

CONTEMPORARY ISSUES IN MIXED MARRIAGES: AN ISLAMIC LEGAL ANALYSIS OF LINGUISTIC ISSUES IN MARRIAGE CONTRACTS

Wahyu Aji Pratama & M. Saeful Amri

Sekolah Tinggi Agama Islam Al-Hikmah 2, Indonesia

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e-mail address:

*ajitama156428@gmail.com

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Abstract

Purpose - This study examines the legal validity of Indonesian-Taiwanese mixed marriage contracts from an Islamic law perspective, specifically analyzing the impact of linguistic barriers in *Ījāb Qabūl* on fulfilling the requirements of *tarādī* (consent) and *fahm al-'aqd* (contract comprehension). This study fills a gap in contemporary Islamic jurisprudence studies regarding the legal implications of language barriers in marriage rituals that potentially affect contract validity.

Method - This study employs an empirical juridical method integrated with a socio-legal approach, focusing on KUA Paguyangan, which handles Indonesian-Taiwanese mixed marriage cases with significant linguistic challenges. Primary data were collected through in-depth interviews with KUA officials, field observations of ceremony documentation, and analyses of official marriage records.

Findings - This study reveals that cross-cultural Islamic marriages achieve validity through four key elements: linguistic innovation where Taiwanese grooms use native script with Indonesian vocalization (*ḥifẓ al-ma'nā ma'a taghyīr al-rasm*), legal framework fulfilling comprehension, pronunciation, witness validation, and willingness requirements, institutional adaptation by KUA officials balancing authenticity with accessibility, and theological alignment with Islamic principles of ease (*taysīr*), concession (*rukḥṣah*), and public interest (*maṣlaḥah*).

Research limitations - The research is limited to one case at KUA Paguyangan; thus, generalization requires caution. However, post-marriage aspects and cultural integration dynamics have not been explored.

Originality/value - This research makes an original contribution to the study of Islamic family law in a global context by providing an in-depth analysis of practical solutions to overcome language barriers in religious rituals, which have not received adequate attention in previous academic literature.

Keywords: Mixed Marriage, *Ījāb Qabūl*, Language Transliteration, Islamic Law, Cross-Cultural Communication.

Abstrak

Tujuan - Penelitian ini mengkaji validitas hukum kontrak pernikahan campuran Indonesia-Taiwan dari perspektif hukum Islam, khususnya menganalisis dampak hambatan linguistik dalam *Ījāb Qabūl* terhadap pemenuhan persyaratan *tarādī* (kerelaan) dan *fahm al-'aqd* (pemahaman kontrak). Penelitian mengisi

kesenjangan kajian yurisprudensi Islam kontemporer mengenai implikasi hukum hambatan bahasa dalam ritual perkawinan yang berpotensi mempengaruhi keabsahan kontrak.

Metode – Menggunakan metode yuridis empiris terintegrasi dengan pendekatan sosio-hukum, berfokus pada KUA Paguyangan yang menangani kasus pernikahan campuran Indonesia-Taiwan dengan tantangan linguistik signifikan. Pengumpulan data primer melalui wawancara mendalam dengan pejabat KUA, observasi lapangan dokumentasi upacara, dan analisis catatan pernikahan resmi.

Temuan – Penelitian ini mengungkapkan bahwa pernikahan Islam lintas budaya mencapai validitas melalui empat elemen kunci: inovasi linguistik di mana pengantin pria Taiwan menggunakan aksara asli dengan vokalisasi Indonesia (*ḥifẓ al-ma'nā ma'a taghyīr al-rasm*), kerangka hukum yang memenuhi persyaratan pemahaman, pelafalan, validasi saksi, dan kerelaan, adaptasi institusional oleh petugas KUA yang menyeimbangkan keaslian dengan aksesibilitas, dan keselarasan teologis dengan prinsip Islam tentang kemudahan (*taysīr*), keringanan (*rukḥṣah*), dan kemaslahatan (*maṣlaḥah*).

Keterbatasan – Penelitian terbatas pada satu kasus di KUA Paguyangan, sehingga generalisasi memerlukan kehati-hatian. Aspek pasca-nikah dan dinamika integrasi budaya belum dieksplorasi.

Kontribusi – Penelitian ini memberikan kontribusi orisinal untuk studi hukum keluarga Islam dalam konteks global dengan analisis mendalam tentang solusi praktis untuk mengatasi hambatan bahasa dalam ritual keagamaan, yang belum mendapat perhatian yang memadai dalam literatur akademis sebelumnya.

Kata Kunci: Perkawinan Campuran, *Ījāb Qabūl*, Transliterasi Bahasa, Hukum Islam, Komunikasi Lintas Budaya.

INTRODUCTION

Cross-cultural marriages represent a significant global social phenomenon that has experienced substantial dynamics in the contemporary globalization era. The latest data from the United Nations Department of Economic and Social Affairs (UN DESA) indicates that the international migrant stock will reach 304 million people in 2024, marking continuous cross-border mobility growth as a consequence of regional economic integration, advancements in digital communication technology, and migration policy liberalization that facilitates cross-cultural interactions (United Nations, 2024). Recent studies in Sociology Compass (2024) have identified that East Asia and Southeast Asia have experienced substantial increases in cross-national marriages, with Taiwan, Japan, and Singapore recording over 60% of foreign spouses originating from

Southeast Asian countries (Lu & Yeung, 2024).

Following this regional trend, Indonesia, the world's largest Muslim-populated country and an emerging economic power with a projected GDP growth of 5.1% in 2024, also experiences significant increases in cross-cultural marriages, particularly with East Asian countries such as Taiwan and China (OECD Economic Outlook, 2024). In response to this demographic reality, Indonesian law, through Article 57 of Law Number 1 Year 1974, defines cross-cultural marriage as a matrimonial bond between two individuals subject to different legal systems due to citizenship differences, with the requirement that one party must hold Indonesian citizenship (UU No. 1 Tahun 1974). This legal definition serves as a fundamental regulatory foundation for addressing the juridical complexities arising from cross-border marriages, including linguistic and cultural challenges that require

adaptation in Islamic legal practice in Indonesia.

Research by Agus Anwar Pahutar, et al. (2024) revealed that the increase in mixed marriages occurs in line with globalization, which accelerates human mobility and cross-cultural interaction (Pahutar et al., 2024). Given the increasing prevalence of mixed marriages in the era of globalization, it is crucial to examine the legal framework governing such unions. The legal basis for marriage in Indonesia is strong and comprehensive. Article 28B, paragraph (1), of the 1945 Constitution guarantees everyone the right to form a family and continue their offspring through a valid marriage. In Indonesia, marriage arrangements have been updated through Law Number 16 of 2019 (Law No. 16 2019). Mixed marriages between Indonesian Citizens (WNI) and Foreign Citizens (WNA) are also regulated in the Compilation of Islamic Law (KHI), which is a guideline for Muslims. Article 2 of the KHI explains that marriage according to Islamic law is a marriage, which is a very strong contract or *mīṣāqan ghalīẓan* to obey Allah's commands and carry them out is worship (Kementerian Agama Republik Indonesia, 2018). Marriage is an agreement that binds two families, which Muslims witness through a series of marriage contract processes (Erkoc Baydar, 2023).

Despite the existence of a clear regulatory framework, mixed marriages in Indonesia often face various

administrative and procedural challenges, with language differences being one of the main obstacles in the *Ījāb Qabūl* procession (Deniz, 2021). The linguistic aspect of mixed marriage requires special attention, especially in the context of understanding the religious and legal terminology used during the marriage contract procession (Kadir, 2021). When the bride-to-be comes from a different language background, understanding specific terms such as "*wali nikah*" (marriage guardian), "*saksi*" (witness), "*mahar*" (dowry), and especially the pronunciation of *Ījāb Qabūl* itself becomes a challenge in itself (Djachy dkk., 2018). This makes the use of language in the procession a crucial factor that must be considered to ensure the validity of the marriage contract in Islam.

This language challenge becomes even more complex when associated with the strict requirements of Islamic law. In the context of its implementation, the validity of a marriage depends on the fulfillment of the pillars (*rukun*) and conditions (*syarat*) set in Islamic law. *Rukun* is a basic element that is an inseparable part of the essence of marriage itself, while *syarat* plays a role as a supporting element that must exist but is not an essential part of the marriage contract (Sanjaya, 2021). *Ījāb* and *Qabūl* occupy fundamental positions in the pillars of marriage. *Ījāb* is a statement delivered by the guardian or his representative to the prospective

groom, while *qabūl* is a statement of acceptance spoken by the prospective groom or by someone authorized to represent him (Wahbah Az-Zuhaili, 2011).

Scholars have different views on the time gap between the *ijab* and *qabul*. The Hanafi and Hanbali schools view the marriage contract as valid despite the time gap, while the Maliki school allows only a very short time gap. The Shafi'i school is stricter, requiring the pronunciation of *qabul* immediately after *ijab* (Wahbah Az-Zuhaili, 2011). In Islamic tradition, the words of *Ījāb Qabūl* have a special formulation that must be pronounced correctly to ensure the validity of the marriage contract (Gökmen, 2023).

Faced with the complexity of Sharia requirements and the practical challenges of language barriers, various Religious Affairs Offices (KUA) have developed innovative approaches to bridge this gap. Several KUAs have developed a structured language-learning approach for brides-to-be (KanKemenag Palangkaraya, 2022). The program not only focuses on the teaching of the *Ījāb Qabūl* words, but also includes an in-depth explanation of the philosophy and spiritual meaning behind each word. This learning approach is usually carried out through intensive pre-marriage guidance sessions, where the bride-to-be is given the opportunity to practice the pronunciation of the words with direct guidance from an experienced headman

or ustaz. This method has proven effective in building the confidence of the bride-to-be, especially for those unfamiliar with Arabic or Indonesian (Nia Maryanti, 2024).

In addition to traditional approaches, innovations in the use of technology have begun to be implemented to help overcome language barriers. Several KUAs have developed digital learning materials that include audio-visual recordings of the words of *Ījāb Qabūl* with subtitles in various languages, accompanied by detailed explanations of the meaning and pronunciation procedures (Zaini, personal communication, February 21, 2025). This modern approach allows the bride-to-be to study independently before the wedding day while still receiving direct guidance from the headmaster (Kementerian Agama Lampung, 2024).

A concrete example of implementing this creative solution can be seen in the case of mixed marriages in KUA Paguyangan District, where the groom from Taiwan cannot communicate in international or Indonesian languages. The solution implemented shows that the validity of the marriage contract can be maintained even when facing significant language barriers through the use of Taiwanese script transliteration to write the *qabul* words with Indonesian pronunciation, with the role of the bride, who understands Taiwanese, being the key to the success of this approach.

Despite various innovative efforts undertaken by KUAs, the dimension of

communication constraints during the marriage contract has not received adequate attention in the study of Islamic law, even though the validity of the contract is highly dependent on the understanding and proper pronunciation of *Ījāb Qabūl* according to Sharia. Previous studies have tended to focus on different aspects of mixed marriage, such as research by Primagara and Hasanah, which examined the form of communication accommodation in married couples of different Indonesian-Turkish nationalities, with a focus on convergence and divergence strategies in daily communication (Primagara & Hasanah, 2023).

Meanwhile, Pahutar et al. examined the impact of globalization on family law in the context of mixed marriages, emphasizing the legal issues arising from jurisdictional differences (Pahutar dkk., 2024). However, these studies have not examined practical solutions to overcome language barriers in the context of religious rituals that have legal consequences. Pangathousands and Fitri's research analyzes the procedures and challenges of mixed marriages between Indonesian and Dutch citizens from the perspective of international civil law (Pangaribuan & Fitri, 2022), while Puspita and Meidina examine the legal implications of mixed marriages related to the citizenship of children, asset ownership, and inheritance distribution (Puspita et al., 2023).

However, there is a significant research gap related to language issues in the implementation of marriage contracts in mixed marriages, especially between Indonesian and Taiwanese citizens. Although previous studies have touched on communication barriers in general, specific aspects of language use in crucial moments, such as marriage contracts, have not received adequate attention in the academic literature. This study addresses these gaps by examining language constraints in marriage contracts between Indonesian and Taiwanese citizens from the perspective of Islamic law and offers a practical solution for mixed marriage couples who want a legally valid contract.

METHODS

This study uses a socio-legal approach with qualitative methodology, combining field studies at the KUA (Office of Religious Affairs) Paguyangan District, Brebes Regency, Central Java Province, Indonesia, and a literature review to examine the challenges of marriage between Indonesian and Taiwanese citizens within the framework of Islamic law and social context. This study strategically employed a single institutional key informant approach, recognizing the KUA Head's unique position as the sole legal authority governing all mixed marriages in the district. This aligns with institutional analysis frameworks, in which gatekeeper perspectives provide

comprehensive insights into policy implementation.

The potential limitation of a single informant was methodologically compensated for through intensive direct observation and extensive document analysis, as the research focus on institutional procedures rather than personal experiences makes the authoritative administrative perspective more pertinent and academically sufficient than multiple individual testimonies for examining the legal-procedural aspects of mixed marriage governance.

The data collection method is enriched by literature studies to obtain theoretical foundations from various sources of Islamic law and related laws and regulations. The collected data underwent a systematic analytical process through several stages: (1) data reduction by categorizing field observations, interview transcripts, and documents based on thematic patterns related to transliteration practices and legal compliance; (2) comparative legal analysis by examining empirical findings against established Islamic law principles (*uṣūl fiqh*) and Indonesian marriage regulations; (3) triangulation analysis by cross-validating observations, institutional perspectives, and documentary evidence to assess the effectiveness of transliteration solutions; and (4) interpretive synthesis to evaluate the legal validity of transliteration practices from both Islamic jurisprudential and positive law

perspectives, ultimately determining their acceptability as solutions to communication barriers in the *ijāb qabūl* procession.

RESULTS OF RESEARCH AND DISCUSSION

KUA Paguyangan District, established in 1982, is the smallest installation of the Ministry of Religion (based on PMA No. 34 of 2016) located at Kembang, Paguyangan, Paguyangan District, Brebes Regency, Central Java, serving 12 villages across approximately 104.94 Km². As a government institution under the Brebes Regency Ministry of Religion Office, KUA Paguyangan carries out essential Islamic religious affairs, including marriage registration, mosque management, waqf administration, and family development services, in accordance with policies set by the Director General of Islamic Guidance (*Peraturan Menag No. 20 Tahun 2019*), maintaining professional service standards guided by integrity, professionalism, innovation, responsibility, and exemplary values in serving the community (Profile of the Religious Affairs Office of Paguyangan District, personal communication).

In this study, the researcher examined the case of a mixed marriage between Indonesian citizens and foreign citizens (Taiwan) that was carried out at KUA, Paguyangan District. An interesting case to discuss is the problem in the marriage contract process, especially in *Ījāb Qabūl*, when the groom from Taiwan, namely

LIU, JIH-YOU (64 years old) who is Muslim cannot use international language or English and can only speak Taiwanese. (Case of *Ījāb Qabūl* in marriage between foreign citizens (WNA) and Indonesian citizens (WNI) native of Paguyangan on Friday, January 17, 2025 at KUA Paguyangan sub-district.)

As a solution, the bride-to-be, a Muslim named MUAWANAH (49 years old) who understands Taiwanese, uses an alternative writing system that uses Taiwanese letters but maintains the same spelling or pronunciation as qabul in Indonesian. To complete the data for this study, the researcher conducted an interview with the Head of KUA Paguyangan District, Mr. Zaini, who directly handles the mixed marriage process and has experience overcoming various problems in the implementation of marriage contracts with special circumstances.

The Practice of *Ījāb Qabūl* in Mixed Marriage of Indonesian and Taiwanese Citizens at the Religious Affairs Office KUA, Paguyangan District, Brebes Regency.

In general, the *ījāb qabūl* procession in Islamic marriage is conducted through a clear and understood exchange of consent between the bride's guardian and the groom as a manifestation of the sacred marriage agreement (Yaşar, 2022). This creates a fundamental dilemma regarding marriage validity because the essence of *ijab qabul* lies in both parties' understanding of the

contract being pronounced, while language differences become a crucial communication barrier in that sacred moment.

This validity dilemma is not merely technical-administrative in nature but touches upon fundamental theological-juridical aspects of Islamic marriage law. According to scholarly consensus, the validity of marriage contracts depends on the fulfillment of marriage pillars and conditions, where *ijab qabul* must be pronounced with clear (*sarih*) wording that both parties can understand (Sabiq, 1983). When language barriers hinder this understanding, a fundamental question arises: How can we ensure the validity of the contract when communication is obstructed by significant linguistic differences? This complexity deepens further when considering that *ijab qabul* is not merely a legal formality but a spiritual representation of the sacred bond that unites two souls within the framework of Allah SWT's blessing. Language differences potentially create ambiguous interpretative spaces where true consent (*al-ridha al-haqiqi*) might not be achieved perfectly due to limitations in linguistic understanding.

Chronology of Mixed Marriage

Implementation: The Case of Liu Jih-You and Muawanah

A unique case occurred at the Religious Affairs Office (KUA) of Paguyangan Sub-district, Brebes Regency, which presented cross-cultural

communication challenges in the marriage between Liu Jih-You (Taiwanese citizen) and Muawanah (Indonesian citizen from Taraban Village, Paguyangan). The administrative preparation process began with document verification, which was more complex than marriages between Indonesian citizens.

Based on information from Mr. Zaini, the Head of Paguyangan Sub-district KUA, the administrative process for mixed marriages requires additional documents in the form of a "*Certificate of No Impediment*" or single status certificate issued by the Taiwanese embassy in Indonesia. This requirement is one of the distinguishing factors between mixed marriages and marriages between Indonesian citizens, where the verification process for the marital status of foreign prospective spouses must be conducted more meticulously to ensure the marriage's validity (Khairunnisa, 2018).

This administrative complexity is exacerbated by the limited educational background of the prospective male spouse. Mr. Zaini explained that the prospective groom came from a "*rural area*" in Taiwan with an education level equivalent to Elementary School (SR) in Indonesia, so his language adaptation ability was very limited, and he could only communicate using Taiwanese (Taiwanese Mandarin).

Before the marriage contract implementation, Liu Jih-You had converted to Islam, as stated by Mr.

Zaini: "*The prospective groom from Taiwan had also previously embraced Islam, and this has been proven with an Islam conversion certificate or what can also be called syahadah.*" This conversion process adds complexity, as the understanding of Islam needs to be conveyed to the groom with his limited language capabilities.

Muchimah et al. revealed linguistic and cultural complexities in religious education for converts in the context of mixed marriages, emphasizing the importance of pedagogical approaches sensitive to language barriers (Muchimah et al., 2024). This aligns with analyses of the interactions of religious practices and rituals among couples who were previously of different religions (Stjepanović, 2024).

In the implementation of *ijab qabul*, the Paguyangan Sub-district KUA applies the same procedures as general marriages regarding marriage pillars. As Mr. Zaini explained,

"Indeed, basically what we call *ijab qabul* is the same in relation to marriage pillars like that. Which means there are prospective bride and groom, then a guardian, then two witnesses which is the minimum of two, but more is better, and the *ijab qabul* procession."

However, the greatest challenge lies in the implementation of the *ijab qabul* itself. Considering that *ijab qabul* is a marriage pillar that must be pronounced correctly and understood by both spouses (Pangaribuan & Fitri, 2022), KUA prepared a special innovation in the form of a *qabul* script written in traditional Taiwanese Hanzi characters.

Mr. Zaini explained this process:

"Because they are getting married in Indonesia, we usually provide alternatives using their language with textual materials that have been prepared and given before the marriage contract." This innovation was realized through collaboration with Muawanah who, upon KUA's instruction, wrote the standard *qabul* sentence: "Saya terima nikah dan kawinnya [Nama] dengan mas kawin tersebut tunai" using traditional Taiwanese Hanzi characters.

This transliteration process is not merely a literal translation but rather a cultural adaptation that considers Liu Jih-You's understanding of the writing system familiar to him. Muawanah wrote the *qabul* sentence in traditional Taiwanese Hanzi as follows:

薩亞 特里馬 尼卡 丹 卡溫尼亞 [那馬]
丹 馬斯 卡溫尼亞 特爾瑟布 圖奈

(Sà-yà tè-lǐ-mǎ ní-kǎ dān kǎ-wēn-ní-yà [nà-mǎ] dān mǎ-sī kǎ-wēn-ní-yà tè-ěr-sè-bù tú-nài)

This transliteration employs a phonetic approach that maintains the original sound of the Indonesian *qabul* sentence while adapting it to the Taiwanese Hanzi writing system. Characters like "薩亞" (Sà-yà) for "saya", "特里馬" (tè-lǐ-mǎ) for "terima", "尼卡" (ní-kǎ) for "nikah", and "圖奈" (tú-nài) for "tunai" demonstrate phonetic accuracy in preserving the original Indonesian pronunciation.

The use of traditional Taiwanese Hanzi such as "溫" (wēn) instead of

simplified Chinese "温", and "馬" (mǎ) instead of "马" shows sensitivity toward the cultural background of the groom, who comes from rural Taiwan, where the traditional writing system is still more familiar compared to the modern system. The selection of characters like "丹" (dān) for "dan" and "卡" (kǎ) for the syllable "ka" in "nikah" and "kawin" ensures ease of pronunciation for native Taiwanese speakers.

The success of this innovation lies in its ability to maintain the essence of the sound and meaning of the *qabul* in Islamic law while accommodating the groom's linguistic limitations. Liu Jih-You can read and understand his commitment in the marriage contract through familiar characters with pronunciation that remains consistent with Indonesian articulation, while the theological and juridical meaning of the *qabul* is preserved in accordance with Islamic law provisions. This phonetic transliteration approach enables the groom to pronounce the *qabul* correctly despite using a writing system from his own culture.

Strategies to Overcome Language Barriers: Innovation Based on Local Resources

To overcome language barriers, the Paguyangan Sub-district KUA took innovative steps by utilizing the prospective wife (*Muawannah*) as an interpreter or "spokesperson" in communication with the prospective husband from Taiwan. As explained by Mr. Zaini: *"With her spokesperson, which is the prospective wife herself who understands the language very well."*

Muawannah's role in this case is multidimensional: as an interpreter in daily communication, as a cultural bridge in the marriage preparation process, and as a linguistic facilitator in writing the *qabul* script. Upon direct instruction from the KUA Head, Muawannah not only served as a translator for verbal communication but also became the writer of the *qabul* script using traditional Taiwanese Hanzi.

This approach aligns with the concept of *wakalah bil-lisan* (representation in speech) discussed in the study by Fadloli and Nginyah, where someone can act as a translator or language intermediary in contracts requiring mutual understanding, especially in the context of *ijab qabul* for individuals with hearing disabilities (Fadloli & Nginyah, 2023).

Sociological analysis shows that Muawannah's role as an interpreter is not just a technical solution but reflects the dynamics of gender relations in mixed marriages. The wife's linguistic and

cultural capabilities become social capital that determines the success of foreign husband integration into the local society, while simultaneously facilitating the fulfillment of religious requirements in the marriage process.

Besides utilizing the prospective wife's role as a translator, KUA also used technology as a communication aid. Mr. Zaini mentioned the use of Google Translate to facilitate communication: *"I also conveyed advice through what I had said with Google Translate. Instead of using the language in question, which is Taiwanese, it means I conveyed it in Indonesian and then translated it to Taiwanese."*

This translation technology approach aligns with the research of Yeshpanov et al. (2023), who developed multilingual translation systems to facilitate communication between different languages. This technological innovation in the context of Islamic family law reflects the application of the *mashlahah* (benefit) concept studied by Ramadhan, who concluded that technology integration in religious rituals reflects the adaptive dynamics of Islamic law in the Society 5.0 era without sacrificing fundamental Sharia principles (Ramadhan, 2024).

To overcome linguistic challenges, the Paguyangan Sub-district KUA implemented a collaborative approach involving *Muawannah* as both a translator and *qabul* script writer. *Muawannah*, who understands Taiwanese language and characters, was asked to write the *qabul*

phrase using traditional Taiwanese Hanzi characters.

This script creation process involved transliterating the standard Indonesian *qabul* sentence: *"Saya terima nikah dan kawinnya [Nama] dengan mas kawin tersebut secara tunai"* into traditional Taiwanese Hanzi characters. This collaboration reflects the synergy between religious authority (KUA) and local linguistic resources (the wife's language ability) to overcome communication barriers in marriage contracts.

The decision to use traditional Taiwanese Hanzi shows high cultural sensitivity, considering that Liu Jih-You from rural Taiwan is more familiar with the traditional writing system than with the Latin script or other writing systems. This strategy allows the groom to read and understand the *qabul* sentence using a writing system familiar to him while maintaining the essence of the meaning in Indonesian.

This approach also reflects the implementation of the *ta'awun* (mutual assistance) concept in the context of religious public services, where various parties contribute according to their abilities to achieve the common goal of conducting a valid marriage contract ceremony. Muawanah not only played the role of prospective wife but also as a cultural mediator facilitating cross-cultural communication in the sacred moment of marriage.

Another aspect that becomes a concern in the implementation of mixed

marriage contracts is the role and understanding of witnesses. In accordance with Islamic law provisions, witnesses must understand the *ijab qabul* process to ensure the validity of the contract (Said et al., 2023). Mr. Zaini emphasized: *"For witnesses, before the ijab qabul implementation, we have already provided explanations beforehand."*

This briefing for witnesses is very important, especially if the witnesses are Indonesian who do not understand Taiwanese. Through comprehensive explanations before the contract, witnesses can perform their function to ensure that *ijab qabul* is conducted correctly and that both spouses truly understand the commitment they are pronouncing.

Interestingly, language barriers in mixed marriages with Taiwanese citizens are considered more complex than those involving foreign nationals from Arab countries. Mr. Zaini stated: *"Every foreign national that I have ever married in marriages, for the marriage procession of foreign nationals with Indonesian nationals originating from Arab nations, the process is actually easier."*

This statement indicates that the closeness of the Arabic language to the Islamic marriage context facilitates the *ijab qabul* process, unlike Taiwanese, which has no connection whatsoever with Islamic marriage traditions in Indonesia. This analysis shows the cultural-linguistic dimensions of Islamic law implementation, where language

familiarity influences the ease of religious law implementation.

Islamic Law's View on the Use of Language Transliteration in *Ījāb Qabūl*

The use of language transliteration in the implementation of *Ījāb Qabūl* (offer and acceptance) in interfaith marriages touches upon fundamental aspects of Islamic marriage law and has become an increasingly relevant contemporary issue in modern multicultural societies (O'Connell, 2022).

Based on the fundamental principles of Islamic marriage, the marriage contract must be founded on the principle of voluntariness (*'an taradhin*) between the parties. This voluntariness is manifested through the pronouncement of *ijab* by the guardian and the acceptance of *qabul* by the prospective husband, which in *fiqh* is referred to as *sighat akad* (contract formula) (Nur Afif Afandy et al., 2022).

In the context of Islamic jurisprudence, the validity of a marriage contract depends on the mutual understanding and agreement between both parties involved (Adel & Esmaeeli, 2016). This requires individuals entering marriage to understand the conditions and implications of the agreement they are undertaking. Given that the essence of *Ījāb Qabūl* lies in the verbal articulation and understanding of the marriage agreement, language barriers pose substantial challenges to fulfilling these requirements.

Contemporary research by Bardan (2023) in *Jurnal Al-Fikrah* affirms that marriage practices from the Shafi'iyyah *fiqh* perspective recognize the validity of marriage contracts through various forms of expression: "Among the pillars of marriage is the *ijab qabul*, either in the form of words, writing or gestures that express the desire for the contract to occur, while *qabul* is a statement that comes from the second party in the form of words, writing or gestures that express their approval and pleasure" (Bardan, 2023). This study provides a strong contemporary foundation for flexibility in the practice of *Ījāb Qabūl*.

To address these challenges, Islamic legal scholars have proposed various approaches to ensure the validity of marriage contracts involving individuals with different linguistic backgrounds. One such approach involves utilizing qualified interpreters who can accurately convey the meaning and intent of *ijab* and *qabul* to both parties (Mansy, 2021).

Islamic scholars agree that *sighat akad* constitutes an indispensable harmony in marriage, as explained by Imam Shafi'i in *Kitab Al-Umm*, which states that the pillars of marriage consist of the prospective husband, prospective wife, guardian, two witnesses, and the contract formula (Sintowoko et al., 2023). Problems arise when the contract formula is executed in a language that is not understood by one of the parties, as occurs in interfaith marriages at KUA Paguyangan District.

In the Shafi'i school of thought, which is dominant in Indonesia, the clarity of language in *Ījāb Qabūl* is strongly emphasized. Ideally, Arabic should be used, but it is permissible to use other languages understood by both parties as long as the meaning is clear and unambiguous (Norcahyono, 2021). Imam Nawawi in Raudhah al-Thalibin states that the pronouncement of *Ījāb Qabūl* should preferably be in Arabic for those who are capable, but for those who cannot pronounce it in Arabic, it is permissible to use a language understood by the contracting parties (Wahbah Az-Zuhaili, 2011). This view is based on the principle of ease (*taysir*) in Islam, where Allah SWT does not burden anyone beyond their capacity, as stated in Surah Al-Baqarah verse 286:

لَا يَكْلِفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا لَهَا مَا كَسَبَتْ وَعَلَيْهَا مَا اكْتَسَبَتْ رَبَّنَا لَا تُؤَاخِذْنَا إِنْ نَسِينَا أَوْ أَخْطَأْنَا رَبَّنَا وَلَا تَحْمِلْ عَلَيْنَا إَصْرًا كَمَا حَمَلْتَهُ عَلَى الَّذِينَ مِنْ قَبْلِنَا رَبَّنَا وَلَا تُحَمِّلْنَا مَا لَا طَاقَةَ لَنَا بِهِ وَاعْفُ عَنَّا وَاعْفِرْ لَنَا وَارْحَمْنَا أَنْتَ مَوْلَانَا فَانصُرْنَا عَلَى الْقَوْمِ الْكَافِرِينَ ٤

"Allah does not burden anyone beyond their capacity. They will reap what they sow for good, and they will reap what they sow for evil. (They pray) 'Our Lord, do not punish us if we forget or make mistakes. Our Lord, do not burden us as heavily as You burdened those before us. Our Lord, do not burden us with what we cannot bear. Forgive us, grant us forgiveness, and have mercy upon us. You are our protector. So help us against the

disbelieving people.'" (Surah Al-Baqarah - 286)

Regarding the understanding of meaning, scholars differ in opinion on the necessity of understanding the content of *Ījāb Qabūl*. Some scholars, including Imam Al-Ghazali in *Ihya' Ulumuddin*, argue that what is important in a marriage contract is the pronunciation of words indicating the transfer of ownership and willingness (*ijab* and *qabul*), not a deep understanding of their meaning (Purnomo & Qoharuddin, 2021). This opinion opens the door for the use of language transliteration in *Ījāb Qabūl*, where foreign prospective husbands can pronounce *qabul* words in Arabic or Indonesian through prepared texts, even though they do not fully understand the meaning of those words.

On the other hand, some contemporary scholars, such as Wahbah Al-Zuhaili in *Al-Fiqh Al-Islami wa Adillatuhu*, emphasize that while the pronunciation of *Ījāb Qabūl* words can be done in languages other than Arabic, understanding the legal consequences of the contract remains an important requirement (Wahbah Az-Zuhaili, 2011). This view suggests the need for efforts to help foreign prospective husbands understand the consequences of marriage, even though they pronounce *qabul* through transliteration.

This aligns with the steps taken by the KUA Paguyangan District, which provides premarital counseling through interpreters and translation technology.

In the context of *Ījāb Qabūl*, transliteration can be seen as a form of *rukhsah* (concession) for people who have difficulty correctly pronouncing Arabic. However, this *rukhsah* must be accompanied by efforts to ensure that the person concerned understands the meaning and implications of the *Ījāb Qabūl* they pronounce (AlZubi, 2023).

The *Maslahah* (public interest) approach in Islamic law also provides an important perspective on the use of language transliteration in *Ījāb Qabūl*. According to Imam Al-Syatibi in *Al-Muwafaqat*, the main purpose of Islamic Sharia (*maqashid al-syariah*) is to create benefits for humanity (Halim, 2022). In the context of interfaith marriages with language barriers, the use of transliteration can be seen as an effort to realize benefits by enabling valid marriages despite linguistic obstacles.

Regarding the marriage of LIU, JIH-YOU with MUAWANAH at KUA Paguyangan District, the transliteration model used aligns with the concept of '*urf* (custom) in Islamic law. '*Urf* can be used as a basis for legal determination as long as it does not conflict with the principles of Sharia law. In this context, scholars agree that '*Urf Saheeh* can be used as a legal basis as long as it does not conflict with Sharia (Rizhan, 2024). The practice of using language transliteration in *Ījāb Qabūl* for interfaith marriages can be considered '*urf* that emerges due to the needs of modern society with increasingly intensive cross-border interactions.

The principle of *Riayatul Dharurah* (considering emergencies) also provides a basis for using language transliteration in *Ījāb Qabūl* (Muslimin, 2024). The difficulties experienced by foreign prospective husbands in pronouncing and understanding *Ījāb Qabūl* in Arabic or Indonesian can be considered *dharurah* conditions that allow the use of transliteration, as long as the essence of the contract is maintained.

Another important aspect is the role of witnesses in validating marriage contracts through language transliteration. Imam Ibn Qudamah in *Al-Mughni* explains that one function of witnesses is to ensure that *ijab* and *qabul* occur validly (Fahmi.R & Firdaus, 2024). In the context of interfaith marriages with language transliteration, the role of witnesses is crucial in ensuring that the *qabul* is pronounced correctly, even through transliterated text. The KUA Paguyangan District's step to provide briefings to witnesses before the marriage contract represents the implementation of this principle.

This proactive engagement with witnesses highlights the growing awareness of the complexities inherent in cross-cultural and linguistic marriages and the commitment to upholding the integrity of marriage bonds (Junaidi et al., 2021). Such preparatory briefings equip witnesses with the necessary understanding of the legal requirements and linguistic nuances involved, enabling them to effectively validate *qabul* and ensure its compliance with

Islamic jurisprudence (Adel & Esmaeeli, 2016). The emphasis on the continuous and uninterrupted execution of *ijab* and *qabul* further reinforces the need for careful attention to detail during marriage ceremonies (Chairah, 2021).

The adaptation of traditional practices to accommodate modern realities, such as language transliteration, reflects a dynamic interpretation of Islamic law that seeks to remain relevant and accessible to diverse communities (Bukhara State University & Yusupova, 2020). This adaptability is crucial for preventing legal gaps or misunderstandings that could potentially undermine the validity of marriage contracts. It is important to protect the integrity of marriage and family, which is the first core value in building a society (Husni et al., 2015). The concept of *sadduz-zariah*, which emphasizes the prevention of potential harm or prohibited outcomes, can further support the need for witness briefings in linguistically mixed marriages (Mutakin et al., 2021).

CONCLUSION

This study concludes that language challenges in implementing marriage contracts between Indonesian and Taiwanese citizens can be effectively addressed through script transliteration innovation. The main findings from the case at KUA Paguyangan District demonstrate that using Indonesian *qabul* texts written phonetically using traditional Taiwanese Hanzi characters

is a legitimate and tested solution from an Islamic legal perspective.

Considering various aspects of *fiqh*, the use of language transliteration in *Ījāb Qabūl* is acceptable, as long as the main purpose of marriage—namely understanding of rights and obligations—is still achieved. The principles of ease (*taysir*), concession (*rukhsah*), and public interest (*maslahah*) in Islam. Its validity depends on fulfilling the following crucial requirements.

First, comprehension efforts should be made to ensure prospective spouses understand the legal consequences of marriage, which can be facilitated by interpreters or translation technology. Second, correct pronunciation, where the *qabul* formula is pronounced correctly and clearly by the groom despite using transliterated text. Third, witness validation through the presence of witnesses who have been given an understanding of this unique process, so they can perform their function to validate the legitimacy of the *qabul* pronunciation. Fourth, the essence of willingness is maintained by preserving the essence of voluntariness (*taradhin*) as the core of a contract, where both parties bind themselves without coercion and with full awareness. The practices implemented by the KUA Paguyangan District in the marriage between LIU, JIH-YOU, and MUAWANAH have fulfilled all these requirements, so their marriage contract can be considered

valid from the perspective of Islamic law.

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