

Transforming Islamic Family Law: Integrating the Compilation of Islamic Law with Digital Evidence and AI

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Abstract

*This study examines the relevance and transformation of the Compilation of Islamic Law (KHI) in facing developments in the digital era and artificial intelligence (AI). The main problem raised is the normative gap between the KHI (which is still based on the traditional paradigm) and the reality of contemporary family law which is increasingly influenced by digital evidence and technology-based judicial practices. The research uses a qualitative approach with normative-juridical and philosophical research types, through literature studies, analysis of statutory regulations, and studies of Islamic legal philosophy with the framework of *maqāsid al-syarī'ah* and *maṣlaḥah mursalah*. The research results show that the Indonesian Criminal Code has not explicitly accommodated digital evidence such as online conversations, electronic recordings, or social media traces, even though this data is increasingly dominant in family cases, especially divorce. This gap creates legal uncertainty regarding validation, authenticity, and evidentiary power. The research proposes an integration of the principles of *maqāsid al-syarī'ah* as the direction of legal objectives and *maṣlaḥah mursalah* as a methodological instrument to legitimize the recognition of digital evidence and the use of AI in religious courts. Practically, the research recommends three strategies: reforming the Compilation of Islamic Law (KHI) through explicit recognition of digital evidence, developing adaptive fatwas and jurisprudence, and enhancing the capacity of judges to understand digital technology. Thus, the transformation of Islamic family law not only maintains the relevance of the Compilation of Islamic Law but also ensures justice and the welfare of the community in the digital era.*

Keywords: *Compilation of Islamic Law, Digital Evidence, Artificial Intelligence, Maqāsid al-Syarī'ah, Islamic Family Law.*

Abstrak

Studi ini mengkaji relevansi dan transformasi Kompilasi Hukum Islam (KHI) dalam menghadapi perkembangan era digital dan kecerdasan buatan (AI). Masalah utama yang muncul adalah kesenjangan normatif antara KHI (yang masih berdasarkan paradigma tradisional) dan realitas hukum keluarga kontemporer yang semakin dipengaruhi oleh bukti digital dan praktik peradilan berbasis teknologi. Penelitian ini menggunakan pendekatan kualitatif dengan jenis riset normatif-yuridis dan filosofis, melalui studi literatur, analisis peraturan undang-undang, dan studi filsafat hukum Islam dengan kerangka *maqāsid al-syarī'ah* dan *maṣlaḥah mursalah*. Hasil penelitian menunjukkan bahwa Kitab Undang-Undang Hukum Pidana Indonesia tidak secara eksplisit mengakomodasi bukti digital seperti percakapan daring, rekaman elektronik, atau jejak media sosial, meskipun data ini semakin dominan dalam kasus keluarga, terutama perceraian. Kesenjangan ini menciptakan ketidakpastian hukum terkait validasi, keaslian, dan kekuatan



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pembuktian. Penelitian ini mengusulkan integrasi prinsip-prinsip maqāṣid al-syarī'ah sebagai arah tujuan hukum dan masalah mursalah sebagai instrumen metodologis untuk melegitimasi pengakuan bukti digital dan penggunaan AI di pengadilan agama. Secara praktis, penelitian ini merekomendasikan tiga strategi: mereformasi Kompilasi Hukum Islam (KHI) melalui pengakuan eksplisit bukti digital, mengembangkan fatwa adaptif dan yurisprudensi, serta meningkatkan kapasitas hakim untuk memahami teknologi digital. Dengan demikian, transformasi hukum keluarga Islam tidak hanya mempertahankan relevansi Kompilasi Hukum Islam tetapi juga memastikan keadilan dan kesejahteraan komunitas di era digital.

Kata Kunci: *Kompilasi Hukum Islam, Bukti Digital, Kecerdasan Buatan, Maqāṣid Al-Syarī'ah, Hukum Keluarga Islam.*

INTRODUCTION

The Compilation of Islamic Law (KHI) has played a central role as the legal basis for religious courts in Indonesia since its enactment through Presidential Instruction No. 1 of 1991.¹ As the substantive law governing various aspects of Islamic family law, including marriage, inheritance, and endowments, the KHI has become the primary reference for Religious Court judges in resolving disputes related to Muslim family law in Indonesia. The existence of the KHI not only provides legal certainty but also reflects an effort to harmonize classical Islamic law with the pluralistic Indonesian context.

However, in the last two decades, the world has experienced very rapid technological developments, especially in the field of Artificial Intelligence (AI). AI technology is no longer just a computing tool; it has penetrated various aspects of personal life and family interactions. These range from virtual assistants that monitor household activities, algorithm-based dating apps, and recommendation systems that influence consumer decisions and family lifestyles. Furthermore, AI can now analyze communication patterns in digital conversations, predict family conflicts based on social media data, and even generate multimedia content that is indistinguishable from the work of real humans.

Digital transformation is not only changing patterns of human interaction, but also creating new forms of relationships, conflicts, and legal evidence that have never existed before. Modern families now communicate through digital platforms, store memories in electronic data, and even use artificial intelligence (AI) for domestic purposes. This reality raises a fundamental question: how can Islamic family law, particularly the Compilation of Islamic Law (KHI), respond to increasingly digitalized social dynamics, while the KHI itself is still based on a pre-digital paradigm.

One obvious gap is evident in the evidentiary system. The Compilation of Indonesian Law (KHI) only regulates traditional forms of evidence such as testimonies, letters, confessions, oaths, and the judge's knowledge. However, in the digital age, legal evidence can include AI-powered conversation recordings, algorithmically analyzed social media footprints, GPS data, and even *deepfake content* capable of manipulating reality. Although electronic evidence is starting to be accepted in Religious Courts, its validity is still limited because it does not yet have strong legitimacy in the Civil Code or the Compilation of Islamic Law.² This emphasizes the need for reformulation of the legal system to accommodate digital evidence forms comprehensively.

¹ Ahmad Hamidi et al., *Islamic Legal Politics in Indonesia* (Bengkulu: Adhra Grafika, 2022). 164.

² Yusuf Wibisono, "The Position of Electronic Evidence in Cases in Religious Courts," *Al-Mabsut: Journal of Islamic and Social Studies* 16, no. 2 (2022): 219–31, <https://doi.org/10.56997/almabsut.v16i2.686>.

Furthermore, the digitalization of religious courts through online services has increased efficiency and access to justice, particularly in remote areas. However, new practices such as online marriage have sparked serious debate regarding the validity of marriage contracts according to classical Islamic jurisprudence and Indonesian positive law.³ Furthermore, the phenomenon of *deepfakes* and digital manipulation also presents new challenges in criminal and civil law, which currently lack specific regulations.⁴ Thus, technological developments not only offer convenience, but also give rise to legal complexities that urgently need to be addressed through adaptive and visionary regulatory updates.

Literature review

a) Compilation of Islamic Law

The Compilation of Islamic Law (KHI) is a national legal product enacted through Presidential Instruction Number 1 of 1991, motivated by the need for unification of Islamic family law in Indonesia. Prior to the KHI's inception, religious court judges often faced challenges due to the diversity of Islamic jurisprudence views from various schools of thought, which resulted in inconsistent rulings.⁵ Therefore, the KHI emerged as the result of collective *ijtihad* by Islamic scholars, academics, and legal practitioners, aimed at providing certainty and uniformity in Islamic law, particularly in the areas of marriage, inheritance, and endowments, within the context of Indonesia's pluralistic and diverse society.⁶

In terms of substance, KHI is divided into three main books. *Book I* regulates marriage law, including the legal requirements for marriage, the rights and obligations of husband and wife, divorce, and child custody. *Book II* discusses inheritance law, which contains provisions regarding heirs, inheritance shares, and inheritance distribution mechanisms according to the principles of justice and social needs. *Book III* regulates waqf, including the procedures for making a waqf pledge, the role of the nadzir, and the management of waqf assets. The KHI's substance is a compromise, adopting the opinions of the schools of thought deemed most relevant to the needs of Indonesian society while remaining grounded in sharia principles.⁷

In the context of jurisprudence, the KHI has an important role as a source of positive law for religious courts. Its presence provides clear guidelines for judges in deciding cases, reducing disparities in decisions, and strengthening the legitimacy of religious courts in the national legal system.⁸ In addition, the KHI also serves as a form of formalization of fiqh into national law, so that it not only functions as a normative rule, but also as an instrument for renewing Islamic law in Indonesia. Thus, the KHI is not only a legal product, but also a representation of a creative dialogue between the classical fiqh tradition and the modern legal needs of Indonesian society.

³ Amrar Mahfuzh Faza and Mukhlis Lubis, "The Digital Revolution in Religious Courts: Paving the Way for More Inclusive Justice in Indonesia," *UNES LAW REVIEW* 6, no. 2 (2024): 7278–84.

⁴ Hendra Prayoga and Hadi Tuasikal, "The Distribution of Deepfake Content as a Criminal Act: A Critical Analysis of Law Enforcement and Public Protection in Indonesia," *Abdurrauf Law and Sharia* 1, no. 2 (2024): 22–38.

⁵ Director General of Islamic Guidance, *History of the Compilation of Islamic Law in Indonesia* (Jakarta: Ministry of Religion of the Republic of Indonesia, 1991). 139.

⁶ Abdurrahman, *Compilation of Islamic Law in Indonesia* (Jakarta: Akademika Pressindo, 2007). 8.

⁷ Moh. Asy'ari, "Compilation of Islamic Law as Cross-Madrasah Fiqh in Indonesia," *al-Ihkâm* 7, no. 2 (2012): 234–46.

⁸ Sri Hariati, "The Existence and Binding Power of the Compilation of Islamic Law as the Basis for Religious Court Decisions in Indonesia," *Jurnal Kompilasi Hukum* 10, no. 1 (2025): 160–76.

b) Digital Family Law

The development of digital technology, particularly social media, has had a significant impact on household dynamics in Indonesia. Data from several religious courts, such as Makassar and Padang, shows that approximately 30% of divorce cases in recent years have been triggered by social media use.⁹ The main factors that often arise are infidelity mediated through digital platforms, the emergence of jealousy due to interactions with the opposite sex, negligence in carrying out obligations as a husband or wife due to social media addiction, and economic problems such as online gambling. Digital evidence in the form of conversations or posts on Facebook, WhatsApp, or Instagram is often used as the basis for divorce suits, even though the Marriage Law or the Compilation of Islamic Law (KHI) do not explicitly mention social media as a ground for divorce.¹⁰

This phenomenon is also confirmed by research in Makassar which recorded a spike in divorce rates due to prolonged conflicts that started from online activities.¹¹ Social media does have positive aspects, such as strengthening communication between couples, but its misuse can actually damage trust and intimacy in a household. This situation is particularly prevalent among young couples or millennials who are highly tech-savvy. From a family law perspective, although social media is not the primary reason for divorce, the disputes it raises can be categorized as legitimate grounds for divorce under Article 19 of Government Regulation No. 9 of 1975 and Article 116 of the Compilation of Islamic Law (KHI). Therefore, religious judges often interpret conflicts caused by social media as persistent and irreconcilable disputes, thus providing legitimate grounds for divorce.

In the era of Society 5.0, digital prenuptial agreements are becoming relevant because they utilize technology to facilitate their creation, storage, and implementation in a more efficient, transparent, and accessible manner. Through online platforms or dedicated apps, prospective couples can draft agreements with a variety of options tailored to their needs, covering aspects such as asset division, household responsibilities, and child rights protection.¹² The presence of digital prenuptial agreements not only reinforces the values of gender equality and justice but also addresses complex modern social challenges and provides more flexible legal protection for future changes in marital status.

The use of digital evidence in divorce cases requires a careful validation and evaluation process to ensure its authenticity and legal validity.¹³ Validation is the process of verifying the authenticity and accuracy of data obtained from online sources, thereby preventing the spread of false or misleading information. This is crucial because, in civil procedure, judges are bound to make decisions based solely on valid evidence. Although the Civil Procedure Law does not explicitly mention electronic evidence, electronic documents or information can be recognized as valid

⁹ Yusnita Eva et al., "Social Media Triggers Divorce (Case Study at Padang Religious Court Class 1a)," *Ijtihad* 36, no. 2 (2020): 39–50.

¹⁰ Kasmira Kasmira and Zainal Abidin, "The Influence of Social Media on Divorce: A Family Law Perspective in Indonesia," *Proceedings of Islamic Studies and Science Integration in the Society Era (KIHES)* 5.0 4, no. 1 (2025): 618–21.

¹¹ Sohrah, "Social Media and Its Impact on Divorce," *Al-Risalah* 19, no. 2 (2019): 286–96.

¹² Aa Sofyan, "Premarital Agreements from an Islamic Perspective: A Phenomenological Study in the Era of Society 5.0," *Qonuni: Journal of Islamic Law and Studies* 03, no. 02 (2023): 1–11.

¹³ M. Tamrin Junaidi et al., "Critical Analysis of Validation and Evaluation of Digital Information," *Didactics: Scientific Journal of PGSD FKIP UNIVERSITAS MANDIRI* ISSN 11, no. 2 (2025): 243–52.

evidence if they meet the requirements and are submitted according to procedure.¹⁴ Thus, the evidentiary power of digital evidence depends not only on its content, but also on how the evidence is verified and critically evaluated so that it can be considered convincingly by the judge.

c) Artificial Intelligence and Law

While global literature on the role of AI in legal systems is extensive, specific studies in Indonesia are still developing. The application of AI in the Indonesian legal sphere faces unique challenges related to the legal system, infrastructure, and sociocultural context. Research in Indonesia shows that AI has significant potential to improve the efficiency of the judicial process, such as in e-litigation systems or case analysis.¹⁵

One of the main focuses of research in Indonesia is the use of AI for judicial administration. For example, the Supreme Court has initiated a digitalization initiative to facilitate data access and case management.¹⁶ AI can help in categorizing decisions, finding legal precedents, and even predicting the duration of a case. This aims to reduce the backlog of cases and increase transparency.¹⁷ However, this implementation also raises questions about the readiness of digital infrastructure and the availability of structured data.

The Indonesian legal system recognizes a variety of customary laws and social norms, which may not be reflected in historical data. If an AI model is trained solely on general court decision data, it may fail to understand or render fair decisions in cases involving customary laws or specific cultural contexts. This could perpetuate injustices against minority groups or indigenous communities.

Another challenge is data accuracy. Legal data in Indonesia is often not standardized, incomplete, or available in digital formats that are easy to analyze. These limitations can lead to AI models producing inaccurate predictions, thus eroding trust in the system. The lack of transparency in algorithms is also a serious concern, especially in a legal system that prioritizes deliberation and the conviction of judges. The difficulty in explaining the basis for AI decisions can undermine the principles of accountability and fairness.

d) Philosophy of Islamic Law

Maqāṣid al-syarī'ah, which etymologically means the objectives of Sharia, is a fundamental principle underlying all Islamic legal teachings and norms. Al-Ghazali formulated this essential objective as the protection of the five primary needs of mankind (*al-Ḍarūriyyāt al-Khams*), namely religion (*din*), soul (*nafs*), reason (*'aql*), descendants (*nasl*), and property (*mal*). In the realm of family law, *maqāṣid al-syarī'ah* specifically aims to maintain the integrity of the marriage bond, protect individual rights, and realize *maslahah* (goodness) and prevent *mafsadah* (harm).

¹⁴ Disriani Latifah Soroinda and Anandri Annisa Rininta Soroinda Nasution, "The Probative Power of Electronic Evidence in Civil Procedure Law," *Journal of Law & Development* 52, no. 2 (2022): 384-405.

¹⁵ Hengki Irawan et al., "The Impact of Technology on Litigation and Legal Aid Strategies: Trends and Innovations in the Digital Era," *INNOVATIVE: Journal of Social Science Research* 4, no. 2 (2024): 4600-4613.

¹⁶ Zulfia Hanum Alfi Syahr, "Dynamics of Digitalization of Court Service Management," *Proceedings of the 3rd National Expert Seminar 2020 Book 2: Social and Humanities*, 2020, 1-8.

¹⁷ Rafli Hukom and Martinus, "The Effectiveness of Artificial Intelligence in Judicial Decision-Making in Indonesia," *HAKIM: Journal of Law and Social Sciences* 3, no. 1 (2025): 1032-51, <https://doi.org/10.51903/hakim.v3i1.2298>.

In line with *maqāṣid al-syarī'ah*, the concept of *maṣlaḥah mursalah* serves as a methodological instrument for legal adaptation.¹⁸ *Maṣlaḥah mursalah* defined as public interest that is not explicitly regulated by the normative texts of the Qur'an and Hadith.¹⁹ This concept provides legitimacy for mujtahids (Islamic legal experts) to carry out dynamic and contextual *ijtihād* (legal reasoning), in order to answer contemporary challenges arising from social, economic and technological developments. *Maṣlaḥah mursalah* become the basis for establishing new laws that are oriented towards public welfare, as long as they do not conflict with established sharia principles.

In the context of integrating digital evidence and artificial intelligence (AI) into the family law justice system, these two concepts provide a strong theoretical foundation. The use of digital evidence, such as conversation logs, screenshots, or video recordings, to prove cases of domestic violence (KDRT) or infidelity, can be justified through the *maqasid sharia* approach. The goal is to protect the soul (*nafs*) and offspring (*nasl*) from harm and ensure the achievement of substantive justice. Recognizing this evidence is a manifestation of efforts to uphold the objectives of sharia.

Furthermore, *maṣlaḥah mursalah* can be used to justify the adoption of AI technologies, such as decision support systems or predictive data analytics. If the application of these technologies proves capable of accelerating the judicial process, improving the accuracy of decisions, and reducing the burden of litigation, it will provide significant benefits (*maṣlaḥah*) for the litigants and the judicial system as a whole. Thus, the theoretical framework of *maqāṣid al-sharī'ah* and *maṣlaḥah mursalah* not only relevant, but also essential to justify the transformation of Islamic family law, ensuring that it remains adaptive and capable of serving its primary objectives: justice, welfare, and the well-being of the people.

RESEARCH METHODS

This study employs normative juridical research using a qualitative approach to examine the legal issues under investigation through the analysis of legal norms, principles, doctrines, and relevant scholarly arguments. The research applies several complementary approaches, namely the statutory approach, which examines relevant laws and regulations; the conceptual approach, which analyzes legal doctrines and concepts related to *maqāṣid al-sharī'ah* and *maṣlaḥah*; and the philosophical approach, which critically examines the underlying values, objectives, and normative foundations of the relevant legal provisions. These approaches are employed to assess the coherence between positive legal norms and Islamic legal principles, particularly the objectives of *maqāṣid al-sharī'ah* and the realization of public benefit (*maṣlaḥah*).

The research utilizes primary and secondary legal sources. Primary legal sources consist of authoritative legal materials, including the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI), relevant laws and regulations, judicial decisions, and other official legal instruments directly related to the subject matter. Secondary legal sources comprise scholarly books, peer-reviewed journal articles, legal commentaries, academic publications, research reports, and other scientific literature that explain, interpret, or critically discuss the primary legal materials. Where necessary, tertiary legal

¹⁸ Muhammad Royhan Assaiq, "Maṣlaḥah Mursalah as an Approach Method in the Study of Islamic Law," *Educatia: Journal of Islamic Education and Religion* 15, no. 1 (2025): 91–109.

¹⁹ Jamaludin Acmad Kholik, "Maṣlaḥah Mursalah in the Dynamics of Contemporary *Ijtihad*," *Empirisma* 25, no. 1 (2016): 20–32.

materials, such as legal dictionaries, encyclopedias, and authoritative legal databases, are used to clarify legal terminology and support the interpretation of the primary and secondary sources. The legal materials are collected through library research and systematic documentary study, involving the identification, selection, classification, and examination of authoritative sources based on their relevance to the research questions.

The collected legal materials are analyzed qualitatively through descriptive-analytical, critical, and philosophical analysis. Descriptive-analytical analysis is used to systematically identify and explain the applicable legal norms, doctrines, and principles, while critical analysis is employed to evaluate inconsistencies, normative gaps, and potential weaknesses in the existing legal framework and its implementation. The philosophical analysis then examines the substantive values underlying the legal provisions by relating them to the principles of *maqāṣid al-sharīʿah*, particularly the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-ʿaql*), lineage/family (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*), as well as the broader principle of *maṣlaḥah*. The findings are subsequently interpreted through a normative-argumentative process to formulate a coherent legal conclusion and provide academically grounded recommendations for the development of a more just, beneficial, and responsive legal framework.

RESULTS AND DISCUSSION

The Compilation of Islamic Law (KHI), promulgated through Presidential Instruction No. 1 of 1991, still places the evidentiary instruments in cases within a traditional framework that relies on physical documents and human testimony. In cases of marriage, divorce, and inheritance, the strength of evidence is often linked to marriage certificates, divorce certificates, or witness testimony that meets the requirements of Islamic law.²⁰ This orientation clearly reflects the construction of classical jurisprudence which emphasizes *bayyinah* in the form of *shahadah* (oral testimony) and *kitabah* (written documents). However, this conventional model of evidence faces serious challenges amidst the development of digital technology which presents new forms of evidence, such as electronic short messages, social media uploads and online transactions.

In contemporary religious court practice, various domestic disputes are rooted in digital interactions,²¹ such as instant messaging conversations, social media activity records, or electronic transfer receipts. Unfortunately, the Compilation of Indonesian Law (KHI) does not provide explicit regulations regarding the recognition and validation of digital evidence. On the one hand, Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE) and Supreme Court Regulation Number 1 of 2019 concerning Electronic Court Administration and Trials provide a legal framework for the use of electronic documents in judicial proceedings. However, on the other hand, the integration of these regulations with the normative framework of the KHI is not yet fully synchronized. This indicates a normative gap between the rules of evidence contained in the KHI and the needs of judicial practice, which is increasingly influenced by digital realities.

Validating digital evidence presents its own complex challenges. First, there is the issue of the authorities' responsibility to guarantee the authenticity of digital data. Does this burden rest with the user as the litigant, or with platform providers like WhatsApp,

²⁰ Hamas Muhammadi et al., "The Validity of Religious Court Decisions Regarding Divorce Based on the Testimony of Hired Witnesses," *Wasatiyah Journal: Legal Journal* 5, no. 1 (2024): 27–42.

²¹ Nia Maulina et al., "Dynamics of the Influence of Social Media on Household Harmony from a Family Law Perspective," *Sibatik Journal* 4, no. 7 (2025): 1393–1410.

Facebook, or Instagram, which store transaction and communication data? Globally, platform providers are often reluctant to provide data, citing privacy concerns and limited legal jurisdiction. Second, the authenticity and integrity of digital evidence are also vulnerable to questioning. Unlike physical documents, which can be identified by signatures or official stamps, digital data is easily manipulated through *editing*, *screenshot fabrication*, and even *deepfakes*, necessitating digital forensic tools to ensure its validity. Third, there are institutional capacity constraints, given that most religious courts lack the human resources or forensic technology to conduct scientific validation. As a result, digital evidence is often positioned as supplementary evidence and is rarely viewed as primary evidence.

This situation underscores the need for normative harmonization between the Compilation of Indonesian Law (KHI) and regulations governing digital evidence. Revising the KHI is an important option for explicitly recognizing electronic evidence as a valid instrument of proof, while also providing clear procedural guidance for judges and parties.²² In addition to formal legislation, the Supreme Court's role in developing jurisprudential practice is also crucial, particularly by broadening the interpretation of recognized evidence in religious cases. This ensures that the Compilation of Islamic Law (KHI) remains relevant in the face of rapid social and technological change.

Furthermore, this normative gap is not merely a technical issue of validating evidence, but also relates to the epistemological aspects of Islamic law. The classic principle of *al-bayyinah 'ala al-mudda'i* (the burden of proof rests with the plaintiff) remains relevant, but the instruments of proof need to be expanded to reflect the current context.²³ The digitalization of evidence brings ethical and philosophical challenges, particularly regarding fairness, honesty, and data authenticity in an era where information manipulation is increasingly easy. Therefore, the reconstruction of the KHI is not merely a procedural modernization, but also a recontextualization of Islamic legal values so that they remain responsive to the dynamics of digital society.

From the perspective of Islamic legal philosophy, the principle of *maqāṣid al-syarī'ah* occupies a central position in maintaining the continuity and well-being of human life. Al-Syātibī emphasized that *maqāṣid sharia* is oriented towards protecting five fundamental aspects (*al-ḍarūriyyāt al-khams*): religion, life, intellect, lineage, and property. In the context of a digital society, the challenges to these *maqāṣid* are increasingly complex. For example, the protection of offspring can be threatened by the misuse of artificial intelligence (AI) technology through the distribution of child pornography content or the manipulation of family identities in cyberspace. Similarly, asset protection is at risk due to the rise of cybercrimes such as *phishing*, *identity theft*, and AI-based financial data manipulation. Meanwhile, human dignity can be undermined by *deepfake practices that falsify a person's image or voice* for defamation purposes. This phenomenon demonstrates that misused AI can actually undermine the objectives of sharia, even though its *maqāṣid* is essentially intended to safeguard and strengthen the fundamental dimensions of life.

Within the framework of *maslahah mursalah*, Islamic law has the flexibility to respond to new realities not explicitly stipulated in the texts. *Maslahah mursalah* refers

²² Stanley Muljadi et al., "Regulation of Electronic Evidence as an Instrument of Evidence in Civil Dispute Settlement Through Rechtsvinding by Judges" 8, no. 1 (2024): 690–702.

²³ Prima Ariyo Widodo et al., "Implementation of the Hadith 'al-Bayyinatu 'ala al-Mudda'i wa al-Yamin 'ala Man Ankara' in the DSN MUI Fatwa on Guaranteeing Capital Returns," *Demak Universal Journal of Islam and Sharia* 2, no. 3 (2024): 303–20.

to benefits that are rational, real, and do not conflict with sharia principles, even if they are not explicitly mentioned in the Qur'an or hadith. When connected with the KHI, *maslahah mursalah* can be used as a methodological basis for reinterpreting or adapting Islamic family law rules to remain relevant in the digital era.²⁴ For example, the recognition of digital evidence and electronic trace records as legal evidence in religious civil cases can be seen as a form of implementing *maslahah mursalah*, because it brings legal benefits while preventing harm in the form of injustice for the injured party in the digital realm.

Thus, the *maqāṣid sharia* and *maslahah mursalah* approaches offer a normative-philosophical foundation for KHI reform. The *maqāṣid* principle outlines the objectives of safeguarding descendants, property, and honor in the digital landscape, while *maslahah mursalah* provides a methodological instrument for formulating new regulations that adapt to technological developments. The integration of the two allows the Compilation of Islamic Law (KHI) to be viewed not merely as a static codification of Islamic law, but as a dynamic, contextual legal product that remains true to the spirit of sharia in realizing the welfare of the community.

The rapid development of digital technology demands an adaptive legal response from religious and judicial institutions. In this context, the existence of new fatwas and jurisprudence from the Supreme Court is an urgent need. Fatwas and court decisions can function as *guiding principles* that provide normative legitimacy for the use of digital evidence in religious courts. This is crucial because the Compilation of Islamic Law (KHI) itself does not explicitly regulate electronic-based evidence, creating doubts in practice. A new fatwa issued by a religious authority or consistent jurisprudence from the Supreme Court would strengthen the position of digital evidence as a valid instrument and provide practical guidance for judges in assessing the authenticity and evidentiary strength of electronic data.

In addition, reform of the KHI is a strategic step to ensure that Islamic family law regulations remain relevant in the digital era. Progressive amendments or interpretations of certain articles relating to evidence could be a normative solution to close the existing gap. For example, articles regarding evidence in marriage, divorce, and inheritance cases can be expanded to explicitly include recognition of electronic documents and digital footprints. This reform not only strengthens the legal position of the KHI in the face of social change, but also ensures the protection of the digital rights of the Muslim community, especially in the realm of family and religious civil law. Thus, the KHI is not only a static legal compilation, but rather a dynamic and progressive legal framework.

On the other hand, improving judges' capacity to understand digital technology is key to the effective implementation of the new regulations. Religious court judges must receive ongoing training in understanding artificial intelligence technology, digital evidence validation procedures, and basic digital forensic techniques. This will reduce vulnerability to data manipulation and increase public confidence in court decisions. Furthermore, judges' mastery of these technical aspects will integrate legal certainty, substantive justice, and the public good in the digital era. Therefore, the synergy between new fatwas, normative reform of the Compilation of Islamic Law (KHI), and capacity building of judges is a responsive, complementary solution for maintaining the relevance of Islamic law amidst technological transformation.

CONCLUSION

²⁴ Hendri Hermawan Adinugraha and Mashudi, "Al-Maslahah Al-Mursaya in Determining Islamic Law," *Scientific Journal of Islamic Economics* 4, no. 01 (2018): 63–75.

This research confirms that the Compilation of Islamic Law (KHI), while remaining relevant as the foundation of Islamic family law in Indonesia, faces significant challenges in the era of artificial intelligence and digitalization. In-depth analysis reveals fundamental normative gaps in two crucial aspects: digital-based evidentiary systems and privacy protection in cyberspace. The KHI, enacted in 1991, still relies on traditional evidentiary instruments in the form of physical documents and human testimony, while contemporary judicial realities indicate that approximately 30% of divorce cases are triggered by digital interactions via social media. This gap creates legal uncertainty in the validation of electronic evidence, ranging from WhatsApp conversations and Facebook posts to digital activity records that are vulnerable to manipulation through *deepfake technology*.

This research makes significant theoretical and practical contributions to addressing these challenges. Theoretically, this study offers a philosophical framework through the integration of the principles of *maqāṣid al-syarī'ah* and *maṣlaḥah mursalah* as a normative basis for the adaptation of KHI to technological developments. The *maqāṣid* approach provides direction for safeguarding the public interest in the digital era, while the *maṣlaḥah mursalah* provides methodological instruments for formulating new, adaptive regulations that adhere to the spirit of sharia. Practically, this research identifies concrete solutions through three main strategies: developing new fatwas and jurisprudence that provide normative legitimacy to digital evidence; reforming the Compilation of Islamic Law (KHI) through amendments or progressive interpretations of the articles on evidence; and enhancing the capacity of judges to understand digital technology and electronic forensic validation techniques.

Based on the research findings, strategic steps are recommended for various stakeholders: for religious courts, develop standard protocols for digital evidence validation, conduct ongoing training on AI technology and digital forensics, and build collaborations with digital forensics institutions; for academics and researchers, develop studies on the implementation of *maqāṣid al-syarī'ah* in a digital context, conduct empirical research on the impact of AI on Muslim household dynamics, and build interdisciplinary collaboration networks; for policymakers, revise the Compilation of Islamic Law (KHI) by including articles on electronic evidence, harmonize regulations between the KHI and the ITE Law, and allocate a budget for technological infrastructure for religious courts; and for religious institutions, issue comprehensive fatwas on the use of AI in Muslim family life, develop digital guidelines in accordance with Islamic values, and facilitate dialogue between scholars, technologists, and legal practitioners. Digital transformation and the emergence of artificial intelligence are not threats to the existence of the KHI, but rather momentum to realize Islamic family law that is more just, efficient, and responsive to the needs of the community in the 21st century.

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