

Implementation of Minister of Religious Affairs Regulation No. 20 of 2019 Concerning *Taukil Wali* Marriage

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Abstract

Article 12 paragraph 5 of the Regulation of the Minister of Religion Number 20 of 2019 states that a guardian who is not present at the contract must make a letter *taukil wali* in front of the Head of the District Office of Religious Affairs/Penghulu/PPN LN according to domicile. This regulation creates a problem when a *nasab* guardian who cannot attend is replaced by a judge's guardian without a guardian's *taukil* letter, as happened in Kota Kisaran Barat. The purpose of this article is to find out the views of the Head of the Office of Religious Affairs in Kota Kisaran Barat Subdistrict regarding the *taukil* guardian of marriage in the Minister of Religion Regulation Number 20 of 2019, the application and impact of its implementation on household sustainability. This type of research is qualitative, with an empirical juridical approach. This article concludes that first: The Head of KUA Office of Kota Kisaran Barat District is of the view that if the *nasab* guardian cannot attend the marriage contract due to traveling, then the judge's guardian does the marriage. Second, the application of Minister of Religion Regulation Number 20 of 2019 concerning *taukil wali* in the Office of Religious Affairs in Kota Kisaran Barat District has been going well. Third, there is no negative impact that occurs after marriage through *Taukil* marriage guardian. This is because the *taukil wali* is not because the *wali nasab* does not agree, but because the circumstances and conditions of the *wali nasab* are far away and various other things that make them do *taukil wali nikah*.

Keywords: Taukil Wali Marriage, Regulation No. 20 of 2019



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INTRODUCTION

Islam views that marriage is something that is noble and sacred, which means worshiping Allah SWT, following the sunnah of the Prophet and is carried out based on sincerity, responsibility, and following the provisions of the law. (Wibisana 2016, 185) Marriage is referred to as a form of birth bond and inner relationship between a man and a woman. (Agus Hermanto, et.al 2021, 24) Basically marriage is a law of Allah SWT which regulates the relationship between men and women to maintain the honor and dignity of human dignity in a way that pleases Him. In the implementation of marriage there are several pillars and conditions for a valid marriage, namely the groom, the bride, the guardian, two witnesses and the Kabul consent certificate.

Shigat consent granted in marriage is one of the basic elements in which the consent statement is made by the marriage guardian and the consent statement is made by the groom or his guardian with two people as witnesses. (Arafat 2021, 265) Because in the pillars of marriage, consent and *qabul* There are two main points in carrying out the marriage bond. *Ijab* is the greeting of the person who performs the marriage contract as the first greeting, while Kabul is the greeting of the other party as the second greeting, namely the answer to the consent.,

intelligent, hearing, understanding the meaning of the marriage contract and fair. Furthermore, the marriage must be carried out by the guardian of the woman or her representative with the future husband or his representative. (Mawardi A.I, t.t., 4)

The marriage guardian for the bride and groom is a pillar which in its application must be met because he or she will act to get married. The existence of a marriage guardian is very important because of his position as a requirement and pillar in marriage. This is confirmed regarding the presence of a guardian for the bride and groom listed in the hadith, namely:

السُّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَ لَهُ (رواه أبودوالتر مذي)

The ruler is the guardian of the one who is loyal to him (Narrated by Abu Walter Madhi) Meaning: The usurper (Sultan) is the guardian of those who do not have a guardian (HR. Imam Abu Dawud and Tirmidhi) (Al-Bigha 2008, 411)

In this regard, Indonesian legal regulations stipulate regarding marriage guardians which are contained in the Regulation of the Minister of Religion Number 20 of 2019. Minister of Religion Regulation Number 20 of 2019 discusses the registration of marriages, in the Regulation of the Minister of Religion one of the articles explains marriage guardians. Guardians in marriage are pillars, which means that they must exist in a marriage, without a marriage guardian, the marriage is considered invalid. (Soemiyati 1982, 42) In the Regulation of the Minister of Religion Number 20 of 2019 the distribution of guardians consists of two parts, namely *nasab* guardians and guardian judge.

The *nasab* guardian is a male family member of the prospective bride who has a patrilineal blood relationship with the prospective bride. While *wahim* guardian is a marriage guardian appointed by the Minister of Religion, who is given the right and authority to act as marriage guardian for women who do not have guardians. Regulation of the Minister of Religion Number 20 of 2019 as if there were irregularities in the conditions for allowing the authority of a *nasab* guardian to transfer to a judge's guardian. The irregularity is in the form of being required to make a letter *taukil wali*.

Article 12 paragraph 5 Regulation of the Minister of Religion Number 20 of 2019 seems to close the door for judges' guardians to become marriage guardians by placing restrictions on making letters *taukil wali*. Whereas the guardian who is not present at the time of the contract, must make a letter *taukil wali* signed by the guardian, witnessed by two witnesses, and known by the Head of the District Religious Affairs Office/Penghulu/PPN LN according to the domicile or where the guardian is located and witnessed by 2 (two) witnesses. (Regulation of the Minister of Religion Number 20 of 2019, Article 12.)

The existence of restrictions regarding lineage requirements that are unable to attend at the time of marriage is a complicated problem in the world of marriage. Problems that arise with *taukil wali*, that is when a family guardian who is outside the city and within a distance that makes it possible to *mangkashor* prayer, then unable to attend the wedding, then automatically the guardian of the marriage is the judge's guardian, without making a letter *taukil wali*. This is according to the results of the author's interview with the Head of KUA Kota Kisaran Barat, Mr. Junaidi. (Junaidi, 2022). Then when the guardian cannot come to the Office of Religious Affairs to make a letter *taukil wali*, whether the marriage is canceled or cannot be carried out, even though the wedding date has been determined. Seeing the reality that exists in

society, there are various reasons why the guardian of the lineage cannot attend or is unable to attend the marriage, so to make a letter *taukil wali* feels less efficient. With the Regulation of the Minister of Religion Number 20 of 2019, there is a requirement to make a letter *taukil wali* for relatives who cannot attend the wedding.

Regulation of the Minister of Religion Number 20 of 2019 is a form of regulation which is the basic reference for the Office of Religious Affairs (KUA) regarding *taukil wali* in marriage. KUA Kota Kisaran Barat District as an institution officially assigned by the state to carry out some of the tasks of the Indonesian Ministry of Religion office in the field of Islamic religious affairs within the sub-district scope. Systematically KUA District Kisaran Barat City has implemented Minister of Religion Regulation (PMA) No. 20 of 2019 concerning marriage registration. But in the implementation of consent granted marriage, many problems that occur. One of the problems that often arises is problems related to marriage guardians, such as guardians whose whereabouts are unknown. This is according to the results of the author's interview with the Head of KUA Kota Kisaran Barat, Mr. Junaidi. (Junaidi, 2022). In this case the bride and groom must make a letter *taukil wali*. Related to the regulations that require that the nasab guardian who is not present at the time of the contract must make a letter *taukil wali*, many have done legal engineering saying that the nasab guardian has *mafqud*, because they think it is more practical to say guardian *mafqud* instead of having to write a letter *taukil wali*.

Several previous studies related to this research include Badri's research which examines prohibition of *taukil* representatives of marriage guardians in the office of religious affairs (Kua) in Pangenan sub-district, Cirebon district (Badri: 2017, 2). Then Mamu and Iskandar's research examines the Tradition of Representing Marriage Guardians in Patani Malay Community Marriages (Mamu M, Iskandar: 2017). The third research is Sugitanata's research which examines the Practice of *Taukil Wali* Marriage to Kyai in the Sasak Sade Indigenous People (Sugitanata: 2020, 161). Fourth is Iftidah's research which examines community views regarding *taukil wali* in the attached village, Demak district (Iftidah: 2017, 1). The fifth research is Zamani's research which examines the *Penghulu* as the Guardian of Judges in Marriage Contracts in the Yogyakarta City Region (Zamani: 2020, 3). Based on this research search, no one has studied the Implementation of Minister of Religion Regulation No. 20 of 2019 concerning *Taukil* Guardian Marriage. This provides a novelty in the research of *taukil* marriage guardians. This novelty can be emphasized in the practice of *taukil wali* in the field, which in appearance does not match what is written in the Regulation of the Minister of Religion.

Thus, this article is important to study, to provide an understanding of the letter *taukil wali* which basically must follow the regulation of the Minister of Religion (PMA) No. 20 of 2019 concerning marriage registration. There are three formulations in this research. First, what is the view of the head of the Religious Affairs Office of Kota Kisaran Barat Sub-District regarding marriage guardian *taukil* in the Minister of Religion Regulation Number 20 of 2019. Second, what is the practice of implementing the Minister of Religion Regulation Number 20 of 2019 concerning marriage guardian *taukil* in the Religious Affairs Office of Kota Kisaran Barat District and why the practice is carried out. Third, what is the impact of the implementation of *Taukil Wali* Marriage on the sustainability of the household.

RESEARCH METHODS

This type of article is qualitative in used to produce descriptive data in the form of written or spoken words from the observed behavior in the form of the application of PMA No. 20 of 2019 about *taukil wali* married at KUA Kota Kisaran Barat District. (Amirudin and Zainal Asikin 2006, 133) The approach to analysis in this article is an empirical juridical approach which is a legal research method that seeks to see law in a real sense, or it can be said to see and examine how law works in the field. (Amirudin and Zainal Asikin 2006, 140).

The data sources used included: 1) primary sources, namely data sources that were directly given data to researchers, 2) Secondary sources were sources that did not directly provide data to researchers. (Sugiyono 2018, p. 309) The data in this study were obtained from data that relevant to this research, obtained from existing literature, both from journals and books. The data collection method uses the interview method, which is a form of direct communication. (W. Gulo 2007, p. 119) In this interview, it was conducted directly at the KUA, Kota Kisaran Barat District. The data analysis technique uses the inductive method, with the inductive method the researcher captures various facts or phenomena through the results of research at the KUA Kota Kisaran Barat District, then analyzes them and attempts to make a theory based on what is observed.

RESULT AND DISCUSSION

A. The view of the Head of the Office of Religious Affairs in Kota Kisaran Barat District on *Taukil Wali* Marriage in PMA No. 20 of 2019

A guardian in a marriage is a condition for the validity of a marriage. Therefore, if one of the conditions is not fulfilled then the marriage is considered invalid. There are three types of people who are entitled to be called guardians, namely: lineage guardians, judge guardians and *muhakkam* guardians. Of the three types of guardians, the author focuses on judges' guardians. The guardian of the judge is a sultan or head of state or the president who has given power of attorney to the Minister of Religion, then the Minister of Religion also gives power to the head of the sub-district Religious Affairs Office as a marriage guardian for people who do not have guardians. (Basyir 1996, 40)

The transfer of the authority of the *nasab* guardian to the judge's guardian is caused by several factors, including:

1. There is no guardian lineage
2. Insufficient conditions owned by the guardian *aqrab* or the guardian *ab'ad*
3. Guardians of the *ghoib* lineage or travel for \pm 92.5 km or two days of travel
4. The guardian of the lineage is imprisoned or cannot be found
5. The guardian of the lineage refused to act as a guardian (*Adhol*)
6. The guardian of the lineage makes it difficult
7. The *nasab* guardian is in ihram
8. The woman who is going to be married is crazy but is an adult and there is no guardian. (Slamet Abdidin and Aminuddin 1999, 92)

Looking at the reasons for the transfer of the authority of the lineage guardian to the judge's guardian, one of which is if the lineage guardian is occult or traveling on a journey of \pm

92.5 km or two days of travel, the authority of the lineage guardian automatically transfers to the judge's guardian. Regulation of the Minister of Religion Number 20 of 2019 in article 12 (5) which reads: "In the event that the guardian is not present at the marriage ceremony, the guardian makes a letter of *taukil* guardian before the Head of KUA District/Penghulu/PPN LN according to the domicile/presence of the guardian and witnessed by 2 (two) witnesses".

According to the Head of the Religious Affairs Office of Kota Kisaran Barat District regarding *taukil wali* in Minister of Religion Regulation Number 20 of 2019, the Head of the Office of Religious Affairs of Kota Kisaran Barat District has two opinions regarding the Regulation of the Minister of Religion Number 20 of 2019, the first view is that he approves of changes to the Regulations the Minister of Religion reasoned that the Regulation of the Minister of Religion is one of the legal regulations that apply in Indonesia. The second view is that he disagrees with PMA No. 20 of 2019 because it seems to close the door for judges to become marriage guardians. Even though seeing from the transfer of the authority of the nasab guardian to the judge's guardian, one of them is that the guardian is occult or is traveling within the time allowed to recite prayers. In accordance with the Compilation of Islamic Law, Fiqh of the four schools of thought and the previous Minister of Religion Regulation. (Mr. Junaidi, t.t.)

In addition, the Head of the Office of Religious Affairs in Kota Kisaran Barat District stated that he agreed to the amendment to the Regulation of the Minister of Religion. With the reason, the change in the Minister of Religion Regulation is a means to bridge the problems that occurred in the previous Minister of Religion Regulation, namely with the large number of data manipulations regarding guardians. He also believes that having to make a guardianship certificate is the most rational solution to prevent data manipulation. (Mr. Junaidi, t.t.)

Thus, the Head of the Office of Religious Affairs for Kota Kisaran Barat has two views regarding *taukil wali* in the Minister of Religion Regulation Number 20 of 2019. However, the point is that he still supports the Minister of Religion Regulation to amend the Minister of Religion Regulation, including:

1. The Office of Religious Affairs is only the executor of the regulations, not the regulator. Therefore, we only carry out and agree to the rules that have been set.
2. Regulation of the Minister of Religion is one of the existing legal regulations in Indonesia. As an Indonesian citizen, it is appropriate to obey and carry out these regulations
3. This amendment to the Minister of Religion Regulation is a solution to answer the problems that arose in the previous Minister of Religion Regulation
4. The current regulatory change is the Regulation of the Minister of Religion Number 20 of 2019 which stipulates the obligation to make a guardianship letter, so he agreed

When viewed from the contents of the Regulation of the Minister of Religion, it seems as if it requires that if the lineage guardian is unable to attend, then the guardian must be *taukil*, cannot be the guardian of the judge and cannot be *intiqol ila ab'ad* (move to a distant lineage guardian). With the *taukil* guardian requirement, in the author's opinion, it is as if closing the judge's door to become a marriage guardian. There are also several differences regarding *taukil wali* in Minister of Religion Regulation Number 20 of 2019. As in the previous Minister of Religion Regulation, namely Minister of Religion Regulation Number 11 of 2007 does not

provide conditions for making a *taukil wali* letter for *nasab* guardians who are unable to attend the marriage ceremony. According to the author, the requirement to make a guardianship letter for an occult guardian or guardian who is within ± 92.5 km or two days of travel is a burdensome condition for the bride and groom. Apart from being burdensome, the existence of these conditions is also inconsistent with the Compilation of Islamic Law Article 23 (1) which reads: *The guardian of the new judge can act as the guardian of the marriage when the guardian of the lineage is not available or cannot be present or his place of residence is not known or is occult or adhal or refuses.* (Head of KUA Kec. Kota Kisaran Barat, n.t.)

The view of the Head of the Office of Religious Affairs in Kota Kisaran Barat District, Mr. Junaidi, S. Ag, MA. Seeing from the article it is very clear that there are requirements in making a letter *taukil wali* is contrary to the Compilation of Islamic Law. How can it be a law that still applies equally but contradicts itself in the contents of the regulations. As for the fiqh of the Syafii school, most Indonesian people use it, in terms of transferring the authority of the *nasab* guardian to the judge's guardian. If the *nasab* guardian cannot be present at the time of the marriage ceremony because the guardian is an occult who is traveling within the distance permitted to recite prayers, then the ruler or guardian of the judge is marrying. The guardian of the marriage is not a guardian who has a distant relationship with the prospective bride and groom. This is because what is not there is a guardian, while the right to marry belongs to a guardian. Therefore, the authority of the judge's guardian to act as a guardian in this case is permissible. Indeed, on the other hand, when the Regulation of the Minister of Religion Number 11 of 2007 was still in effect, there was a lot of data manipulation regarding the whereabouts of guardians. However, the Office of Religious Affairs should not necessarily receive the data on guardians. They were required to clearly examine the data obtained. In addition, it is also inappropriate for the law not to provide space for a judge's guardian to become a marriage guardian.

B. Implementation of Minister of Religion Regulation Number 20 of 2019 concerning *Taukil Wali* Marriage at the Office of Religious Affairs in Kota Kisaran Barat District

Head The Office of Religious Affairs in Kota Kisaran Barat District has tried to implement Minister of Religion Regulation Number 20 of 2019. However, in practice there have been several cases that have occurred in the field, including:

1. The problem that is sometimes encountered is that there are people who do not know that the *taukil wali bil kitabah* can be applied on the grounds that the guardian is far from the area where the marriage ceremony is performed. A prospective bride asks the judge's guardian to the Head of the Office of Religious Affairs (KUA) with reasons *masafatul qashar* or the wali far exceeds 92.5 km, even though in the new Regulation of the Minister of Religion (PMA) 20/2019, the wali judge with reasons *masafatul qashar* it doesn't exist anymore, so sometimes the determined wedding date has to be postponed, bearing in mind that the marriage guardian must make a letter of *taukil wali bil kitabah* first. Obviously, because guardianship is one of the legal requirements for marriage, a bride who wants to carry out a marriage must wait for a guardian's letter from her guardian who is far from her whereabouts.

2. But with the *taukil wali bil kitabah* it also seems to close the room or no longer allows guardianship by telephone or video call when the guardian is away from the area of the marriage contract. Because, if we look at the concept of a circular letter which reads "if the Head of the Office of Religious Affairs (KUA) is unable to attend, I am willing to be transferred to another guardian". This leads to doubts as if there is still an open space that can still be transferred to another. Which means that if there is a first solution, it cannot be transferred to other people.
3. In other findings, it was found that not all areas of Indonesia are reached by telephone/cellular networks, not everyone uses telephones/mobile phones, also sometimes the prospective bride/family of the prospective bride does not have a guardian's telephone/mobile number so they cannot contact the guardian, also for regions outermost, furthest, remote, isolated, it is still very difficult to be able to attend the local Office of Religious Affairs (KUA).
4. Another obstacle found in the implementation of *taukil wali bil kitabah*, namely when the guardian is in an isolated area then has difficulty visiting the Sub-District Religious Affairs Office (KUA) in the area where he lives because of the long way to travel, a lot of travel expenses or difficulty in traveling distances. So that making a pledge of *taukil guardian bil kitabah* in the case of these problems sometimes cannot be carried out, but other alternatives are carried out, namely the guardian is considered unable to be found. Very often there are differences in understanding from each Head of the Sub-District Religious Affairs Office (KUA), especially in Asahan Regency, regarding the set format, such as a guardian who cannot attend due to COVID-19 and is isolated in a hospital and cannot come to the Office of Religious Affairs. This is a consideration for the Head of the Office of Religious Affairs.
5. He also explained that even though new regulations had been enacted, several problems still emerged, such as a lineage guardian who had his address at Sidomukti, West Kisaran District, then worked in Papua. Because he couldn't go home to attend his son's wedding ceremony, he wanted to have a guardianship and come to the Papua Religious Affairs Office, but because the KTP he had was a West Kisaran KTP, and he was not a Papuan, the Head of the Papua Religious Affairs Office refused. Thus, he explained that the Regulation of the Minister of Religion Number 20 of 2019 is a solution to answer the problems that arose in the previous regulation, namely regarding the manipulation of guardian data. However, if the Regulation of the Minister of Religion Number 20 of 2019 is stipulated, the central Ministry of Religion should provide understanding and outreach to all Offices of Religious Affairs in Indonesia.
6. He also explained that the Regulation of the Minister of Religion is one of the legal regulations that apply in Indonesia, so the District Office of Religious Affairs must implement the regulation. He also explained that after the issuance of Regulation of the Minister of Religion Number 20 of 2019 encountered several problems, such as someone who wanted to get married, but his father was in Kalimantan, then he came to the Kalimantan Religious Affairs Office to do a *taukil wali*. From the Office of Religious Affairs of Kalimantan, the Office of Religious Affairs of the District of

Kalimantan only gave appointments to the Head of the Office of Religious Affairs. According to him something like this could become a problem, if during the execution the Head of the Office of Religious Affairs who was appointed as guardian had an old age so he could not enter a marriage. He also explained that every applicable regulation must be in accordance with the needs of the times.

7. There is a Nasab guardian who is abroad, namely in Malaysia, the guardian is a TKW. In terms of making a marriage certificate, during the Covid pandemic, it was very difficult because you had to stay at home, and you couldn't go anywhere. This was a polemic experienced by the community regarding PMA No. 20 of 2019. With things like this, a guardian must be determined. According to him, the determination of the guardian should be done in court so that it is clearer. However, with the Regulation of the Minister of Religion Number 20 of 2019 which requires the guardian to make a guardian *taukil* letter, the community must implement it. He also explained that there is a requirement to make a letter of *taukil* guardian which is a polemic itself for the Office of Religious Affairs, but because their role is only as an executor, they carry out the regulations that are currently in force. Although in Regulation of the Minister of Religion Number 20 of 2019 in terms of guardians it is discussed in more detail.

The following is the marriage data for 2021 at the KUA District in West Kisaran City who submitted a marriage guardian *taukil*.

No	Sub District	Month											
		Jan	Feb	Mar	Apr	Mei	Jun	Jul	Ags	Sep	Okt	Nov	Des
1	Kisaran Kota	1				1							
2	Tebing Kisaran	1	1			2	1	2		2	2	2	1
3	Tegal Sari	2	1	1	2		1	1			2	1	
4	Kisaran Barat	2		1		3		1					2
5	Sendang Sari	3	2	2	1	1	2	1	1	2	2	1	3
6	Kisaran Baru	1	2	1	1			2					2
7	Mekar Baru	15	14	13	14	8	14	11	9	13	10	12	16
8	Sei Renggas	3	2	1		1	3	1	3	1	3	3	2

9	Sidodadi	2	1	3	1	3	3	2	2	1	1	1	3
10	Dadimulyo	3	3	2	1	2	1	3	3	4	3	3	1
11	Sidomukti	4	5	4	2	8	8	3	9	5	3	3	2
12	Bunut	1	1	1	2	1	1	1				1	3
13	Bunut Barat	2	3	4	2	2	3	3	2	3	3	3	4
Total Amount		40	35	33	26	32	37	31	29	31	29	30	39

C. Impact of Implementation of Marriage Guardian Taukil on Household Perpetuity

Guardian is one of the pillars that must exist in marriage. Its status determines whether a marriage is valid according to Islamic law and statutory regulations. Marriage without a guardian is considered invalid (canceled). Nevertheless, the guardian has the right to represent his guardianship rights to another person who is deemed capable of settling his affairs, even though that person is not a person entitled to be a guardian.

There are several cases of this happening in the community, including the community in Kota Kisaran Barat sub-district, by asking for the help of the Head of the Ursan Agama Office of Kota Kisaran Barat sub-district who is considered to have knowledge of *munakahat* to be a representative of the legal guardian. Delegating the right of guardianship to another person is also allowed, whether the guardian is present or not present in the marriage ceremony. If the guardian has delegated his guardianship rights to another person and is still in the wedding ceremony, then the guardian's position will change to an ordinary attendee or guest and no longer act as a witness or guardian.

According to the head of the Religious Affairs Office of Kota Kisaran Barat District, a guardian who has delegated his guardianship rights to another person is allowed to be in the assembly if his position is not as a witness but as an ordinary attendee or guest. The public's view of the reasons for the *nasab* guardian to represent his guardianship rights to other people. The head of the local KUA saw that the actions committed by the guardian were legitimate. There are no significant factors taken into consideration to assess that the taukil guardian's act is an act of misappropriation by the guardian of the rights they have. According to the head of the MUI, Kota Kisaran Barat District, the taukil wali carried out by the community is a legitimate thing to do. Because there are many factors behind the trustees to do this. Among them is the lack of knowledge of the guardian in relation to the problem *munakahat*, then feeling so happy that makes the guardian unable to make a vow of consent with his daughter's future husband. Because they were afraid that they would cry when they said their vows to the bride and groom, which would later cause the pronouncement of the consent to be halting (discontinuous). Besides, the heavy feeling of letting go of his daughter.

KUA officers have used various methods so that the *nasab* guardian is willing to marry off his own daughter. For example, by giving a small note containing the pledge of consent that must be read by the guardian of the lineage without having to memorize it. The small note aims to reduce the feeling of nervousness that will be experienced by the guardian when pronouncing

the vows of consent with the bridegroom. In addition, sometimes KUA officers still guide the guardians in reading their consent vows slowly.

According to several married couples who married *taukil wali* Their marriage said there were no negative impacts that occurred after the marriage went through *taukil wali* marry. Because we *taukil* the guardian, not because the guardian of the lineage, we do not agree because of the situation and condition of the guardian of the lineage. We are far away, unable to go home because of various things that make us *taukil* the guardian. (Interview with husband and wife, t.t.)

As *istaukil wali* Our marriage is very grateful to the Head of the West Kisaran District Office of Religious Affairs so that our marriage can be carried out according to our expectations. At least there are several things that become the scope of good values in the implementation of the marriage contract, namely the delegation of guardianship as a form of benefit from the marriage contract, including the following:

1. Delegating or delegating guardianship of marriage from the guardian of the lineage to the guardian of the judge or the prince is an act of mutual assistance carried out by the guardian of the judge or the prince to the guardian of the lineage to marry off his child or sister.
2. The guardians of the lineage feel helped by the role of a guardian judge or prince in marrying off their child or sister, because they cannot attend the marriage ceremony.
3. The guardians of the lineage feel happy and happy because their children or siblings have carried out the marriage process smoothly carried out by the guardian judge or prince. although there were two research subjects, namely Marsidi, who felt a little regretful because she was not the one who married him directly.

Thus, based on the description above regarding the practice of the marriage contract, namely *taukil Wali* Nikah from the guardian of the *nasab* to the guardian of the judge or prince, it contains a value of benefit, because benefit itself is defined as something good and acceptable to common sense. (Syarifuddin 2009, 220) Benefit must also be realizing benefits, goodness, and pleasure for humans.

When you look at the marriage contract for the delegation of marriage guardianship, for the parties, especially the lineage guardians who have *taukil wali* Marriage directly provides benefits, namely the existence of an attitude of helping each other, and helping each other, as well as giving a sense of joy and happiness to those who carry out the marriage. Benefits like this can be accepted by common sense by the parties, so achieving these benefits is highly recommended from a *maslahah* perspective. In addition, the authors assume that rejecting *mafsadatan* in the implementation of the marriage contract is ber *taukil wali* marriage is when the guardian of the lineage does not understand and is unable to perform the marriage contract (*ijab* and *qabul*), there is concern that the ongoing marriage will be invalid if it is still the guardian of the lineage who is indeed incapable of performing the marriage contract (*ijab* and *qabul*). Then there is also concern that the two prospective brides and grooms will not be able to perform the wedding because the family guardians of the prospective bride and bridegroom do not speak in the process of the marriage contract when indeed the legal status of the marriage of the two prospective brides and grooms is mandatory, because if the legal status is mandatory

that is for people who are able to provide maintenance and he is afraid of being tempted into crime (adultery), which he fears and fears from both of his brides-to-be if they do not marry will do things that are forbidden by the Sharia' such as committing adultery because they feel that they have insisted on getting married.

CONCLUSION

1. The view of the Head of the Office of Religious Affairs in Kota Kisaran Barat Sub-District regarding *taukil wali* in the Regulation of the Minister of Religion Number 20 of 2019 concerning *taukil wali* contained in the Regulation of the Minister of Religion Number 20 of 2019, the Office of Religious affairs is the implementer of regulations not as a regulator, therefore the Head of the Office of Religious Affairs only carries out and approves the regulations that apply, the stipulation of Regulation of the Minister of Religion Number 20 of 2019 is the answer to the lack of clarity regarding the requirement for a nasab guardian who cannot be present when the marriage ceremony takes place in the Regulation of the Minister of Religion Number 11 of 2007 where there are several manipulations of the guardian's data. Furthermore, the Regulation of the Minister of Religion is one of the legal regulations that apply in Indonesia, therefore, as an Indonesian citizen, we must obey and carry out the applicable regulations.
2. Implementation of Minister of Religion Regulation Number 20 of 2019 concerning *taukil wali* in the Office of Religious Affairs in Kota Kisaran Barat District has been going well. Although each application of the Regulation of the Minister of Religion has its own constraints that occur. As in the application of the Regulation of the Minister of Religion Number 20 of 2019, although there are still several cases including the case in one case where the lineage guardian cannot attend due to health factors, and there are also cases where the lineage guardian is abroad and cannot go home due to the Covid Pandemic. This becomes natural when a regulation has problems, because each regulation must give birth to advantages and disadvantages. In fact, the amendment to the Minister of Religion Regulation has the aim of correcting the ambiguity regarding lineage guardians who could not attend the marriage contract in the previous Minister of Religion Regulation and minimizing the amount of manipulation of guardian data.
3. The results of research on several husbands and wives who marry with *Taukil Wali Nikah* are that there are no negative impacts that occur after marriage through *Taukil Wali Nikah*. This is because the *taukil wali* is not because the *wali nasab* does not agree, but because the circumstances of the *wali nasab* are far away and various other things that make them do *taukil wali nikah*.

REFERENCES

- Agus Hermanto, et.al. 2021. "Penerapan Batas Usia Pernikahan di Dunia Islam." *Jurnal At-Tahdzib* Vol. 9 (2).
- Al-Bigha, Musthafa Daib. 2008. *Tadzhib: Kompilasi Hukum Islam Ala madzhab Syafi'i*. Surabaya: Al-Hidayah.
- Al-kahsy, Muhammad Utsman. 2017. *Fiqih Wanita Empat Madzhab*. Bandung: Khazanah Intelektual.

- Amirudin dan Zainal Asikin. 2006. *Pengantar Metode Penelitian Hukum*. Jakarta: RajaGrafindo Persada.
- Arafat, Fashihuddin. 2021. "Kontruksi Hukum Berpindahnya Hak Perwalian Sebab Masafatul Qashri." *Jurnal Masadir* Vol. 1 (2).
- Badri, A. (2017). Larangan Taukil Wakil Wali Nikah Di Kantor Urusan Agama (Kua) Kecamatan Pangenan Kabupaten Cirebon. *Inklusif (Jurnal Pengkajian Penelitian Ekonomi Dan Hukum Islam)*, 2(2), 1. <https://doi.org/10.24235/inklusif.v2i2.1552>
- Bapak Junaidi. t.t. Kepala KUA Kec. Kota Kisaran Barat.
- Basyir, Ahmad Azhar. 1996. *Hukum Perkawinan Islam*. Yogyakarta: Perpustakaan Fakutas Hukum.
- Iftidah, I. (2017). Pandangan Masyarakat Tentang Taukil Wali: Studi di Desa Dempet Kabupaten Demak. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 9(1), 87. <https://doi.org/10.14421/ahwal.2016.09106>
- Kepala KUA Kec. Kota Kisaran Barat. t.t.
- Mamu, M. R. H., Iskandar, M. R., & ... (2017). Tinjauan Hukum Islam terhadap Tradisi Mewakikan Wali Nikah dalam Pernikahan Masyarakat Melayu Patani. ... *Hukum Keluarga Islam*. Retrieved from http://karyailmiah.unisba.ac.id/index.php/hukum_keluarga_islam/article/view/6740
- Mawardi A.I. t.t. *Hukum Perkawinan Dalam Islam*. Yogyakarta: BPFE.
- Peraturan Menteri Agama Nomor 20 Tahun 2019, Pasal 12. t.t.
- Slamet Abdidin dan Aminuddin. 1999. *Fiqih Munakahat I*. Bandung: CV Pustaka Setia.
- Soemiyati. 1982. *Hukum Perkawinan Islam dan Undang-undang Perkawinan*. Yogyakarta: Liberty.
- Sugiyono. 2018. *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*. Cet. 27. Bandung: Alfabeta.
- Syarifuddin, Amir. 2009. *Ushul Fiqh 2*. Jakarta: Kencana.
- W. Gulo. 2007. *Metodologi Penelitian*. Cet. 5. Jakarta: PT Grasindo.
- Wawancara dengan pasangan Suami Istri. t.t. Melaksanakan Pernikahan Dengan Taukil Wali Nikah.
- Wibisana, Wahyu. 2016. "Pernikahan Dalam Islam." *Jurnal Pendidikan Agama Islam* Vol. 14
- Zamani, S. 'Adli. (2020). Penghulu Sebagai Wali Hakim Dalam Akad Nikah (Studi Terhadap Penghulu Kantor Urusan Agama di Wilayah Kota Yogyakarta). *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 12(2), 173. <https://doi.org/10.14421/ahwal.2019.12205> (2).