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A Review of Islamic Family Law Regarding Divorce Cases Arising from Infidelity in the Digital Sphere

Kajian Hukum Keluarga Islam Mengenai Kasus Perceraian Akibat Perselingkuhan di Ranah Digital

Pamela Pramidy¹, Lilik Andaryuni²

^{1,2}UIN Sultan Aji Muhammad Idris Samarinda

Email: Pramidyapamela@gmail.com¹, lilikandaryuni@yahoo.com²

ABSTRAK

Meningkatnya penggunaan teknologi komunikasi digital dan media sosial telah mengubah pola interaksi dalam rumah tangga serta berkontribusi terhadap munculnya perselingkuhan di ruang digital, yang menciptakan tantangan baru bagi hubungan keluarga dan sistem hukum. Penelitian ini bertujuan untuk menganalisis perselingkuhan digital sebagai dasar perceraian dari perspektif hukum keluarga Islam serta relevansinya dalam sistem hukum Indonesia. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan konseptual. Data dikumpulkan melalui studi kepustakaan yang melibatkan peraturan perundang-undangan, Kompilasi Hukum Islam, literatur fikih klasik, buku, dan jurnal ilmiah yang berkaitan dengan perselingkuhan digital dan hukum keluarga Islam. Hasil penelitian menunjukkan bahwa perselingkuhan digital bertentangan dengan prinsip kesetiaan dan keharmonisan rumah tangga dalam Islam, meskipun tidak selalu melibatkan hubungan fisik secara langsung. Dalam praktik Peradilan Agama di Indonesia, perselingkuhan digital dapat dijadikan dasar perceraian dalam kategori perselisihan dan pertengkaran terus-menerus yang didukung oleh alat bukti elektronik. Temuan penelitian ini juga menegaskan pentingnya reformasi hukum keluarga Islam agar dapat merespons tantangan era digital secara lebih efektif melalui pendekatan maqāṣid al-sharī‘ah serta penguatan regulasi mengenai alat bukti elektronik dalam perkara perceraian.

Kata Kunci : *Perselingkuhan Siber, Perceraian, Hukum Keluarga Islam, Perzinaan Digital*

ABSTRACT

The increasing use of digital communication technology and social media has transformed marital interactions and contributed to the emergence of infidelity in the digital sphere, creating new challenges for family relationships and legal systems. This study aims to analyze digital infidelity as grounds for divorce from the perspective of Islamic family law and its relevance within the Indonesian legal system. This research employs a normative legal research method using statute and conceptual approaches. Data were collected through library research involving legislation, the Compilation of Islamic Law, classical Islamic jurisprudence literature, books, and scholarly journals related to digital infidelity and Islamic family law. The findings reveal that digital infidelity contradicts the principles of loyalty and marital harmony in Islam, even though it does not always involve direct physical relationships. In the practice of Religious Courts

in Indonesia, digital infidelity may serve as grounds for divorce under the category of continuous disputes and marital conflicts supported by electronic evidence. The findings further highlight the importance of legal reform in Islamic family law to respond more effectively to the challenges of the digital era through the maqāṣid al-sharī'ah approach and strengthened regulations concerning electronic evidence in divorce cases.

Keywords:: *Cyber Infidelity, Divorce, Islamic Family Law, Digital Adultery*

A. INTRODUCTION

The rapid development of digital technology and social media has significantly transformed patterns of communication and interpersonal relationships within households. The increasing use of instant messaging applications, online communication platforms, and social networking sites has created new opportunities for individuals to establish emotional and intimate relationships beyond marital boundaries without direct physical interaction.¹ In many cases, these virtual interactions have triggered marital conflicts, reduced trust between spouses, and contributed to the increasing number of divorce disputes. In Indonesia, digital evidence such as chat records, screenshots, and social media activities has increasingly appeared in Religious Court proceedings as indications of marital betrayal.² This condition demonstrates that technological development has generated a new form of infidelity in the digital sphere, posing practical challenges for family relationships and legal systems in contemporary Muslim society.³

In response to this phenomenon, this study argues that digital infidelity should not merely be understood as a personal or moral issue within marital relationships, but also as a contemporary legal issue requiring serious attention in Islamic family law.⁴ Although digital interactions do not always involve direct physical contact, emotionally intimate and sexually suggestive communication conducted through digital media may substantially undermine marital trust, loyalty, and emotional stability. In the author's view, the increasing use of digital evidence in divorce disputes demonstrates that contemporary marital violations have expanded beyond conventional forms of infidelity, thereby requiring Islamic family law to reinterpret its legal approach in responding to technological and social transformation.⁵ This condition shows that the development of

¹ Ahmad Rusyaid Idris, Muhammad Khusaini, and Syaiful Anwar Al-Mansyuri, "CONTEMPORARY ISLAMIC LAW IN INDONESIA: THE FULFILLMENT OF CHILD CUSTODY RIGHTS IN DIVORCE CASES CAUSED BY EARLY MARRIAGE," *MIL.Rev: Metro Islamic Law Review*, ahead of print, 2024, <https://doi.org/10.32332/milrev.v3i1.8907>.

² Dwi Novita et al., "Family Conflict Disclosure on Social Media in Islamic Law: Islah as a Reconciliation Mechanism," *Al-Istinbat: Jurnal Hukum Islam*, ahead of print, 2025, <https://doi.org/10.29240/jhi.v10i1.12658>.

³ K. Rajab and R. Asrianto, "The Impact of Globalization and Scientific and Technological Developments on Family Behavior and the Dynamics of Islamic Family Law," *Hayula: Indonesian Journal of Multidisciplinary Islamic Studies* 10, no. 1 (2026): 44–46.

⁴ Ita Musarrofa, Nur Lailatul Musyafa'ah, and Rajali H. Aji, "Digital Intimacy in Islamic Family Law: Applying the Ilḥaq Method to Marital Sexual Relations Through Cybersex," *Jurnal Hukum Islam*, ahead of print, 2025, <https://doi.org/10.28918/jhi.v23i2.09>.

⁵ D. T. Agustin, B. Iswanto, and N. Syamsi, "Analysis of Judges' Decisions Regarding Divorce Cases with Digital Evidence in the Samarinda Religious Court," *Al-Qalam* 28, no. 2 (2022): 215–17.

information technology has given rise to a new form of violation of fidelity in the household that was previously not explicitly recognized in classical jurisprudence.

The uniqueness of this research lies in its focus on examining digital infidelity not merely as a social or psychological issue, but as a legal issue within the framework of Islamic family law, particularly in relation to divorce cases. While previous discussions have predominantly emphasized the influence of social media on marital communication and emotional relationships, limited attention has been given to the normative position of digital infidelity as a potential ground for divorce in Islamic legal discourse. This study further seeks to bridge the gap between contemporary digital realities and Islamic family law by analyzing how emotionally intimate and sexually suggestive interactions in digital spaces may be interpreted within the legal framework governing marital rights, obligations, and disputes in Indonesia.⁶

From the perspective of Islamic family law, marriage is fundamentally built upon the principles of *sakinah* (tranquility), *mawaddah* (affection), and *rahmah* (compassion), which require mutual loyalty, honesty, and moral responsibility between spouses. Islamic teachings prohibit all actions that potentially lead to adultery, as reflected in QS. Al-Isrā' verse 32, which commands believers not to approach adultery (*lā taqrabū al-zīnā*). In this context, the prohibition may extend beyond physical sexual relations to include behaviors that undermine marital trust and commitment. This study therefore employs the perspective of Islamic family law and the *maqāṣid al-sharī'ah* approach to examine whether emotionally intimate or sexually suggestive digital interactions can be interpreted as violations of marital obligations, forms of *nusyuz*, or legal considerations in divorce disputes within the Indonesian Islamic legal framework.⁷ This issue is even more complex when digital evidence is used as a basis in the process of resolving divorce cases in the Religious Court.

Based on these developments, this study develops the initial argument that digital infidelity may constitute a form of marital betrayal that undermines trust, emotional stability, and the fulfillment of marital obligations, despite the absence of direct physical sexual contact. In the context of Islamic family law, emotionally intimate and sexually suggestive interactions conducted through digital media may be interpreted as behaviors that contradict the principles of loyalty and harmony underlying Muslim marriages.⁸ Furthermore, the increasing use of electronic evidence in Religious Court proceedings indicates the necessity of reexamining the legal position of digital infidelity within contemporary Islamic legal discourse. Therefore, this study aims to analyze digital infidelity as grounds for divorce from the perspective of Islamic family law, examine its

⁶ I. Musarrofa and H. Muttaqin, "Maqasid Sharia Jasser Auda Theory: Systems Approach to Islamic Family Law in the Digital Era," *Al-Hurriyah: Jurnal Hukum Islam* 9, no. 2 (2024): 132–34.

⁷ A. Kusmardani and A. Fathonih, "Nusyuz in Islamic Family Law: A Critical Study of Hadith Exegesis and Religious Court Verdicts," *Mawaddah: Jurnal Hukum Keluarga Islam* 5, no. 1 (2024): 88–90.

⁸ Zulbaidah et al., "From Traditional Urf to Digital Urf: Accommodating Young Generation's Values on Husband-Wife Relations in the Framework of Ushūl al-Fiqh," *Al-Istinbath: Jurnal Hukum Islam*, ahead of print, 2025, <https://doi.org/10.29240/jhi.v10i2.14630>.

normative basis in relation to marital rights and obligations, and explore the relevance of digital evidence in divorce cases within the Indonesian legal system.⁹

Several recent studies have examined the phenomenon of infidelity in digital contexts from various perspectives. Research conducted by S Mahmud and M Furqan emphasized that infidelity in family relationships weakens moral values, emotional trust, and family integrity, thereby requiring stronger moral education within households to maintain marital stability.¹⁰ In line with this, H A Azkiyah and S Samsudin argued that cyber cheating may be interpreted as a form of violation of a spouse's rights in Islamic family law because emotionally intimate interactions outside marriage potentially undermine marital obligations and trust.¹¹ Furthermore, studies by N Faizal and D A Sari revealed that digital evidence, including electronic messages and online communication records, has increasingly been utilized in legal proceedings involving infidelity and joint property disputes, indicating the growing significance of electronic evidence in contemporary family law cases.¹²

Other recent studies have highlighted the broader implications of digital infidelity for Muslim family resilience and marital continuity. A P Salsabila and M A Hakim found that digital infidelity among young Muslim couples frequently contributes to marital conflicts that may end in *ṭalāq* or reconciliation processes, depending on the severity of emotional betrayal experienced by the spouses.¹³ Likewise, F Is, A P Harahap, and M M E Sharief explained that infidelity, including forms occurring through digital interaction, poses a serious threat to family resilience because it damages communication, trust, and emotional stability within Muslim households.¹⁴ These studies demonstrate that digital relationships increasingly affect the sustainability of marriage; however, most previous research has focused primarily on moral, psychological, and sociological dimensions rather than examining the normative legal status of digital infidelity as grounds for divorce in Islamic family law.

This study differs from previous research by specifically focusing on digital infidelity as a potential legal basis for divorce within the framework of Islamic family law and its relevance to the Indonesian legal system, particularly concerning the use of digital evidence in Religious Court proceedings. While previous studies largely emphasized social media impacts, family resilience, moral degradation, and emotional

⁹ K. F. N. Nafi and A. T. Rohman, "Digitalization in Islamic Family Law: An Opportunity or a Threat?," *Indonesian Journal of Religion and Contemporary Society* 4, no. 1 (2024): 51–53.

¹⁰ S. Mahmud and M. Furqan, "Moral Education in the Family and the Phenomenon of Infidelity," *The International Journal of Islamic Education* 3, no. 2 (2024): 97–99.

¹¹ H. A. Azkiyah and S. Samsudin, "Cyber Cheating as a Form of Violation of Wife's Rights in Islamic Family Law," *Bustanul Fuqaha: Jurnal Bidang Hukum Islam* 6, no. 1 (2025): 145–47.

¹² N. Faizal and D. A. Sari, "Pembuktian Dan Perlindungan Hukum Terhadap Korban Perselingkuhan Dalam Sengketa Harta Bersama," *Al-Syakhsbiyyah: Jurnal Hukum Keluarga Islam* 6, no. 2 (2024): 166–68.

¹³ A. P. Salsabila and M. A. Hakim, "Aksiologi Talak Dan Rekonsiliasi Dalam Kasus Perselingkuhan Digital Pada Pasangan Muda Muslim," *Nalar: Jurnal Peradaban Dan Pemikiran Islam* 9, no. 1 (2025): 72–75.

¹⁴ F. Is, A. P. Harahap, and M. M. E. Sharief, "The Concept of Family Resilience Towards the Issue of Infidelity in Households: Analysis of the Hadith Al-Ifki," *Tajdid: Jurnal Ilmu Ushuluddin* 24, no. 1 (2025): 103–5.

consequences of infidelity, this research seeks to analyze the normative legal construction of digital infidelity in relation to marital rights and obligations, *nusyuz*, and divorce disputes.¹⁵ Theoretically, this research contributes to the development of contemporary Islamic family law discourse in responding to social transformation in the digital era. Practically, the findings are expected to provide legal insight for Religious Court judges, legal practitioners, and Muslim families in understanding the legal implications of digital infidelity and the evidentiary role of electronic communication in divorce cases.

B. RESEARCH METHODS

This study employed a normative legal research method to examine digital infidelity as a potential ground for divorce from the perspective of Islamic family law and its relevance within the Indonesian legal system. The research was conducted using statutory and conceptual approaches. The statutory approach was applied by reviewing legal provisions related to marriage, marital obligations, and divorce, including Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, the Compilation of Islamic Law (*Kompilasi Hukum Islam*), and classical Islamic jurisprudence (*fiqh munakahat*) discussing *nusyuz*, marital betrayal, and divorce.¹⁶ The conceptual approach was used to analyze the legal position of digital infidelity by examining concepts related to marital fidelity, cyber relationships, and legal protection within Islamic family law in the digital era.¹⁷

The legal materials used in this study consisted of primary, secondary, and tertiary legal materials. Primary legal materials included statutory regulations, the Qur'an, hadith, and Islamic legal provisions related to marriage and divorce.¹⁸ Secondary legal materials comprised scientific journals, legal books, court decisions, and academic studies discussing digital relationships, cyber infidelity, electronic evidence, and contemporary Islamic family law.¹⁹ Tertiary legal materials such as legal dictionaries and encyclopedias were also utilized to clarify legal terminology relevant to the research focus. The collection of legal materials was carried out through library research by systematically reviewing books, journal articles, legal documents, and electronic sources relevant to the study topic.²⁰

The collected legal materials were analyzed descriptively and analytically through legal interpretation techniques to identify the normative position of digital infidelity

¹⁵ Darmawati Hanafi, Sabara, and Patimah, "Social Media Usage Deviation and Impact on Muslim Family Dynamics in Makassar City, South Sulawesi," *Samarah*, ahead of print, 2024, <https://doi.org/10.22373/sjhk.v8i3.24113>.

¹⁶ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2021), 35.

¹⁷ Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Sebagaimana Diubah Dengan Undang-Undang Nomor 16 Tahun 2019 (2019).

¹⁸ I. Musarrofa, H. Muttaqin, and R. Amaliyah, "The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law," *Jurnal Hukum Islam*, ahead of print, 2025, https://doi.org/10.28918/jhi_v22i1_4.

¹⁹ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2019), 13–15.

²⁰ Nafi and Rohman, "Digitalization in Islamic Family Law: An Opportunity or a Threat?"

within Islamic family law and Indonesian positive law. The analysis process involved comparing Islamic legal doctrines, statutory regulations, and contemporary social realities related to digital relationships in Muslim households. Furthermore, this study examined the relevance of electronic evidence in divorce proceedings in Religious Courts to evaluate the legal implications of digital infidelity in contemporary family disputes. Through this analytical process, the study aimed to formulate a comprehensive understanding of how Islamic family law may respond to the emergence of digital infidelity in the digital era.

C. RESULTS AND DISCUSSION

The results of the study show that the development of digital technology has brought major changes to the pattern of relationships in Muslim households. Infidelity, which was previously synonymous with physical relationships, is now developing in the form of virtual communication through social media, instant messaging apps, and other digital platforms. The phenomenon of *cyber infidelity* not only has an impact on the moral and psychological aspects of couples, but also raises legal problems in the Islamic family law system and positive law in Indonesia. Based on the results of a search of various literature and the latest research, it was found that digital infidelity is closely related to the increase in domestic conflicts, loss of partner trust, and the emergence of electronic evidence-based divorce.²¹

In the practice of Islamic family law in Indonesia, *cyber infidelity* has not been explicitly regulated as a reason for divorce. However, this behavior can be categorized as a form of violation of the principle of fidelity and domestic harmony that is the basis of marriage in Islam. Digital infidelity is also seen as a form of action that approaches adultery because it involves emotional and sexual relationships outside of a legal marital bond. Therefore, many divorce cases based on conflicts due to digital infidelity are decided on the grounds of constant disputes and quarrels as stipulated in the Compilation of Islamic Law and Marriage Law.²²

In addition, the results of the study show that uncontrolled use of social media is one of the dominant factors in increasing household conflicts in the digital era. Virtual relationships built in secret often lead to jealousy, mistrust, and emotional instability in marital relationships. This condition shows that digital technology has a great influence on the change in social behavior of modern Muslim society.²³

Cyber Infidelity in the Perspective of Islamic Family Law

From the perspective of Islamic family law, marriage is a sacred bond built on the basis of trust, fidelity, and moral responsibility between husband and wife. This principle is reflected in the concept of *mu'āsyarah bi al-ma'rūf* which requires couples to maintain

²¹ Rajab and Asrianto, "The Impact of Globalization and Scientific and Technological Developments on Family Behavior and the Dynamics of Islamic Family Law."

²² J. Antoni and H. Ismail, "Divorce Law in the Perspective of the Quran: Solutions to the Phenomenon of Digital Divorce and Social Media," *Privet Social Sciences Journal* 4, no. 1 (2026): 88–90.

²³ M. N. Hammam and H. A. Nada, "The Influence of Social Media on the High Divorce Rate in Ternate City in the Perspective of Maqasid Al-Syari'ah," *Mediasas: Media Ilmu Syari'ah Dan Abwal Al-Syakhsijyah* 8, no. 2 (2025): 77–79.

mutual honor and loyalty in the household. Based on the results of the study, digital infidelity is seen as contrary to these values because it involves emotional and sexual relationships outside of marriage through electronic media.²⁴

Although classical jurisprudence does not explicitly discuss digital infidelity, the concept of the prohibition of approaching adultery in the Qur'an can be used as a normative basis for assessing such behavior. Activities such as intimate conversations, sending sexual photos, and virtual relationships that are romantic in nature are seen as forms of moral transgression that can undermine family harmony. In the context of *maqāṣid al-ṣyarī'ah*, the protection of the family institution (*hiḍḍ al-nasl*) is one of the main goals of the shari'a so that all forms of behavior that threaten the integrity of the household must be prevented.²⁵

Previous research has shown that some contemporary scholars have begun to expand their interpretation of the concept of treachery in marriage by including digital behaviors that lead to emotional and sexual infidelity. This shows the development of Islamic legal thought that is more responsive to social changes in the era of information technology.²⁶

The development of modern communication technology has caused the relationship between men and women to be more open and difficult to control. Social media such as WhatsApp, Instagram, Telegram, TikTok, and Facebook are the main means of confidential personal communication. In many cases, virtual relationships start as simple interactions, then develop into intense emotional closeness that leads to psychological dependence. This situation shows that digital infidelity is not always oriented towards physical sexual relations, but rather begins with emotional attachment that violates marital commitments.²⁷

In Islamic law, actions that pave the way to damage (*sadd al-ḍarī'ah*) must be prevented even if they have not yet reached the main form of violation. Therefore, digital activities that lead to romantic relationships outside of marriage can be seen as a form of behavior that approaches zina (*muqaddimāt al-ḍinā*). This perspective shows that Islam not only forbids the end result of adultery, but also prohibits all forms of interaction that can destroy morality and domestic harmony.²⁸

In addition, digital infidelity can also be categorized as a form of betrayal of the marriage trust. In Islam, marriage is a strong covenant (*miṣāqan ghalīẓan*) that contains

²⁴ F. S. Rosli, N. N. Zahari, and N. I. Faizolakhman, "The Influence of Social Media on Marital Conflict: An Analytical Study through the Lens of Maqasid Al-Shariah in Preserving Family Stability and Dignity," *International Journal of Islamic Thought* 15, no. 1 (2025): 110–12.

²⁵ Musarrofa and Muttaqin, "Maqasid Sharia Jasser Auda Theory: Systems Approach to Islamic Family Law in the Digital Era."

²⁶ Azkiyah and Samsudin, "Cyber Cheating as a Form of Violation of Wife's Rights in Islamic Family Law."

²⁷ Agustin, Iswanto, and Syamsi, "Analysis of Judges' Decisions Regarding Divorce Cases with Digital Evidence in the Samarinda Religious Court."

²⁸ M. M. A. Raza and A. Ahmed, "Protecting Human Dignity: The Social and Legal Objectives of Shariah," *ASSAJ* 7, no. 1 (2025): 66–68.

moral and spiritual responsibilities between husband and wife. When one of the parties establishes an intimate relationship with another person through digital media, then the action can be considered a violation of the principles of honesty and fidelity in the household. Such violations not only have an impact on the couple's relationship, but can also affect the child's psychological state and the overall stability of the family.²⁹

The results of the study also show that the psychological impact of *cyber infidelity* is often just as severe as conventional infidelity. Couples who are victims of digital infidelity generally experience emotional trauma, anxiety, loss of trust, and even depression due to betrayal carried out secretly through electronic media. In the context of Islamic family law, such a condition can be categorized as a form of *ḍarar* (harm) that is contrary to the purpose of marriage to create peace and affection.³⁰

On the other hand, some contemporary scholars consider that technological developments require a reinterpretation of the concepts of adultery and treason in Islamic law. If in the classical era the form of moral violations occurred more directly, then in the digital era virtual relationships also have real social and moral impacts. Therefore, the approach of *maqāṣid al-syarī'ah* is important to understand that the substance of prohibition in Islam lies not only in the physical form of the act, but also in the impact of the damage caused to individuals, families, and society.³¹

The phenomenon of *cyber infidelity* also shows that Islamic family law has great challenges in dealing with information technology developments. The provisions of classical fiqh born in the context of traditional society need to be contextualized in order to remain relevant to modern social dynamics. Thus, Islamic law is understood not only textually, but also contextually through the approach of benefit (*maṣlaḥah*) and the protection of the resilience of Muslim families in the digital age.³²

Cyber Infidelity as a Reason for Divorce in Indonesia

The results of the study show that although *cyber infidelity* has not been specifically regulated in laws and regulations in Indonesia, religious court practices have begun to accept digital evidence in divorce cases. Evidence in the form of screenshots of conversations, recordings of electronic communications, and social media activities is often used to strengthen the postulates of infidelity and domestic conflict.³³

In Indonesia's positive law, the grounds for divorce are regulated in Article 39 of Law Number 1 of 1974 concerning Marriage and Article 116 of the Compilation of

²⁹ Hammam and Nada, "The Influence of Social Media on the High Divorce Rate in Ternate City in the Perspective of Maqasid Al-Syari'ah."

³⁰ D. A. Saputra and Z. Hussin, "The Evolution of Fasakh in Indonesia and Malaysia: A Legal Comparative Bibliometric Review," *DIKTUM: Jurnal Syariah Dan Hukum* 23, no. 1 (2025): 55–57.

³¹ Z. Ibrahim, S. Karimullah, and A. Assaad, "Integration of Maqasid Al-Shariah in the Criminal Law Reform to Achieve Justice and Human Dignity," *Jurnal Hukum Islam* 19, no. 2 (2025): 144–46.

³² Ibrahim, Karimullah, and Assaad, "Integration of Maqasid Al-Shariah in the Criminal Law Reform to Achieve Justice and Human Dignity."

³³ F. S. Rosli, N. N. Zahari, and N. I. Faizolakhman, "The Influence of Social Media on Marital Conflict: An Analytical Study through the Lens of Maqasid Al-Shariah," *International Journal of Islamic Thought* 15, no. 1 (2025): 101–3.

Islamic Law. Digital infidelity is generally included in the category of constant disputes and quarrels that lead to the non-achievement of marital goals. Thus, even if there is no in-person physical contact, the psychological and social impact that a virtual relationship has on you can be the basis for a divorce.³⁴

The results of this study are in line with previous research that stated that the development of information technology has changed the pattern of evidence in Islamic family cases. If previously the proof of infidelity focused more on direct testimony, now electronic evidence is beginning to be recognized as evidence that has legal force.³⁵ However, the use of digital evidence also raises new issues related to privacy, data authenticity, and the validity of evidence in court.

In practice, many divorce cases in the Religious Court are filed on the grounds that there is a virtual relationship between one of the couples and a third party through social media. This relationship is often evidenced through *chats*, photos, video call recordings, and other digital activities that show intimate communication outside of the marital relationship. The existence of such electronic evidence shows that modern forms of infidelity are no longer limited to physical relationships, but also include emotional and sexual relationships based on digital technology.³⁶

The use of electronic evidence in divorce cases has gained legal legitimacy through Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016. In these provisions, electronic information and electronic documents are recognized as valid legal evidence. Therefore, digital evidence submitted in divorce cases can be considered by the judge as long as it meets the requirements for authentication, data integrity, and relevance to the case being examined.³⁷

The results of the study also show that Religious Court judges tend to see digital infidelity not only as a moral violation, but also as a factor causing the loss of domestic harmony. When a virtual relationship causes prolonged quarrels, distrust, and psychological suffering for the couple, then these conditions are considered to have met the elements of domestic rift. Thus, *cyber infidelity* is positioned as a trigger for the occurrence of *syiqāq* or disputes that are difficult to reconcile.³⁸

In addition to the issue of proof, the development of digital infidelity also poses new challenges to the protection of privacy in the household. In some cases, couples obtain evidence of infidelity by accessing cell phones, social media accounts, or private conversations without the other partner's permission. This situation creates a legal

³⁴ Raza and Ahmed, "Protecting Human Dignity: The Social and Legal Objectives of Shariah."

³⁵ Hammam and Nada, "The Influence of Social Media on the High Divorce Rate in Ternate City in the Perspective of Maqasid Al-Syari'ah."

³⁶ Z. Abidin and M. Lisa, "Disruption in Islamic Family Law: An Analytical Review of Behavioral Changes in Post-Pandemic Marital Disputes," *BASIRA: Journal of Behavioral Law* 4, no. 1 (2026): 55–57.

³⁷ Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik Sebagaimana Diubah Dengan Undang-Undang Nomor 19 Tahun 2016 (2016).

³⁸ Rajab and Asrianto, "The Impact of Globalization and Scientific and Technological Developments on Family Behavior and the Dynamics of Islamic Family Law."

dilemma between the need for proof in court and the protection of individual privacy rights in the digital space.³⁹ Therefore, judges are required to be more careful in assessing the legality and validity of electronic evidence so as not to cause violations of the rights of the litigants.

On the other hand, the development of information technology has also led to an increase in divorce rates among young Muslim couples. The high intensity of social media use makes it easier to communicate with third parties and opens up opportunities for emotional relationships outside of marriage. Recent research shows that social media is one of the dominant factors that trigger household conflicts due to digital jealousy, lack of direct communication, and the emergence of virtual infidelity behavior.⁴⁰ This condition shows that digital transformation has significantly affected the stability of Muslim families in Indonesia.

The results of this study are different from the view of classical Islamic law which generally places adultery as a purely physical sexual relationship. In the context of modern society, intimate virtual relationships can also cause serious psychological and social damage to households. Therefore, the development of religious justice practice shows that there is an adjustment of legal interpretation to contemporary social dynamics, especially in assessing forms of marital betrayal in the digital era.⁴¹

In addition, the acceptance of digital evidence in divorce cases demonstrates that Islamic family law in Indonesia is increasingly adapting its evidentiary system to technological developments. This finding reinforces previous studies highlighting the growing role of electronic evidence in family disputes, particularly in cases involving marital betrayal and joint property disputes. However, unlike prior studies that primarily focused on the procedural use of digital evidence, this research emphasizes its normative significance within Islamic family law, particularly in evaluating digital infidelity as a potential ground for divorce. Religious Courts are no longer limited to conventional forms of proof such as witness testimony and confessions, but increasingly recognize digital traces as part of the legal evidentiary process. Therefore, this study extends previous scholarly discourse by demonstrating that the modernization of evidentiary practices in Religious Courts reflects broader efforts to ensure that Islamic family law remains responsive to the realities of contemporary digital society.⁴²

Development of Islamic Family Law in the Digital Era

³⁹ Antoni and Ismail, "Divorce Law in the Perspective of the Quran: Solutions to the Phenomenon of Digital Divorce and Social Media."

⁴⁰ D. Nugroho and F. A. Sofian, "The Influence of Social Media Usage on Relational Dialectics of Marriage Relationships in Indonesia," *Proceedings of the International Conference on Information Technology and Communication*, 2025, 188–90.

⁴¹ T. Syafiqotuzzuhda and R. Roibin, "The Impact of Information Disruption: A Phenomenological Study of How Online Narratives Affect Perceptions and Experiences in Muslim Polygamous Families," *At-Tasyrib: Jurnal Hukum Islam* 11, no. 2 (2025): 101–3.

⁴² Ibrahim, Karimullah, and Assaad, "Integration of Maqasid Al-Shariah in the Criminal Law Reform to Achieve Justice and Human Dignity."

The development of *the cyber infidelity* phenomenon shows that Islamic family law needs to be updated in order to be able to answer the challenges of modern digital society. The results of the study show that the current Islamic family law provisions are not fully able to accommodate digital-based forms of marriage violations. Therefore, it is necessary to reinterpret the concepts of *nusyuz*, betrayal, and the protection of couples' rights in the context of virtual relationships.⁴³

Digital transformation has changed the social interaction patterns of Muslim communities, including in domestic relationships. The presence of social media and online communication applications causes interpersonal relationships to no longer be limited by space and time. This condition gives rise to new forms of domestic conflict that were previously unknown in classical fiqh, such as virtual infidelity, social media abuse, and digital-based psychological violence. Therefore, Islamic family law is required to be able to make adjustments to remain relevant to the development of modern society.⁴⁴

The approach of *maqāṣid al-syarī'ah* can be used as a basis in the development of contemporary Islamic family law because it emphasizes the protection of family honor, descent, and stability. In this context, digital infidelity is seen not only as an individual moral issue, but also as a threat to the resilience of Muslim families.⁴⁵ The principles of protection of the family (*ḥifẓ al-nas*) and honor (*ḥifẓ al-'ird*) require regulations that are able to maintain the integrity of the relationship between husband and wife in the midst of increasingly complex information technology developments.

In addition, technological developments also demand an update to the evidentiary system in Islamic family law. The use of electronic evidence such as digital conversations, video recordings, and social media activities in divorce cases shows that the religious justice system needs to adapt to modern technological developments. Strengthening regulations regarding the validity of digital evidence is important so that the proof process can be carried out objectively and provide legal certainty for the parties to the case.⁴⁶

This research also shows that the development of Islamic family law is not only related to the renewal of legal norms, but also concerns strengthening family resilience in the digital era. Family resilience is an important aspect in facing various modern social challenges, including increasing domestic conflicts due to the abuse of digital technology. Therefore, family education based on Islamic values needs to be strengthened so that

⁴³ Abidin and Lisa, "Disruption in Islamic Family Law: An Analytical Review of Behavioral Changes in Post-Pandemic Marital Disputes."

⁴⁴ S. Mahdi, M. K. Al-Quraishi, and A. F. S. Hammam, "Legal Pluralism in Multi-Ethnic Societies: Blockchain, Family Law, and Socio-Legal Integration," *Proceedings on Optimization and Policy Studies* (Singapore), 2025, 201–3.

⁴⁵ N. Asiah, M. Muhibbin, and S. Masruchah, "Dynamics of Syiqaq and Divorce in Border Regions: A Socio-Legal Analysis at the Nunukan Religious Court," *Journal of Law, Politic and Humanities* 5, no. 2 (2025): 177–79.

⁴⁶ M. F. Yusof and W. K. A. W. Mokhtar, "The Concept of Ta'liq Divorce Confirmation in the Terengganu Syariah Subordinate Court: A Case Study and Its Relationship with Authentic Hadiths," *Law and Sharia Conference Proceedings* 3, no. 1 (2026): 88–90.

married couples have moral and ethical awareness in using social media and maintain healthy communication in the household.⁴⁷

In addition, the reform of Islamic family law also requires a multidisciplinary approach that integrates legal, technological, psychological, and sociocultural aspects. The phenomenon of *cyber infidelity* is not only related to the violation of religious norms, but is also influenced by changes in the digital lifestyle of modern society. Thus, the solution to this problem is not enough only through a repressive approach in the form of divorce, but also through preventive measures such as digital literacy education, family counseling, and strengthening household mediation.⁴⁸

The role of religious justice institutions is also very important in dealing with the development of digital-based family problems. Religious Courts need to develop case handling mechanisms that are more adaptive to the use of technology, including increasing the capacity of judges in understanding electronic evidence and digital privacy issues. This step is needed so that Islamic family law is able to provide effective legal protection while still upholding the principles of justice and benefits.⁴⁹

Thus, the development of Islamic family law in the digital era must be carried out comprehensively through the reinterpretation of legal norms, regulatory reforms, strengthening family resilience, and the modernization of the religious justice system. This finding supports previous studies emphasizing the importance of adapting Islamic legal frameworks to technological and social transformation, particularly in addressing challenges emerging from digital relationships and family conflicts. However, while earlier studies predominantly focused on the moral, psychological, and sociological consequences of digital infidelity, this research highlights the normative legal dimension by emphasizing the need to reconstruct Islamic family law principles in relation to digital evidence and contemporary forms of marital betrayal. Therefore, this study contributes to previous research discourse by demonstrating that Islamic family law can remain responsive to technological change without abandoning the fundamental principles of Islamic sharia in preserving family integrity, loyalty, and marital harmony.

D. CONCLUSION

This study concludes that digital infidelity or cyber infidelity has emerged as a contemporary phenomenon in Muslim family life due to the rapid development of digital communication technology and social media. From the perspective of Islamic family law, digital infidelity contradicts the principles of *mu'asyarah bi al-ma'ruf*, marital loyalty, and moral responsibility that underlie the institution of marriage. Although

⁴⁷ N. M. Saifurrijal and M. A. Wafa, "Family Resilience and the Prevention of Radicalism: A Maqāṣid al-Sharī'ah Approach Based on Jasser Auda," *Legitima: Jurnal Hukum Keluarga Islam* 7, no. 1 (2025): 54–56.

⁴⁸ T. Kusuma and I. Husti, "The Impact of Online Gambling on Family Resilience: An Islamic Law Perspective from the Riau Region of Indonesia," *Tadzkiyyah: Jurnal Pendidikan Islam* 17, no. 1 (2026): 92–94.

⁴⁹ F. Al Hadana, T. Tashikal, and S. Sukarman, "Constitutionalizing Cybersecurity: Indonesia–Malaysia Regulatory Convergence through a Maqasid al Sharia Framework," *Journal of Islamic Law on Digital Economy and Business* 2, no. 1 (2025): 101–3.

classical Islamic jurisprudence does not explicitly regulate digital forms of infidelity, this study finds that the principles of prohibiting acts leading to adultery and protecting family dignity within the framework of *maqāṣid al-sharī‘ah* provide a normative basis for evaluating such behavior as a violation of marital commitments. Furthermore, this research demonstrates that digital infidelity may function as grounds for divorce in Religious Court practice in Indonesia, particularly when categorized as continuous disputes and marital conflicts supported by electronic evidence such as digital communications, social media activities, and electronic records. These findings indicate that Islamic family law in Indonesia is increasingly adapting to technological developments through more responsive evidentiary practices in contemporary family disputes.

Theoretically, this study contributes to the development of contemporary Islamic family law discourse by emphasizing the need to reinterpret classical legal concepts in response to social transformation in the digital era. However, this research is limited by its normative legal approach, which primarily focuses on legal texts, doctrinal analysis, and secondary legal materials without examining empirical experiences in Religious Court practice or the psychological effects of digital infidelity on spouses. Therefore, future research is recommended to employ empirical and interdisciplinary approaches to examine judicial practices, the effectiveness of electronic evidence, and the social impacts of digital infidelity. Practically, this study recommends strengthening legal regulations concerning digital infidelity and electronic evidence in divorce cases, as well as enhancing digital literacy and ethical awareness in family life to prevent technology-related marital conflicts.

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