



Research Article

Implementation of Ijab Qabul with One Breath Perspectives of the Imams of the Mazhab and Sheikh Muhammad Arsyad Al-Banjari in Kitab An-Nikah (Case Study of Ijab Qabul in the Marriage Contract Procession Rizky Febian and Mahalini)

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Abstract. This study explains how the real truth of ijab qabul in the midst of the controversy of the many claims for the execution of the ijab with a single breath which happened at Rizky Febian and Mahalini's marriage contract. This research is a qualitative research method with descriptive analysis by describing the data obtained through words rather than in the form of numbers. Using library research as a source of data that the author then uses to determine the relevant legal provisions and the actual principles of the reality that occurs so that it can present legal answers to the problem

digged. The results of the study showed that when analysed with the opinion according to the Sheikh Muhammad Arsyad Al-Banjari in the Book of An-Nikah, as well as the opinions of the priests of Mazhab, there is no provision explicitly regulating and also absolute on the claim to façade the ijab qabul in a breath and there are no provisions prohibiting it. Thus, it can be said that the execution of ijab qabul with one breath and must be connected with the law is jaiz, that is, can be done and can be left as long as it does not violate the existing provisions and this is also not an absolute condition in the implementation of ijab qabul, so affecting to touch the validity of an obstacle.

Keywords: Ijab Qabul, With Single Breath, Ulama Perspective

INTRODUCTION

Along with the times, of course, it will also affect the availability and progress of facilities and infrastructure as a tool used by humans to carry out their daily lives, which are increasingly demanded to facilitate human work. This of course also applies to facilities and infrastructure in recognizing one human being with another. Being a support to make it easier for humans to explore this vast earth and meet various humans.

Islam, guided by the Koran and Sunnah, teaches humans to provide mutual benefits to create a comfortable relationship between fellow humans. It begins with getting to know each other with which a human relationship is bound and then the bond is maintained in the frame of friendship.

Involvement in living a good life and based on Islamic values is by not giving views that show incompatibility to a race, tribe, nation that was created diversely by Allah SWT. The wisdom of creating humans with all their diversity is to always have a sense of tolerance for the many differences in order to create comfort and harmony so that compassion is born and from there provides an opportunity to be able to exchange knowledge and experience, thus teaching humans to continue to be grateful to Allah Swt. for his blessings that are spread out on this earth. (Masitoh & Liddini, 2022, p. 26) It is hinted in the word of Allah Swt. in Q. S. Al-Hujurat/49:13:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۚ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۚ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

"O people, indeed We have created you from a male and a female. Then, We made you into nations and tribes so that you may know one another. Indeed, the noblest among you in the sight of Allah is the most pious. Verily, Allah is All-Knowing and All-Absorbing." (Kementrian Agama RI, 2019, p. 517)

From these meetings aimed at getting to know each other, it is inevitable that among these humans want to go to a more serious level. One of the reasons lies in the desire to have and maintain offspring so that it continues. The way to fulfill this goal is to make a relationship legal through marriage. Because marriage is a commitment to the physical and mental bond between a man and a woman as a legal

partner with the aim of forming a happy and eternal family based on God Almighty. As the word of Allah Swt. in Q.S. Ar-Rum/30: 21:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

"Among His signs is that He created mates for you from your own kind so that you may be at peace with them. He makes love and affection between you. Surely in that are signs for those who think." (Kementrian Agama RI, 2019, p. 406)

There are several arrangements that must be adhered to and fulfilled if someone wants to get married. One of the arrangements is related to the fulfillment of the pillars of marriage, which includes: the existence of a bridegroom; bride, guardian, two witnesses and ijab qabul. (Ad-Dimyathi, 1992)

In the discussion of this paper, it will be more focused on examining one of the pillars of marriage, namely ijab qabul or commonly known as the marriage contract, which can be likened to a contract as the key to legalizing a marriage relationship which then raises legal consequences. Problems that often arise in the midst of society which then expand over time where the principles and contemporary munakahat fiqh are creatively applied to the present (Azmi et al., 2022, p. 71). It is necessary and interesting to examine how the reality of the implementation of munakahat fiqh related to ijab qabul with reference to the books of munakahat fiqh, which in this study the authors will study using the perspective of Sheikh Muhammad Arsyad Al-Banjari in Kitab An-Nikah.

In the procession of marriage contracts, it is often spread that the valid requirement for an ijab qabul is when it is pronounced in one breath. The authors found the same condition occurred in the marriage contract procession of an artist couple in Indonesia, Rizky Febian and Mahalini, through news on web articles and *social media* such as tiktok and Instagram.

Since they are an artist couple, of course they are widely known by the public, more or less every action taken will certainly affect other people, especially if an action is considered good, which will then lead the public to make it a good standard until there are many baseless opinions. This raises the question of how Islam regulates the pronunciation of consent. The author will explain further in the discussion in this paper.

RESEARCH METHODS

This research uses qualitative research methods with several documents that are verbal using words and sentences as well as visual through related shows and then invites interpretation of the provisions of ijab qabul and together with this it has a descriptive nature, explaining the data obtained through words not in the form of numbers (Abdussamad, 2021, p. 31). Using library research as a source of data which the author then uses to determine related legal provisions and principles that are

actually from the reality that occurs so that it can present legal answers to the problems explored.

RESULTS AND DISCUSSION

Regarding the discussion of the contract in a marriage, Imam Zainuddin Al-Malibary said that the position of the contract in marriage has a very important function, because the contract is one of the forms of a series of elements in the pillars of marriage (Al-Malibary, 2010).

The meaning of the contract itself, in general, comes from Arabic which means bond, binding, connection, promise. And specifically in Islamic law, the term contract is interpreted as a connection between ijab and qabul in accordance with the demands of shara' so that it then has legal consequences for those subject to a contract. (Az-Zuhaili, 2018)

The scholars are unanimous in stating that marriage is only considered valid if it is carried out with a contract that includes ijab and qabul between the groom and the bride, namely with her guardian or representative of her guardian, as for if this right is not properly exercised then of course the law can apply otherwise, namely marriage cannot be said to be valid if it is only based on mutual love without a contract to legalize a relationship. (Azmi et al., 2022, p. 75)

To carry out ijab qabul, it is not merely by saying it without fulfilling the conditions, which in this case are the conditions of ijab qabul, which if not fulfilled will damage a contract and make a marriage invalid. The conditions of Ijab Qabul according to Sheikh Muhammad Arsyad Al-Banjari in Kitab An-Nikah say that the conditions of Ijab Qabul include: (Al-Banjari, n.d., pp. 44-45)

1. Saying only what is included in the ijab qabul and not saying other words outside of the ijab qabul during the ijab qabul procession;
2. In the procession of the contract by not staying too long so as to provide a pause between words in the ijab qabul;
3. The ijab and qabul must be continuous so that there is no confusion between the two phrases;
4. It is advisable to agree on the number of dowries in the marriage;
5. The content of the ijab qabul does not contain the element of ta'liq.

According to the discussion in the study of Islamic law, there are differences of opinion among the scholars of the madhhabs regarding the pauses that exist in a contract. According to the opinion of Imam Hanafi and Imam Hanbali, ijab qabul is still valid even though there is a gap in the continuation of the marriage contract because the gap in ijab qabul is absolutely not something that invalidates it as long as it is not interrupted by other activities and is in the same assembly. (Ahmadi, n.d.)

The two Imams are also of the opinion that even if the qabul is not pronounced in conjunction with the ijab, in an example if before pronouncing the qabul, the groom is silent for a long time, then the contract can still be considered valid as long as there is no other activity or sentence that prevents it. (Fitri, 2021) According to the opinion of Imam Maliki, ijab and qabul in marriage will still be valid as long as the pause in the contract is not too long. (Ahmadi, n.d.)

Imam Shafi'i stipulated that there should not be too long a gap between Ijab and Qabul because a long gap will result in a broken contract. A long pause can remove the qabul sentence from the corridor in response to the ijab sentence. Imam Shafi'i gave an example of ijab-qabul being interrupted by something, even if that something is a marriage sermon from the bride's guardian, in an example: the bride's guardian said "I marry you", then the groom replied: "Bismillah, alhamdulillah, washsholatu wassalamu 'ala Rasulillah wa ala alihi wamau walah, I accept the marriage contract". In this case Imam Shafi'i is of the opinion that it is not valid because the conditions of ijab and qabul have been interspersed with other activities, even though the marriage sermon is a positive and good thing for the bride and groom.

Imam Shafi'i added that in the implementation of ijab qabul it is required to be carried out in one place so that both of them are required to face each other directly so that in saying ijab and qabul there is no mistake in any form of action which is feared to damage the value of the sacredness of the ijab qabul itself.

Imam Shafi'i gave the reason that ijab is a series of unities that cannot be separated by anything else and in its implementation must be connected so that it cannot be hindered by any form including things that are permitted in religion such as marriage sermons and others. (Faisal, 2021)

The standardization of saying Ijab-Qabul in one breath and continuing has become commonplace in Islamic society, generally because there is a good opinion in it that causes a person to be fixated on the standardization of the results of this opinion that requires a person to be able to do it too. In particular, it can also stem from the shifting interpretations of arguments and opinions of the mazhab by previous religious leaders and communities. (Maulana, 2022)

As the authors found that ijab qabul in one breath occurred in the marriage ceremony procession of the artist couple in Indonesia, Rizky Febian and Mahalini, which took place on Friday, May 10, 2024, at the Raffles hotel, South Jakarta. This momentum is widely spread through news on web articles and *social media* such as tiktok and Instagram. (detik.com, n.d.; Liputan 6, 2024)

As for the implementation of ijab qabul with one breath, when analyzed with the theory that the author has described above according to Sheikh Muhammad Arsyad Al-Banjari in Kitab An-Nikah, as well as the opinions of the Mazhab Imams, there is no provision that regulates explicitly and also absolutely on the demand to pronounce ijab qabul in one breath and there is also no provision that prohibits it.

So, it can be said that the implementation of ijab qabul with one breath and must be connected is *jaiz*, that is, it can be done and may be abandoned as long as it does not violate the existing provisions and this is also not an absolute requirement in the implementation of ijab qabul so that it affects to determine the validity of a contract.

In this case, the authors also provide opinions and suggestions to readers who are in a condition with the demand to pronounce ijab qabul with one breath so that they can pay attention to their abilities, whether it contains more *maslahat* or on the contrary, more *mafsadat*, so that they are not forced to do it which can lead to something undesirable. And related to the descriptions of ijab qabul which in this

case was carried out by Rizky Febian and Mahalini so that they could take i'tibar and lessons from this for their confidence and firmness of soul in their goal of legalizing a marriage relationship.

CONCLUSION

As for the implementation of ijab qabul with one breath, when analyzed with the opinion according to Sheikh Muhammad Arsyad Al-Banjari in Kitab An-Nikah, as well as the opinions of the Imams of the Mazhab, their opinion is rather to prohibit if in the time interval made during the procession of the marriage contract someone does other activities that will damage the contract. There is no provision that explicitly and absolutely regulates the requirement to recite ijab qabul in one breath and there is also no provision that prohibits it.

So, it can be said that the implementation of ijab qabul with one breath and must be connected is jaiz, that is, it can be done and may be abandoned as long as it does not violate the existing provisions and this is also not an absolute requirement in the implementation of ijab qabul so that it affects to determine the validity of a contract.

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