

**THE IMPLEMENTATION OF THE POLICY OF *KARTU NIKAH*
DIGITAL IN KEBUMEN, CENTRAL JAVA IN THE PERSPECTIVE
OF *MASLAHAH* BY IMAM AL-GHAZALI**

THESIS

**BY :
YUSRIL IHZA MAULANA
SIN 18210096**



**ISLAMIC FAMILY LAW DEPARTEMENT
SHARI'AH FACULTY
STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM MALANG
2022**

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2022

STATEMENT OF THE AUTENTICITY

In the name of Allah,

With consciousness and responsibility toward the development of science, the writer declares that thesis entitled:

**THE IMPLEMENTATION OF THE POLICY OF *KARTU NIKAH*
DIGITAL IN KEBUMEN, CENTRAL JAVA IN THE PERSPECTIVE
OF *MASLAHAH* BY IMAM AL-GHOZALI**

It is genuinely the writer's original work that can be legally justified. If this thesis is proven result of duplication or plagiarism from another scientific work, it as a precondition of degree will be stated legally invalid.

Malang, 5 March 2022

Writer,



Yusril Ihza Maulana

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APPROVAL SHEET

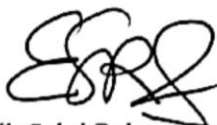
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DIGITAL IN KEBUMEN, CENTRAL JAVA IN THE PERSPECTIVE
OF *MASLAHAH* BY IMAM AL-GHAZALI**

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Malang, 23 March 2022

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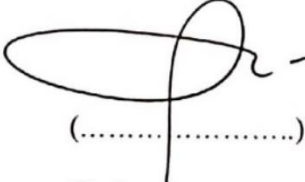
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**THE IMPLEMENTATION OF THE POLICY OF *KARTU NIKAH*
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MOTTO

مَنْ اسْتَصْلَحَ فَقَدْ شَرَعَ كَمَنْ اسْتَحْسَنَ فَقَدْ شَرَعَ

*“Anyone who uses the maslahah (as hujjah) the he really has made sharia,
the same as people who use istihsan then he really has mad sharia.*

(Hujjah Al-Islam Al-Ghozali, Al Musthasfa min ‘ilm al-ushul)

ACKNOWLEDGMENT

Alhamdulillah *rabbil'alamin*, Gratitude for His grace and guidance so that the writing of thesis entitled “The Implementation of the Policy of *Kartu Nikah Digital* in Kebumen, Central Java in the Perspective of *Maslahah* by Imam Al-Ghazali” can be completed. Peace be upon The Prophet Muhammad SAW, who has taught us guidance (*uswatun Hasanah*). By following His path, may we get the intercession on the last day. *Amen*.

The writer will express the gratitude as follows:

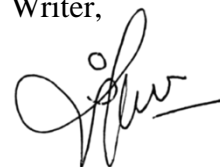
1. Prof. Dr.M. Zainuddin, MA., as the Rector of The State Islamic University Maulana Malik Ibrahim of Malang.
2. Dr. Sudirman, MA., as the Dean of Syariah Faculty of The State Islamic University Maulana Malik Ibrahim of Malang.
3. Erik Sabti Rahmawati, MA. M.Ag., as the Head of Islamic Family Law Department of Syariah Faculty of The State Islamic University Maulana Malik Ibrahim of Malang.
4. Jamilah, MA. as my thesis supervisor. The writer thanks for spending time guiding, directing, and motivating me to finish writing this thesis. The writer hopes that Allah will bless him and his family.
5. Prof. Dr. Hj. Umi Sumbulah, M.Ag., as supervisor lecturer of the writer during his study at Islamic Family Law Department of Syariah Faculty of The State Islamic University Maulana Malik Ibrahim of Malang.
6. All lecturers at Syariah Faculty of the State Islamic University of Maulana Malik Ibrahim Malang have provided learning to all of us. With sincere

intentions, may all of their charity be part of worship to get the pleasure of Allah SWT.

7. The staff of Syariah Faculty of The State Islamic University Maulana Malik Ibrahim of Malang
8. The Head of the KUA of the Gombong District and other staff, and several wedding spouses in the Gombong District have taken the time to give the author information and opinions.
9. Especially to my beloved parents, Father Muslich Arifin and Mother Robitah, thank you for the guidance, love, and prayers that father and mother prayed so that Allah SWT opened the way of ease for me.
10. All of my friends in the International Class Program (ICP) of 2018 and all my friends in the Islamic Family Law Departement.
11. Friends from all the organizations I join PMII, IPNU, Regional Organizations, special people who always accompany and support me.
12. Thanks to Ngafifatun Nuzul, hopefully you can always beside me in the struggle.
13. Last but not least, I would like to express my gratitude to myself, who have struggled to do my best.

With completing this thesis report, the hope that knowledge we have gained during our studies can benefit from living in the world and the hereafter.

Malang, 29 March 2022
Writer,



Yusril Ihza Maulana
SIN 18210096

TRANSLITERATION GUIDENCE

A. Consonant

Arab	Latin	Arab	Latin
ا	A	ط	Th
ب	B	ظ	Zh
ت	T	ع	'
ث	Ts	غ	Gh
ج	J	ف	F
ح	H	ق	Q
خ	Kh	ك	K
د	D	ل	L
ذ	Dz	م	M
ر	R	ن	N
ز	Z	و	W
س	S	هـ	H
ش	Sy	ء	'
ص	Sh	ي	Y
ض	DI		

B. Vocal, long-pronounce and diphthong

Vocal *fathah* = a

Vocal *kasrah* = i

Vocal *dlomah* = u

Long-vocal (a) = Â e.g. â قال become Qâla

Long-vocal (i) = Î e.g. î قيل become Qîla

Long-vocal (u) = û	e.g. û	دون	become	Dûna
Diphthong (aw) = u	e.g. قول	قول	become	Qawlun
Diphthong (ay) = u	e.g. خير	خير	become	Khayrun

C. Ta' marbuthah (ة)

Ta' marbûthah translited as “t” in the middle of word, but if Ta' marbûthah in the end of word, it translited as “h” e.g. الرسالة المدرسة become *alrisalat li al-mudarrisah*, or in the standing among two word that in the form of mudhaf and mudla ilaih, it transliterated as t and connected to the next word, e.g. الله يرحمة become *fi rahmatillâh*.

D. Auxiliary Verb and Lafadh al-Jalâlah

Auxiliary verb “al” (ال) written with lowercase form, expect if it located it the position and “al” in lafadh al-Jalâlah which located in the middle of two or being or become *idhafah*, it remove frome writing.

- a. Al-Imâm al-Bukhâriy said...
- b. Al-Bukhâriy in *muqaddimah* of his book said
- c. *Masyâ Allah kâna wa mâ lam yasya ‘ las yakun.*

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ABSTRAK

Yusril Ihza Maulana, 18210096, 2022. **Implementasi Kebijakan Kartu Nikah Digital di Kebumen, Jawa Tengah Menurut Perspektif *Maslahah* Imam Al-Ghozali**. Skripsi. Program Studi Hukum Keluarga Islam, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing: Jamilah, M.A.

Kata Kunci : *Maslahah*, Kartu Nikah Digital, Implementasi

Perubahan kebijakan kartu nikah fisik ke digital oleh Kementerian Agama Republik Indonesia mulai diterapkan oleh seluruh Kantor Urusan Agama di Indonesia pada bulan Agustus 2021 dengan terbitnya Surat Edaran Direktorat Jendral Bimbingan Masyarakat Islam Nomor 2361/DT.III.II/PW.01/07/2021. Perubahan ini diterapkan untuk memperbaiki kebijakan sebelumnya yang dirasa masih belum maksimal dalam pelaksanaannya. Akan tetapi, dalam implementasinya kartu nikah masih belum disamaratakan peraturan atas status keberadaannya. Kebanyakan persyaratan masih menggunakan buku nikah sebagai bukti pencatatan perkawinan yang sah karena kartu nikah masih hanya sebagai dokumen tambahan atas pencatatan perkawinan. Maka dengan demikian, implementasi kartu nikah digital ini perlu dibahas *kemaslahahannya*. Tujuan dari penelitian ini adalah untuk mengetahui implementasi kebijakan kartu nikah digital oleh Kementerian Agama Republik Indonesia serta aspek *masalahnya* menurut konsep *masalah* Imam Al-Ghozali.

Penelitian ini termasuk jenis penelitian empiris yang menggunakan pendekatan kualitatif, sumber data yang digunakan adalah sumber data primer dan sekunder. Sumber data primer berupa hasil wawancara yang dilakukan kepada pasangan pengantin penerima kartu nikah di Kecamatan Gombong periode Februari 2019 – Oktober 2021 dan juga pegawai pencatat perkawinan Kantor Urusan Agama Gombong. Sumber data sekunder berupa laporan jumlah penerima kartu nikah serta buku-buku dan jurnal tentang konsep *masalah* Imam Al Ghozali.

Hasil dari penelitian ini menunjukkan bahwa kartu nikah digital merupakan awal pelayanan digitalisasi yang baik. Para pengantin dan pegawai pencatat nikah juga sepakat bahwa kebijakan perubahan kartu nikah fisik ke digital memiliki nilai *masalah* dan jika dinilai dari konsep *masalah* Imam Ghozali maka kebijakan kartu nikah ini merupakan *masalah tahsiniyah* yang bersifat memperbaiki kebijakan sebelumnya.

ABSTRACT

Yusril Ihza Maulana, 18210096, 2022. **The Implementation of the Policy of *Kartu Nikah Digital* in Kebumen, Central Java in the Perspective of *Maslahah* by Imam Al-Ghazali.** Thesis. Islamic Family Law Department, Syari'ah Faculty, Islamic State University of Maulana Malik Ibrahim Malang. Supervisor: Jamilah, M.A.

Keywords : *Maslahah*, Digital Marriage Card, Implementation

The change in the policy of physical to digital marriage card by the Ministry of Religion of the Republic of Indonesia began to be implemented by all Offices of Religious Affairs in Indonesia in August 2021 with the issuance of a Circular Letter of the Directorate General of Islamic Community Guidance Number 2361/DT.III.II/PW.01/07/2021. This change was implemented to improve the previous policy, which was still not optimal in its implementation. However, in its implementation, the marriage card has not yet generalized the rules for its status. Most of the requirements still use a marriage book as proof of a valid marriage registration because the marriage card is still only an additional document for marriage registration. Thus, the *maslahah* of implementing a digital marriage card need to be discussed. The purpose of this study was to determine the implementation of the digital marriage card policy by the Ministry of Religion of the Republic of Indonesia and *maslahah* according to Imam Al-Ghozali's *maslahah* concept.

This research is empirical research that uses a qualitative approach. The data sources used are primary and secondary. Primary data sources are the results of interviews conducted with the marriage spouses who received marriage cards in the Gombong District for February 2019 – October 2021 and the marriage registrar at the Gombong Religious Affairs Office. Secondary data sources are reports on the number of recipients of marriage cards and books and journals about Imam Al Ghozali's *maslahah* concept.

The results of this study indicate that a digital marriage card is the beginning of a good digitization service. The brides and marriage registrar employees also agree that changing physical marriage cards to digital has a *maslahah* value, and if judged from Imam Ghozali's concept of *maslahah*, this marriage card policy is a *maslahah tahsiniyah* that is to improving the previous policy.

ملخص البحث

مولنا، يسريل احزا. رقم القيد 18210096. تطبيق القرار عن بطاقة الزواج رقمية في كيومين، الجاوة الوسطى في مصلحة الغزالي. بحث الرسالة. شعبة الأحوال الشخصية، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية مالانج. المشرفة: جميلة الماجستير.

الكلمات الرئيسية: التطبيق، بطاقة الزواج رقمية، المصلحة

تحويل القرار الوزيري الديني على بطاقة الزواج وثيقة الى رقمية، يطبق في شهر اغسطس عند خروج الرسالة الناشرة من المدير الذي لديه مسؤول عليها. وغرض تحويلها تصليح القرار قبله الذي لم يحسن تطبيقه. لكن، في جهة الآخر لم يعمم التنظيم عن موضع بطاقة الزواج ويزال تطبيق بطاقة الزواج وثيقة لأنها كالزيادة في بيئة تدوين النكاح.

فلهذا، التفت الباحث المسألة وهي تحويل بطاقة النكاح كموضح البحث لتحليلها بالبحث التجريبي وهو مراقبة المسألة في مكتب الشؤون الدينية كمبوغ، كيومين بمنهج الوصفية النوعية. ومراجع التي استخدمها الباحث هي نتائج المقابلة كمرجع الأساسي و الكتب، ومجلة البحث، والقوانين، وبحث الرسالة الذي يتعلق بموضع البحث كمرجع الثانوية.

وتمرة التحليل تدل على مصلحة تحويل بطاقة الزواج وثيقة الى رقمية، لأن تحويلها بدء من تمام الخدمة رقمية، ويتفق الزوجان وكذا موظف في مكتب الشؤون الدينية كمبوغ، كيومين على مصلحة تحويلها. وعند تحليل المسألة بالمصلحة الغزالي، المصلحة عنه تدخل على المصلحة التحسينية لأنها تصليح القرار قبل التحويل.

CHAPTER I

INTRODUCTION

A. Research Background

Since the digital revolution in the 1980s, the expansion of information and communication technology has gone up dramatically. This makes it easy for us and obtains the varied information we desire. We can acquire financial, political, socio-cultural advances, and even public services from the government. With this improvement, all sectors of life are being suggested to assist information and communication technology advancements to make everything simpler and realistically available to everyone. As a result, the government must continue innovating and replacing the manual service system with a technology-based service while giving community services.

The pre-marital data collection service is one service that everyone experiences immediately when they intend to get married. The Ministry of Religion created a Sistem Informasi Manajemen Nikah (SIMKAH) (SIMKAH).¹ SIMKAH is a web-based service system established by the Religious Office (KUA) in Indonesia to gather online data and handle marriage registration equitably and appropriately so that it has apparent legal effect. SIMKAH is a web-based service system designed by the Religious Office

¹Selanjutnya penulis akan mencantumkan kata SIMKAH untuk istilah Sistem Informasi Manajemen Nikah

(KUA) in Indonesia to collect online data and administer marriage registration fairly and appropriately so that it has an apparent legal effect.

The marriage registration information system has been recognised in the Minister of Religion's Regulation No. 11 of 2007, which indicates in article 5 paragraph (2) that "*The will of marriage is communicated in writing by filling out a notification form which contains qualifications*". However, various kinds of marriage service innovations have been carried out after its development, until the regulation was issued in 2013 from the Instructions of the Director-General of Islamic Community Guidance Number II/369 of 2013 concerning the Application of Marriage Management Information Systems (SIMKAH).²

SIMKAH can also make it easier to record, register and monitor the marriage of every citizen because all marriage events recorded in SIMKAH will be linked to population data and civil records (Dukcapil) under the Kementerian Dalam Negeri (Kemendagri) so that all population data of every citizen can be integrated with good. With the marriage data in SIMKAH, a marriage book is provided as evidence of the marriage registration of the marriage parties. In the beginning, marriage registration or evidence of marriage according to religion and the state was merely a marriage book, which every married individual must have. In Indonesia, the marriage book is the only documentation of a legal marriage, administrative requirements. However, if a

² Rizadian Mayangsari dan Eva Hany Fanida, "Penerapan Sistem Informasi Manajemen Nikah (Simkah)". *Jurnal Hukum*. Vol. 3, No. 1, (2012): 181 <https://journal.uinsgd.ac.id/index.php/al-syakhsyiah/article/view/7805>

marriage book is lost or damaged, it cannot be rebuilt with the same look as the original marriage book.

Based on preliminary data gathered,³ another issue that arises is that of marriage books, meaning the fake of marriage books for personal benefit. Although the government has tried different ways to prevent counterfeiting, forgeries still occur. Because the sheets of the marriage book are prone to harm when exposed to water, flammable, and other elements, damage to the marriage book is a concern. Until the year 2019⁴ Indonesia Ministry of Religious Affairs has come up with some innovation in the shape of a physical marriage card that is simpler and thinner, making it much easier to carry.

This physical marriage card, which is considered as beneficial, also has downsides. For example, at the time of its issue, the marriage card produced considerable debate since its presence does not replace the marriage book and does not include self-identity, making the marriage card juridically not have a legal foundation.⁵ Moreover, construct a fresh budget that is not in the marriage book budget. As a result, in the author's perspective, the physical marriage card policy was refreshed with the introduction of kartu nikah digital, which took effect in August 2021, solving some of the aforementioned flaws and the needs of the growth of information and communication technology.

³ Preliminary data diambil pada 22 Juli – 22 Agustus 2021, di KUA Kecamatan Ayah, Kebumen.

⁴ Ijai Abdul Kodir Ghani, “Efektivitas dan Masalah Kebijakan Program Kartu Nikah Di Era Digital” Jurnal El-Maslahah, Vol. 9, No. 2 (2019): 102 <https://e-journal.iain-palangkaraya.ac.id/index.php/maslahah/article/download/1351/pdf>

⁵ Pendapat Khotibul Imam Wiranu- Anggota Komisi VIII DPR yang dikutip dari <http://kabar24.bisnis.com> (diakses pada Kamis, 21 Oktober Pukul 06.25 WIB)

Indonesian Ministry of Religious Affairs has published a new policy regarding the change from physical to digital marriage card that should be implemented by the Kantor Urusan Agama (Religious Office) in Indonesia, by the Circular of the Directorate General of Islamic Guidance Number B-2361/DT.III.II/PW. 01/07/2021. As an institution authorized to issue marriage cards under the Indonesia Ministry of Religious Affairs. One of them is the Religious Office Gombong, one of the five Religious Office in Kebumen, who may issue a marriage card. Therefore, the author is interested in examining if this policy has Maslahah according to Imam Al- Ghazali's perspective of brides as recipients of marriage cards, especially for the designated location in Gombong District.

B. Scope of Problem

This research focuses on integrating the policy of kartu nikah digital by the Ministry of Religion of the Republic of Indonesia. With the limitation of research that will only be carried out in the Religious Office Gombong operating region, from the time the marriage card comes into force in February 2019 until October 2021.

C. Statement of Problem

1. What is the implementation of the Policy of kartu nikah digital by The Ministry of Religion Affairs in Kebumen, Central Java?
2. What is the opinion from marriage spouses and marriage registrar's argument about the Policy of kartu nikah digital?

3. How is the *Maslahah* of the policy of kartu nikah digital by perspective *Maslahah* of Imam Al-Ghozali?

D. Objective of Research

1. Describing the implementation of the Policy of kartu nikah digital by The Ministry of Religion Affairs in Kebumen, Central Java.
2. Describing the opinion from marriage spouses and marriage registrar's argument about the Policy of kartu nikah digital.
3. Analyze the *Maslahah* of the policy of kartu nikah digital by perspective *Maslahah* of Imam Al-Ghozali.

E. Benefits of Research

1. Theoretically, this research is expected to be useful for:
 - a. Contribute to the discussion on State Administrative Law and KUA Management regarding the registration of marriage administration.
 - b. Develop a thought-provoking view of the new digital marriage card policy.
 - c. Information and data for KUA managers about the benefits of the new policy on changing physical to digital marriage card by the Ministry of Religion of the Republic of Indonesia.
2. Practically, this research is expected to be useful for:
 - a. Input material to the Regional Office of the Ministry of Religion of Kebumen Regency and the Office of Religious Affairs of Gombong District.

- b. Provide insight on marriage registration in general to academics, especially for the Sharia Faculty of UIN Maulana Malik Ibrahim Malang.
- c. Provide data for further research as a guide for understanding the existing benefits of changing physical marriage cards to digital ones.

F. Operational Definition

The full title of this thesis is The Implementation of the Policy of *Kartu Nikah Digital* in Kebumen, Central Java in the Perspective of *Maslahah* by Imam Al-Ghazali. There are words in the title that need to be explained and understood to avoid ambiguities about their meaning. These words are:

1. Implementation is actions taken by individuals or officials, governmental or private groups that are directed at creating the goals outlined in the decision of the policy.⁶
2. *Maslahah* is a benefit with no basic premise, but if there is no sharia provision and no '*illat* that comes out of sharia' that determines the clarity of the law, then find something by with sharia law, that is provisions that are based on the maintenance of poverty or to declare a *maslahah*, the primary purpose of the benefit is to maintain poverty and its *maslahah*.⁷

⁶ Kurniawan, "Implementasi dalam hal modernisasi Ekonomi" Jurnal Universitas Medan Area, Vol 1 Nomor 1, April 2019 : 30

⁷ Miftakhul Amri, "Konsep Maslahah dalam Penetapan Hukum Islam (Telaah Kritis Pemikiran Hukum Islam Najamuddin At-Thufi) Jurnal Et Tijarie Vol.5 No.2 (2018): 54 <https://journal.trunojaya.ac.id/ettijarie/article/download/4584/3196>

3. A Marriage Card is a marriage registrar document in the form of a marriage card.⁸ Meanwhile, the Ministry of Religion has launched a new digital marriage card service free of charge and replaced the actual marriage card. The goal of a digital marriage card is to make carrying marriage documents easier for married spouses.

G. Structure of Discussion

Chapter I (first). The introduction covers the history of the topic that describes the existence of legal facts as an urgent cause for doing research. Based on the backdrop description, identification and problems to be explored and discussed are carried out. The next is a literature review, research objectives, and advantages of study outcomes. This chapter discusses the systematics of the discussion.

CHAPTER II (second). An outline of the masalah of replacing physical marriage cards with digital marriage card. This chapter provides a literature study that is meant to encourage attempts to examine to answer the questions that have been defined. The sub-discussions in this chapter cover earlier research and the policy of digital marriage card. The sub-discussion of marriage cards concerns the implementation of digital marriage card in perspective masalah Imam Al Ghozali..

CHAPTER III (third). Description of Research Methods. This chapter is a study technique on the implementation of the policy of digital marriage card by the Ministry of Religion of the Republic of Indonesia in the perspective

⁸ Peraturan Menteri Agama Pasal 1 angka 11 PMA 20/2019 tentang Pencatatan Pernikahan

of masalah by Imam Al-Ghozali. To discuss the study outcomes, that is important to explain the sort of research, research methodology, data sources, research techniques, and data processing.

CHAPTER IV (fourth). This chapter evaluates research outcomes to answer the formulation of the problem in this study. That is about the implamantation of the policy of digital marriage card in perspective of masalah by Imam Al-Ghozali.

CHAPTER V (fifth). The last chapter includes findings and suggestions. The conclusion is a quick solution to the given issue formulation and has been assessed in Chapter IV based on the conclusions of the study results. Suggestions are put out as suggestions for the results of this thesis research addressing the masalah of discontinuing the issuing of physical marriage cards by the Ministry of Religion of the Republic of Indonesia.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

The author has reviewed several previous scientific papers on the same theme to find out the differences with this research, and to identify the novelty value of the studies conducted by the researchers. As a result, the authors found four types of thematic research including:

First, The research by Ijai Abdul Kodir Ghani, SH (2019) about "*Efektifitas dan Masalah Kebijakan Program Kartu Nikah di Era Digital (Studi di Kantor Urusan Agama Kecamatan Depok Kabupaten Sleman)*". Conducted research at Religious Office of Depok, Sleman. With the research method qualitative analysis and using empirical research. His research focuses on discussing the use of marriage cards that have been running well and effectively because of the nature of the cards that are not easily damaged, easy to carry everywhere and do not violate the existing *maqoshid sharia*, in contrast to this research, which is more focused on the implementation of the policy of *kartu nikah digital* according to *masalah* of Imam Al-Ghozali's.

Second, A study by Nurhayati (2020) ⁹ on her study "*Inovasi Pelayanan Pencatatan Perkawinan Melalui E-Kartu Nikah Di Kantor Urusan Agama Kecamatan Syiah Kuala*". Using the same research methods as

⁹ Nurhayati (2020) Skripsi dengan Judul "*Inovasi Pelayanan Pencatatan Perkawinan Melalui E-Kartu Nikah Di Kantor Urusan Agama Kecamatan Syiah Kuala*".

previous studies,¹⁰ as well as qualitative descriptive research methods. It was researching different places and sources, namely in Religious Office of Syiah Kuala and finding results that the marriage card is a good innovation. Because it is by the community's needs and is also a reasonable effort from the government to innovate technology-based services, this research has almost the same focus, namely innovation from the ministry of religion. However, the difference lies in how the case is viewed from *masalah* of Imam Al-Ghozali's.

Third, research by Ifadah Umami (2019)¹¹ about “*Pandangan Kepala Kantor Urusan Agama Se-Kota Malang Terhadap Urgensi Kartu Nikah dalam Peraturan Menteri Agama Nomor 20 Tahun 2019 Tentang Pencatatan Pernikahan*”. It used the same method and type of research as the previous research. But of course, with a different data source, she wanted to examine the opinions of the heads of KUA in Malang City. As a result, he found two strong views about the marriage card. One stated that the marriage card was efficient because it made it easier for the marriage spouses. While the second opinion said that it was ineffective because the marriage book alone was enough to show proof of the marriage registration. The difference in this study is a new case, namely a policy of kartu nikah digital and viewed from the perspective *masalah* of Imam Al-Ghozali's.

¹⁰ Ijai Abdul Kodir Ghani, S.H (2019), Thesis dengan judul “*Efektifitas dan Masalah Kebijakan Program Kartu Nikah di Era Digital (Studi di Kantor Urusan Agama Kecamatan Depok Kabupaten Sleman)*”. 24

¹¹ Ifadah Umami (2019), Skripsi dengan judul “*Pandangan Kepala Kantor Urusan Agama Se-Kota Malang Terhadap Urgensi Kartu Nikah dalam Peraturan Menteri Agama Nomor 20 Tahun 2019 Tentang Pencatatan Pernikahan*”.

The four a research by Ririn Nurshabrina Fajrin (2019)¹² about “*Keterkaitan Kartu Nikah dengan Buku Nikah Sebagai Administrasi Perkawinan dalam Pengurusan Identitas Hukum di Kota Depok*”. Using the same method as the previous research, but with a different type of research, namely normative. Making the people of Depok the object of study, it is found that marriage cards are a new program for the Ministry of Religion that is difficult to fake because marriage cards have a barcode/QR code that is directly linked to the SIMKAH page. Even though the marriage card is only a companion to the marriage book, not as a substitute for the marriage book. Cost constraints for printing cards have made the government innovate by issuing kartu nikah digital, which is the main focus of this research. With the addition of looking at the case in terms of *maslahah* by Imam Al-Ghozali.

Looking at the four studies above, the author wants to see a marriage card with a new decision from the Indonesian Ministry of Religious Affairs, namely the change of a physical marriage card to a digital form which will take effect in August 2021 through the Circular of the Directorate General of Islamic Community Guidance Number B-2361/DT.III.II/PW.01/07/2021. So it is clear that the research conducted by the author this time is different from previous research from the aspect of the research sample, data source or the focus of the language used, namely The Concept of *Maslahah* by Imam Ghozali. To make

¹² Ririn Nurshabrina Fajrin (2019) Skripsi dengan Judul “*Keterkaitan Kartu Nikah dengan Buku Nikah Sebagai Administrasi Perkawinan dalam Pengurusan Identitas Hukum di Kota Depok*”.

it easier to show the originality of this research paper, the authors will group them in the following table:

Table 2.1: Research Similarities and Differences

No.	Name, Title and Year of Research	Similarities	Differences
1.	Ijai Abdul Kodir Ghani, SH, <i>“Efektifitas dan Masalah Kebijakan Program Kartu Nikah di Era Digital (Studi di Kantor Urusan Agama Kecamatan Depok Kabupaten Sleman)”</i> . 2019.	This study both discusses the effectiveness and benefits of marriage cards.	This study does not compare the renewal of physical to digital marriage card in terms of their effectiveness and benefits.
2.	Nurhayati, <i>“Inovasi Pelayanan Pencatatan Perkawinan Melalui E-Kartu Nikah Di Kantor Urusan Agama Kecamatan Syiah Kuala”</i> . 2020.	This study both mentions marriage cards as a new innovation from an effective government.	This study does not compare the renewal of physical to digital marriage card in terms of their effectiveness and benefits.
3.	Ifadah Umami, <i>“Pandangan Kepala Kantor Urusan Agama Se-Kota Malang Terhadap Urgensi Kartu Nikah dalam Peraturan Menteri Agama Nomor 20 Tahun 2019 Tentang Pencatatan Pernikahan”</i> . 2019.	Both of these studies discuss the importance of marriage cards.	This study does not compare the renewal of physical to digital marriage card in terms of their effectiveness and benefits.
4.	Ririn Nurshabrina Fajrin, <i>“Keterkaitan Kartu Nikah dengan Buku Nikah Sebagai Administrasi Perkawinan dalam Pengurusan Identitas Hukum di Kota Depok”</i> . 2019.	This study also compares the important role of a marriage card with a marriage book.	This study does not compare the renewal of physical to digital marriage card in terms of their effectiveness and benefits.

B. Theoretical Framework

Researchers will discuss several things that can facilitate the reader's easier to understanding of what will be explain in the discussion in the next chapter. Some of the talks are as follows.

1. Marriage Card Policy

The marriage card is a new innovation in developing the Sistem Informasi Manajemen Nikah (SIMKAH) technology which has the aim of facilitating administrative and banking arrangements or other civil registration purposes that require proof of official marital status with a partner. The marriage card is a small version of the marriage book which is considered more efficient, easy to carry, safer and not easily damaged. There are two forms of marriage cards, namely physical and digital forms. When first published, the bride and groom will receive a marriage registration document in a marriage book and physical and digital marriage cards.

The marriage card was issued in November 2018 since the issuance of this marriage card is only a complementary document to the marriage book and cannot replace its position as proof of legal marriage registration in Indonesia. Because indeed, the position of the marriage card from the beginning of its issuance by the Ministry of Religion was for the realization of the SIMKAH program and as a substitute for a marriage book in the form

of a card. This was conveyed directly by Lukman Hakim¹³, as the Minister of Religion at that time.

In connection with the various problems that arose during the initial issuance of this marriage card, this is another matter that will inevitably arise in every new policy. These problems include operational costs for printing marriage cards and the procurement of machines, the importance of issuing this marriage card, and the position of this marriage card. The above problems will certainly always be repaired and evaluated by the Ministry of Religion so that existing policies can develop for a better future.

Until August 2021, the Ministry of Religion made the latest innovation to the marriage card policy with the Circular of the Directorate General of Islamic Community Guidance No. B-2361/DT.III.II/PW.01/07/2021 regarding the physical change to digital marriage card. This policy automatically removes several previous provisions, namely stopping the printing of physical marriage cards for the bride and groom and only providing kartu nikah digital.

In the view of the Indonesian legal system, a circular is an official document containing notices, explanations and/or instructions on how to carry out certain things that are considered important and urgent. Considering the contents of the circular letter are in the form of a notification, then by itself the content material does not constitute a legal

¹³ Rofiq Hidayat, “*Penerbitan Kartu Nikah Menuai Kritik*” <https://www.hukumonline.com/berita/a/penerbitan-kartu-nikah-menuai-kritik-lt5ebf97509868> (Diakses pada Jum’at, 4 Februari 2021 Pukul 13.00)

norm as is the norm of a statutory regulation.¹⁴ The contents of the circular are as follows.

This Circular instructs to start of a new regulatory system on kartu nikah digital. In order to carry out the mandate of Article 21 paragraph (1) of the Regulation of the Minister of Religion Number 20 of 2019 concerning Marriage Registration, as well as the follow-up soft launching of the Digital Marriage Card by the Minister of Religion at the KUA Revitalization Ceremony on May 29, 2021, at KUA Banjarnegara District, Banjarnegara Regency, Central Java Province. Taking into account the following matters:

- A. Kartu nikah dalam bentuk cetak dihentikan, dan selanjutnya kartu nikah hanya diberikan dalam bentuk digital kepada pasangan pengantin baru.
- B. Stok kartu nikah yang masih tersisa digunakan sampai habis bagi masyarakat yang menghendaki, baik pasangan baru maupun yang telah menikah, melalui permohonan tertulis kepada Kepala KUA.
- C. Kebutuhan pembelian tinta untuk mencetak kartu nikah sebagaimana dimaksud pada angka 2 diatas dapat dianggarkan melalui Biaya Operasional KUA.
- D. Dalam hal ketersediaan printer kartu terbatas dan hanya tersedia di beberapa KUA Kecamatan, Kepala Seksi Bimas Islam Kabupaten/Kota mengatur pendistribusian kartu nikah untuk mengoptimalkan pemanfaatannya bagi masyarakat,

¹⁴ Fitri, *Kedudukan Surat Edaran ditinjau dari sudut pandang tata hukum Indonesia*. <https://lidikti12.ristekdikti.go.id/2012/02/04/kedudukan-surat-edaran-ditinjau-dari-sudut-pandang-tata-hukum-indonesia.html> (diakses pada Senin, 28 Maret 2022. Pukul 21:00 WIB)

- E. Bilamana stok kartu nikah sudah habis, printer kartu yang ada dapat digunakan untuk layanan lainnya (pencetakan kartu Masjid dan lain-lain)
- F. Jika terdapat alokasi anggaran pengadaan printer kartu nikah tahun 2021, dapat direvisi untuk pengadaan alat pengolah data pada KUA yang membutuhkan.

After issuing the Circular of the Director-General of Islamic Guidance Number B-2361/DT.III.II/PW.01/07/2021 in August, all Religious Affairs Offices in Indonesia stopped printing physical marriage cards and only provided digital marriage card facilities. The way to get it is by scanning the barcode on the marriage book page; the barcode will direct you to the marriage card download page from SIMKAH.

2. Theory of *Maslahah* by Imam Al-Ghazali

According to the language, the word *Maslahah* comes from Arabic. It has been changed into Indonesian into *Maslahah*, which means bringing good or benefits and repelling harm.¹⁵

Expression Arabic using the *maslahah* in terms of benefits or act and work to encourage and bring benefits to humans.¹⁶ So, each of which contains the *maslahah* are worth the *maslahah*, although the benefits in question have two sides, the good and avoiding harm or damage to the other

¹⁵ Amin Farih, *KeMaslahahan & Pembaharuan Hukum Islam*, (Semarang: Walisongo Press, 2008), 15.

¹⁶ Abdul Aziz Dahlan dkk, *Ensiklopedi Hukum Islam, Jilid IV* (Jakarta: PT Ictiar Baru van Hoeve, 2001), 1143.

side.¹⁷

Brings us to Al-Ghazali about *Al-Mashlahah Al-Mursalah* can be found in four books of jurisprudence, namely *al Mankhûl min Ta'liqât al Ushûl*, *Asâsu al Qiyâs*, *Syifâ 'al Ghalîl fî Bayâni Syabah wa al Mukhîl wa Masâlik al Ta'lîl*, and *Al Mustashfâ min Ilmi al Ushûl*. In chapter four of the book of *al-Mankhûl*, *Al-Ghazâli* briefly describes the concept of *istishlâh*, which is included in the sections of *al-istidlâl al-mursal* and *qiyas al-makna*. Furthermore, Al-Ghazâli describes it again in detail in the book *Al Mustashfâ min Ilmi al Ushûl*, a book of *uṣul fiqh* compiled according to the method of *al-Mutakallimin'* which is interesting and uses the science of *kalam* into the science of *ushul fiqh*. The latter book is the most comprehensive so that it can be considered to represent his views on the concept of *Al-Mashlahah Al-Mursalah*.¹⁸

In his book *Al Mustashfâ min Ilmi al Ushûl*, Al-Ghazâli places the discussion of *Al-Mashlahah Al-Mursalah* in the framework of disputed or doubted its argument (*al-Ushûl al-Mawhûmah*). This discussion is accompanied by the debate of *istihsân*, *qawl al-Shahabi*, and *Syar'u man Qablana*. About the theme of this study, he does not mention it directly with *Al-Mashlahah Al-Mursalah*, but rather *al-Istishlâh*.

In his discussion, Al-Ghazâli first describes the division of *al-mashlahah* in terms of being accepted and not by the *syara'*, as explained

¹⁷ Amir Syarifuddin, *Ushul Fiqh, Jilid II* (Jakarta: Kencana, 2009), 345.

¹⁸ Asmawi, "Konseptualisasi Teori Masalahah, dalam *Salam: Jurnal Filsafat dan Budaya Hukum* (2014), 314.

below;

المصلحة بالإضافة إلى شهادة الشرع ثلاثة أقسام : قسم شهد الشرع لاتبارها، وقسم شهد لبطلانها، وقسم لم يشهد الشرع لا لبطلانها ولا لاعتبارها أماما شهد الشرع لاعتبارها فهي حجة، ويرجع حاصلها إلى القياس، وهو اقتباس الحكم من معقول النص ولإجماع... ومثاله حكمنا أن كل ما أسكر من مشروب أو كحول فيحرم، قيسا على الحمر، لأنها حرمت لحفظ العقل الذي هو مناط التكليف. فتحريم الشرع الخمر دليل على ملا حظة هذه المصلحة.

القسم الثاني : ما شهد الشرع لا لبطلانها. مثاله قول بعض العلماء لبعض الملوك لما جامع في نهار رمضان : إن عليك صوم شهرين متتابعين. فلما أنكر عليه، حيث لم يأمره باعتاق رقبة مع انساع ماله، قال : لو أمرته بذلك لسهل عليه، واستحقر اعتاق رقبة في جنب قضاء شهوته، فكانت المصلحة إيجاب الصوم لينزجره.

فهذا قول باطل، ومخالفة لنص الكتاب، بالمصلحة. وفتح هذا الباب يؤدي إلى تغيير جميع حدود الشرائع ونصوصها، بسبب تغير الأحوال...

القسم الثالث : ما لم يشهد له من الشرع بالبطلان ولا بالاعتبار نص معين وهذا في فحل النظر.

Meaning :

“Maslahah is seen in terms of whether it is allowed or not by the dalil syara' is divided into three types: maslahah that is permitted by syara', Maslahah that is cancelled by syara', and Maslahah that is not allowed and not compensated by syara' (there is no specific dalil that allows or cancel it). As for the maslahah that is justified by the syara', it can be used as an argument, and the conclusion returns to qiyas, which is to take the law from the soul/spirit of nash and ijma'. For example, we rule that every intoxicating drink and food is haram qiyas to khamar because khamar is forbidden to maintain the intellect on which it depends (burden) of the law. The haram law prescribed by the syara' on the intoxicants proves that he observed this benefit”¹⁹.

The second kind is maslahah which is cancelled by syara'. For example, the opinion of some scholars about one of the kings when having intercourse during the day of Ramadan, which says that the

¹⁹ Al Ghazâli, *Al Mustashfâ min Ilmi al Ushûl*, Tahqiq Abdullah Mahmud Muhammad 'Umar, (Libanon: Dar al-Kutub al-'Ilmiyyah, 2008). 275.

king should fast for two months in a row. When the opinion was contradicted, why did he not order the king to free my slave when he was rich, The scholar said, If the king I told to free my slave, it is very easy for him, and he will lightly free my slave to satisfy his lust. So the good thing is, he must fast for two months in a row so that he is restrained. This opinion is invalid and contradicts Nash al Kitab (and hadith) with maslahah. Opening this door will change all the provisions of Islamic law and its propositions due to changes in conditions and situations.

The third kind is maslahah, which is not allowed and is not revoked by the syara (no specific evidence is found that justifies or invalidates it). This is the third thing that needs to be discussed.

From the description of Al-Ghazâli above, it can be concluded that there are three *al-Maslahah*: *al-Maslahah*, which is justified/indicated by specific *nash*. This is what is known as *al Maslahah al Mu'tabarah*. *Al Maslahah* of this kind can be justified to consider the determination of Islamic law. *Al Maslahah*, which is canceled/dropped by certain *nash/propositions*. This is what is known as *Al Maslahah al Mulghâh*. This kind of *Al Maslahah* cannot be used as a consideration in determining Islamic law. *Al Maslahah*, which is not found, is a particular/specific evidence that justifies or rejects/abrogates it. *Al Maslahah* is what is known as *Al Maslahah al Mursalah*. Islamic jurists differ on whether *Al Maslahah al Mursalah* can be used as a consideration in determining Islamic law or not.

With such a division, it can also be known about one of the requirements of *maslahah mursalah*, namely, the absence of a specific/particular proposition that cancels or justifies it. Through that division, Al-Ghazâli wanted to distinguish between *Al Maslahah al Mursalah* with *qiyas* on the one hand and between *Al Maslahah al Mursalah*

and *Al Maslahah al Mulghâh* on the other hand.

Easily, the author will explain in general the terms of charity with *maslahah* according to Imam Al Ghozali:

- a. *Maslahat* should be *mulâim* (accordingly) with the purpose and purpose of *sharak*. This is what is used as the standard of acceptance of something *maslahat* or rejection of something *mafsadah*. If he is in accordance with the purpose and purpose of *sharak*, then he is accepted and if he is not in accordance with the purpose and will of *sharak*, then he is rejected.
- b. *Maslahat* does not contradict the *syarak*. If it's opposition, then it's rejected.
- c. *Maslahat* is not contrary to *maslahat* or with a stronger proposition. If there is a contradiction between *maslahat* and *maslahat*, or *maslahat* with *mafsadah*, then Imam al Ghazali uses which prediction is more correct (*ghalabat al-zann*) against something *maslahat*.
- d. *Maslahat* can be accepted if it is *darûriyyah*, *kulliyyah*, and *qat'iyyah*. or *zann* status approaching *qat'iy*.

In general, the above conditions are accepted by ulama. However, it should be emphasized that the *maslahat* which is *darûriyyah*, *kulliyyah*, and *qat'iyyah* presented by Imam al-Ghazali above only occurs when the infidels make Muslim prisoners as a shield of war and not in all condition.

3. The Strength of *Maslahah* Teory by Imam Al-Ghozali

ان المصلحة باعتبار قوتها في ذاتها تنقسم الي ما هي في رتبه الضرورات، و إلى ما هي في رتبه الحاجات، والى ما يتعلق بالتحسينات والتزيينات، ونتقا عد أيضا عن رتبه الحاجات.

“Maslahah in terms of the strength of its substance there are those at the emergency level (primary needs), some are at the level of intent (secondary needs), and some are in the position of tahsinat and tazyinat (complementary-complete), whose levels are at under the desire”.²⁰

Judging from the meaning of *maslahah* itself according to Imam Al-Ghazali conveys that *Maslahah* is an expression of attracting benefits and rejecting harm, but that is not what real mean of *maslahah*. Because attracting benefit and rejecting harm is the purpose of the creature (human being), and the goodness of the creature will be realized by attaining their goals. What we mean by *Maslahah* is to maintain the purpose of Islamic law, and the purpose of Islamic law of the creature is five, namely to maintain religion, soul, intellect, lineage (some declare lineage and honour), and their property. Anything that contains an effort to maintain these five principles is called *Maslahah*, and anything that eliminates these five principles is called *mafsadat* and rejects them is called *maslahah*.

From the above definition, it can be concluded that *maslahah* is something that is considered reasonable by the intellect because it realizes goodness/usefulness and avoids danger/damage to humans and in line with the purpose of *sharia'*, which concerns the maintenance of five basic

²⁰ Al Ghazâli, *Al Mustashfâ* 274

principles in human life (religion, soul, intellect, lineage and property).²¹

The first level of *maslahah* is *maslahah dharuriyah*. It is the most powerful/highest level of *maslahah*. For example: The *shari'a* decision to kill unbelievers who mislead and punish heretics who invite others to follow their *bid'ah*, because this (if left unchecked) will destroy the religion of the people. The *syara'* decision requires *qisas* (punishment equal to the crime), because with this punishment the human soul will be preserved. *Hadd* obligation for drinking liquor, because with this sanction the mind will be preserved; where reason is the basis for the interpretation of the *hadd* obligation for adultery, because with this sanction the lineage and lineage will be preserved. The obligation to give punishment to looters and thieves, because with this sanction the property which is the source of human life will be preserved. These five things become their basic needs.

The second level is the *Maslahah Hajiyyah*, such as giving the guardian the power to marry off his young child. This is not to the extent of an emergency (very urgent) but is needed to gain the benefit, seek equality (*kafa'ah*) so that it can be controlled, fear that the opportunity will be missed, and get the common good in the future.

The third level is the *Maslahah Tahsiniyat*, which does not return to emergency or purpose. However, the benefit occupies the position of *tahsin* (beautify), *tazyin* (beautify), and *taisir* (make it easy) to get some privileges,

²¹ Muhammad Ali Rusdi, “*Maslahah sebagai Metode Ijtihad dan Tujuan Utama Hukum Islam*”, *Jurnal Syari'ah dan Hukum Diktum*, Vol. 15, No. 2 (2017): 152-153.

add value, and maintain the best attitude. In everyday life and *muamalat* /association. For example, the status of a servant's unworthiness as a witness, even though the fatwa and its narration are acceptable.²²

Tahsiniyat can be called tertiary needs. The purpose of this tertiary need is to beautify human life so that human life becomes comfortable and more accessible and so on in order to give perfection and beauty to human life. Without this need, it will not damage the order of human life and will not cause difficulties. Its existence helps organize morals and patterns of human interaction in the association. In other words, humans need so that human life is in ease, comfort, and spaciousness.

The marriage card policy from the *maslahah* perspective of Imam Al Ghozali is associated with the existence of obligations in the *sharia maqosidus* that we must guard. The five concepts are *hifd diin*, *hifd nafs*, *hifd aql*, *hifd nasl*, and *hifd mal*. If there is something related to the obligation to maintain the five things above, then it follows the law that it is obligatory to guard it. A kaidah of *ushul fiqh* explains,

مالا يتم الواجب إلا به فهو واجب

"Things that complete mandatory cases, the law is also mandatory."

The above rules explain that the existence of a marriage card created to regulate marriage registration can clarify one's family tree so that the

²² Zainal Azwar, *Pemikiran Ushul Fikih Al-Ghazâlî Tentang Al-Maslahah Al-Mursalah (Studi Eksplorasi Terhadap Kitab Al-Mustashfâ Min 'Ilmi Al-Ushûl Karya Al-Ghazâlî)*, Jurnal Fitrah Vol. 01 No. 1 (2015): 62

purpose of maintaining offspring (*hifd nasl*) can be obtained. Apart from the position of the marriage card, which cannot replace the marriage book as a legal marriage registration document in Indonesia, the marriage card policy remains an integral part of proving marriage registration so that some of the problems that arise in this policy cannot affect the critical position of the marriage card in this *Hifd Nasl* obligation.

In the perspective of *maslahah* Imam Al Ghazali, kartu nikah digital can be categorized into *maslahah tahsiniyah* because there are no arguments that the government prohibits the manufacture of this marriage card.²³

However, if it is drawn into the five aspects of the primary purpose of *maslahah*, namely maintaining religion, soul, mind, lineage, and property, it can still be linked. The link between making a marriage card and maintaining religion is due to the convenience function obtained from the existence of these items. Islam always makes it easy for the affairs of its servants, as well as if it is related to the case of this marriage card. Its nature that facilitates the people's affairs makes issuing a marriage card not a problem, as long as it does not violate Islamic law.²⁴ Then the connection between making a marriage card and protecting one's soul is that the nature of the marriage card is easy to carry everywhere. We can avoid slander if accused of committing adultery. Then the link between making a marriage card and maintaining reason is with this policy, which demands the Office

²³ Nur Asiah, *Maslahah Menurut Konsep Imam Al Ghazali*, Jurnal Syariah dan Hukum Volume 18 No. 1 (2020): 123.

²⁴ Nur Asiah, *Maslahah menurut....*, 123.

of Religious Affairs to have better human resources, who can better understand computer science and the operation of applications related to this. Then the link between making a marriage card and keeping offspring is to make it easier for security guards or others to check a spouse's marriage card. If they find a man and a woman alone, they can be asked for their identity. Then the last link between making a marriage card and maintaining the property is that the government can allocate funds for marriage cards to other funds with a marriage card.

So if you look at the value of the benefit of the marriage card according to the theory of *maslahah* Imam Ghazali, the procurement of this marriage card can be categorized into *maslahah tahsini* at, namely *maslahah*, because it is helpful for the people even though there is no argument for orders or prohibitions that can be compared to this case. So the value of this benefit cannot be used as a basis for the argument but can still be maintained because it has practical value for the people.

CHAPTER III

RESEARCH OF RESEARCH

A. Types of Research

The type of research used in this research is the type of empirical research (Field Research), namely direct research in the field.²⁵ Researchers will collect and analyze data for brides in Gombong District before and after the enactment of the Circular of the Directorate General of Islamic Community Guidance regarding the renewal of physical to digital marriage card as of August 2021, as well as data from the opinion of marriage registrar officials at the Religious Office of Gombong District about this policy, which researchers will then analyze. and classified the opinions of these two parties (the bride and the marriage registrar) into one to conclude the author.

B. Research Approach

The approach used in this proposal is a qualitative research approach, namely research that aims to emphasize aspects of a deeper understanding of a problem.²⁶ The author conducts an in-depth exploration of the new program from the ministry of religion in the form of changing physical marriage cards to digital as of August 2021 with a case study in the Religious Office of

²⁵ Andi Prastowo, *Qualitative Research Methodology*, (Yogyakarta: Ar-Ruzz Media, 2011), 183.

²⁶ Mohammad Mulyadi, "Quantitative and Qualitative Research and Basic Thoughts on Combining Them, *Journal of Communication and Media Studies*, Vol. 15 No. 1, (2011): 127

Gombong District as the object of his research, then collects data that has been obtained by direct interviews with resource persons for analysis.

C. Data Source

The source of the data in the study is the subject from which the data can be obtained. Sources of data used by researchers in this study are as follows:

a. Primary Data Source

Researchers will conduct interviews with several marriage spouses before and after the implementation of the Circular Letter of the Directorate General of Islamic Guidance regarding the change of physical marriage cards to digital as of August 2021, as well as seek information from marriage registrar employees at the Religious Office of Gombong District,

b. Secondary Data Source

Another source used as a secondary source by researchers is the number of recipients of physical marriage cards since its implementation, namely February 2019²⁷ until the issuance of the Circular of the Directorate General of Islamic Guidance No. B-2361/DT.III.II/PW.01/07/2021. As well as the number of recipients of digital marriage card from August 2021 to October 2021. In addition, researchers will also look for data sources from the opinion of the head of the religious office and

²⁷ Peraturan Menteri Agama No. 20 Tahun 2019 tentang pencatatan Pernikahan

several other sources such as articles, books of experts that can be used as additional references in this research.

D. Research Location

The location of this research was conducted at religious office Gombong District, Kebumen Regency which is located at Jl. Kawedanan, Gombong, Gombong District, Kebumen Regency, Central Java. 54411. The choice of this location is because there are only three religious office in Kebumen Regency which has subsidized tools for printing physical marriage cards, one of which is the religious office of Gombong District. So this location is considered appropriate to be used as a research site.

E. Technique of Data Collection

The author uses a method to obtain field data following the research objectives, including the interview method and literature study. As for a more detailed explanation of the data collection methods used, namely :

a. Interview

The researcher conducted interviews with several people who experienced physical marriage card facilities and several people who received digital marriage card facilities as of August 2021, then also asked the opinion of the Marriage Registrar at the religious office of Gombong District. The main thing that was questioned in this interview was how the benefits were from changing physical marriage cards to digital ones by the Ministry of Religion of the Republic of Indonesia. After the researcher got

the data from the informant, then it was returned to be the main material in this research. The following is personal data from the informant.

Table 3.1 Informant from the marriage spouses and marriage registrar

No	Name	Age	Work	Adress
1	Mr. M	48	Kepala KUA	Pejagoan, Kebumen
2	Mr. HM	29	Penata Muda KUA	Demangsari, Ayah
3	Mr. YE	28	Operator KUA	Gombong, Gombong
4	Mr. AT	26	Supir Travel	Gombong, Gombong
5	Mrs. AF	24	Ibu Rumah Tangga	Gombong, Gombong
6	Mr. LA	25	Pedagang	Kalitengah, Gombong
7	Mrs. AS	26	Pedagang	Kalitengah, Gombong
8	Mr. NA	25	Petani	Kalitengah, Gombong
9	Mrs. S	23	Petani	kalitengah, Gombong
10	Mrs. W	27	Ibu Rumah Tangga	Semondo, Gombong
11	Mr. FM	30	Pedagang	Patemon, Gombong
12	Mrs. FA	28	Ibu Rumah Tangga	Patemon, Gombong
13	Mrs. CEL	25	Pegawai Desa	Kauman, Gombong
14	Mr. P	40	Pegawai Stasiun	Gombong

b. Literature Review

The literature Study Method is data collection carried out by searching for relevant data from books, scientific articles, news, and other credible sources related to the research topic. In this case, the researcher looks for sources from the SIMKAH Web page directly, to get the amount of marriage data that has been inputted at the religious office of Gombong District and looks for information directly from the Ministry of Religion website which publishes this Circular of the Directorate General of Islamic Guidance, as well as looking for sources of expert books related to the theory *Maslahah*.

F. Data Analysis

After all the data is collected. The author will analyze the results of the data, which will be analyzed and studied to obtain accurate data. Data analysis will be carried out in several stages, including:

a. Editing

Edit is the process of re-examining records, files, information collected by data seekers.²⁸The goal is to correct less precise sentences, add or remove redundant words so that the sentence becomes relevant. The author will edit all the raw data obtained from the speakers and other supporting sources and then process it so that it becomes a complex reading that is easily understood by the reader.

b. Classification

Researchers who have obtained data from brides in Gombong District before and after the implementation of the change in physical to digital marriage card as of August 2021 and also the results from data obtained from marriage registrar employees grouped them into simpler sentences to make it easier to classify existing cases. So that it is easier for readers to read the results of this study.

c. Verifying

The author checks again from the data that has been collected to find out the validity of the data whether it is valid and as expected by

²⁸Amiruddin Zainal Asikin, Introduction to Legal Research Methods, (Jakarta: Rajawali Press, 2006). 45

the researcher. This examination starts from rereading the results of data collection, then re-matching them with the data source. This is done so that what the researchers wrote about the effectiveness and benefits of kartu nikah digital can be accounted for by the researchers.

d. Analyzing

The researcher organizes the systematics of interview and literature research materials, interprets them, and produces new thoughts, opinions, and theories of ideas. From the data obtained in the field with the methods and types of research that are used as references, as well as conducting direct interviews with the marriage spouses as of August 2021 and marriage registrar employees as the main analysis data of this study to find new ideas about the effectiveness and benefits of changing physical marriage cards. to digital, so that the author can contribute in the field of science related to the topic of this discussion.

e. Conclusion

The conclusion is the last step in research. The conclusion is the answer to a question listed in the problem formulation. At this stage, the researcher summarizes the answers from the results of the analysis carried out, namely about how the implementation of the policy of kartu nikah digital by the ministry of the religious affair of Republik Indonesia perspective *masalah* Imam Al Ghozali in the religious office work area of Gombong District, Kebumen Regency.

CHAPTER IV

DISCUSSION OF RESEARCH FINDINGS

A. Research Object Condition

1. Profile Gombong District, Kebumen

Gombong is a sub-district in Kebumen Regency, Central Java Province, Indonesia. Gombong is the second-largest city after Kebumen City. Gombong District is also a business city in Kebumen Regency because of its strategic location, crossed by the national road, is the node of the main road leading to Buayan, Kuwarasan, Karanggayam, and Sempor Districts as well as Banjarnegara District. So the Ministry of Religion of Kebumen Regency chose religious office Gombong as one of the recipients of this marriage card printing facility.²⁹

Based on the recording source of the Parent Executing River Basin Monitoring Activity (PWS) Serayu Bogowonto Sempor, the Gombong sub-district is located between 7°27'-7°28' South Latitude and 109°22'-109°22' East Longitude. The area of the Gombong sub-district is 19.49 Km². or an area of 1,949 hectares. To the west, it is bordered by Buayan and Sempor sub-districts, to the east by Karanganyar sub-district, to the north by Sempor sub-district, and to the south by Kuwarasan sub-district. The height of the Gombong sub-district ranges from 18 to 30 meters above sea level.

²⁹ Tim Penulisan Badan Statik Kabupaten Kebumen, "*Kecamatan Gombong Dalam Angka 2020*" (Kebumen: BPS Kabupaten Kebumen, 2020), 3.

was appropriate. The details based on gender and religious adherents of Gombong District can be seen in the following data:³⁰

a. Status of Population

1) Number of Family Heads	: 17.887 KK
2) Total population by gender	: 50.196 people
a) Number of Men	: 24.984 people
b) Number of Women	: 25.212 people
3) Number of Population by religion	
a) Islam	: 46.705 people
b) Catholic	: 2.097 people
c) Protestant	: 1.990 people
d) Hindus	: 187 people
e) Buddha	: 40 people
f) Followers of Faith	: 17 people

b. The Religious Life

The Gombong District community consists of several religious elements, and Islam is the majority religion adopted by the Gombong people. So it is certain that the life of the Gombong people is thick with Islamic values. One of them is in the practice of marriage. The majority of the Gombong people carry out wedding receptions with Islamic procedures, although traditional Javanese weddings also accompany them.³¹

Another phenomenon regarding marriage practices in the Gombong community is the practice of Kiai or Siri marriages. This activity is carried out if the prospective marriage spouses do not meet the requirements for marriage according to the law or, in some cases,

³⁰ Badan Pusat Statistik Kabupaten Kebumen, "*Kecamatan Gombong ...* 37.

³¹ TIM BPS Kabupaten Kebumen, "*Kecamatan Gombong Dalam Angka 2021*", ... 23

someone does it because they are pregnant outside of marriage.³² This unregistered marriage is also carried out with the reason to avoid bigger mudhorot such as adultery, slander, and other immorality.

Other religious activities in the Gombong District are also very diverse, whether they are routine daily, weekly, monthly, eight, or incidental in commemoration of Islamic holidays, some are held in the morning, afternoon, evening, and night, in mosques, langgar, prayer rooms or walking around houses and even building halls and fields, in almost every hamlet, even the most minor RT level.

The community, in this case, has formed its activities. In contrast, others have been involved with religious institutions of the Gombong District religious office such as MUI, LPTQ, DMI, IPHI, and religious organizations such as Muhammadiyah and NU and their autonomous bodies. Activities in the context of Peringatan Hari Besar Islam (PHBI) include traveling Takbir, syawalan, Mauled Nabi, Isro Mi'raj, Islamic New Year, and even weddings are often held in places of worship.³³

c. Socio-Cultural Life

Gombong District has a relatively complex social life ranging from ethnic diversity to religious differences. This is because Gombong has become the center of the community's economy starting from the

³² UU Nomor 1 Tahun 1974 kemudian direvisi dengan UU nomor 16 Tahun 2019 tentang Perkawinan

³³ Data dari Penyuluh KUA Gombong tahun 2017

colonial era and has even become the center of the defense of the Dutch army, as evidenced by the existence of the Van der Wick Fort.³⁴ So don't be surprised if the arrogant people have mixed Dutch, Japanese, or Chinese blood.

However, the diversity of socio-cultural backgrounds does not necessarily make the arrogant people forget their identity as part of the Javanese tribe. All social activities still rely on Javanese procedures such as funerals, slametan, to weddings. Then it is undeniable that although some people understand that unregistered marriage is legal according to religion and not legal according to law, the practice of unregistered marriage is still common in the Gombong sub-district community. In addition, according to data from the Central Bureau of Statistics of Kebumen Regency, it is explained that the rate of early marriage in Gombong District is still relatively high, even though the practice of early marriage has found many failures due to psychological and financial conditions that are still relatively unstable.³⁵

d. Economic Life

As one of the largest sub-districts in Kebumen Regency, Gombong has an economic level from the middle to the bottom and above. By making the wonokrio market as a center of trade, making other communities from outside the gombong sub-district also take the

³⁴ TIM BPS Kabupaten Kebumen, "*Kecamatan Gombong Dalam Angka 2021*",... 27

³⁵ Julia Eva Putri, "*Kematangan Emosi Pasangan yang Menikah di Usia Muda*" Jurnal Riset Tindakan Indonesia Vol 2 Nomor 2, (2017): 4.

time to come to Gombong to buy their needs in the wonokrio market. So no wonder Gombong became one of the economic centers in Kebumen Regency.

In the Gombong Subdistrict report in 2020 figures, mentioning the economic growth rate in Gombong sub-district in the period 2015-2019 reached 5% this is certainly a good influence for this densely populated area.

This economic growth, of course, is built by various factors in Gombong Sub-District, including the role of the Office of Religious Affairs. Gombong District Religious Affairs Office, still one of the major Religious Affairs Offices in Kebumen, this makes all activities of the religious affairs office must involve many parties including traders and other business actors such as photocopyers.

Seeing from the kua activities involving the role of several economic activists, proving that policies or activities carried out by the religious affairs office participate in building economic growth in Gombong District.³⁶

2. Profile of the Office of Religious Affairs in Gombong District, Kebumen

a. General Profile of Religious Office Gombong

Religious Office Gombong District is located in Gombong Village, Gombong District, Kebumen Regency, Central Java. The Gombong District Religious Affairs Office was established in 1950 and

³⁶ BPS Kabupaten Kebumen, Kecamatan Gombong Dalam Angka ... 87

operating actively since 1956. In an interview with the young religious office administrator, Husnun Mubarak, S.H.I, he explained that the religious office is complex with other government services such as the Education Technical Service Unit. SDN Gombong and the Gombong District Office are located on the main route of Jalan Gombong, close to the Regional Border between Central Java. Of course, this is an added value because of its strategic location and ease of reaching by private or public vehicles. So it is not surprising that the religious office of Gombong District is always busy serving the Gombong community in particular and the Kebumen community in general, starting from the Zakat Infak Shodaqoh (ZIS) service, hajj consultations, waqf management, to marriage consultations.³⁷

b. Data of Gombong District Marriage Spouse.

Researcher collection this data started when the marriage card was implemented in Indonesia, from February 2019 to October 2021. The application of the marriage card in Indonesia was planned from November 2018 by the Ministry of Religion of the Republic of Indonesia. However, it can only be realized in February 2019 by applying it to several religious office in Indonesia as an experiment and then gradually spreading it to all religious office in Indonesia.

The marriage card is a card that has a digital-based QR code that, when scanned, will display complete information on marital status,

³⁷ Husnun Mubarak, Wawancara (Kebumen, 13 Desember 2021)

full name and spouse, and date of marriage. The QR code will be connected directly to the data of the marriage spouses from the Marriage Management Information System (SIMKAH) web application.³⁸ Here is the physical appearance of the marriage card:

(Picture 4.2)



This marriage card is also an implication of developing the SIMKAH application, which already existed. SIMKAH itself is a computer application that can be connected to the internet, which functions to collect marriage data from all Religious Affairs Offices (KUA) in the territory of the Republic of Indonesia on an "online" basis. This program uses internet techniques which are seen as a way that is more precise, fast, and secure in addition to backup techniques than conventional ones.

Implementing marriage cards is the right policy taken by the Ministry of Religion as a service provider in the digital era like today.

³⁸ Kemenag: Pengantin Dapat Buku dan Kartu Nikah, <https://yogyakarta.kemenag.go.id/index.php/web/berita/kemenag-pengantin-dapat-buku-dan-kartu-nikah>, diakses pada tanggal 12 Januari 2022 pukul 19.00 WIB.

To increase marriage registration and reduce falsification of marriage book data is often done. This is also by the mission of the Gombong District Office of Religious Affairs, namely to improve the quality of marriage registration and reconciliation services.³⁹

The Religious Office of Gombong District is one of the large religious office that receive subsidies for marriage card printing machines by the Ministry of Religion of the Republic of Indonesia, distributed through the Ministry of Religion of Kebumen Regency. religious office Gombong is not the first religious office to get a marriage card. However, previously there were religious office in Kebumen, Karanganyar, Petanahan, and Sruweng sub-districts.⁴⁰

Before discussing more marriage cards, the researcher will show the data on marriage registrations at the Gombong Religious Affairs Office from 2019 to 2021.

Table 4.1 Marriage Spouse Data ⁴¹

No.	MONTH	Wedding year 2019	Wedding year 2020	Wedding year 2021
1.	January	27	25	47
2.	February	19	35	16
3.	March	18	23	33
4.	April	48	29	39
5.	May	5	12	21
6.	June	54	27	43
7.	July	12	26	23

³⁹ Visi Misi dan Motto Layanan KUA Gombong, Buku Profil KUA Kecamatan Gombong.

⁴⁰ Mufid, Wawancara, (Kebumen, 15 Desember 2021)

⁴¹ Papan Informasi Nikah, Talak, Rujuk KUA Gombong

8.	August	89	64	47
9.	September	4	14	31
10.	October	32	37	19
11.	November	39	36	21
12.	December	67	56	62
	TOTAL	414	384	401

The table above shows the number of marriage spouses who carried out the marriage contract from 2019 to 2021. That year was the period when the marriage card regulations came into effect. So, married spouses starting from 2019 already have a marriage book with a series that is directly connected to valid marriage data on SIMKAH and can be checked via the barcode on the marriage book page.

The barcode also shows a page to download the digital marriage card, which is still digital. The marriage card can be printed and used to complete the file as needed. The Marriage Registrar and staff at religious office Gombong also always inform the marriage spouse to download the marriage card via the barcode in their marriage book. The Head of the Gombong Religious Office as the marriage registrar said that:

*“Karena jumlahnya yang dari awal memanglah tidak banyak, maka kami berinisiatif untuk membagikannya kepada pasangan pengantin yang memang benar-bener butuh saja, kalau untuk pasangan pengantin tua, kan sepertinya tidak terlalu dipake, ya ngga kami kasihkah”.*⁴²

⁴² Wawancara, Mufid (Kebumen, 15 Desember 2021)

"Because the amount from the start was not much, we took the initiative to distribute it to the marriage spouse who really need it, if it's for older spouses, it doesn't look like it's used much, we can't give it to them"

The explanation above shows that several wedding spouses actually meet the requirements to get a physical card but are not given it due to the limited stock of marriage cards, and there are still many who need it more. According to the official archives, the following is the name of the recipient of the physical marriage card from the Gombong District Religious Affairs Office.⁴³

Table 4.2 List of Recipients of Physical Marriage Cards

NO.	Husband/Wife Name	Marriage Certificate Number
1.	Slamet Santoso / Rodiana Dewi A	0060/005/III/2021
2.	Asep Wahyu S / Anggun K D	0059/004/III/2021
3.	Anjar E / Rinanti Rachmatika	0064/009/III/2021
4.	Wahyu Pandu J / Juanda Nur A	0066/011/III/2021
5.	Rendi Dwi Saputra / Meynita N A	0068/013/III/2021
6.	Mujito / Wafiroh	0071/016/III/2021
7.	Luhur Galuh S / Tifa Kurniasih	0076/021/III/2021
8.	Ilyas Abdul Fikih / Ridha Dewi S	0078/023/III/2021
9.	Heru Sulistyoy / Puji Rahayu	0075/020/III/2021
10.	Agung Kurniawan / Naeli Afri H	0086/031/III/2021
11.	Naufal, S.H / Rofiqoh I.R	0087/032/III/2021
12.	Makhrus Fauzi / Umairah	0092/003/III/2021
13.	Utsman A R / Shofiatul S	0094/005/III/2021
14.	Taufiq Hidayat / Atika Nur Hidayati	0063/008/III/2021
15.	Aji Sulistyoy / Indah W	0073/018/III/2021
16.	Tito Baskoro / Sari Purwanti	0104/015/IV/2021

⁴³ Buku Arsip Penerima Kartu Nikah Fisik, KUA Gombong, Kebumen

17.	Jafar Rustiyanto / Yeti Prasinta	0102/013/IV/2021
18.	Andri Priatmika / Netty Aprilia	0105/016/IV/2021
19.	Tri Harmoko / Sheptiana A F	0099/010/IV/2021
20.	Lukman Al Kamal / Alifatul Supriati	0110/003/V/2021
21.	Sri Kuncoro / Maesaroh	0111/004/V/2021
22.	Nasir Alhuda / Supriyadi	0112/005/V/2021
23.	Suharyanto / Dewi Natalya C D	0113/006/V/2021
24.	Catur Chriswanda / Nur Mei R	0114/007/V/2021
25.	Novianto / Rustiyani	0115/008/V/2021
26.	Riko Al Fian / Tri Julianingtyas	0117/010/V/2021
27.	Agus Triyanto / Atik Fitriyani	0118/011/V/2021
28.	Endri Sutyoko / Widya Ayu S	0107/018/IV/2021
29.	Roby Wahidayat / Puji Setyawan	0123/016/V/2021
30.	Tegar ahyu S P / Wulandari	0124/017/V/2021
31.	Yopi Akbar P / Rizki F	0125/018/V/2021
32.	Awal Subagyo / Fekta W	0126/019/V/2021
33.	Romelan / Tri Nuryati	0141/08/VI/2021

B. Discussion of Research Findings

1. The Marriage spouses's Argument About Implementing The Policy of Digital Marriage Card by The Indonesian Ministry of Religion Affairs

The issuance of marriage cards by the ministry of religion is carried out in stages starting from November 2018, which can only be distributed to 67 regencies and cities that have adequate internet and is planned to expand its distribution until the end of 2019.⁴⁴ However, the facts on the ground show that there are still many delays in distributing this marriage

⁴⁴ Zakiyatul Ulya, "Penerbitan Kartu Nikah di Era Digital Perspektif Masalah" Jurnal Universitas Islam Negeri (UIN) Sunan Ampel Surabaya Vol 1, No. 1 Juni (2019): 92

card printing machine like the Gombong District Religious Affairs Office, which only got this machine in early 2021.⁴⁵

This delay has made the religious office of Gombong District only able to serve the making of marriage cards in January 2021. However, only eight months have passed, the Circular Letter of the Directorate General of Islamic Guidance No. B-2361/DT.III.II/PW.01/07/2021 regarding changing physical marriage cards to digital forms issued in August 2021. This circular explains that the government stops distributing physical marriage cards and only provides marriage cards digitally to the marriage spouses and instructs all religious office throughout Indonesia to stop printing marriage cards and provide them in digital form. Finally, Religious Office Gombong again stopped providing physical marriage card services with the circular letter.

In the 200 cards given out in early 2021, the Gombong District Religious Affairs Office could only distribute 68 physical marriage cards to 34 married spouses (husband and wife received one each). So from the total 268 brides for the January-August 2021 period, 234 married spouses did not get a physical marriage card due to the limitations of the card and the value of their needs.⁴⁶

Researchers conducted interviews with 8 marriage spouses for the period February 2019 to October 2021 who received this physical marriage card facility and to several marriage spouses who did not get a physical

⁴⁵ Yuli Eko, Wawancara (Kebumen, 16 Desember 2021)

⁴⁶ Papan Informasi Nikah, Talak, Rujuk KUA Gombong

marriage card as well as several additional informants from marriage spouses outside the year mentioned to strengthen the data in the field. Some of the questions raised were related to the implementation of changing physical marriage cards to digital form when viewed from the value of Imam Al Ghozali's benefit. The respondents' answers were categorized into several prominent opinions as follows:

Researchers conducted interviews with four pairs of brides and grooms related to receiving a physical marriage card.⁴⁷ Among the four pairs of sources, three of them had never directly used this marriage card. However, they both agreed that a physical marriage card is a facility that has value benefits, such as: easy to carry everywhere, a sense of security, as well as proof of marriage registration in addition to a marriage book that is light and not easily damaged.

*“Kalau saya pribadi, yang berprofesi sebagai pedagang ya mas, kartu ini si belum saya pakai sama sekali. Mungkin nanti kalo saya pas butuh untuk persyaratan apalah, mungkin anak sekolah, baru saya pakai”.*⁴⁸

"Personally, I am a trader by profession, sir, I haven't used this card at all. Maybe later when I need it for whatever requirements, maybe a school kid, I'll just use it"

⁴⁷ Agus Triyanto, Atik Fitriyani, Lukman Al Kamal, Alifatul Supriyati, Nasir Alhuda, Supriyadi, Teguh Wahyu S P, Wulandari. Wawancara (Kebumen 18 Desember 2021)

⁴⁸ Lukman Al Kamal, Wawancara (Kebumen, 16 Desember 2021)

Then another source added that he had often used his marriage card for work purposes as an intercity travel driver.

“Saya menikah bulan April mas, dan selama saya punya kartu ini sudah pernah beberapa kali ditanya surat menyurat kendaraan dan sesekali ditanya juga identitas kartu nikah ini. Pesanan travel setelah kereta ribet persyaratan ini sekarang lebih ramai mas, apalagi kemarin pas lagi ketat, saya ya tetep mencari jalan tikus untuk lewat, tapi kadang saya juga tetep menemui petugas penjaga, disitu ditanya surat kesehatan, kendaraan, dan ada yang meminta kartu nikah ini juga”⁴⁹

"I got married in April, and as long as I have this card, I have been asked several times for vehicle documents and occasionally asked for the identity of this marriage card. Travel orders after the train are complicated, these requirements are now more crowded, sir, especially yesterday when it was tight, I still look for rats to pass, but sometimes I also meet the guard officers, there are asked for medical certificates, vehicles, and someone asks for this marriage card also."

The interview results above show that some of the marriage spouses who have received physical cards do not have an interest in their marriage cards with reason a marriage card has the same characteristics as other identity cards, namely to show identity or personal data only when needed. So it is still necessary to ask how much *masalah* is in this marriage card.

“Kalau manfaat atau kelebihan dari kartu nikah ini, mungkin lebih mudah dibawa kemana-mana mas, jadi ngerasa lebih aman. Ngga mudah rusak juga kan, dan kalau dilihat dari kekurangannya ngga ada si mas, paling ya belum berlakunya peraturan umum agar kartu nikah ini bisa berlaku dimana saja”⁵⁰

"In terms of the benefits or advantages of this marriage card, it might be easier to carry it anywhere, bro, so I feel more secure. It's not easily damaged, is it, and if you look at the shortcomings, there's no mas, at least the general rules haven't been enacted so that this marriage card can be applied anywhere."

⁴⁹ Agus Triyanto, Wawancara (Kebumen, 15 Desember 2021)

⁵⁰ Lukman Al Kamal, Wawancara (Kebumen, 16 Desember 2021)

Then after interviewing the recipients of the marriage card, the researcher continued the interview with the marriage spouses who did not get a physical marriage card. Not getting this facility is not because they do not meet the requirements, but because of limited cards and the different needs of each bride. So that the religious office of Gombong District sorts out and chooses anyone who needs this marriage card, in this case, the researcher only interviewed two married spouses who did not receive a marriage card.⁵¹

The rights and obligations of the marriage spouse before and after the reception have been explained in the background section, which is regulated in Law Number 16 of 2019. One of their rights is to receive proof of marriage registration in a marriage book and marriage card after they have completed the contract. All marriage spouses will get a marriage card, and if it is not given physically, it can be obtained digitally by scanning the barcode on the page of the marriage book. And in the search for data by sources, two marriage spouses explained that they did not mind because they did not get a physical marriage card facility.

*“Soal kartu nikah fisik ya mas, tidak terlalu butuh si. Saya kan Cuma ibu rumah tangga mas, dirumah terus seringnya. Lagian juga nanti paling kalau membutuhkan bukti nikah sebagai persyaratan sekolah anak, atau pinjem dana mungkin, yang masih dibutuhkan sekarang kan buku nikahnya mas, tidak ada yang menanyakan kartu nikah, jadi ya masih aman-aman saja tanpa kartu nikah fisik”.*⁵²

⁵¹ Fathul Mun'im, Fifi Apriliani, Dwi Candra Setiadi, Catur Endah Lestari, Wawancara (Kebumen 16 Desember 2021)

⁵² Fitri Aprilyani, Wawancara (Kebumen, 17 Desember 2021)

"About the physical marriage card, sir, you don't really need it. I'm just a housewife, mas, at home often. After all, later on, if you need proof of marriage as a requirement for children's schooling, or maybe borrow funds, what you still need now is a marriage book, mas, no one asks for a marriage card, so it's still safe without a physical marriage card."

Another reason apart from having proof of marriage registration from the marriage book, they also conveyed that this marriage card could also be obtained from a scan of the barcode in their marriage book. So, even though they do not receive physical card facilities, they can still have a digital marriage card. Then, when viewed from the perspective of the problem, they argue that this policy is an excellent step to digitally improve the quality of services for the Government of the Republic of Indonesia..

"Nda pa apa mas, saya ngga dapat bentuk fisik, karena kurang butuh juga, apalagi kata mas tadi malah pengantin setelah bulan agustus hanya mendapatkan fasilitas kartu nikah digital saja, malah jadi banyak temennya mas dan sepertinya ini sudah jadi keputusan yang bagus dari pemerintah, agar kesetaraan nya ada".⁵³

"It doesn't matter, I can't get a physical form, because I don't need it, what's more, You said earlier that the marriage spouses only got a digital marriage card after August, instead they made a lot of friends, and it seems that this has become a good decision from the government, so that equality it's there"

After searching for complete data from marriage spouses for the 2019-2021 period, to strengthen the results of their field research, the researchers added sources from long-time brides, namely those who were married before 2019, to strengthen field data and conduct comparative studies with the results of previous interviews.

⁵³ Catur Endah Lestari, Wawancara (Kebumen, 15 Desember 2021)

The interviews showed that, on average, they were not aware of a marriage card policy. Even though this marriage card can be owned by the marriage spouses outside the 2019-2021 period. Many of them have never heard the news at all. This proves that the socialization of the marriage card program is not optimal and evenly distributed.

*“Saya baru tahu, kalau ada kebijakan ini. Kalau penting atau tidaknya, mungkin ya penting mas untuk persyaratan-persyaratannya kalo kartu nikah ada lebih enak dibawa kemana-mananya”.*⁵⁴

“I just found out, if there is this policy. If it's important or not, maybe it's important for the requirements, right, if you have a marriage card, it's better to carry it everywhere.”

On another occasion, the researcher had asked about the socialization of this marriage card to the marriage registrar at religious office Gombong. He said that socialization had been carried out only through online media, such as online news, Instagram, Facebook, etc. The issue of direct socialization in the community has never been carried out because the travel budget for officers is not budgeted, and there is also no direct instruction from the Ministry of Religion.⁵⁵

Of the eight marriage spouses who became resource persons, it was sufficient to directly provide an overview of what was in the field. Each

⁵⁴ Puji, Wawancara (Kebumen, 17 Desember 2021)

⁵⁵ Mufid, Wawancara (Kebumen, 17 Desember 2021)

resource person gave a different explanation because what they conveyed must follow what they experienced. So to make it easier for readers to understand the results of this study, the researcher will draw a general line to find common ground between the answers.

2. The Marriage Registrar Argument About Implementing The Policy of Digital Marriage Card by The Indonesian Ministry of Religion Affairs

The policy of changing physical to digital marriage card involves many parties in its implementation, starting from the Directorate General of Islamic Community Guidance (BIMAS) itself, the Ministry of Religion of the Republic of Indonesia, which manages the supervision and enforcement of this policy, as well as the Office of Religious Affairs throughout Indonesia as the executor or direct implementer of the policy.

In the issuance of a new policy, there will undoubtedly be various obstacles and problems that they must experience. The deputy chairman of Commission VIII, Iskan Qolba Lubis, on November 18, 2018, at hukumonline.com, stated that the need for a marriage card was not urgent because so far the Office of Religious Affairs has been quite good at carrying out marriage registration with a marriage book.⁵⁶ In addition, at first, the issuance of the marriage book was also constrained in terms of operational costs because this was a plan that required a large amount of

⁵⁶ Rofiq Hidayat, “*Penerbitan Kartu Nikah Menuai Kritik*” <https://www.hukumonline.com/berita/a/penerbitan-kartu-nikah-menuai-kritik-lt5ebf97509868> (Diakses pada Jum’at, 4 Februari 2021 Pukul 13.00)

money, while there were no special funds for the allocation of the marriage card plan.

The explanation above is a problem that arose at its publication. Over time, all the shortcomings continued to be addressed because the minister of religion, Lukman Hakim, also said that this marriage card was a logical consequence of the development of a marriage management application system or SIMKAH that must be realized. Its nature was only as an additional document from the official marriage book as physical evidence of marriage, so making this marriage card is considered essential to keep up with the times that require all services to be carried out digitally.⁵⁷

Finally, in August 2021, the Ministry of Religion of the Republic of Indonesia issued a renewal policy on changing physical marriage cards to digital ones. The government does this because, following the development of the technological era, kartu nikah digital are considered easier to regulate, and the cards can be printed as desired.

Seeing this policy, the researcher interviewed the marriage registrar and staff⁵⁸ at the Office of Religious Affairs in Gombong District to get information about this change. The results of their answers are as follows:

“Tapi gini mas, terkait fisik dan digital. Kemarin soal fisik sudah ada beberapa pengantin yang mendapatkan, kita juga ada datanya, karena sebelumnya memang kita tidak tau apa yang akan ada dikedepannya, maka saya masih pilah pilih karena tintanya juga termasuk mahal dan droping fisiknya yang terbatas. Hingga

⁵⁷ Rofiq Hidayat, “Penerbitan Kartu Nikah Menuai Kritik” <https://www.hukumonline.com/berita/a/penerbitan-kartu-nikah-menuai-kritik-lt5ebf97509868> (Diakses pada Jum’at, 4 Februari 2021 Pukul 13.00)

⁵⁸ Mufid, Yuli Eko, Husnun Mubarak, Narasumber dari petugas pencatat nikahdan staf KUA Kecamatan Gombong.

kemudian ada interupsi di bulan agustus ada perubahan ke digital.”⁵⁹

“But like this, mas, it is related to physical and digital. Yesterday there were several brides who received the physical items, we also have the data, because previously we didn't know what would be in the future, so I'm still choosing because the ink is also expensive and the physical drop is limited. Until then there was an interruption in August there was a change to digital.”

The interview above explains that this policy change leaves printers and physical card templates unused because in the implementation prior to this change, the Religious Office Gombong was very careful and efficient in using these facilities. However, another staff added that the issuance of this digital marriage card was considered excellent and appropriate to apply. In addition to making it easier for Religious Officers in their services, it is also easier for marriage spouses to get them.

“Setiap selesai akad, kita selalu memberikan arahan kepada para pengantin, yang mau dan berkenan mendownload kartu nikah bisa langsung discan barcodenya, dengan aplikasi QR code, nanti otomatis akan tersambung ke halaman untuk download buku nikahnya. Jika ada kesalahan atau foto yang tidak terbaca, bisa menghubungi operator KUA agar dibetulkan”.⁶⁰

“Jika dilihat sisi negatif dan positifnya, segala sesuatu pasti memiliki kedua hal tersebut mas. Sisi positif dari kartu nikah ya mudah dibawa kemana-mana mas, tidak mudah rusak, dari pada buku nikah. Kalau sisi negatifnya ya, paling siapapun yang punya barcode itu ya, bisa menscan dan mengetahui informasinya mas”.⁶¹

“Every time the contract is finished, we always give directions to the marriage spouses, who want and are willing to download the marriage card can directly scan the barcode, with the QR code application, it will automatically be connected to the page to download the marriage book. If there are errors or illegible photos, you can contact the KUA operator so that they can be corrected.”

⁵⁹ Mufid, Wawancara (Kebumen, 16 Desember 2021)

⁶⁰ Husnun Mubarak, Wawancara (Kebumen, 15 Desember 2021)

⁶¹ Yuli Eko, Wawancara (Kebumen 16, Desember 2021)

"If you look at the negative and positive sides, everything must have both of these things, man. The positive side of a marriage card is that it is easy to carry everywhere, man, not easily damaged, than a marriage book. On the negative side, yes, at least anyone with a barcode can scan it and find out the information, bro."

Then they also said that the old bridge could also own this marriage card, but the limited socialization from the Ministry of Religion, or Religious Office, who deal directly with the community, is still lacking due to several reasons explained previously.

"Dari awal munculnya kartu nikah ini, tidak pernah ada urusan kita untuk melakukan sosialisasi kepada masyarakat"⁶²

"From the beginning of the emergence of this marriage card, it was never our business to socialize it to the community."

If things like socialization are considered an unimportant issue, then information about this marriage card will not quickly reach all Indonesian society levels. As a result, there will be unequal regulations. Because automatically when the government will uniform all administrative requirements with one of the requirements is a marriage book, plus a provision with a statement that a marriage card can replace it, there will be some people who do not know what the form of the marriage card is, because there is no uniform information from the government. So this uniformity will be automatically canceled. Therefore, socialization equally to the community must be realized immediately.

⁶² Yuli Eko, Wawancara (Kebumen 16, Desember 2021)

Then the resource persons also provide information about which is superior between physical or digital marriage card. They all answered that they are superior to kartu nikah digital because they are more flexible.

“Saya lebih suka yang kebijakan digital mas, karena dengan kartu digital ini kita kerjanya juga tidak doble-doble kemudian kita berbagi rejeki juga dengan tukang fotocopy haha, karena jika ada yang ingin mencetak kartu pasti kan larinya ke mereka”⁶³

“I prefer the digital policy, bro, because with this digital card, we don't work double-double, then we share our fortune with the photocopier, haha, because if anyone wants to print a card, they will definitely run to them”

According to the researchers from the sources above, the change in marriage card policy is seen as a good chance. Religious Office staff and marriage registrar officers agreed about this change. However, in this change, it was felt that it would make the task of Religious Office staff easier, who initially had to take care of how to print it, etc., now their task is reduced to simply telling how to download a marriage card via the existing barcode. In the marriage book. Of course, this is still welcomed by Religious Office officers and is more supportive of the policy.

⁶³ Mufid, Wawancara (Kebumen, 16 Desember 2021)

C. Analysis of Research Findings

The digital marriage card is a renewal innovation from the physical marriage card. This renewal began with issuing a Circular Letter of the Directorate General of Islamic Guidance No. B-2361/DT.III.II/PW.01/07/2021 regarding changing physical marriage cards to a digital form issued in August 2021. This policy change has undoubtedly become the most appropriate consideration taken by the Ministry of Religion as an institution that has authority. However, there are still pros and cons to this policy. Because of course, everything has its advantages and disadvantages.

To see more clearly the various views from various sides about the benefits of changing physical to digital marriage card, the researchers conducted an in-depth analysis based on the concept of benefit according to Imam Al-Ghozali.

About Imam Al Ghozali's theory of *maslahah*, it has been clearly explained in the theoretical framework section of CHAPTER 2, the central concept of *maslahah* according to Imam Al Ghozali, is an effort to maintain the purpose of Islamic law, namely maintaining religion, soul, mind, lineage, and property or commonly known as the maqosidus sharia. Everything intended to maintain the five objectives of Islamic law is called *Maslahah*. On the other hand, anything that undermines or negates the five objectives of Islamic law is called mafsadah

Imam al-Ghazali is of the opinion that achieving good deeds and prevent harm intended to preserve and safeguard the purpose and requirements of

syarak. Both the concept of *maslahat* and *mafsadah* has a close relationship, even a combination of the two. This concept as a whole will bring about the achievement of *maslahat* which is true and achieved the purpose of *syarak*. For Imam al-Ghazali, the concept of *maslahat* and *mafsadah* only as a method in the law and not as a proposition. To avoid the misuse of the application of the concept needs to be investigated and carefully balanced first by doing *tarjih* between *maslahat* and *mafsadah* before declaring something *Maslahat* or *mafsadah*.

The thoroughness of Imam al-Ghazali in the matter of *maslahat* and *mafsadah* showed his scientific capabilities in the field of *maqâsid*. There are two main reasons why he is considered a scholar. who plays a role in the study of *maslahat*, *first*: Imam al-Ghazali has discussed this concept in systematic detail. In his work, *Second*: terminology and classifications. Imam al-Ghazali was used by the scholars after him. On the basis Imam al-Ghazali deserves to be considered a founder and predecessor. the science of *maqâsid*, because of its comprehensive and systematic thinking, Although the forerunners of this knowledge already existed in the time of Imam al-Juwaini.

Maslahah, in the view of Imam Al Ghazali, also has a level of argumentation, starting from the level of the most potent *maslahah*/high if the five basic *maqosidus sharia* maintain it is at the level of emergency or commonly referred to as *Maslahah al Dharuriyyat*. Then there is the level of *maslahah*, which is in the position of desire or commonly called *Maslahah al Hajjiyat*, and the last is *Maslahah al Tahsiniyyah* which is *maslahah* whose position is to beautify because this *maslahah* does not return to emergency or

desire but can still be done as long as it still benefits and does not exist an order or prohibition to do so.

From the expression of Al-Ghazâli above, it can be concluded that the *Maslahah* of *al Hâjjiyyât* and *al Tahsîniyyât* cannot be taken into consideration in the determination of Islamic law, except for the intention that occupies the level of *al Dharûriyyât*. According to him, such intentions or interests can be used as an argument (consideration) to determine Islamic law.⁶⁴

Imam al-Ghazali believes that *Maslahah* is only a method in taking law and not as a proof or source of law.⁶⁵ Therefore, he made *Maslahah* as a proposition that still depends on other, more critical propositions, such as the Qur'an, Sunnah, and ijma. If *Maslahah* is contrary to the text, it cannot be accepted as a *Maslahah*. In this case, he was cautious in opening the door of *Maslahah* so as not to be abused by the interests of human lust. Even at the end of the discussion of *Maslahah* in his work *al-Mustas'fâ*, Imam al-Ghazali asserted that *Maslahah* is not the fifth source of law after the Qur'an, al-Sunnah, ijma, and qiyâs. If anyone thinks so, then he has made a mistake because in the view of Imam al-Ghazali *Maslahah* return to the maqâsid al-syar'ah and is an argument for him.⁶⁶

⁶⁴ Zainal Azwar, *Pemikiran Ushul Fikih Al-Ghazâlî Tentang ...* : 60

⁶⁵ Ahmad Munif Suratmaputra, *Filsafat Hukum Islam al Ghazali: Maslahah Mursalah dan Relevansinya dengan Pembaharuan Hukum Islam*, (Jakarta: Pustaka Firdaus, 2002), 144.

⁶⁶ Ahmad al-Raysuni, *Naz'ariyyah al-Maqâs'id 'ind Imâm al-Syâtibî*, (Riyadh: al-Dâr al-Âlamiyyah li al-Kutub al-Islâmî, Cet. 2, 1412 H/1992 M), 295-297.

1. Analysis the views of the marriage spouse and marriage registrar employees regarding the application of kartu nikah digital.

The marriage spouses who have completed their marriage contract will automatically receive a marriage book and marriage card as complementary documents. As is the case at Religious Office Gombong, each marriage spouses will be given a marriage book as proof of marriage registration and a marriage card as additional documents. In practice, the marriage card policy at Religious Office Gombong starts from January 2021, during which each marriage spouses will be directed on how to get a digital and physical marriage card. However, specifically for physical marriage cards, they are only given to the marriage spouses who need them, considering the limited number and needs of the owner.⁶⁷

Then after eight months of the marriage card policy running at Religious Office Gombong, a new policy regarding kartu nikah digital emerged in this policy, instructing Religious Office throughout Indonesia to stop printing physical marriage cards and only provide kartu nikah digital.

After searching for data from several sources, the researcher found that kartu nikah digital were better than the previous policy. So it can be concluded that this digital marriage card policy is the beginning of good digitization that has been appropriately taken by the Ministry of Religion of

⁶⁷ Mufid, Wawancara (Kebumen, 16 Desember 2021)

the Republic of Indonesia. With a note that it continues to improve its shortcomings and expand its socialization to the community.

2. Analysis Implementation of Digital Marriage Card Implementation according to Imam Al-Ghozali's *Maslahah* Concept

Concerning the policy of changing kartu nikah digital when viewed from the concept of Imam Al Ghozali's *maslahah*, it occupies the position of *maslahah al Tahsiniyah* or benefits to beautify. Because of the existence of a digital marriage card, its function is to improve the previous policy, namely a physical marriage card.

In the rules of *ushul fiqh*, it is stated that something that encourages something mandatory, then something is also obligatory. Marriage cards were created so that the order of marriage registration can be maintained; from the existence of this order in marriage registration, *hifd nafs*, which is *maslahah dharuriat*.

The change in policy from physical to digital marriage card also does not cause harm and can even lead to more excellent benefits. Such as reducing the allocation of funds for printing marriage cards so that they can be used for other purposes, all post-contract wedding spouses can get a digital marriage card without being sorted, easy to carry everywhere because the card file is on a smartphone or can be printed like other identification cards if desired. Moreover, it can avoid damage to the marriage book and minimize the falsification of marriage data so that the mention of the digital marriage card policy included in the al-Tahsiniyah

maslahah is considered appropriate. This means that even though it is not related to an emergency or purpose, this marriage card policy can still be implemented because it has practical value.

Kartu nikah digital are also a realistic form of government programs that plan digital service forms. Although many find pros and cons, this policy will definitely be the first step to determine other digital policies in the Ministry of Religious Affairs. This step has been felt brave and good to be held because no party is harmed and can bring the impact of benefits in the future.

In the concept of *maslahah* Imam Al Ghozali, the purpose of *maslahah* is to maintain the goals of syara or maqosidus sharia, namely maintaining religion, soul, mind, lineage, and property that can still be linked. Here is the analogy:

- a. The relationship between making a marriage card and maintaining religion is due to the convenience function obtained from the existence of these items. Islam always makes it easy for the affairs of its servants, as well as when it comes to the case of this marriage card. Its nature that facilitates the people's affairs makes issuing a marriage card not a problem, as long as it does not violate Islamic law.
- b. The relationship between making a marriage card and protecting one's soul is that the nature of the marriage card is easy to carry, so we can avoid slander if accused of committing adultery.

- c. The relationship between making a marriage card and maintaining reason is that this policy requires the Office of Religious Affairs to have better human resources to understand better computer science and the operation of applications related to this.
- d. The relationship between making a marriage card and keeping offspring makes it easier for security guards or others to check a spouse's marriage card. If they find a man and a woman alone, they can be asked for their identity.
- e. The relationship between making a marriage card and protecting assets is that the government can allocate funds for marriage cards to other funds with a marriage card.

From the explanation above, we can understand that the digital marriage card policy has *maslahah* value for all groups, from the marriage spouse, marriage registrar employees, the Office of Religious Affairs employees, and other parties.

CHAPTER V

CLOSING

A. Conclusion

After conducting research and analysis of The Implementation of the Policy of Kartu nikah digital in Kebumen, Central Java in the Perspective of *Maslahah* by Imam Al-Ghazali, then it can be concluded that:

1. Marriage spouses who do not acquire a marriage card benefit from this marriage card policy. The marriage spouses who acquire the physical marriage card have received this facility and have started to use it for their objectives. Marriage spouses who do not obtain a real marriage card also still receive a digital marriage card with the same purpose as a physical marriage card.
2. Marriage registrar personnel and staff of the Office of Religious Affairs accept this physical to digital marriage card policy, feeling that this is a beneficial digitalization step. They think that new approach would make it easier for the community to prove marriage registration.
3. The marriage card is a policy of the Minister of Religion that incorporates *maslahah* and includes in the *maslahah al Tahsiniyat* (tertiary), which beautifies or enhances existing policies for something better. The marriage card policy is in its position as *wasilah* for accomplishing *Hifd Nasl* so that its existence is vital. From the outset, the presence of a marriage card was planned to be a complimentary document to the marriage book and not as a

substitute for a marriage book, if conceivable in the future. It will be developed. Maybe this approach might be a good step so that the adoption of digitalization in the future can be easier to continue.

4. Changing physical to kartu nikah digital at the Religious Office of Gombong District has gone successfully. This is because, in reality, from the beginning of the issuing of this marriage card, the married partners have got a digital marriage card, and some have received it in physical form. So, of course, the present policy just diminishes the existing provisions of the prior policy. The availability of personnel resources at the Office of Religious Affairs in the Gombong District is also adequate. Of course, this is also highly supportive of the smooth operation of this policy.

B. Suggestion

1. The implementation of new policies will certainly get varied responses from the community so that before adopting a policy, the government must finish the idea to reduce errors when implemented in the field.
2. If the objective of the marriage card is to ease the identification of married status, then the government must merge kartu nikah and e-KTP so that there are not too many cards, but the information in the data stays comprehensive.

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APPENDIXES

PENGESAHAN SKRIPSI

Dewan Penguji Skripsi saudara/i Yusril Ihza Maulana , NIM 18210096, mahasiswa Program Studi Hukum Keluarga islam Fakultas Syariah Universitas Islam Negeri Maulana Malik Ibrahim Malang dengan Judul:

THE IMPLEMENTATION OF THE POLICY OF KARTU NIKAH DIGITAL IN KEBUMEN, CENTRAL JAVA IN THE PERSPECTIVE OF MASLAHAH BY IMAM AL-GHAZALI

Telah dinyatakan lulus dengan nilai: A

Malang, 11 April 2022

Scan Untuk Verifikasi



(Surat Pengesahan Dekan)



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Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : B- 2254 /F.Sy.1/TL.01/01/2022
Hal : **Permohonan Izin Penelitian**

Malang, 07 Januari 2022

Kepada Yth.
Kepala KUA Kecamatan Gombong
Jl. Kawedanan, Gombong, Kec. Gombong, Kabupaten Kebumen, Jawa Tengah 54411

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Yusril Ihza Maulana
NIM : 18210096
Program Studi : Hukum Keluarga Islam

mohon diperkenankan untuk mengadakan penelitian dengan judul :
**THE IMPLEMENTATION OF THE POLICY OF DIGITAL MARRIAGE CARDS
BY THE INDOONESIAN MINISTRY OF RELIGIOUS AFFAIRS PERSPECTIVE
OF MASLAHAH IMAM AL-GHAZALI**
(Study at Religious Office Gombong, Kebumen, Central Java), pada instansi yang
Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



Tembusan :

1. Dekan
2. Ketua Prodi Hukum Keluarga Islam
3. Kabag. Tata Usaha

(Surat Permohonan Izin Penelitian)



KEMENTERIAN AGAMA REPUBLIK INDONESIA
KEMENTERIAN AGAMA KABUPATEN KEBUMEN
KANTOR URUSAN AGAMA KECAMATAN GOMBONG
Jalan Kawedanan No. 01 Gombong 54416 Telp (0287)471119
Website: <http://kuagombongkebumen.blogspot.com>, Email : kuagombong@gmail.com

SURAT IZIN PENELITIAN

Nomor : 08/Kua.11.05.08/PW.01/01/2022

Yang bertandatangan di bawah ini Kepala Kantor Urusan Agama Kecamatan Gombong Kebumen memberi izin penelitian kepada :

Nama : Yusril Ihza Maulana
NIM : 18210096
Fakultas/Program Studi : Fakultas Syariah/Hukum Keluarga Islam
Asal Kampus : Universitas Islam Negeri Maulana Malik Ibrahim Malang

Untuk melaksanakan penelitian dengan judul *The Implementation Of The Policy Of Digital Marriage Cards By The Indonesian Ministry Of Religious Affairs Perspective of masalah Imam Al-Ghazali pada Kantor Urusan Agama Kecamatan Gombong Kebumen sejak tanggal 10 Januari 2022 s.d selesai.*

Demikian surat izin penelitian ini diberikan kepada yang bersangkutan untuk diketahui dan dilaksanakan sebagaimana mestinya.

Gombong, 10 Januari 2022

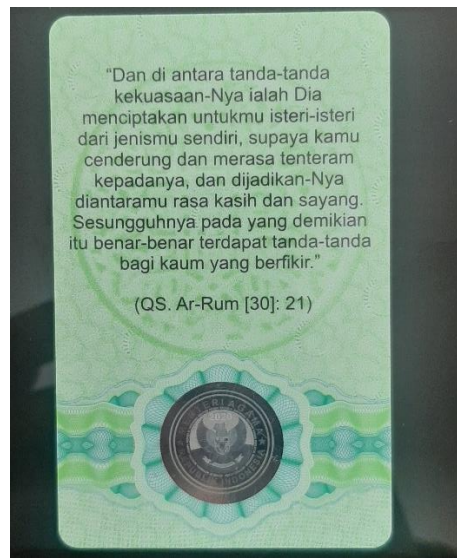
Kepala KUA Kec. Gombong


M. Yusuf, S.Ag
NIP. 197303152001121 001

(Surat Permohonan Izin Penelitian)



(Kartu Nikah Fisik Tampak Depan)



(Kartu Nikah Fisik Tampak Belakang)



(Mesin Cetak Kartu Nikah Samping)



(Mesin Cetak Kartu Nikah Depan)



(Wawancara Kepala/Pegawai Pencatat Nikah KUA Gombang – Mufid, M.Ag)



(Wawancara Dengan Husnun Mubarak)



(Wawancara Dengan Yuli Eko)



(wawancara Dengan AF)



(Wawancara Dengan AS)



(Wawancara Dengan S)



(Wawancara Dengan AT)



(Wawancara Dengan FM)



(Wawancara Dengan P)



(Wawancara Dengan CEL)



(Wawancara Dengan LA)



(Wawancara Dengan NA)



KEMENTERIAN AGAMA R.I.
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PO.BOX. 3733 JKP 10037

Nomor : B-2361/Dt.III.II/PW.01/07/2021
Sifat : Penting
Lamp. : -
Prihal : Penggunaan Kartu Nikah Digital

28 Juli 2021

Kepada Yth.
Kepala Kantor Wilayah Kementerian Agama Provinsi
Up. Kabid Urusan Agama Islam dan Pembinaan Syariah/
Bimbingan Masyarakat Islam/Haji dan Bimbingan Masyarakat Islam
Se-Indonesia

Assalamualaikum warahmatullahi wabarakatuh

Melaksanakan Amanat Pasal 21 ayat (1) Peraturan Menteri Agama Nomor 20 Tahun 2019 tentang Pencatatan Pernikahan, serta tindak lanjut *soft launching* Kartu Nikah Digital oleh Bapak Menteri Agama pada acara Perencanaan Revitalisasi KUA tanggal 29 Mei 2021 di KUA Kecamatan Banjarnegara Kabupaten Banjarnegara Provinsi Jawa Tengah, kami mohon perhatian Saudara hal-hal berikut:

1. Kartunikah dalam bentuk cetak dihentikan, dan selanjutnya kartu nikah hanya diberikan dalam bentuk digital kepada pasangan pengantin baru.
2. Stok kartu nikah yang masih tersedia digunakan sampai habis bagi masyarakat yang mengabdikan, baik pasangan baru maupun yang telah menikah, melalui permohonan tertulis kepada Kepala KUA.
3. Kebutuhan pembelian tinta untuk mencetak kartu nikah sebagaimana dimaksud pada angka 2 di atas dapat dianggarkan melalui Biaya Operasional KUA.
4. Dalam hal ketersediaan printer kartu terbatas dan hanya tersedia di beberapa KUA Kecamatan, Kepala Seksi Bimas Islam Kabupaten/Kota mengatur pendistribusian kartu nikah untuk mengoptimalkan pemanfaatannya bagi masyarakat.
5. Bilamana stok kartu nikah sudah habis, printer kartu yang ada dapat digunakan untuk layaran lainnya (pencetakan kartu Masjid dan lain-lain).
6. Jika terdapat alokasi anggaran pengadaan printer kartu nikah tahun 2021, dapat direvisi untuk pengadaan alat pengolah data pada KUA yang membutuhkan.

Demikian, atas perhatian dan kerjasamanya kami ucapkan terima kasih.

Wassalam

An. Direktur Jenderal
Pdt. Direktur Bina KUA
dan Keluarga Sakinah

Tembusan
Yth. Direktur Jenderal Bimbingan Masyarakat Islam.

(Surat Edaran Ditjen Bimas Islam No. B-2361/DT.III.II/PW.01/07/2021 Tentang Penggunaan Kartu Nikah Digital)

DAFTAR DRAFT PERTANYAAN

Daftar pertanyaan umum untuk pencatat nikah di KUA Kecamatan Gombong

1. Berapa lama KUA ini menerapkan kebijakan perubahan kartu nikah fisik ke digital?
2. Apa pertimbangan KUA ini menurut Bapak/Ibu memberlakukan kebijakan perubahan kartu nikah dari fisik ke digital?
3. Berapa jumlah penerima kartu nikah fisik dan digital periode februari 2019 – oktober 2021?
4. Berapa jumlah kartu fisik yang masih tersedia di KUA ini?
5. Apakah ada pengantin lama yang meminta fasilitas kartu nikah fisik ini? Jika ada berapa jumlahnya?
6. Ada berapa SDM di KUA ini yang bisa mengoperasikan alat percetakan kartu nikah ini?
7. Bagaimana upaya KUA kecamatan Gombong dalam mensosialisasikan kartu nikah ini?
8. Apa yang menyebabkan perubahan kartu nikah fisik ke digital ini terjadi?
9. Siapa yang diuntungkan dari perubahan ini?
10. Kapan KUA Gombong menjadi salah satu KUA yang di subsidi mesin pencetak kartu nikah oleh Kemenag?
11. Bagaimana bapak/ibu merespon perubahan yang ada?
12. Kendala apa saja yang dialami saat periode kartu nikah fisik masih berlaku?
13. Diantara kedua jenis kartu, mana yang lebih efektif?
14. Mengapa bapak/ibu menganggap kartu nikah digital/fisik lebih efektif?
15. Apakah menurut bapak/ibu kartu nikah digital/fisik ini memiliki nilai *masalah*? Untuk siapa? Contohnya?
16. Bagaimana nilai *Maslahah* yang ada dari perubahan kartu nikah fisik ke digital?
17. Apasaja kelebihan dan kekurangan dari kedua jenis kartu tersebut?

Daftar pertanyaan umum untuk pasangan pengantin di Kecamatan Gombong

1. Apakah yang anda ketahui tentang kartu nikah?
2. Apakah tau jika ada perubahan kartu nikah bentuk fisik ke digital?
3. Seberapa efektif kartu nikah yang anda miliki sekarang?
4. Bagaimana manfaat yang ada dari perubahan kartu nikah fisik ke digital?
5. Apakah ada nilai *masalah* dari perubahan ini?
6. Apasaja nilai kelebihan dan kekurangan dari kartu nikah digital dan fisik menurut anda?

BUKTI KONSULTASI



KEMENTERIAN AGAMA UNIVERSITAS ISLAM NEGERI
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CONSULTATION PROOF

Name : Yusril Ihza Maulana
Student Number : 18210096
Department : Islamic Family Law
Supervisor : Jamilah, MA.
Thesis Title : The Implementation of The Policy of Digital Marriage Cards in Kebumen, Central Java in the Perspective of Maslahah by Imam Al-Ghazali

No	Day/Date	Subject of Consultation	Signature
1	Selasa, 5 Okt 2021	Perkenalan isi dari proposal skripsi	
2	Senin, 18 Okt 2021	Pembetulan ejaan,	
3	Senin, 25 Okt 2021	Acc proposal untuk sempro	
4	Jum'at, 19 Nov 2021	Seminar Proposal	
5	Jum'at, 3 Des 2021	Bimbingan rekap hasil sempro, pembenaran bahasa inggris	
6	Jum;at, 24 Des 2021	Revisi sedikit rumusan masalah, acc revisi hasil sempro	
7	Kamis, 3 Feb 2022	Pengajuan full teks belum acc	
8	Jum'at, 18 Feb 2022	Pengiriman skripsi fiks siap cek	
9	Selasa, 22 Feb 2022	Cek fiks untuk skripsi full teks, tugas untuk baca proposal teman.	
10	Jum'at, 5 Maret 2022	Acc Skripsi siap uji	

Malang, 5 March 2022
Acknowledged by,
The Head Department of
Islamic Family Law

a.n Erik Sabti Rahmawati, MA, M.Ag
NIP. 197511082009012003

CURRICULUM VITAE



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SIN : 18210096
Address : Argosari, Ayah, Kebumen,
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Place, Date of Birth : Kebumen, 24 Januari 2001
Mobile Phone : 0852 2836 1782
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Formal Education

2006-2012	MI Muhammadiyah 2 Argosari
2012-2015	MTs Plus Nururrohmah Pon Pes “Al-Kamal”
2015-2018	MA Plus Nururrohmah Pon Pes “Al-Kamal”
2018-2021	Islamic State University of Maulana Malik Ibrahim Malang

Non Formal Education

2012-2018	Islamic Boarding School of “Al Kamal” Kebumen
2019- Now	Islamic Boarding School of “Sabilurrosyad” Malang