

The Legal Status of Pauses (Fashl) in Marriage Contracts Among Persons with Disabilities: An Islamic Law Perspective (A Case Study in Larangan Badung Village, Palengaan District, Pamekasan Regency)

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Abstract : This study aims to analyse the legal status of communication pauses (fashl) during marriage contracts involving persons with disabilities from the perspective of Islamic law, with the research focus in Larangan Badung Village, Palengaan District, Pamekasan Regency. This research is motivated by the normative requirement of immediacy (faur) in Islamic jurisprudence and the occurrence of communication barriers during the ijab and qabul process, which may raise concerns regarding marriage validity. The study employed a descriptive qualitative method using an empirical-juridical and sociological approach. Primary data were collected through in-depth interviews with marriage registrars, religious leaders, families of persons with disabilities, and village officials, while secondary data were obtained from classical Shafi'i jurisprudence literature, particularly Fathul Mu'in, and the Compilation of Islamic Law. Data were analysed through interactive stages of data reduction, data presentation, and conclusion drawing. The findings reveal that communication pauses occur due to translation barriers involving sign language and written communication media. Islamic law considers a short pause (fashl yasir) caused by unavoidable obstacles as valid because it does not indicate withdrawal from the contract.

Keywords : Communication Pause, Marriage Contract, Disability, Islamic Law.

Abstrak : Penelitian ini bertujuan untuk menganalisis status hukum jeda komunikasi (fashl) dalam akad nikah bagi penyandang disabilitas perspektif hukum Islam, dengan fokus penelitian di Desa Larangan Badung, Kecamatan Palengaan, Kabupaten Pamekasan. Penelitian ini dilatarbelakangi oleh ketentuan normatif mengenai keharusan kesinambungan (faur) dalam fikih Islam serta adanya hambatan komunikasi dalam proses ijab dan qabul yang dapat menimbulkan keraguan terhadap keabsahan akad nikah. Penelitian ini menggunakan metode kualitatif deskriptif dengan pendekatan yuridis empiris dan sosiologis. Data primer diperoleh melalui wawancara mendalam dengan penghulu, tokoh agama, keluarga penyandang disabilitas, dan perangkat desa, sedangkan data sekunder diperoleh dari literatur fikih Syafi'iyah klasik, khususnya Fathul Mu'in, serta Kompilasi Hukum Islam. Analisis data dilakukan melalui tahapan reduksi data, penyajian data, dan penarikan kesimpulan secara interaktif. Hasil penelitian menunjukkan bahwa jeda komunikasi terjadi akibat hambatan penerjemahan bahasa isyarat dan media komunikasi tertulis yang

digunakan oleh penyandang disabilitas. Perspektif hukum Islam memandang bahwa jeda singkat (fashl yasir) yang disebabkan oleh hambatan yang tidak dapat dihindari tetap dinyatakan sah karena tidak menunjukkan adanya penarikan diri dari akad.

Kata kunci : *Jeda Komunikasi, Akad Nikah, Disabilitas, Hukum Islam*

INTRODUCTION

Marriage is a noble act of worship as well as a solemn covenant (mitsâqan ghalizân) intended to establish a family characterized by sakinah, mawaddah, and rahmah. As a sacred legal bond, Islam prescribes strict pillars and conditions to ensure the validity of marriage, one of the most crucial moments being the marriage contract (akad nikah) through the pronouncement of ijab (offer) and qabul (acceptance). From a normative fiqh perspective, the majority of Islamic scholars, particularly those of the Shafi'i school of thought, require the existence of unity of the session (ittihad al-majelis) and the absence of a prolonged interruption that would sever the continuity (faur/fashl thawil) between the guardian's pronouncement of the ijab and the groom's response of qabul. This requirement of uninterrupted succession is intended to ensure that the mutual consent (tathabûq) of both parties to the contract is expressed clearly, unequivocally, and absolutely, without giving rise to any doubt. However, in social reality, the implementation of this normative standard of immediacy in the marriage contract often encounters challenges related to legal inclusivity when applied to persons with disabilities.

For persons with disabilities, communication during the marriage contract session cannot naturally proceed as quickly as it does for persons without disabilities. Physical or sensory limitations, such as those experienced by individuals who are deaf or speech-impaired, require the use of alternative means of communication, including recognized sign language, written communication, or the assistance of an external sign language interpreter to convey their qabul. These biological and technical limitations frequently result in a time interval (fashl) or a brief delay in responding after the guardian has completed the ijab. On the one hand, if the rules of fiqh are applied rigidly and textually, such a delay may be considered to interrupt the continuity of the contract and violate the principle of immediacy, thereby potentially affecting the legal validity of the marriage. On the other hand, the essence of Islamic law upholds the principle of ease through the legal maxim al-masyaqqah tajlibut taysir (hardship brings about facilitation), under which the physical limitations of persons with disabilities should be accommodated through legal concessions (rukhsah) so that their fundamental religious and human rights to establish a family remain fairly protected.

Social realities indicate that marriage ceremonies involving persons with disabilities, characterized by delayed responses during the ijab qabul, are still commonly found, including in the religiously observant rural communities of Madura, such as Larangan Badung Village, Palengaan District, Pamekasan Regency. Nevertheless, most previous scholarly literature in Islamic family law has remained confined to general discussions and has not specifically examined the legal implications of the duration of such delays. For example, a study conducted by Mubaidillah (2021) concluded that the use of sign language or written communication by speech-impaired individuals is legally valid based on the principle of facilitation. However, the study was limited to the validity of the communication medium itself and did not assess the permissible duration of the time interval (faur) created while the signs were being interpreted. Similarly, Huda (2020) emphasized the importance of protecting the rights of persons with disabilities within the framework of national family law, but the analysis focused on administrative inclusivity at the macro level and did not address the fiqh-based validity of time intervals occurring during the actual ijab qabul ceremony.

This academic gap is also evident in the examination of classical fiqh texts and contemporary studies. On the one hand, authoritative Shafi'i legal texts, such as Fathul Mu'in by Shaykh Zainuddin Al-Malibari, affirm that only a brief interruption (fashl yasir) that does not indicate the parties' withdrawal from the contractual transaction is permissible. However, these classical formulations do not explicitly elaborate on the acceptable duration of a delay when applied to persons with

disabilities who require sign language interpretation at the local level. On the other hand, a field study by Rohman (2022) revealed that local religious practices tend to facilitate marriages involving persons with disabilities through the discretionary authority exercised by officials of the Office of Religious Affairs (Kantor Urusan Agama KUA). Nevertheless, the study did not formulate a theoretical-juridical standard regarding the permissible duration of such delays from the perspective of contemporary Islamic law.

Accordingly, the scarcity of studies integrating the normative Islamic legal concept of *fauz* with the realities of communication barriers experienced by persons with disabilities has created a clear research gap. This study seeks to fill that gap by conducting an in-depth and specific analysis of the legal status of delays in marriage contracts involving persons with disabilities from the perspective of Islamic law and its application within society. The research focuses specifically on the permissible limits and legal validity of time delays resulting from communication barriers during the *ijab qabul* ceremony. The objective of this study is to analyze the legal status of delays in marriage contracts involving persons with disabilities according to the perspective of Islamic law, while also identifying the supporting and inhibiting factors affecting the smooth implementation of the marriage contract ceremony in Larangan Badung Village, Palengaan District, Pamekasan Regency.

METHOD

This study employs a qualitative research method with an empirical juridical and sociology of law approach to examine the legal status and legal tolerance of the time interval in the implementation of marriage contracts among persons with disabilities in rural communities. Primary data were obtained through in-depth interviews with the marriage registrar (Penghulu) of the Office of Religious Affairs (KUA) of Palengaan District, religious leaders or community leaders, accompanying family members, and local marriage witnesses who were directly involved in the field. Meanwhile, secondary data were collected through an examination of the normative provisions of classical Shafi'i jurisprudence concerning the requirement of immediacy in the marriage contract as stipulated in Fathul Mu'in, Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law (KHI), and Law Number 8 of 2016 concerning Persons with Disabilities. Data collection techniques included semi-structured interviews with the informants, technical observation of the process of using alternative communication media during the *ijab* and *qabul* ceremony, and a review of relevant documentary and library sources. The collected data were analyzed using an interactive qualitative analysis through the stages of data reduction, narrative text description, and conclusion verification (Creswell, 2018).

RESULT AND DISCUSSION

Practice and Procedures for Conducting Marriage Contracts for Persons with Disabilities in Larangan Badung Village, Palengaan District, Pamekasan Regency

The implementation of marriage contracts for persons with disabilities in Larangan Badung Village, Palengaan District, Pamekasan Regency, is not solely determined by the fluency of the bride or groom's verbal pronouncement, but rather by their ability to express mutual consent in accordance with their physical capabilities and the prevailing socio-religious norms of the local community. In practice, Islamic law has clearly provided legal facilitation regarding the implementation of marriage contracts, while the local wisdom of the Madurese community also emphasizes the values of prudence, patience, and proper etiquette during the sacred marriage ceremony. Field findings indicate that the procedures for conducting marriage contracts involving persons with disabilities in this village are reflected in several distinctive characteristics.

The marriage of Mr. M.R., who is speech-impaired, demonstrates a marriage contract conducted solemnly and regarded as legally valid by the community. The *ijab* and *qabul* were connected through hand gestures understood by the guardian and the witnesses, with communication maintained smoothly and without significant administrative obstacles from the Office of Religious Affairs (KUA) of Palengaan. Although differences occasionally arose among the witnesses in interpreting the gestures, the ceremony was successfully completed under the

guidance of the marriage registrar (penghulu) and did not develop into a prolonged issue. The marriage of Ms. H.N.J., who is deaf, likewise demonstrated strong legal validity. Communication during the marriage contract session was conducted through a written text of the qabul, which was read by the bride and subsequently confirmed before the witnesses. The penghulu assumed the role of ensuring that the gestures or written statement genuinely represented the bride's free and sincere consent without interfering with her fundamental rights as a person with a disability entering into marriage.

In the marriage of Mr. A.F., the validity of the marriage contract was achieved through the use of sign language combined with lip movements, although the ceremony did not proceed entirely without obstacles. On several occasions, repetition was required because the penghulu asked the witnesses to move closer in order to verify the clarity of the qabul gestures. Nevertheless, these technical difficulties did not give rise to disputes that could undermine the sanctity of the marriage contract. Mutual patience and carefulness became important factors in maintaining the legal stability of the marriage ceremony. Meanwhile, the marriage of Ms. S.A. illustrates a ceremony supported by the presence of a sign language interpreter from her family, whose primary role was to facilitate communication on behalf of the bride. The interpreter sought to maintain an appropriate pace of communication, refrained from interfering with the bride's personal intention, and focused solely on providing technical communication support so that the witnesses could confidently testify regarding the bride's consent. The implementation of marriage contracts involving persons with disabilities, from the perspective of Islamic law, cannot be separated from the following three fundamental pillars that form the basis of a valid marriage contract: The Realization of Legal Accommodation Based on Human Capacity

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا

Translation:

"Allah does not burden any soul beyond its capacity." (Qur'an, Surah Al-Baqarah [2]: 286).
The Validity of Conveying Consent Through Legitimate Alternative Means

فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ

Translation:

"So fear Allah as much as you are able." (Qur'an, Surah At-Taghabun [64]: 16).
Recognition of Understandable Gestures as a Substitute for Verbal Expression

عَنْ جَابِرٍ قَالَ: صَلَّى بِنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَبُو بَكْرٍ خَلْفَهُ... فَأَشَارَ إِلَيْنَا فَقَعَدْنَا

Translation:

Narrated by Jabir, who said: "The Messenger of Allah (peace be upon him) led us in prayer while Abu Bakr stood behind him... Then he gestured to us (to sit), and we sat down." (Narrated by Muslim).

Achieving a valid marriage contract free from doubt is the aspiration of everyone present during the marriage ceremony. Nevertheless, physical limitations inevitably create the possibility of a time interval while responding to the guardian's ijab. In order to preserve tranquility and ensure the validity of this sacred process, Islamic scholars have provided important guidance concerning the accommodation of communication-related disabilities, which remains relevant today. First, understanding physical limitations as a principle of legal facilitation, known in Islam as the principle of removing hardship. Imam Al-Ghazali emphasized the importance of noble character in facilitating social interactions among people. This principle is consistent with the inclusive values of Islamic law, which grant communication flexibility to individuals with speech-related disabilities so that they are not burdened in fulfilling the religious obligation of marriage (Ihya' 'Ulumiddin, Volume II, p. 44). Second, remaining patient and calm while awaiting a clear response of the qabul. Al-Ghazali affirmed that gentleness and composure during legal transactions foster comfort and emotional closeness between the parties involved. Such psychological tranquility enables the bride or groom with a disability to formulate the qabul, whether verbally or through gestures, with confidence, without feeling rushed by the expectations of the witnesses (Ihya' 'Ulumiddin, Volume II, p. 44).

Third, avoiding excessive demands for verbal perfection. Al-Ghazali warned that rigid attitudes exceeding reasonable human tolerance diminish the dignity of the Sharia, whose true purpose is to bring mercy. Therefore, acceptance of communication through gestures by persons with disabilities must remain within the framework of proper etiquette, recognition of biological limitations, and moral responsibility among fellow Muslims to support one another in righteousness (Ihya' 'Ulumiddin, Volume II, p. 44). Based on the field findings, marriage ceremonies involving persons with disabilities in Larangan Badung Village that were recognized as legally valid exhibit a distinctive form of social accommodation protected by Islamic law. Regarding the implementation process, the penghulu exercised full authority in verifying the validity of the marriage contract without external interference that could undermine the rights of the bride or groom. Even when sign language interpretation was provided by family members, such assistance was offered sincerely and was never regarded as a reason to question the validity of the marriage afterward. This practice is consistent with the Islamic principle of facilitation in acts of worship and with the legal maxim in fiqh that understandable gestures possess the same legal status as clear verbal expression. Consequently, the dignity of the marriage contract remains fully preserved, while persons with disabilities entering into marriage feel respected and recognized. This is particularly crucial within the cultural context of Madura, which highly values *tengka* (personal dignity and honor) as well as the principles of courtesy and respect for every individual.

Factors Influencing the Occurrence of Time Delays in the Marriage Contract of Persons with Disabilities in Larangan Badung Village, Palengaan District, Pamekasan Regency

Based on the interview findings, the occurrence of a time delay between the guardian's *ijab* (offer) and the groom's *qabul* (acceptance) during marriage ceremonies involving persons with disabilities exhibited various patterns, both in terms of biological limitations and technical communication barriers. To maintain research ethics, the respondents' identities are presented using pseudonymous initials. First, Mr. H., serving as the Marriage Registrar (Penghulu) at the Office of Religious Affairs (KUA), explained that sensory and cognitive limitations constitute the primary cause of the delay. A speech-impaired groom requires several moments to comprehend the guardian's *ijab*, whether heard directly or conveyed through sign language, before formulating the appropriate responsive hand gesture. This process of internal confirmation naturally creates a delay of several seconds within the marriage ceremony.

Second, Mr. Y.S., a local religious leader, explained that external obstacles also contribute to the delay, particularly the limited understanding of sign language among the witnesses. When the groom has already expressed the *qabul* through sign language, the witnesses often pause briefly to discuss or seek further confirmation from the Penghulu, thereby extending the duration of the delay within the unity of the marriage assembly.

Third, Mr. M.S., a family member of one of the couples, emphasized the groom's internal psychological factors. Nervousness when facing a crowded marriage ceremony frequently causes motor stiffness, resulting in delays while performing sign language gestures or writing the *qabul* statement on paper. Fourth, Mr. B.S., a village official (Head of Larangan Badung Hamlet), added that the administrative preparedness of the village government in assisting persons with disabilities also influences the duration before the marriage ceremony begins, particularly in ensuring the availability of local witnesses appointed by the village. Fifth, Mr. A.G., a respected community leader, identified the technical use of alternative communication media as another factor causing delays. When the marriage contract is conducted using written communication, the time delay automatically becomes longer because of the mechanical process involving the transfer of paper and pen, the careful writing of the *qabul* declaration, and the subsequent reading of the written statement by the Penghulu before the witnesses to ensure its legal validity.

From a sociological perspective, persons with disabilities occupy a position requiring special accommodation within the framework of Islamic family law in rural communities. They are not legally incompetent subjects but individuals who communicate through different methods. Consequently, this position requires collective sensitivity in determining the appropriate scope of technical assistance, particularly during the sacred marriage ceremony.

Within the context of family relationships and communication, the observed time delay generally functions as a crucial space for meaning translation. This delay does not signify a withdrawal of intention or indicate abandonment of the legal transaction; rather, it facilitates visual communication and provides the couple with sufficient time to formulate the *ijab* and *qabul*. The translation process usually occurs gradually, beginning with the guardian's verbal *ijab*, followed by interpretation through a sign-language interpreter or direct lip-reading, and finally concluded by the personal response of the person with a disability before being validated by the witnesses. Communication skills and collective wisdom within the marriage assembly greatly influence the successful completion of the ceremony and the legal validity of the marriage without any doubt.

Regarding the technical use of communication media, the time delay primarily serves as a supporting mechanism for carefulness and as an educational opportunity for the witnesses rather than an obstacle to the validity of the essential pillars of marriage. The additional few seconds granted are generally incidental and intended to provide physical accommodation for persons with disabilities rather than to create ambiguity concerning the meaning of the marriage contract. Furthermore, this delay plays an important role in increasing public understanding of the significance of inclusivity within Islamic law at the local level. The legal awareness emerging from this process becomes valuable social capital for society in fostering acceptance of the civil rights of persons with disabilities based on their biological needs rather than imposing the standards of fluent verbal communication applicable to non-disabled individuals.

Based on these normative limitations, the duration of the time delay undergoes a transformation in meaning depending on the changing circumstances and the underlying causes observed in practice. During the first stage, before the guardian pronounces the *ijab*, the marriage ceremony proceeds like any ordinary wedding, and the principle of immediacy has not yet become an issue. However, during the second stage, immediately after the guardian completes the *ijab*, the entire responsibility for providing an immediate response shifts entirely to the prospective spouse with a disability in accordance with the legal requirements for the validity of the marriage contract. At this stage, the time delay becomes a legally recognized concession (*rukhsah*) because it is based on a genuine excuse (*'udhr*). The Islamic legal maxim stating that legal rulings change according to the presence or absence of a valid legal cause applies directly here: when the biological limitation in communication exists, the otherwise strict obligation of immediate response becomes more flexible in order to safeguard the marriage rights of persons with disabilities.

Considering the complexity of the factors encountered in the field, the existence of this time delay has ultimately formed a distinctive system of socio-religious adaptation in Larangan Badung Village. Communication, which was initially rigid among the *Penghulu*, the witnesses, and the person with a disability, gradually becomes more relaxed when the marriage assembly prioritizes a humanitarian approach grounded in the communal values of Madurese society. This dynamic demonstrates that physical limitations are not merely individual biological issues but also social realities collectively addressed by the surrounding community to ensure the smooth implementation of this religious obligation. The flexibility demonstrated by the officials of KUA Palengaan, together with the presence of religious leaders, serves as the primary factor in reducing the psychological pressure and nervousness experienced by persons with disabilities during the marriage ceremony.

From a sociological perspective, this transformation of communication within the marriage assembly further emphasizes the crucial importance of the readiness of local social institutions before the *ijab* and *qabul* begin. The active involvement of family members in accompanying the prospective spouse represents not only emotional support but also serves as evidence that the sincere intention to establish a family has truly matured. When local village officials also participate in ensuring administrative readiness and the preparedness of responsive local witnesses, the resulting time delay can be managed more effectively and efficiently. This pattern demonstrates that synergy between formal religious authorities and the rural social structure can create an inclusive environment that respects and fulfills the civil rights of persons with disabilities with dignity.

As the concluding analysis of these contributing factors, it can be concluded that the emergence of time delays during marriage contracts involving persons with disabilities in Larangan Badung Village results from the unavoidable interaction between human biological limitations and the formal requirements of Islamic law. The sensory limitations of the prospective spouse, psychological rigidity caused by nervousness, the limited legal literacy of witnesses, and the use of written communication media collectively contribute to varying durations of delayed responses observed in practice. Nevertheless, when all these factors are addressed with patience, carefulness, and optimal family support, the existence of such delays is no longer perceived as a threat but rather as part of the dynamics of human experience. This sociological adjustment ultimately becomes an essential foundation for establishing the harmony of a new family built upon mutual understanding and the protection of fundamental human rights.

Analysis of the Islamic Law Perspective on the Validity of Time Delay (Fashl) in the Marriage Contract of Persons with Disabilities in Larangan Badung Village, Palengaan District, Pamekasan Regency

In Islam, the validity of a marriage contract involving persons with disabilities that is accompanied by a time delay is examined through the principles of the unity of the marriage assembly (*ittihad al-majlis*) and the requirement of immediacy in concluding the marriage contract. A biological father or a judicial guardian (*wali hakim*) possesses the authority of guardianship; however, in the case of persons with disabilities, Islamic law strongly encourages facilitating the marriage ceremony in order to support the validity of their marriage. Analytically, the following presents the Islamic legal perspective regarding the status and legality of such time delays.

According to the provisions of Islamic jurisprudence (*fiqh*), the requirement that the *qabul* (acceptance) should immediately follow the *ijab* (offer) may tolerate a delay when it falls within the category of a short interruption caused by a legitimate necessity of the marriage contract. The obligation to maintain continuity between the *ijab* and *qabul* is not considered violated when the delayed response arises solely from the physical limitations of the bride or groom rather than from intentional delay or withdrawal from the marriage assembly. Fundamentally, Islamic law does not burden human beings beyond their biological capabilities. Therefore, if the marriage assembly voluntarily provides additional time for a person with a disability to complete the required sign language or written response, despite the original rule requiring immediacy, such accommodation is regarded as a commendable act consistent with the Islamic principle of legal facilitation (*taysir*). This concept of tolerance toward brief delays is in harmony with the spirit of justice in Islamic law, which excuses a short interruption (*fashl yasir*) arising naturally from the process of expressing consent within the marriage contract.

Within the classical *fiqh* literature of the Shafi'i school, which serves as the primary legal reference for the Muslim community in Pamekasan, the requirement of continuity in the marriage contract is discussed rigorously. Shaykh Zainuddin Al-Malibari, in *Fathul Mu'in*, states the normative rule concerning interruptions between the essential elements of the marriage contract:

«وَالثَّالِثُ أَنْ لَا يَطُولَ الْفَصْلُ بَيْنَ الْإِجَابِ وَالْقَبُولِ بِقَدَرٍ يُشْعِرُ بِالْإِعْرَاضِ»

Translation: "The third condition is that there should not be an excessively long interval between the ijab and the qabul to the extent that it indicates a withdrawal from the marriage contract."

Based on this authoritative classical text, the type of delay capable of invalidating the marriage contract is one whose duration indicates that the contracting party is no longer focused on, or has turned away from, the marriage transaction. For persons with disabilities in Larangan Badung Village, the brief pause occurring after the guardian pronounces the *ijab* does not indicate withdrawal from or rejection of the marriage contract. Instead, it merely represents the process of formulating sign language or written communication through which consent is expressed. Consequently, the legal relationship between the *ijab* and the *qabul* remains substantively continuous, and the prohibition against prolonged interruption does not affect the validity of the

marriage because the duration remains within the legally excused limit (ma'fu 'anh) resulting from a legitimate disability ('udhr).

A stepfather or other relatives who are not connected through the paternal bloodline do not possess legal authority as marriage guardians because Islamic guardianship is strictly based on paternal lineage to ensure the legitimacy of descent (nasab). According to Imam Al-Shafi'i, the existence of a legally qualified guardian constitutes an indispensable pillar determining the validity of a marriage, and the order of guardians is strictly established through the paternal line. However, when a person with a disability possesses a legitimate guardian by lineage, verbal communication barriers are fully replaced by understandable sign language. According to Islamic jurists (fuqaha), the sign language of a speech-impaired individual carries the same legal authority as verbal speech in establishing legal rights and obligations. This clear evidentiary framework demonstrates that the validity of the qabul depends upon the clarity of genuine internal consent rather than merely upon social proximity or perfect verbal pronunciation. This position confirms that, within Islamic law, sign language or written communication for persons with disabilities is recognized as legally valid within the formal legal sphere rather than serving merely as a supplementary social formality during the marriage ceremony.

This analysis is significant because, in practice, rigid interpretations of classical fiqh texts are frequently used to complicate marriage ceremonies involving persons with disabilities, including claims that a qabul delayed by sign-language interpretation is invalid. Contemporary Islamic legal thought instead functions as a mechanism for safeguarding the objectives of the Sharia (maqashid al-shari'ah) by preventing the neglect of the civil rights of persons with disabilities, thereby protecting their right to marry and preventing social injustice. In other words, legal flexibility regarding brief delays does not diminish the sanctity of the marriage contract but rather reinforces the appropriate legal boundaries ensuring that legal relationships remain proportionate and inclusive in accordance with the public interest (maslahah) prescribed by Islamic law. In preserving legal validity, Islamic law extends beyond mere textual formalities by emphasizing social facilitation for those experiencing physical limitations. Although persons with disabilities may not possess the ability to respond verbally and instantaneously, Islamic law nevertheless promotes legal facilitation by recognizing understandable sign language as a legitimate means of expressing consent, thereby preserving justice and noble moral values.

When this normative framework is examined within the social reality of Larangan Badung Village, two distinct legal perspectives emerge, each producing different implications regarding the validity of the marriage contract. The first represents a rigid textual approach, whereby the interpreter disregards the physical limitations of the prospective spouse and considers even a delay of several seconds sufficient to invalidate the unity of the marriage assembly. From the standpoint of contemporary Islamic jurisprudence, such rigidity cannot be recommended because it contradicts the principle of legal facilitation and contributes little to achieving public welfare and social harmony. Consequently, it loses the virtue embodied in the Islamic principle of ease. The second perspective reflects an inclusive legal approach, locally embodied in the Madurese values of *oreng seppo* and *andhap asor*, which emphasize wisdom, humility, and respect. This approach demonstrates prudent legal awareness by allowing reasonable response time while the prospective spouse formulates sign language, encouraging witnesses to remain patient, and preserving the solemnity of the marriage ceremony in order to eliminate potential legal doubt.

Critically viewed, the second perspective demonstrates a healthy integration between Islamic legal norms and the local wisdom of Larangan Badung Village. It neither creates legal loopholes that undermine the essential pillars of marriage nor neglects the moral responsibility to facilitate the religious affairs of persons with disabilities. Consequently, a strong point of convergence emerges between normative Islamic law and the local culture of Palengaan District concerning the permissible limits of delay within the marriage contract. The prevailing social norms at the local level substantially correspond with the Islamic principle of granting legal concessions once a genuine biological excuse has been established. In this regard, Islamic law applies a balanced approach: making the marriage contract unnecessarily difficult because of a brief delay is discouraged since it contradicts the principle of legal facilitation, whereas granting proportionate

tolerance for a short delay is highly recommended because it supports the objectives of Islamic law, namely, ensuring the validity of marriage and protecting fundamental human rights.

Grounded in the foundations of classical fiqh texts and the principles of contemporary Islamic jurisprudence, the legality of brief delays within marriages involving persons with disabilities finds exceptionally strong legal justification through the doctrine of rukhsah (legal concession). The Shafi'i jurisprudential paradigm, which is firmly embraced by the Muslim community of Palengaan District, does not regard the principle of immediacy in the marriage contract as an inflexible restriction that disregards genuine biological disabilities. Rather, the prohibition against prolonged interruption between the ijab and qabul is understood contextually, whereby the determining factor is whether the delay demonstrates withdrawal from the substance of the legal transaction. Since the person with a disability remains attentive and fully participates within the same marriage assembly while expressing consent, any delay caused solely by communication barriers is legally classified as an excused short interruption (*fashl yasir*).

According to the views of Islamic jurists (*fuqaha*), the legal recognition of understandable sign language entirely removes societal doubts concerning the validity of marriages not concluded through spoken words. Islam rejects imposing obligations beyond the limits of human physical ability; therefore, requiring persons with speech or hearing impairments to satisfy the standards of fluent verbal pronunciation contradicts the principle of justice embodied in the Sharia. The validity of the marriage contract no longer depends upon the beauty or immediacy of spoken words but rather upon the clarity of genuine mutual consent (*an-taradin*) effectively expressed through legally acceptable alternative means of communication. This legal principle provides essential certainty for safeguarding the civil and religious rights of persons with disabilities while preventing their marginalization resulting from narrow interpretations of religious texts.

The integration of Islamic values with Madurese local wisdom through the principles of *oreng seppo* and *andhap asor*, as practiced by religious leaders and marriage registrars in Larangan Badung Village, constitutes a tangible example of inclusive Islamic law. Their willingness to refrain from rushing the marriage contract and patiently await the completion of sign-language interpretation demonstrates a high level of ethical sensitivity in fulfilling religious obligations. This contextual and inclusive approach successfully reconciles the formal requirements of classical fiqh with the reality of human physical limitations without compromising the sanctity of the essential pillars of marriage. This harmonious relationship between religious norms and local culture creates a social order that welcomes diversity while rejecting rigid textual approaches that unnecessarily complicate the lawful affairs of persons with disabilities.

From a more critical perspective, the gradual legal analysis concerning the status of such delays demonstrates that allowing additional time for persons with disabilities to complete sign-language or written expressions occupies a highly recommended legal position because it promotes the public interest (*maslahah*). Rejecting the validity of a marriage solely because of a delay resulting from sign-language interpretation directly contradicts the primary objectives of Islamic law (*maqashid al-shari'ah*), particularly the preservation of lineage and the protection of fundamental human rights. The original requirement of immediate acceptance is therefore relaxed proportionately when supported by a genuine biological excuse, in accordance with established principles of Islamic jurisprudence. Consequently, the validity of marriages involving persons with disabilities is assessed according to fair legal parameters in which the essential harmony of mutual consent expressed within a single marriage assembly remains the principal criterion, taking precedence over the mere speed of verbal expression.

The ultimate conclusion of this juridical-empirical analysis demonstrates that the practice of tolerating brief delays within marriage contracts involving persons with disabilities in Larangan Badung Village is fully consistent with the Islamic principles of justice and legal facilitation. The decision of the Marriage Registrar (*Penghulu*) of KUA Palengaan to validate such marriages is strongly supported by authoritative fiqh arguments, classical references of the Shafi'i school, and the applicable provisions of the Compilation of Islamic Law (*Kompilasi Hukum Islam*). The legal flexibility implemented in practice has proven capable of providing peace of mind, protecting family dignity, and ensuring legal certainty regarding the marital status of persons with disabilities.

The success of this practice demonstrates that Islamic law remains dynamic and relevant in addressing contemporary social challenges by placing humanity, compassion, and legal facilitation at the heart of every legal ruling.

CONCLUSION

Field research findings show that the practice of conducting marriage contracts involving persons with disabilities in Larangan Badung Village, Palengaan District, Pamekasan Regency, is carried out solemnly and is recognized as legally valid by the community through alternative communication media such as sign language and written qabul statements. A brief time delay (*fashl*) that occurs immediately after the guardian pronounces the *ijab* is influenced by an accumulation of factors, including biological barriers related to the cognitive process of interpreting sign language, the psychological condition of the nervous bride or groom, the witnesses' limited literacy regarding disability communication methods, and the technical procedures of using written communication media. These factors are responded to positively by the Office of Religious Affairs (KUA) of Palengaan, the families, and village officials, who create a calm and supportive atmosphere that gives persons with disabilities adequate time to express their consent carefully.

From the perspective of Islamic law, this brief time delay remains legally valid and is classified as a short interruption (*fashl yasir*) that is legally excused (*ma'fu 'anh*) because it is based on a genuine biological disability (*'udhr*). Authoritative Shafi'i jurisprudential texts such as *Fathul Mu'in* affirm that only a prolonged interruption indicating withdrawal from the substance of the legal transaction can invalidate a marriage contract, whereas persons with disabilities remain fully attentive within the unity of the marriage assembly (*ittihad al-majelis*). This contextual and inclusive interpretation of Islamic law is harmoniously integrated with Madurese local wisdom through the values of *oreng seppo* and *andhap asor*, which emphasize patience and humility. As a result, this approach successfully realizes the essence of genuine mutual consent (*an-taradin*) while protecting the civil and religious rights of persons with disabilities in accordance with the Islamic principle of legal facilitation (*taysir*).

Based on these findings, it is recommended that Marriage Registrars (*Penghulu*) and the Office of Religious Affairs (KUA) of Palengaan District continue to implement and promote a contextual, inclusive, and disability friendly *fiqh* perspective by providing proportionate flexibility in response time for prospective spouses with disabilities, thereby safeguarding their civil rights without subjecting them to rigid normative textual interpretations. The community and religious leaders in Larangan Badung Village are encouraged to preserve Madurese local wisdom founded on patience and noble etiquette during marriage ceremonies while also improving basic literacy in sign language and alternative communication media so that the witness verification process does not create unnecessary legal doubt. Disability empowerment organizations are advised to expand advocacy networks and educational programs on the sociology of Islamic family law within rural communities in Pamekasan Regency to ensure that every person with a disability receives appropriate technical communication assistance during the marriage ceremony. Finally, the regional government and the Religious Court of Pamekasan are encouraged to strengthen cross sectoral cooperation in formulating standardized technical guidelines for conducting inclusive marriage contracts, including the provision of officially certified sign language interpreters at the sub district level, in order to uphold legal justice and effectively protect fundamental human rights.

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