisal et al., "Marriage Contract Through Visualization of Online Video Call Communication Media According to Marriage Law and Islamic Law in Indonesia", 81-97; Musarrofa et al., "The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law", 89-122; Fikri et al., "Emergence of Digital Matrimony: Exploring Islamic Legal Responses to Metaverse Marriages", 246-62.

marriage through Rahman's Double Movement Theory by examining whether digital procedures can preserve the ethical and juridical objectives of Islamic marriage law.

Ultimately, the legality of virtual marriage should not be reduced to a binary opposition between tradition and technology. The more important question is whether digital procedures can maintain valid consent, legal certainty, public accountability, protection from harm, and justice for all parties. A Rahmanian approach enables Islamic law to engage digital transformation constructively while remaining grounded in its moral and theological foundations. Accordingly, this study argues that virtual marriage may be accepted only when supported by reliable identity verification, valid witnesses, official documentation, legal supervision, and enforceable protection for the rights of spouses and children.¹²

RESEARCH METHOD

This study employs a qualitative hermeneutic-legal approach to examine the legality of virtual marriage in Islamic law through Fazlur Rahman's Double Movement Theory. I use this approach because virtual marriage is not merely a technical issue of online communication, but an ethical and legal problem that requires interpretation of Islamic legal texts, social realities, and relevant regulations. The data consist of primary and secondary legal materials. Primary materials include Islamic legal texts, principles of marriage contracts, legislative documents, official regulations, and institutional or court decisions related to virtual marriage where available. Secondary materials include books, peer-reviewed journal articles, contemporary scholarly interpretations, and empirical reports on online marriage, digital family law, Islamic legal reform, and rights protection in Muslim societies. I collected these materials through library research and document analysis, which is appropriate for examining written sources as stable, contextual, and interpretable qualitative data.¹³

The analysis was conducted through identification, thematic classification, coding, and interpretation. I classified the materials according to key themes, including

¹² Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, 5-8; Aziz et al., "A Study on Marriage Ceremony Through Video Call Software: Modernity and Islamic Law Perspective", 2960-2967; Musarrofa & Muttaqin, "Maqasid Sharia Jasser Auda Theory: Systems Approach to Islamic Family Law in the Digital Era", 194-208.

¹³ G. A. Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (2009): 27-32, <https://doi.org/10.3316/QRJ0902027>; J. W. Creswell & C. N. Poth, *Qualitative Inquiry and Research Design: Choosing among Five Approaches* (Thousand Oaks, CA: Sage Publications, 2018), 42-47 <https://us.sagepub.com/en-us/nam/qualitative-inquiry-and-research-design/book246896>.

ijab and *qabul*, witnesses, guardianship, authenticity of consent, evidentiary reliability, legal protection, and the adaptability of Islamic law in digital contexts. The coded data were analyzed using the interactive model of qualitative analysis, which includes data condensation, data display, and conclusion drawing or verification.¹⁴ The main analytical framework is Rahman's Double Movement Theory, which moves from contemporary problems to the historical-moral context of Islamic norms and then returns to present realities to formulate ethical legal conclusions.¹⁵ I also use *maqasid*-oriented reasoning and limited comparison across Muslim jurisdictions. Credibility is strengthened through source triangulation by comparing classical legal materials, contemporary literature, legal documents, and empirical reports in a coherent and accountable manner.¹⁶

RESULTS AND DISCUSSION

Practices and Regulations of Virtual Marriage in Muslim Countries

Virtual marriage has become an increasingly significant issue in Muslim societies, especially after the COVID-19 pandemic restricted mobility and accelerated the use of digital legal services. In Islamic legal scholarship, online marriage is commonly discussed through the validity of *ijab* and *qabul*, the presence of guardians and witnesses, and the continuity of communication during the contract. Studies on marriage contracts through video calls show that the central legal issue lies in whether parties located in different places can still be considered present in one contractual session when they are connected through real-time audio-visual media.¹⁷ Other research highlights that online marriage during the pandemic created practical legal debates because emergency conditions encouraged the use of digital media while classical requirements of marriage still had to be maintained.¹⁸

Regulatory and religious responses to virtual marriage vary according to legal doctrine, institutional readiness, and interpretations of *ittihad al-majlis*. Some scholars

¹⁴ J. Miles, M. B., Huberman, A. M., & Saldana, *Qualitative Data Analysis: A Methods Sourcebook* (Thousand Oaks, CA: SAGE Publications, 2014), 8-14, <https://us.sagepub.com/en-us/nam/qualitative-data-analysis/book239534>.

¹⁵ Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, 5-8.

¹⁶ Creswell, J. W., & Poth, *Qualitative Inquiry and Research Design: Choosing among Five Approaches*, 259-63.

¹⁷ M. A. Pranata et al., "Keabsahan Akad Nikah Melalui Video Call Menurut Hukum Islam," *Jurnal Riset Hukum Keluarga Islam* 1, no. 1 (2021): 21-26, <https://doi.org/10.29313/jrhki.v1i1.85>.

¹⁸ M. P. Emas, "Problematika Akad Nikah Via Daring dan Penyelenggaraan Walimah Selama Masa Pandemi Covid-19," *Batulis Civil Law Review* 1, no. 1 (2020): 68-78, <https://doi.org/10.47268/ballrev.v1i1.387>; A. Arif et al., "Pelaksanaan Akad Nikah Secara Virtual pada Masa Pandemi: Analisis Empat Mazhab," *SHAUTUNA: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab* 3, no. 1 (2022): 303-16, <https://doi.org/10.24252/shautuna.vi.23375>.

argue that an online marriage contract may be valid if all pillars and requirements are fulfilled, including the guardian, witnesses, clear *ijab qabul*, and uninterrupted communication.¹⁹ However, other scholars remain cautious because the physical unity of place has traditionally been regarded as important in ensuring certainty and preventing dispute.²⁰ From the perspective of Indonesian marriage law, virtual marriage also raises questions about legal recognition, administrative recording, and evidentiary certainty, particularly because positive law does not yet provide comprehensive regulation for online marriage contracts.²¹

Despite its flexibility, virtual marriage raises serious legal and social challenges. The main concerns include authenticity of consent, validity of electronic documents, identity verification, evidentiary reliability, and the risk of technological misuse. These challenges indicate that virtual marriage cannot be assessed only from the perspective of technological convenience, but must also be examined through Islamic legal principles, state registration, and protection of family rights. Therefore, virtual marriage requires integrative regulation that combines reliable verification systems, official supervision, public education, digital literacy, and responsive Islamic legal reasoning. Such regulation is necessary to preserve legal certainty, protect the rights of spouses and children, and ensure that digital marriage practices remain consistent with the objectives of Islamic law.²²

Analysis of the Double Movement Theory on the Legality of Virtual Marriage

Fazlur Rahman's Double Movement Theory provides a useful framework for examining the legality of virtual marriage because it connects Islamic legal texts with contemporary social realities. The first movement begins by returning to the Qur'anic and prophetic foundations of marriage in order to identify the moral and legal objectives behind the rules. In Islamic marriage law, the validity of the contract is generally linked

¹⁹ Pranata et al., "Keabsahan Akad Nikah Melalui Video Call Menurut Hukum Islam", 21-26.

²⁰ Emas, "Problematika Akad Nikah Via Daring dan Penyelenggaraan Walimah Selama Masa Pandemi Covid-19", 68-78.

²¹ Nur Atika & Zahratul Mawaddah, "Akad Nikah Virtual: Perspektif Hukum Islam dan Undang-Undang Perkawinan Di Indonesia," *OBHE: Jurnal Pascasarjana IAIN Papua* 1, no. 2 (2024): 99–115, <https://doi.org/10.53491/obhe.v1i02.1265>; A. Hastarini, "Keabsahan Ijab Qabul dalam Perkawinan Secara Online (Daring) dalam Perspektif Hukum: Implikasi Pandemi COVID-19," *Journal Kompilasi Hukum* 10, no. 1 (2025): 77–89, <https://doi.org/10.29303/jkh.v10i1.220>.

²² Arif et al., "Pelaksanaan Akad Nikah Secara Virtual pada Masa Pandemi: Analisis Empat Mazhab", 303-16; Atika & Mawaddah, "Akad Nikah Virtual: Perspektif Hukum Islam dan Undang-Undang Perkawinan di Indonesia", 99-115; Hastarini, "Keabsahan Ijab Qabul dalam Perkawinan Secara Online (Daring) dalam Perspektif Hukum: Implikasi Pandemi COVID-19", 77-89.

to the fulfillment of essential elements such as *ijab* and *qabul*, guardian, witnesses, consent, and legal clarity.²³ However, classical legal sources do not explicitly determine the technological medium through which *ijab* and *qabul* must be performed. This opens room for *ijtihad* when new communication technologies produce legal situations unknown to earlier jurists. Rahman's method is relevant here because it requires legal reasoning to move from present problems to the historical-moral context of revelation, and then return to contemporary reality with an ethical legal formulation.²⁴

The second movement brings these ethical principles into the context of digital society. From a *maqasid*-oriented perspective, Islamic law is directed not only toward formal compliance but also toward public benefit, protection of dignity, legal certainty, and prevention of harm. Recent studies on online marriage show that the main debate concerns whether *ittihad al-majlis* must be interpreted as physical unity in one place or may include simultaneous virtual presence through real-time audio-visual media.²⁵ Therefore, virtual marriage may be legally acceptable when it fulfills the ethical substance of sharia: clear consent, absence of coercion, verified identity, reliable witnesses, the presence or authorization of the guardian, and transparent documentation. This position is consistent with *maqasid*-based reasoning, which evaluates legal change through the protection of legal objectives in changing social contexts.²⁶

Accordingly, the legality of virtual marriage should be formulated as conditional rather than absolute. A virtual marriage contract can be recognized if all pillars and requirements of marriage are genuinely fulfilled through reliable electronic means, including *ijab* and *qabul*, guardian, witnesses, identity verification, and official documentation. Studies on Indonesian fatwa institutions show that NU, Muhammadiyah, and MUI differ in their responses to online marriage: NU tends to reject it because of the requirement of physical presence, Muhammadiyah permits it when all pillars and

²³ A. A. Candra & R. Abdullah, "Legality of Ijab-Kabul in Online Marriage from Maqashid Sharia Perspective," *UIR Law Review* 9, no. 1 (2025): 15–31, [https://doi.org/10.25299/uirlrev.2025.vol9\(1\).22138](https://doi.org/10.25299/uirlrev.2025.vol9(1).22138).

²⁴ I. Syarbini, "Teori Double Movement Fazlur Rahman: Sebuah Tawaran Metodologis dalam Hukum Islam," *Progresif: Media Publikasi Ilmiah* 7, no. 1 (2019): 13–28, <https://doi.org/10.61595/progresif.v7i1.354>; M. A. Hamzawi, "Elastisitas Hukum Islam: Kajian Teori Double Movement Fazlur Rahman," *INOVATIF: Jurnal Penelitian Pendidikan, Agama, dan Kebudayaan* 2, no. 2 (2016): 1–25, <https://doi.org/10.55148/inovatif.v2i2.54>.

²⁵ S. M. Hayati et al., "Religious Tradition and Technology: Debate among Penghulus about Online Marriage Law in Banjarmasin," *Journal of Islamic Law* 5, no. 1 (2024): 105–24, <https://doi.org/10.24260/jil.v5i1.2187>.

²⁶ Candra & Abdullah, "Legality of Ijab-Kabul in Online Marriage from Maqashid Sharia Perspective", 15-31.

conditions are fulfilled, while MUI adopts a conditional position requiring clear *ijab qabul*, verifiable identity, real-time audio-visual connection, and state recognition.²⁷ Through this framework, Islamic law can respond to digital transformation while maintaining moral authority, legal certainty, and normative legitimacy.

Comparison of Scholarly Opinions and State Policies

Scholarly opinions and state policies on virtual marriage show significant diversity across Muslim countries. This diversity reflects the plural character of Islamic legal reasoning, especially when classical marriage requirements are applied to digital communication. A study of fatwas in Egypt, Iraq, Syria, and Saudi Arabia shows that online marriage remains contested: some authorities allow it when virtual presence is treated as sufficient *ittihad al-majlis* and the *ijab* and *qabul* can be witnessed, while others reject it because of the absence of physical unity, possible witness uncertainty, and the risk of audio-visual manipulation.²⁸ In Southeast Asia, particularly Malaysia, juristic discussions also show divided opinions. Some later jurists allow online solemnization under strict conditions, especially in cases of necessity, while many earlier jurists remain cautious, except the Hanafi tendency that gives wider space to non-physical forms of contractual communication.²⁹

Comparative state policies also reveal different regulatory models. Malaysia's experience during the Movement Control Order shows that video-conference solemnization was permitted under strict SOPs, stable internet connection, prior marriage approval, and screening by religious authorities.³⁰ Singapore provides a clearer statutory model through the COVID-19 (Temporary Measures for Solemnization and Registration of Marriages) Act 2020, which allowed solemnization and registration of civil and Muslim marriages through remote communication technology during the pandemic,

²⁷ M. F. Zakaria et al., "Fatwa Institutions and Digital Family Law: Online Marriage and Divorce in Indonesia (NU, Muhammadiyah, and MUI)," *Mauriduna: Journal of Islamic Studies* 6, no. 3 (2025): 442–62, <https://doi.org/10.37274/mauriduna.v6i3.28>.

²⁸ A. Hakim & B. h. Qodsiyah, "Online Marriage During the Covid-19 Pandemic: A Study of the Fatwas in Egypt, Iraq, Syria, and Saudi Arabia," *Al-'Adalah* 19, no. 1 (2022): 141–60, <https://doi.org/10.24042/adalah.v19i1.10720>.

²⁹ R. Azhari et al., "Pandangan Fuqaha Mutaqaddimin dan Muta'akhhirin Mengenai Isu Akad Nikah Secara Atas Talian," *Jurnal Fiqh* 18, no. 2 (2021): 411–36, <https://doi.org/10.22452/fiqh.vol18no2.7>.

³⁰ Bernama, "Jawi: Marriage Solemnisation via Video Conferencing Subject to Strict SOPs," Malay Mail, 2020, <https://www.malaymail.com/news/malaysia/2020/04/23/jawi-marriage-solemnisation-via-video-conferencing-subject-to-strict-sops/1859521>.

subject to administrative and technical safeguards.³¹ In Indonesia, the regulatory position remains more ambiguous because positive law has not explicitly regulated direct online marriage contracts, even though online registration and certain virtual administrative practices have developed. This gap creates uncertainty concerning validity, registration, spousal rights, child status, joint property, and divorce consequences.³²

These comparisons show that recognition of virtual marriage depends not only on Islamic legal doctrine, but also on institutional readiness, digital infrastructure, evidentiary reliability, and public trust in legal administration. From the perspective of *fiqh nawazil*, online marriage is treated as a contemporary legal problem that requires balancing benefit and harm. Some scholars argue that although online marriage may fulfill several pillars, it remains problematic when *ijab* and *qabul* are required to occur in one legal assembly and when preventing legal harm is prioritized over procedural convenience.³³ Meanwhile, analysis of teleconference marriage from the perspective of Wahbah al-Zuhaili indicates that technological facilitation may be considered in Islamic family law, but only when the contract remains clear, supervised, and legally accountable.³⁴ Therefore, virtual marriage requires harmonized regulation, public education, digital literacy, institutional cooperation, and reliable verification systems to protect spouses, women, children, and family rights.

Practical Implications and Prospects for Islamic Legal Reform

Virtual marriage has significant practical implications for the rights and obligations of spouses in contemporary Muslim families. Its legality is not only related to the validity of the marriage contract, but also to legal certainty, maintenance rights, inheritance, lineage, child legitimacy, custody, and protection from domestic violence. Therefore, virtual marriage must be supported by reliable legal and administrative mechanisms so that couples receive protection equivalent to conventional marriages. Studies on

³¹ Singapore Parliament, "COVID-19 (Temporary Measures for Solemnization and Registration of Marriages) Act 2020," 2020, 2-3, <https://sso.agc.gov.sg/Bills-Supp/25-2020/Published/20200504?DocDate=20200504>.

³² M. Rohman, "Implikasi Hukum Pernikahan Online (Virtual Marriage) terhadap Keabsahan Dan Akibat Hukumnya dalam Perspektif Fiqh dan Regulasi di Indonesia," *MASADIR: Jurnal Hukum Islam* 5, no. 1 (2025): 1050–73, <https://doi.org/10.33754/masadir.v5i01.1656>.

³³ M. Taufiq et al., "Online Marriage in the Perspective of Fiqh Nawazil," *Jurnal Hukum Islam* 21, no. 1 (2023): 29--54, https://doi.org/10.28918/jhi_v21i1_02.

³⁴ S .S. Rizal & A. H. Wahid, "Analysis of Teleconference Marriage Contract from the Perspective of Wahbah Az-Zuhaili and Islamic Family Law in Indonesia," *International Journal of Humanities Technology and Civilization* 9, no. 2 (2024): 177–85, <https://doi.org/10.15282/ijhtc.v9i2.10892>.

unregistered marriage show that weak documentation may deprive women of legal identity rights, marriage certificates, children's birth certificates, joint property claims, and other material rights.³⁵ Similar concerns arise in online marriage because unclear regulation may affect the rights and obligations of spouses, children's status, joint property, and divorce procedures.³⁶ Recent studies also emphasize that online marriage requires clearer regulation on registration, state recognition, digital verification, and compliance with Islamic legal requirements.³⁷

These risks may particularly affect women and children when virtual marriage is misused by irresponsible parties. For this reason, the protection of vulnerable family members must become a central consideration in regulating virtual marriage, especially through enforceable guarantees of maintenance, custody, inheritance, legal status, and access to legal remedies. Research on unregistered marriage emphasizes that state recognition and registration are crucial to protecting wives and children from legal uncertainty in family disputes.³⁸ More recent studies confirm that marriage registration remains essential for protecting women's and children's rights, especially in relation to legal identity, family legitimacy, inheritance, and domestic violence protection.³⁹ In addition, virtual procedures create evidentiary challenges, including identity falsification, data manipulation, weak evidentiary control, and difficulties in proving consent before

³⁵ R. W. Sururie & D. A. Wicaksana, "Legal Protection of Women in Unregistered Inter-Citizen Marriage," *Al-'Adalah* 6, no. 2 (2020): 355–74, <https://doi.org/10.24042/adalah.v16i2.5361>.

³⁶ Rohman, "Implikasi Hukum Pernikahan Online (Virtual Marriage) terhadap Keabsahan dan Akibat Hukumnya dalam Perspektif Fiqh dan Regulasi di Indonesia", 1050–73.

³⁷ N. S. A. K. Sirait & A. Syahputra, "Akad Nikah Online dalam Perspektif Keputusan Ijtima' Ulama Komisi Fatwa MUI Se-Indonesia VII Tahun 2021 dan Peraturan Menteri Agama No. 20 Tahun 2019 tentang Pencatatan Pernikahan," *Jurnal Ilmu Hukum, Humaniora dan Politik* 4, no. 4 (2024): 657–66, <https://doi.org/10.38035/jihhp.v4i4.2043>; H. U. Harahap & r. A. Harahap, "Getting Married in the Digital Age: An Exploration of Online Marriage Applications in Islamic Family Law," *Pena Justisia: Media Komunikasi dan Kajian Hukum* 23, no. 1 (2024): 4158–73, <https://doi.org/10.31941/pj.v22i1.4190>.

³⁸ M. Khair, "Perlindungan Hukum Bagi Istri dan Anak dalam Perkawinan Siri Ditinjau dari Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Dan Kompilasi Hukum Islam," *Jurnal Bimas Islam* 10, no. 3 (2017): 287–14, <https://doi.org/10.37302/jbi.v10i3.36>.

³⁹ A. D. M. Putri, "Perlindungan Hak Perempuan dan Anak Melalui Kebijakan Pencatatan Perkawinan Tidak Tercatat," *Reflection Journal* 5, no. 2 (2025): 858–71, <https://doi.org/10.36312/rj.v5i2.3828>; E. A. Adjani, M. A., & Yani, "Perlindungan Hak Waris Anak Yang Lahir Dari Perkawinan Tidak Tercatat Menurut Kompilasi Hukum Islam," *Legal Standing: Jurnal Ilmu Hukum* 9, no. 5 (2025): 1124–36, <https://doi.org/10.24269/ls.v9i5.12366>; M. A. Riyanto, N. E., Indarti, E., & Mahfud, "Perlindungan Hukum Dan Pemenuhan Hak Perempuan Korban Kekerasan dalam Rumah Tangga dari Perkawinan yang Tidak Dicatatkan," *Progressive Law and Society* 3, no. 2 (2025): 88–103, <https://doi.org/10.14710/pls.26154>.

religious courts. Therefore, electronic evidence must be reconstructed as a legitimate form of *al-bayyinah* when it is able to reveal material truth through verified digital data.⁴⁰

The future of fiqh reform in the digital era depends on the ability of Islamic legal methodology to combine textual fidelity, *maqasid*-oriented reasoning, and contextual analysis. Contemporary scholarship argues that digitalization has created new problems in Islamic family law, including online marriage contracts, digital dowry, online divorce, online reconciliation, and evidence based on cyberspace; therefore, the renewal of Islamic family law is necessary to achieve justice, legal certainty, and legal benefit.⁴¹ Reform may begin by strengthening ijtihad, integrating digital literacy into religious legal services, and developing regulations that connect text, context, technology, and public benefit.⁴² Therefore, responsive *fiqh* education, digital legal services, data-based Islamic legal research, and cooperation among religious authorities, state institutions, technology agencies, and civil society are essential for adaptive and protective Islamic law.

CONCLUSION

Based on Fazlur Rahman's Double Movement Theory, this study concludes that virtual marriage is a legal phenomenon produced by the digital transformation of contemporary Muslim societies. Islamic law has methodological flexibility to respond to this development, provided that legal adaptation remains grounded in the objectives of sharia, including justice, public benefit, legal certainty, protection of rights, preservation of lineage, and prevention of harm. Through the first movement, the Qur'anic and prophetic foundations of marriage are reread to identify the moral and legal purposes behind consent, guardianship, witnesses, publicity, and contractual clarity. Through the second movement, these principles are returned to the digital context to assess whether virtual marriage procedures can preserve the substantive objectives of Islamic marriage law.

⁴⁰ M. Rohman, "Digitalisasi Al-Bayyinah: Rekonstruksi Hukum Pembuktian Elektronik dalam Perkara Perceraian di Peradilan Agama," *MASADIR: Jurnal Hukum Islam* 5, no. 2 (2025): 1235-48, <https://doi.org/10.33754/masadir.v5i02.1878>; D. Dewantoro, "Autentikasi Alat Bukti Elektronik dalam Memperlancar Pembuktian si Persidangan pada Era Disrupsi," *Jurnal Hukum Progresif* 12, no. 2 (2024): 135-51.

⁴¹ Musarrofa et al., "The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law", 89-122.

⁴² Supriatna, "Perkembangan Fikih dalam Era Digital: Kajian terhadap Metode Ijtihad dalam Memahami Masalah Kontemporer", 717-34.

This study argues that the legality of virtual marriage should be conditional rather than absolute. A virtual marriage contract may be recognized only when all pillars and requirements of marriage are fulfilled through reliable electronic procedures, including clear *ijab* and *qabul*, the presence or authorization of the guardian, credible witnesses, verified identity, real-time communication, official supervision, authenticated electronic evidence, and enforceable registration. Conversely, virtual marriage should be restricted when digital procedures create uncertainty, weaken evidentiary control, enable identity manipulation, or endanger the rights of women, children, and other vulnerable parties. Thus, virtual marriage requires not only doctrinal justification, but also strong legal safeguards, secure digital documentation, and integration between religious and civil registration systems.

The contribution of this study lies in its integrative framework, which connects Rahman's hermeneutical method, *maqasid*-oriented reasoning, and the practical needs of digital family law. Legal adaptation, in this sense, is not a departure from sharia principles, but a way to preserve their relevance in changing social conditions. The findings emphasize the need to update legal instruments, strengthen digital sharia literacy, develop responsive fatwas, and promote cooperation among religious authorities, state institutions, technology agencies, and civil society. Accordingly, this study may serve as a reference for policymakers, academics, and Islamic legal practitioners in developing virtual marriage regulations that are just, accountable, protective, and aligned with *maqasid al-sharia*.

REFERENCES

- Adjani, M. A., & Yani, E. A. "Perlindungan Hak Waris Anak yang Lahir dari Perkawinan Tidak Tercatat Menurut Kompilasi Hukum Islam." *Legal Standing: Jurnal Ilmu Hukum* 9, no. 5 (2025): 1124–1136. <https://doi.org/10.24269/lis.v9i5.12366>.
- Arif, A., Talli, A. H., & Ramli, A. R. "Pelaksanaan Akad Nikah Secara Virtual pada Masa Pandemi: Analisis Empat Mazhab." *SHAUTUNA: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab* 3, no. 1 (2022): 303–16. <https://doi.org/10.24252/shautuna.vi.23375>.
- Arzroomchilar, E., & Olamaiekopaie, M. "Where Technology Meets Islam: Towards an Islamic Perspective on Technology." *Journal of Islamic Thought and Civilization* 12, no. 2 (2022): 14–27. <https://doi.org/10.32350/jitc.122.02>.
- Atika, N., & Mawaddah, Z. "Akad Nikah Virtual: Perspektif Hukum Islam dan Undang-

- Undang Perkawinan di Indonesia." *OBHE: Jurnal Pascasarjana IAIN Papua* 1, no. 2 (2024): 99–115. <https://doi.org/10.53491/obhe.v1i02.1265>.
- Azhari, R., Ismail, A. U. I., & Daud, Z. F. M. "Pandangan Fuqaha Mutaqaddimin dan Muta'akhkhirin Mengenai Isu Akad Nikah Secara Atas Talian." *Jurnal Fiqh* 18, no. 2 (2021): 411–36. <https://doi.org/10.22452/fiqh.vol18no2.7>.
- Aziz, M. A., Bahruddin, A. H., Khotimah, H., Wafa, Z., & Hidayati, S. "A Study on Marriage Ceremony Through Video Call Software: Modernity and Islamic Law Perspective." In *Proceedings of the 1st International Conference on Recent Innovations*, 2960–2967, 2018. <https://doi.org/10.5220/0009944629602967>.
- Bernama. "Jawi: Marriage Solemnisation via Video Conferencing Subject to Strict SOPs." *Malay Mail*, 2020. <https://www.malaymail.com/news/malaysia/2020/04/23/jawi-marriage-solemnisation-via-video-conferencing-subject-to-strict-sops/1859521>.
- Bowen, G. A. "Document Analysis as a Qualitative Research Method." *Qualitative Research Journal* 9, no. 2 (2009): 27–40. <https://doi.org/10.3316/QRJ0902027>.
- Candra, A. A., & Abdullah, R. "Legality of Ijab-Kabul in Online Marriage from Maqashid Sharia Perspective." *UIR Law Review* 9, no. 1 (2025): 15–31. [https://doi.org/10.25299/uirlrev.2025.vol9\(1\).22138](https://doi.org/10.25299/uirlrev.2025.vol9(1).22138).
- Creswell, J. W., & Poth, C. N. *Qualitative Inquiry and Research Design: Choosing among Five Approaches*. Thousand Oaks, CA: Sage Publications, 2018. <https://us.sagepub.com/en-us/nam/qualitative-inquiry-and-research-design/book246896>.
- Dewantoro, D. "Autentikasi Alat Bukti Elektronik dalam Memperlancar Pembuktian di Persidangan pada Era Disrupsi." *Jurnal Hukum Progresif* 12, no. 2 (2024): 135–151.
- Emas, M. P. "Problematika Akad Nikah Via Daring Dan Penyelenggaraan Walimah Selama Masa Pandemi Covid-19." *Batulis Civil Law Review* 1, no. 1 (2020): 68–78. <https://doi.org/10.47268/ballrev.v1i1.387>.
- Faisal, F., Isnaeni, A., Bahrudin, M., & Nasruddin, N. "Marriage Contract Through Visualization of Online Video Call Communication Media According to Marriage Law and Islamic Law in Indonesia." *SMART: Journal of Sharia, Tradition, and Modernity* 1, no. 1 (2021): 81–97. <https://doi.org/10.24042/smart.v1i1.9847>.
- Fikri, M., Abbas, Muchtar, M. I., Darlius, & Al-Amin, D. "Emergence of Digital Matrimony: Exploring Islamic Legal Responses to Metaverse Marriages." *Journal of Islamic Thought and Civilization* 14, no. 2 (2024): 246–262. <https://doi.org/10.32350/jitc.142.15>.
- Hakim, A., & Qodsiyah, B. H. "Online Marriage During the Covid-19 Pandemic: A Study

- of the Fatwas in Egypt, Iraq, Syria, and Saudi Arabia." *Al-'Adalah* 19, no. 1 (2022): 141–60. <https://doi.org/10.24042/adalah.v19i1.10720>.
- Hamidah, Habib Syahril Haj & Tutik. "Online Marriage from the Perspective of Islamic Law and Positive Law at the Junrejo District Religious Affairs Office." *ISLAMIKA* 7, no. 1 (2025): 107–123. <https://doi.org/10.36088/islamika.v7i1.5484>.
- Hamzawi, M. A. "Elastisitas Hukum Islam: Kajian Teori Double Movement Fazlur Rahman." *INOVATIF: Jurnal Penelitian Pendidikan, Agama, Dan Kebudayaan* 2, no. 2 (2016): 1–25. <https://doi.org/10.55148/inovatif.v2i2.54>.
- Harahap, H. U., & Harahap, R. A. "Getting Married in the Digital Age: An Exploration of Online Marriage Applications in Islamic Family Law." *Pena Justisia: Media Komunikasi dan Kajian Hukum* 23, no. 1 (2024): 4158–4173. <https://doi.org/10.31941/pj.v22i1.4190>.
- Hastarini, A. "Keabsahan Ijab Qabul Dalam Perkawinan Secara Online (Daring) dalam Perspektif Hukum: Implikasi Pandemi COVID-19." *Journal Kompilasi Hukum* 10, no. 1 (2025): 77–89. <https://doi.org/10.29303/jkh.v10i1.220>.
- Hayati, S. M., Khitam, H., Erfan, Z., & Amini, A. "Religious Tradition and Technology: Debate among Penghulus about Online Marriage Law in Banjarmasin." *Journal of Islamic Law* 5, no. 1 (2024): 105–24. <https://doi.org/10.24260/jil.v5i1.2187>.
- Khair, M. "Perlindungan Hukum Bagi Istri Dan Anak Dalam Perkawinan Siri Ditinjau Dari Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Dan Kompilasi Hukum Islam." *Jurnal Bimas Islam* 10, no. 3 (2017): 287–314. <https://doi.org/10.37302/jbi.v10i3.36>.
- Miles, M. B., Huberman, A. M., & Saldana, J. *Qualitative Data Analysis: A Methods Sourcebook*. Thousand Oaks, CA: SAGE Publications, 2014. <https://us.sagepub.com/en-us/nam/qualitative-data-analysis/book239534>.
- Musarrofa, I., Muttaqin, H., & Amaliyah, R. "The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law." *Jurnal Hukum Islam* 22, no. 1 (2024): 89–122. https://doi.org/10.28918/jhi_v22i1_4.
- Musarrofa, Ita, and Husnul Muttaqin. "Maqasid Sharia Jasser Auda Theory: Systems Approach to Islamic Family Law in the Digital Era." *Al-Hurriyah: Jurnal Hukum Islam* 9, no. 2 (2024): 194–208. <https://doi.org/10.30983/al-hurriyah.v9i2.8979>.
- Parliament, Singapore. "COVID-19 (Temporary Measures for Solemnization and Registration of Marriages) Act 2020," 2020. <https://sso.agc.gov.sg/Bills-Supp/25-2020/Published/20200504?DocDate=20200504>.
- Pranata, M. A., Nurhasanah, N., & Yunus, M. "Keabsahan Akad Nikah Melalui Video Call

- Menurut Hukum Islam." *Jurnal Riset Hukum Keluarga Islam* 1, no. 1 (2021): 21–26. <https://doi.org/10.29313/jrhki.v1i1.85>.
- Putri, A. D. M. "Perlindungan Hak Perempuan dan Anak Melalui Kebijakan Pencatatan Perkawinan Tidak Tercatat." *Reflection Journal* 5, no. 2 (2025): 858–871. <https://doi.org/10.36312/rj.v5i2.3828>.
- Rahman, F. *Islam and Modernity: Transformation of an Intellectual Tradition*. Chicago and London: University of Chicago Press, 1982. <https://press.uchicago.edu/ucp/books/book/chicago/I/bo41314165.html>.
- Riyanto, N. E., Indarti, E., & Mahfud, M. A. "Perlindungan Hukum dan Pemenuhan Hak Perempuan Korban Kekerasan dalam Rumah Tangga Dari Perkawinan Yang Tidak Dicatatkan." *Progressive Law and Society* 3, no. 2 (2025): 88–103. <https://doi.org/10.14710/pls.26154>.
- Rizal, S. S., & Wahid, A. H. "Analysis of Teleconference Marriage Contract from the Perspective of Wahbah Az-Zuhaili and Islamic Family Law in Indonesia." *International Journal of Humanities Technology and Civilization* 9, no. 2 (2024): 177–185. <https://doi.org/10.15282/ijhtc.v9i2.10892>.
- Rohman, M. "Digitalisasi Al-Bayyinah: Rekonstruksi Hukum Pembuktian Elektronik dalam Perkara Perceraian di Peradilan Agama." *MASADIR: Jurnal Hukum Islam* 5, no. 2 (2025): 1235–1248. <https://doi.org/10.33754/masadir.v5i02.1878>.
- . "Implikasi Hukum Pernikahan Online (Virtual Marriage) terhadap Keabsahan dan Akibat Hukumnya dalam Perspektif Fiqh dan Regulasi di Indonesia." *MASADIR: Jurnal Hukum Islam* 5, no. 1 (2025): 1050–1073. <https://doi.org/10.33754/masadir.v5i01.1656>.
- Saeed, A. *Interpreting the Qur'an: Towards a Contemporary Approach*. London and New York: Routledge, 2006. <https://doi.org/10.4324/9780203016770>.
- Sirait, N. S. A. K., & Syahputra, A. "Akad Nikah Online dalam Perspektif Keputusan Ijtima' Ulama Komisi Fatwa MUI Se-Indonesia VII Tahun 2021 dan Peraturan Menteri Agama No. 20 Tahun 2019 tentang Pencatatan Pernikahan." *Jurnal Ilmu Hukum, Humaniora dan Politik* 4, no. 4 (2024): 657–666. <https://doi.org/10.38035/jihhp.v4i4.2043>.
- Supriatna, A. "Perkembangan Fikih dalam Era Digital: Kajian terhadap Metode Ijtihad dalam Memahami Masalah Kontemporer." *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2024): 717–734. <https://doi.org/10.47467/as.v6i1.5478>.
- Sururie, R. W., & Wicaksana, D. A. "Legal Protection of Women in Unregistered Inter-Citizen Marriage." *Al-'Adalah* 6, no. 2 (2020): 355–374.

<https://doi.org/10.24042/adalah.v16i2.5361>.

Syarbini, I. "Teori Double Movement Fazlur Rahman: Sebuah Tawaran Metodologis dalam Hukum Islam." *Progresif: Media Publikasi Ilmiah* 7, no. 1 (2019): 13–28.

<https://doi.org/10.61595/progresif.v7i1.354>.

Taufiq, M., Amin, M. B., Ahmed, A. S., & Idrees, M. U. H. M. "Online Marriage in the Perspective of Fiqh Nawazil." *Jurnal Hukum Islam* 21, no. 1 (2023): 29--54.

https://doi.org/10.28918/jhi_v21i1_02.

Zakaria, M. F., Zubair, Z., & Umar, I. S. "Fatwa Institutions and Digital Family Law: Online Marriage and Divorce in Indonesia (NU, Muhammadiyah, and MUI)." *Mauriduna: Journal of Islamic Studies* 6, no. 3 (2025): 442–462.

<https://doi.org/10.37274/mauriduna.v6i3.28>.