

## EFFORTS TO GUIDE MARRIAGE PREPARATION FOR PERSONS WITH DISABILITIES AT THE RELIGIOUS AFFAIRS OFFICE OF PALEMBANG CITY

**Andreas Agupta<sup>1</sup>**

Email : [andreaslahat16@gmail.com](mailto:andreaslahat16@gmail.com)

**Arne Huzaimah<sup>2</sup>**

Email : [arnehuzaimah\\_uin@radenfatah.ac.id](mailto:arnehuzaimah_uin@radenfatah.ac.id)

**Armasito Armasito<sup>3</sup>**

Email : [armasito\\_uin@radenfatah.ac.id](mailto:armasito_uin@radenfatah.ac.id)

**Ari Azhari<sup>4</sup>**

Email : [ariazhari\\_uin@radenfatah.ac.id](mailto:ariazhari_uin@radenfatah.ac.id)

<sup>1234</sup>Universitas Islam Negeri Raden Fatah Palembang

### **Abstract**

*The mechanism for the Ijab Qobul in marriage by the groom is carried out verbally, however there are differences for grooms who have disabilities or for people with disabilities, where people with disabilities use several methods in carrying out the Ijab Qobul. The aim of this research is to find out what the efforts of the Religious Affairs Office (KUA) are in providing services for people with disabilities and what the guidance mechanism for preparing Ijab Qobul is for people with disabilities at KUA Ilir Timur 2, KUA Sukarami, KUA Ilir Barat 1, KUA Bukit Kecil. The research method used in this thesis is field research with qualitative research data. The data collection techniques are carried out using interviews and documentation. By using data analysis techniques, namely descriptive which describes and explains the main topics discussed in this research. Then use conclusion drawing in a deductive manner. The results of this research are that the Religious Affairs Office's efforts in providing services for people with disabilities, namely marriage guidance for people with disabilities, are carried out independently (individually). Because for people with disabilities who are deaf, they need a facilitator in sign language, while for people with disabilities they need a way for wheelchairs and also a special room for people with disabilities and there are also different solutions from each KUA of Palembang City in providing a mechanism for preparing Ijab Qobul for people with disabilities at KUA Palembang City.*

**Keywords:** *Persons with Disabilities; Ijab Qobul; Religious Affairs Office*

### **Abstrak**

Upaya ijab qabul sebagai rukun perkawinan dilaksanakan melalui pengucapan langsung secara lisan oleh mempelai pria, akan tetapi terdapat perbedaan bagi mempelai laki-laki yang mempunyai kekurangan atau bagi penyandang disabilitas, dimana penyandang disabilitas menggunakan beberapa metode dalam melaksanakan ijab qobul. Adapun tujuan dari penelitian ini adalah untuk mengetahui apa upaya

Kantor Urusan Agama (KUA) dalam pelayanan bagi penyandang disabilitas dan bagaimana upaya bimbingan persiapan Ijab Qobul bagi penyandang disabilitas di KUA Ilir Timur 2, KUA Sukarami, KUA Ilir Barat 1, KUA Bukit Kecil. Metode penelitian yang digunakan pada skripsi ini adalah penelitian lapangan (*field research*) dengan jenis data penelitian kualitatif. Teknik pengumpulan data dalam penelitian ini dilakukan melalui wawancara dan pengumpulan dokumen. Analisis data dilakukan dengan pendekatan deskriptif yang bertujuan untuk menguraikan dan menjelaskan tema utama yang dibahas dalam penelitian ini. Selanjutnya, penarikan kesimpulan dilakukan secara deduktif. Hasil dari penelitian ini menunjukkan bahwa upaya yang dilakukan oleh Kantor Urusan Agama dalam memberikan pelayanan kepada penyandang disabilitas, khususnya dalam bimbingan perkawinan, dilaksanakan secara mandiri atau individu. Karena bagi individu penyandang disabilitas yang mengalami gangguan pendengaran, diperlukan adanya fasilitator yang menguasai bahasa isyarat. Sementara itu, bagi penyandang disabilitas fisik, seperti tuna daksa, sangat penting untuk menyediakan aksesibilitas berupa jalur bagi kursi roda serta ruang khusus yang dapat memenuhi kebutuhan mereka dan juga terdapat perbedaan solusi dari setiap KUA Kota Palembang dalam menyediakan mekanisme persiapan Ijab Qobul bagi penyandang disabilitas di KUA Kota Palembang.

## Kata Kunci : Penyandang Disabilitas; Ijab Qobul; Kantor Urusan Agama

### Introduction

Marriage is an act of worship that falls under the category of general worship. Therefore, the implementation of marriage must understand and apply marriage provisions according to Islamic law. Islam strongly encourages marriage for those who are ready, both physically and mentally. Marriage is one of the religious directives that must be carried out by those capable of building a household. Based on Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage, a marriage is considered valid if conducted solemnly according to Islamic law. Juridically, marriage is a contract (agreement). This is based on QS. An-Nisa verse 21 as follows: <sup>1</sup>

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَآخَذْنَ مِنْكُمْ مِّيقَاتًا غَلِيلًا

"And how will you take it back when you have already mixed with one another (as husband and wife)? And they (your wives) have taken a firm covenant (marriage bond) from you".<sup>2</sup>

Humans are social beings who cannot live alone. People need each other to fulfil their social needs. Humans also need a life partner to form a family. The desires of

<sup>1</sup> Innayah humairah, yusida fitriyati, "Pelaksanaan Bimbingan Pranikah Bagi Calon Pengantin Penyandang Disabilitas", dalam jurnal usroh, vol.7 nomor 1 (juni 2023), 41

<sup>2</sup> Al-quran kemenag RI, al-quran dan terjemah (tangerang: forum pelayan al-quran, 2017)

each couple naturally shape a harmonious family where members rely on one another. Society is formed from the family factor, and the family is formed from the individual factor. Therefore, if family members are obedient, the family is considered a harmonious family.

According to the view of scholars of the Hanafi school, there are two conditions for a contract for both parties. The first condition is the competence to carry out the contract, either for oneself or for another person. This condition is fulfilled by having the characteristic of tamyiz (the ability to distinguish). If someone has not reached the stage of tamyiz, such as a child under seven years old and a person with a mental disorder, the marriage is considered invalid and void. This is because there is no proper will and intent, and it is not recognised by Islamic law.

In a marriage contract, there is an *Ijab Qabul* agreement which is usually expressed verbally by the groom and the bride's guardian. The implementation of the *ijab qabul* can be challenging for persons with disabilities both verbally and in writing. Therefore, Islamic teachings are very practical, especially for those who wish to marry. There are three ways for persons with disabilities to consent to marriage, including:<sup>3</sup>

1. Use clear sign language that can be understood by others.
2. Representation of the marriage contract to the guardian can be carried out if a person has a disability that prevents them from performing the marriage contract, even with the use of sign language that can be understood. In such conditions, the marriage contract is allowed to be represented to the guardian on behalf of the groom, based on the guardianship authority from the groom.
3. In cases where the sign language cannot be understood and there is a Sharia-compliant reason preventing representation by a guardian, the groom is permitted to conduct the marriage contract in writing.

Imam Shafi'i opined that a marriage offer and acceptance made in writing or by sign language is valid and can be performed when the groom is unable to speak due to birth or illness. A written offer and acceptance is valid if someone reads the text on their behalf (the speaker); if not on behalf, the marriage contract is invalid. Meanwhile, offering and accepting by sign language can be done if the gestures are clear; if unclear, in the sense that the gestures cause ambiguity, they can be replaced with written words or declared an emergency.<sup>4</sup>

In this regard, it relates to marriage for persons with disabilities. Many laws and regulations have been enacted with the aim of protecting the implementation of the rights of persons with disabilities, such as Law No. 8 of 2016 on Persons with

<sup>3</sup> Neng Djubaedah, "Pencatatan Perkawinan dan Perkawinan Tidak di Catat, Ed. 1 Cet. 2", (Jakarta: Sinar Grafika, 2012), 115

<sup>4</sup> Abdul Rahman Ghozali, "Fiqh Munakahat", (Jakarta: Prenamedia Group, 2003), 22.

Disabilities Article 79, which states: Local Governments are obliged to provide religious guidance and counselling to Persons with Disabilities.<sup>5</sup>

Efforts to protect and fulfil the rights of persons with disabilities have not been optimally implemented in public life, such as in education, employment, and public services. Services covered include marriage registration at the Office of Religious Affairs (KUA), which encompasses all facilities provided therein, such as marriage counselling for prospective disabled brides and grooms conducted by Islamic guides through each KUA, either directly or independently. Prospective disabled brides and grooms, even if they do not possess much wealth, are still entitled to follow the guidance, just like other prospective couples.<sup>6</sup> It does not mean that because their numbers are few or considered a minority, they are not entitled to follow the optimal direction. Therefore, this issue needs to be reconsidered, because the teachings of Islam always take into account its groups. Allah SWT says in Surah Al-Hujurat verse 9:

وَإِنْ طَآئِقْتُنِ مِنَ الْمُؤْمِنِينَ اقْتَلُوْ فَاصْلِحُوْ بَيْنَهُمَا فَإِنْ بَعْثَتْ إِحْدَيْهُمَا عَلَى الْأُخْرَى فَقَاتِلُوْ  
الَّتِي تَبْغِي حَتَّى تَفِيَءَ إِلَى أَمْرِ اللَّهِ فِيَانْ فَإِذْ فَاصْلِحُوْ بَيْنَهُمَا بِالْعَدْلِ وَقُسِطُوْ إِنَّ اللَّهَ يُحِبُّ  
الْمُقْسِطِيْنَ

"And if there are two groups of believers who fight, then make peace between them. If one of the groups oppresses the other, then fight against the oppressing group until they return to the command of Allah. Once they have returned, reconcile the two groups with justice, and act justly. Indeed, Allah loves those who act justly."<sup>7</sup>

## Research Methods

This research uses a field research method with a qualitative approach.<sup>8</sup> The research focuses on examining the policies of religious affairs offices in providing services for people with disabilities through interviews and analysis of various written sources. Data sources include interviews with respondents from KUA Ilir Timur 2, KUA Sukarami, KUA Ilir Barat 1, and KUA Bukit Kecil, government regulations, institutional documents, journal articles, research reports, and official publications from relevant

<sup>5</sup> Undang-Undang No.8 Tahun 2016 Tentang Penyandang Disabilitas, Pasal 79

<sup>6</sup> Vikström, Lotta, Helena Haage, and Erling Häggström Lundevaller. "Marriages among people with disabilities in 19th-century Sweden: marital age and spouse's characteristics." *The History of the Family* 25.2 (2020): 322-344.

<sup>7</sup> QS. Al-Hujurat ayat : 9 Tim Penerjemah Al-Qur'an kemenag RI, Al-Quran dan Terjemah (Tangerang: Forum Pelayan Al-Quran, 2017)

<sup>8</sup> Yogi Sopian Haris dan Betty Mauli Rosa Bustam, "Reconciliation Amongst Islamic-Based Groups as a Solution to the Tolerance Issue and the Accomplishment of Religious Moderation in Indonesia," *Jurnal SMART (Studi Masyarakat, Religi, dan Tradisi)* 10, no. 2 (2024): 141-54.

agencies. The use of this method allows the researcher to obtain a comprehensive understanding of the normative and empirical foundations.

Data collection techniques were carried out through interviews, identification and selection of various relevant written sources, including legislation, technical policies of ministries or related agencies, institutional reports, field practice documents, as well as academic literature.

### **Religious Affairs Office Policy in Services for People with Disabilities**

The Government of the Republic of Indonesia has established a regulation issued by the Ministry of Religious Affairs, concerning the Decree of the Director General of Islamic Community Guidance Number 172 of 2022. This decree is an amendment to the Decree of the Director General of Islamic Community Guidance Number 189 of 2021, which regulates the Implementation Guidelines for Marriage Guidance for Prospective Brides and Grooms. The purpose of this Decree of the Director General of Islamic Community Guidance is to ensure that reporting for prospective brides and grooms is conducted in accordance with the provisions set out in the applicable laws and regulations.

The premarital counselling process is expected to provide constructive guidance, rather than merely being a ritual that has no positive impact. The desire to marry is not only held by individuals considered normal, but also by people with disabilities who wish to get married.

Provisions stipulated in the marriage contract are considered binding as long as they do not contradict the principles of Islamic teachings, namely not permitting what is forbidden and not forbidding what is permissible. One of the conditions in the marriage contract is the presence of the marriage formula, consisting of the ijab qabul pronounced by the guardian or representative of the prospective bride, to which the prospective groom responds. In certain situations, the marriage acceptance (qabul) can be delegated to another man, provided that the prospective groom gives explicit and written authorisation.<sup>9</sup>

People with disabilities have equal rights to participate in premarital guidance, just like other prospective brides and grooms, in order to achieve justice for all Indonesians. Marriage is generally considered a source of blessings in this world and the hereafter. In this context, Allah SWT encourages His followers who are unable to abstain to still proceed with marriage, because the institution of marriage serves to keep individuals away from sinful acts and provides benefits, as explained in QS. An-Nur verses 32-33.

<sup>9</sup> Abdul Aziz, Fiqh Munakahat Khitbah, Nikah dan Talak, diterjemahkan oleh Abdul Majid Khon, Cet Ke-1, (Jakarta: Sinar Grafika Offset, 2009), 60.

وَأَنْكِحُوا الْآيَامِيْ مِنْكُمْ وَالصَّالِحِيْنَ مِنْ عِبَادِكُمْ وَامَّا بِكُمْ إِنْ يَكُوْنُوا فُقَرَاءٍ يُعْنِهِمُ اللَّهُ مِنْ فَصَلِيْهِ وَاللَّهُ وَاسِعٌ عَلَيْهِ ٢٢

"Marry off the unmarried among you and also those from your male and female servants who are deserving (of marriage). If they are poor, Allah will grant them means out of His bounty. Allah is All-Encompassing in His bounty and All-Knowing."

This verse means that marriage will bring benefits (goodness) regardless of who is entering into it because, in the eyes of Allah, all humans are equal and there is no distinction. Marriage for couples with disabilities is the same as marriage for ordinary people, where the purpose of marriage is to build a household or family, have children, and obtain the best possible benefits and sustenance. In terms of maqashid sharia, the marriage contract (ijab qabul) conducted in writing falls under the category of essential interests of Hifzhuin al-Nasl, which is the preservation of offspring. Considering the level of importance, this type of written ijab qabul for speech-impaired individuals is permissible in order to perfect the sanctity of marriage and address the limitations or deficiencies of the groom. If the ijab qabul in writing is not carried out, it does not threaten the existence of offspring or human dignity, nor does it complicate life. Besides writing, the qabul recitation can be conducted using sign language for speech-impaired individuals, provided there is a witness who understands the sign language.<sup>10</sup>

Based on the provisions that have been outlined, the author conducted research at several Office of Religious Affairs (KUA) located in Palembang, including KUA Sukarami, KUA Ilir Barat I, KUA Ilir Timur II, and KUA Bukit Kecil. The selection of these four KUAs was based on their strategic location in the city centre with a fairly dense population, which made the author interested in conducting research in these locations. Through interviews with the heads of the KUAs in charge, the author posed a number of questions regarding persons with disabilities who carried out marriage ceremonies at the KUA. From the results of these interviews, the statement emerged that "Prospective brides and grooms with disabilities have indeed attended guidance, but the number is not large. This may be caused by feelings of embarrassment arising from their limitations." Among those who have attended marriage counselling here, there are individuals who are mute and deaf.

In the implementation of marriage guidance for prospective couples with disabilities, there are several significant differences compared to general marriage guidance. This is due to the limitations experienced by individuals with disabilities, which require a more specific and sensitive approach and guidance strategies to meet their needs. Additionally, there are various types of disabilities, resulting in different

<sup>10</sup> Sobirin, "Implementasi akad nikah dengan tulisan atau isyarat dalam tinjauan Imam Syafi'i" Jurnal Studi Hukum Islam, Vol. 7 No. 1 (Januari-Juni 2020): 29, ISSN: 2356-015, diakses 21 Mei 2024, Pukul 11.00,

treatments provided by the KUA. For example, for those who are deaf, the KUA will recommend seeking a sign language expert to assist the prospective bride and groom as well as the officiant in interpreting speech during the marriage vows and preparation.

Marriage counselling for people with disabilities is conducted independently or individually. The material delivered is no different from general marriage counselling; the difference lies in the method of delivery. People with hearing impairments require a facilitator who can use sign language, while people with physical disabilities need adequate accessibility, such as wheelchair-friendly paths and specialised rooms located on the ground floor.

Next, for the implementation of the marriage vows for individuals with speech disabilities at the Sukarami District Religious Affairs Office, it is carried out by the male bride who is speech-impaired from birth. In this case, the marriage vows are conducted in writing by the groom according to his ability.<sup>11</sup>

In the Compilation of Islamic Law (KHI) Article 17 Paragraph 3, it is stated that for prospective brides or grooms who have communication limitations, such as being mute or deaf, consent to marry can be conveyed through written or sign media that can be understood.<sup>12</sup>

The marriage contract for an individual who is a speech-impaired person can be considered valid if carried out in writing, represented, or using clear and understandable gestures. Once the contract is fulfilled, the marriage becomes valid according to religious teachings, even if the person reciting it does so jokingly or without the intention of actually marrying. This is in accordance with the words of the Prophet Muhammad (peace be upon him) who said, "There are three things which, whether done playfully or seriously, must take effect: divorce, reconciliation, and marriage" (HR. Tirmidhi).<sup>13</sup>

### 1. Ilir Barat I Office of Religious Affairs

The requirements for registering for premarital counselling for persons with disabilities are the same as the general requirements for premarital counselling registration. Regarding the interview results, the researcher and Ridhuan, the Head of Ilir Barat I Religious Affairs Office, stated that there is actually no specific mechanism for preparing the marriage vow (Ijab Qobul) for prospective brides and grooms with disabilities. Therefore, before the marriage ceremony, we direct them to find a representative. This is due to limitations for the marriage officiants in using sign language, and even if there is an officiant who knows sign language, the witness must also understand sign language, making it less efficient. Hence, we recommend finding a

<sup>11</sup> Alhamdani, *Risalah Hukum Perkawinan Islam*, (Jakarta: Citra Karsa Mandiri,1995),87.

<sup>12</sup> Mardani, *Hukum Keluarga Islam di Indonesia*, Ed.1 Cet. 1.(Jakarta: Prenadamedia Group, 2016),46.

<sup>13</sup> Saleh Al Fauzan, *Fiqih Sehari-hari*, Cet.1, (Jakarta: Gema Insani,2006),650.

representative, and the representative will receive guidance on the procedure for acting as the Ijab Qobul representative.<sup>14</sup>

Next is an explanation of the interview results with Selaku Zainun, Head of the Ilir Barat I Religious Affairs Office, generally the marriage contract (ijab qobul) process is conducted verbally, but due to limitations and circumstances where verbal communication is impossible because one party is mute, the prospective groom can perform the ijab qobul process in writing in a single assembly. The ceremony proceeds quietly in the mosque without interruptions from other conversations or actions that, according to customs or Islamic teachings, are considered capable of disrupting the ongoing contract.<sup>15</sup>

## 2. Bukit Kecil Religious Affairs Office

The requirements for registering for premarital counselling are the same as those at the previous Religious Affairs Office, where the registration requirements for premarital counselling for persons with disabilities are the same as for general registration. The implementation of marriage counselling for persons with disabilities is carried out individually, at the time they see the correctness of the data. In addition, the researcher also interviewed Muhammad Rasid, the Head of the Bukit Kecil Religious Affairs Office, who stated that the strategy used by the Bukit Kecil KUA is that if the prospective bride or groom is a person with disabilities, they are given a taukil qobul letter, which is signed and sent back to the KUA, so that when the prospective bride or groom performs the ijab qobul it is done by proxy, If the bride and groom wish to use sign language, we accept it but it should be interpreted by the parents, and we will also find witnesses who can use sign language, such as people from the ceremony or other disability foundations, the main point is that we will help find the best solution for the bride and groom who will carry out the marriage ceremony.<sup>16</sup>

Furthermore, according to M. Jauhari, as the head of the Bukit Kecil Religious Affairs Office, the qobul phrase is recited by another man as a representative of the groom who has a speech disability, on the condition that the groom has explicitly granted his authority, either in writing or a note, at the time the ijab qobul ceremony is taking place.<sup>17</sup>

<sup>14</sup> Hasil Wawancara dengan Bapak Ridhuan selaku Kepala Kantor Urusan Agama Kecamatan Ilir Barat 1, pada 05 Maret 2024 pukul 13.30.

<sup>15</sup> Hasil Wawancara dengan Bapak Zainun selaku Penghulu Kantor Urusan Agama Kecamatan Ilir Barat I pada 05 Maret 2024 pukul 14.00.

<sup>16</sup> Hasil Wawancara dengan Muhammad Rasid Kepala Kantor Urusan Agama Kecamatan Bukit Kecil, pada 05 Maret 2024 pukul 09.10.

<sup>17</sup> Hasil Wawancara dengan Bapak M. Jauhari selaku Penghulu Kantor Urusan Agama Kecamatan Bukit Kecil, pada 05 Maret 2024 pukul 09.30.

According to Muhammad Rasid, Head of the Bukit Kecil Religious Affairs Office, regarding the role of witnesses in the marriage contract process conducted by the groom, especially in the context of using sign language, there are no specific requirements that must be met by witnesses in the wedding ceremony for the hearing impaired. However, it is recommended that witnesses have the ability to understand what is conveyed by the bride and groom. In this situation, ideally, the witness should be an individual who is accustomed to communicating with the couple, so that the marriage contract process can proceed smoothly and effectively.<sup>18</sup>

### 3. Ilir Timur II District Religious Affairs Office

According to M. Arifai Saidi, Head of the Religious Affairs Office of Ilir Timur II District, marital guidance for persons with disabilities cannot be conducted collectively as is usually applied. This is due to the relatively low number of disabled couples getting married at the Ilir Timur II District KUA. In addition, differences in types of disabilities, such as hearing impairment, visual impairment, and physical disability, also play a role. Therefore, guidance for persons with disabilities is conducted individually when they visit the KUA, essentially providing personal marital advice and counselling.<sup>19</sup>

The practice of qobul marriage is conducted in writing, while the ijab is carried out by the officiant as usual. The ijab qobul marriage process for individuals with limitations, such as the mute, does not encounter significant obstacles, although the method used differs from that of the general population, as long as all required conditions and documents are complete. The marriage process proceeds as usual, with the difference being the use of written language in the ijab qobul. In this case, it is sufficient to have two witnesses present along with a spokesperson appointed to read the writing as the expression of qobul from the groom intending to marry. This spokesperson can be from close family or relatives. Therefore, determining the law in this context is not complicated and is permissible. This was conveyed by Idham Syukri, Head and Officiant at the Ilir Timur I Religious Affairs Office in Palembang City.<sup>20</sup>

Marriage is a customary practice where its law essentially depends on the level of its benefit. The level of benefit itself is generally divided into three parts as follows: marriage is a customary practice where its law essentially

<sup>18</sup> Hasil Wawancara dengan Bapak Muhammad Rasid selaku Kepala Kantor Urusan Agama Kecamatan Bukit Kecil, pada 05 Maret 2024 pukul 09.20.

<sup>19</sup> Hasil Wawancara dengan Bapak M.Arifai Saidi selaku Kepala Kantor Urusan Agama Kecamatan Ilir Timur II. pada 05 Maret 2024 pukul 14.40.

<sup>20</sup> Hasil Wawancara dengan Bapak Zainun selaku Penghulu Kantor Urusan Agama Kecamatan Ilir Barat I pada 05 Maret 2024 pukul 15.00.

depends on the level of its benefit. The level of benefit itself is generally divided into three parts as follows:<sup>21</sup>

- a. The benefits that Allah SWT mandates for His servants. Obligatory benefits are divided into fadhil (superior), afdhal (most superior) and mutawassith (intermediate). These obligatory benefits contain honour, can eliminate the worst harms and can bring about the greatest benefits, making this type of benefit obligatory to pursue.
- b. The benefits recommended by Allah SWT to His servants for their own good, where these benefits aim to attract advantages, prevent harm and eliminate difficulty. Human welfare is not limited in type, nor finite in number, but always increases and evolves according to the situation and conditions of society. The enactment of this law provides benefits to society at a given time. Ijab qobul carried out in writing for deaf-mute couples falls under the category of recommended benefits because the values of welfare contained within it for the deaf-mute couple are to facilitate and remove difficulties for them.
- c. The permissible benefits in this case are inseparable from the value of benefit or the avoidance of harm. Permissible benefits can be directly experienced, some of which are more useful and have greater advantage than others.

Based on the above explanation, it can be concluded that a marriage contract with a letter (written) is a shighat ijab qobul not directly spoken by the groom, but the intent and purpose of the qobul are written in a letter, and the letter is strengthened with evidence of the accuracy of the groom's identity, which can be taken and read by a just person as the groom's representative to represent the qobul of the marriage contract, is permissible under Islamic law and valid if approved by all parties.

### **Guidance Efforts for Marriage Consent Preparation for People with Disabilities at Palembang City**

One of the crucial components in the marriage process is ijab and qobul, which are also often found in various other types of transactions. Ijab refers to the act of expression conveyed by one of the parties involved in the marriage or transaction. This expression can be verbal, written, or gestural, indicating the intent to complete the agreement or transaction, whether from the husband or the wife. On the other hand, qobul is a statement given by the other party, which can also be verbal, written, or gestural, indicating their consent or acceptance within the framework of

<sup>21</sup> Tihami dan Sohari Sahrani, Fiqih Munakahat; Kajian Fiqih Nikah Lengkap, (Jakarta: Rajawali Pers, 2009), 9-10.51

Islamic law. According to the four schools of Islamic jurisprudence (Hanafi, Maliki, Shafi'i, and Hanbali), the concept of *ijab* and *qobul* in marriage has similar principles. *Ijab* (offer) is the act of one party showing the intent to marry the other party, while *qobul* (acceptance) is the consent of the other party to the offer.<sup>22</sup> The process of *ijab* and *qabul* must be conducted clearly, accompanied by sincere intentions, and the wholehearted consent of both parties. Each school of thought has its own views and procedures for conducting *ijab* and *qabul*, but the basic principle remains the same in carrying out the marriage contract according to Islamic teachings. Most scholars agree that the pronouncement of *ijab* and *qobul* is one of the pillars of marriage according to the Hanafi and Hambali schools. From this perspective, if the guardian or his representative has uttered the *ijab*, the groom is allowed to wait briefly before declaring *qobul*, and the marriage contract is still considered valid. In contrast, the Maliki school holds that the delay in *qobul* should only be very short. Meanwhile, according to Imam Shafi'i, once the guardian has said the *ijab*, the groom is obliged to immediately declare his *qobul*.

The opinions of scholars from the four schools regarding the conditions of offer and acceptance show agreement on several important points as follows:

1. The *ijab qabul* must be pronounced in the same ceremony.
2. The validity of a marriage vow statement must use words that have a meaning related to marriage.
3. The marriage contract is valid even if conducted in a language other than Arabic
4. *Qobul* can be expressed through gestures or writing that can be understood by individuals with hearing disabilities.
5. The *Ijab* must be understood by the party saying the *qobul*.

This agreement highlights the importance of understanding and clarity in the marriage contract process.<sup>23</sup>

In principle, a marriage agreement must be expressed in clear and definite terms, so that there is no possibility of it being interpreted with another meaning that is equivalent or more dominant. Both parties involved in the marriage must be able to convey this statement. If a prospective husband gives permission through a letter to the female guardian or sends someone to deliver the permission, it must be accompanied by proof, such as testimony from witnesses present when the letter is read as part of the acceptance, or an explanation of the contents of the letter to them. Ideally, this process should be conducted with great care and clarity, with the offer and acceptance taking place in a single meeting. However, if both parties are unable to meet in person due to the distance

<sup>22</sup> Zubaeri, Ahmad. *Hukum Keluarga Kontemporer; Fiqh dan Perundang-undangan*. Penerbit Lawwana, 2023

<sup>23</sup> i'mah, Ma'sumatan, Pernikahan Dalam Syariat Islam, Klaten: Cempaka Putih, 2020, h.36

separating them, the solution to overcome this problem is to utilise letters and relevant supporting documents. Generally, the process of ijab and qobul is carried out verbally; however, in certain situations where one party has difficulty reading or speaking, the use of sign language can be an alternative. In addition, the appointment of a representative can also be considered as an effective solution.<sup>24</sup>

Regarding the mechanism for preparing the Ijab Qobul for persons with disabilities, particularly at the KUA in Palembang City, the researcher managed to interview the Heads of the Religious Affairs Offices of Ilir Timur 2, Sukarami, Ilir Barat 1, and Bukit Kecil.

Regarding the results of the interview, the researcher and the Head of KUA Ilir Barat 1 stated that: specifically, there is no mechanism for preparing the Ijab Qobul for prospective disabled brides and grooms. Therefore, before the marriage ceremony, we advise them to find a representative, because there are limitations for the religious officiants in understanding or having knowledge of sign language. Even if an officiant can use sign language, the witnesses also need to understand sign language, which feels inefficient. Thus, we recommend finding a representative, and the representative will be guided on the procedures for acting as the Ijab Qobul representative.<sup>25</sup>

In addition, the researcher also interviewed the Head of the Bukit Kecil KUA, who stated: if the prospective bride or groom has a disability, we provide a delegation of acceptance letter, which is signed and sent back to the KUA so that when the prospective bride or groom carries out the marriage vows, it can be represented. If the prospective bride or groom wants to use sign language, we accept it but with assistance from the parents for interpretation, and we also find witnesses who can use sign language, such as people from disability organisations or other disability foundations. The main point is that we will help find the best solution for prospective brides or grooms to carry out the marriage vows, whether it is with the assistance of a sign language expert or through representation, whichever is more efficient.<sup>26</sup>

Furthermore, the head of KUA Sukarami, Agus, also stated that: in the past there was a couple with disabilities who got married at KUA Sukarami, but it was quite a long time ago, around 2017. As for the preparation mechanism for the marriage ceremony, it is more or less the same as for other couples and not much different. What distinguishes couples with disabilities is that it is necessary to first determine what type of disability the bride or groom has, because there are many types of

<sup>24</sup> Sobirin, "Implementasi Akad Nikah Dengan Tulisan Atau Isyarat Dalam Tinjauan Imam Syafi'i, Pp Miftahunnajah Jepaara" Istidal: Jurnal Studi Hukum Islam, Vol.7 No. 1 Januari – Juni 2020), 20

<sup>25</sup> Hasil Wawancara dengan Bapak Zainun selaku Penghulu Kantor Urusan Agama Kecamatan Ilir Barat I pada 05 Maret 2024 pukul 15.00.

<sup>26</sup> Hasil Wawancara dengan Bapak Muhammad Rasid selaku Kepala Kantor Urusan Agama Kecamatan Bukit Kecil, pada 05 Maret 2024 pukul 09.20

disabilities, such as people who cannot speak, are blind, and others. It must first be established if they cannot speak as basically, if the bride or groom is blind, they can still speak. However, disabilities of this kind require attention. Although this is rare, specifically, for those who cannot speak, they must prepare a special interpreter who will be present during the marriage ceremony, and this interpreter is usually arranged by the family of the disabled bride or groom.<sup>27</sup>

In addition, the Head of KUA Ilir Timur 2 also gave his statement, saying that: we cannot provide many answers here, because there has never been a similar case here, from a technical point of view we cannot give a definite statement as it has never happened before.<sup>28</sup>

Based on interviews with the heads of KUA Ilir Barat 1, KUA Bukit Kecil, KUA Sukarami, and KUA Ilir Timur 2, it can be concluded that there are variations in the preparation mechanisms for Ijab Qobul for people with disabilities at the KUA in Palembang City.

#### The preparation mechanism for Ijab Qobul for people with disabilities

KUA ILIR BARAT 1	KUA BUKIT KECIL	KUA SUKARAMI	KUA ILIR TIMUR 2
<p>There is no special mechanism for marriage vows for disabled bride and groom, candidates. They rather suggest finding a representative who will be also guided on how to act as a marriage vows.</p> <p>Providing an alternative by giving a taukil letter to the disabled prospective bride or groom, which is signed and returned to the KUA.</p> <p>Prospective brides and grooms can be sign language with the help of an interpreter or a witness.</p> <p>an m that giving a taukil letter to the disabled prospective bride or groom, which is signed and returned to the KUA.</p> <p>It explains that preparing the qobul letter to the disabled prospective bride or groom, which is signed and returned to the KUA.</p> <p>preparation mechanism for they cannot provide definite Ijab Qobul for prospective disabilities is preparation mechanism for people with disabilities.</p> <p>They have never faced a similar case, so they cannot provide definite Ijab Qobul for prospective disabilities is preparation mechanism for people with disabilities.</p>	<p>an m that giving a taukil letter to the disabled prospective bride or groom, which is signed and returned to the KUA.</p> <p>It explains that preparing the qobul letter to the disabled prospective bride or groom, which is signed and returned to the KUA.</p> <p>preparation mechanism for they cannot provide definite Ijab Qobul for prospective disabilities is preparation mechanism for people with disabilities.</p> <p>They have never faced a similar case, so they cannot provide definite Ijab Qobul for prospective disabilities is preparation mechanism for people with disabilities.</p>	<p>an m that giving a taukil letter to the disabled prospective bride or groom, which is signed and returned to the KUA.</p> <p>It explains that preparing the qobul letter to the disabled prospective bride or groom, which is signed and returned to the KUA.</p> <p>preparation mechanism for they cannot provide definite Ijab Qobul for prospective disabilities is preparation mechanism for people with disabilities.</p> <p>They have never faced a similar case, so they cannot provide definite Ijab Qobul for prospective disabilities is preparation mechanism for people with disabilities.</p>	<p>an m that giving a taukil letter to the disabled prospective bride or groom, which is signed and returned to the KUA.</p> <p>It explains that preparing the qobul letter to the disabled prospective bride or groom, which is signed and returned to the KUA.</p> <p>preparation mechanism for they cannot provide definite Ijab Qobul for prospective disabilities is preparation mechanism for people with disabilities.</p> <p>They have never faced a similar case, so they cannot provide definite Ijab Qobul for prospective disabilities is preparation mechanism for people with disabilities.</p>

<sup>27</sup> Hasil Wawancara dengan Syafarudin selaku Kepala Kantor Urusan Agama Kecamatan Sukarami, pada 05 Maret 2024 pukul 10.30.

<sup>28</sup> Hasil Wawancara dengan Bapak M.Arifai Saidi selaku Kepala Kantor Urusan Agama Kecamatan Ilir Timur II, pada 05 Maret 2024 pukul 14.40.

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understands  
 sign language. prepare the  
 best solutions,  
 such as  
 providing a  
 special  
 interpreter for  
 prospective  
 brides and  
 grooms who  
 cannot speak.

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Based on the above explanation, it is:

1. The Head of KUA Ilir Barat 1 stated that there is no special mechanism for preparing the Ijab Qobul for bridal candidates with disabilities. They rather suggest finding a representative who will be guided on the procedure to act as the Ijab Qobul representative.
2. The Head of the Bukit Kecil KUA provides an alternative by giving a taukil qobul letter to the prospective disabled bride or groom, which is signed and sent back to the KUA. The prospective bride or groom can also use sign language with the help of a translator or a witness who understands sign language.
3. The Head of KUA Sukarami explained that the mechanism for preparing the marriage vows for bridal candidates with disabilities is not significantly different from that for other bridal candidates, but it is necessary to consider the type of disability in order to prepare the best solution, such as providing a special interpreter for bridal candidates who cannot speak.
4. The head of KUA Ilir Timur 2 stated that they have never faced a similar case, so they cannot provide definite information regarding the Ijab Qobul preparation mechanism for people with disabilities.

From this conclusion, it can be inferred that there are still variations and challenges in providing an inclusive Ijab Qobul preparation mechanism for people with disabilities at the Palembang City KUA. This indicates the need for the development of more detailed procedures that take into account the specific needs of people with disabilities in the marriage process at the KUA.

## Conclusion

The efforts of the Office of Religious Affairs in providing services for people with disabilities include marriage counselling conducted individually for people with disabilities. There is no difference in the material delivered by the Office of Religious

Affairs, only the method of delivery differs. For hearing-impaired individuals, a sign language facilitator is needed, while for those with physical disabilities, accessible paths for wheelchairs and special rooms for people with disabilities are required. There are still variations in the solutions provided by each Office of Religious Affairs in Palembang City in offering an inclusive Ijab Qobul preparation mechanism for people with disabilities. This indicates the need to develop more detailed procedures that consider the specific needs of people with disabilities in the marriage process at the Office of Religious Affairs.

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