

ABSTRAK

Ineke Thesa Leili Putri. 1880509220005, Akad Nikah Daring Pada Masa Pandemi Covid-19 Perspektif Maqashid Syari'ah Ibnu Asyur (Studi Kasus Desa Bangunmulyo Kecamatan Pakel Kabupaten Tulungagung), Jurusan Hukum Keluarga Islam, UIN Sayyid Ali Rahmatullah Tulungagung, 2024, Dr. Zulfatun Ni'mah, M.H & Dr. H. M. Darin Arif M, SH., M.Hum

Kata Kunci : Nikah Daring, Maqashid Syari'ah

Penelitian ini dilatar belakangi karena adanya kasus pernikahan daring saat wabah Covid-19. Akad nikah daring berimplikasi kepada *ittihad al-majlis* antara ijab dan qabul. Covid-19 pun berpengaruh pada praktik yang dilakukan dengan jarak jauh termasuk nikah. Adanya praktik akad nikah daring dilakukan karena salah satu mempelai menjadi pasien covid-19 di Desa Bangunmulyo Kecamatan Pakel Kabupaten Tulungagung, pada saat itu mempelai laki-laki terpapar covid-19 dan wali dari perempuan juga terkena covid-19, sehingga harus menjalani karantina di rusunawa dan tidak bisa hadir langsung dalam pernikahan tersebut. Maka dari itu penelitian ini berusaha menggali ketetapan hukum yang ditimbulkan atas praktik ini menurut perspektif Maqashid Syari'ah Ibnu Asyur.

Rumusan masalah dalam Penelitian ini adalah :1) Bagaimana Pelaksanaan Akad Nikah Daring Pada Masa Pandemi Covid-19 di Desa Bangunmulyo Kecamatan Pakel Kabupaten Tulungagung? 2) Bagaimana Akad Nikah Daring Pada Masa Pandemi Covid-19 di Bangunmulyo Kecamatan Pakel Kabupaten Tulungagung Perspektif Maqashid Syari'ah Ibnu Asyur?

Metode penelitian yang digunakan adalah metode kualitatif dengan pendekatan sosiologi hukum, teknik pengumpulan data berupa Observasi, wawancara dan dokumentasi. Teknik keabsahan data digunakan dalam penelitian ini adalah Triangulasi.

Hasil penelitian ini menunjukkan bahwa : 1) Akad nikah secara daring pada masa pandemic covid-19 di Desa Bangunmulyo

Kecamatan Pakel Kabupaten Tulungagung dilakukan dengan aplikasi zoom dimana sighthat ijab dilakukan oleh Kepala KUA selaku wakil dari wali mempelai perempuan dan qabul diucapkan oleh mempelai laki-laki yang sedang dikarantina karena dinyatakan positif menderita covid-19 dihadapan dua orang saksi, mempelai perempuan dan walinya secara daring, dicatat oleh petugas KUA yang telah terdaftar dalam Akta Nikah dengan nomor : 0215/012/XII/2020. 2) Ditinjau dari Perspektif Maqashid Syariah Ibnu Asyur, pelaksanaan akad nikah daring di desa Bangunmulyo Kecamatan Pakel Kabupaten Tulungagung telah sesuai dengan prinsip *hurriyah* karena para pihak yang menjadi subjek melaksanakan akad nikah daring atas dasar kebebasan dan kesadaran penuh tidak menimbulkan mudharat apapun, melainkan mengandung kemaslahatan berupa tercegahnya penyebaran virus covid-19 antar para pihak.

ABSTRACT

Ineke Thesa Leili Putri. 1880509220005, Online Marriage Contract During the Covid-19 Pandemic Perspective of Maqashid Syari'ah Ibnu Asyur (Case Study of Bangunmulyo Village, Pakel District, Tulungagung Regency), Departement of Islamic Family Law, UIN Sayyid Ali Rahmatullah Tulungagung, 2024, Dr. Zulfatun Ni'mah, M.H & Dr. H. M. Darin Arif M, SH., M.Hum

Keywords: Online Marriage, Maqashid Syari'ah

This research was motivated by the practice of online marriage contracts because one of the bride and groom was a Covid-19 patient in Bangunmulyo Village, Pakel District, Tulungagung Regency, where people were getting married via zoom. Because when the groom was exposed to COVID-19 and the woman's guardian was also exposed to Covid-19, at that time she was undergoing quarantine at the Rusunawa so she couldn't attend the wedding directly. In addition, everything has been prepared, so like it or not, the marriage will still be carried out and not postponed, therefore this study seeks to explore the legal provisions caused by this phenomenon from the Maqashid Syari'ah perspective.

The formulation of the problem in this study are: 1) How is the online marriage contract implemented during the covid-19 pandemic patient in Bangunmulyo, Pakel sub-district, Tulungagung regency? 2) How was the online marriage contract during the covid-19 pandemic in Bangunmulyo, Pakel sub-district, Tulungagung district, from the Maqashid Syariah Ibnu Asyur perspective?

The research method used is a qualitative method, data collection techniques in the form of observation, interviews and documentation. The data validity technique used in this study is triangulation which combines two techniques. data collection and from existing sources

The results of this research show that: 1) The online marriage contract during the Covid-19 pandemic in Bangunmulyo Village, Pakel District, Tulungagung Regency was carried out using the zoom

application where the sighat ijab was said by the Head of the KUA as the representative of the bride's guardian and the qabul was said by the groom who was in quarantine because he tested positive for suffering. covid-19, in front of two witnesses, the bride and her guardian online. And recorded by the KUA officer who has been registered in the Marriage Certificate with number: 0215/012/XII/2020. 2) Viewed from the perspective of Maqashid Syariah Ibnu Asyur, the implementation of the online marriage contract in Bangunmulyo village, Pakel District, Tulungagung Regency is in accordance with hurriyah principles because the parties who are the subject of carrying out the online marriage contract on the basis of freedom and full awareness, do not cause any harm, but contain benefits in the form of preventing spread of the Covid-19 virus between parties.