

**REFORM OF ISLAMIC FAMILY LAW IN INDONESIA: INTEGRATING
MAQĀṢID AL-SHARĪ‘AH AND THE PRINCIPLES OF JUSTICE
IN THE DIGITAL ERA**

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Abstract

This study explores the reform of Islamic family law in Indonesia through the integration of maqāṣid al-sharī‘ah and the principles of justice and public welfare (maṣlaḥah) in response to the challenges of digital transformation. Employing a normative-juridical and comparative approach, it examines the limitations of the Kompilasi Hukum Islam (KHI) in addressing issues arising from technological developments and the growing demands for the protection of women and children. The findings reveal persistent inequalities in provisions concerning marriage guardianship, polygamy, and the legal status of children born out of wedlock. Guided by the objectives of maqāṣid al-sharī‘ah—particularly justice (‘adl), welfare (maṣlaḥah), and human dignity (karāmah insāniyyah)—the study affirms that authentic Islamic reform can be achieved without departing from Sharia’s normative foundations. Lessons from Morocco and Malaysia demonstrate that renewal within Islamic law is attainable through institutional innovation and contextual sensitivity. The research concludes that Indonesia’s Islamic family law reform should be maqāṣid-driven, justice-oriented, and digitally adaptive to ensure a fair, moral, and responsive legal framework consistent with the spirit of Islamic law in the modern age.

Keywords: Digital Era; Islamic Family Law; Legal Reform; Maqāṣid al-Sharī‘ah; Maṣlaḥah.

Abstrak

Penelitian ini membahas pembaruan hukum keluarga Islam di Indonesia melalui pendekatan maqāṣid al-syarī‘ah yang diharmonisasikan dengan prinsip keadilan dan kemaslahatan umat di tengah arus transformasi digital. Dengan metode yuridis-normatif dan analisis komparatif, penelitian ini menelaah keterbatasan Kompilasi Hukum Islam (KHI) terhadap perkembangan teknologi serta tuntutan perlindungan perempuan dan anak. Hasil penelitian menunjukkan masih terdapat ketimpangan dalam aturan wali nikah, poligami, dan status anak di luar nikah. Melalui kerangka maqāṣid al-syarī‘ah—terutama nilai keadilan (‘adl), kemaslahatan (maṣlaḥah), dan martabat manusia (karāmah insāniyyah)—reformasi hukum Islam dapat dilakukan tanpa meninggalkan prinsip syariah yang otentik. Pembelajaran dari Maroko dan Malaysia menunjukkan bahwa pembaruan hukum

Islam dapat dicapai melalui inovasi kelembagaan dan kepekaan terhadap konteks sosial. Penelitian ini merekomendasikan agar pembaruan hukum keluarga Islam Indonesia diarahkan pada model hukum berbasis maqāsid yang adil, berkeadaban, dan adaptif terhadap digitalisasi, guna memperkuat perlindungan keluarga Muslim di era modern.

Kata kunci: Era Digital; Hukum Keluarga Islam; Kemaslahatan; *Maqāsid al-Syarī'ah*; Reformasi Hukum.

A. Introduction

The *Kompilasi Hukum Islam (KHI)*, enacted in 1991 via Presidential Instruction (INPRES No. 1, 1991), serves as the primary legal reference for Muslim family matters in Indonesia. This legal instrument represents a unique codification effort, blending classical Islamic *fiqh* principles with national legal norms and local customary law (*adat*). This hybridity reflects Indonesia's pluralistic legal system, where Islamic law coexists and interacts with the European Continental Legal System inherited from the Dutch colonial period.

Despite its hierarchical position as a Presidential Instruction rather than a formal Law (*Undang-Undang*) according to Indonesia's legislative hierarchy (Law No. 12 of 2011), the KHI is consistently applied by judges in Religious Courts as a primary reference and legal basis.¹ This de facto authority stems from its acceptance as an "agreement of the ulema" and a "series of written laws", providing legal certainty where traditional *fiqh* offers multiple interpretations.² The consistent use of the KHI as the main reference by Religious Court judges, despite its formal status as a Presidential Instruction, highlights a significant disjuncture between its formal legal standing and its practical authority. This suggests that the KHI's legitimacy in the eyes of the judiciary and the Muslim community is derived more from its content than from its legislative form. This unique interplay of formal legal hierarchy, religious authority, and judicial practice in Indonesia underscores that any reform efforts must acknowledge this distinct source of the KHI's authority. Securing buy-in from religious scholars and judicial bodies is therefore crucial to

¹ Naskur Bilalu et al., "Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 514, <https://doi.org/10.22373/sjhk.v6i2.12441>.

² Muhammad Ali Murtadlo, *Islamic Family Law Reform in Indonesia Perspective Maqasid Shari'ah Jasser Anda: Study of Counter Legal Draft Analysis - Compilation Of Islamic Law*, n.d.

ensure effective implementation and public acceptance, rather than merely imposing top-down legislative changes.

The development of Islamic law in Indonesia dates back to the Dutch East Indies period, with regulations on religious courts established in 1882 and ordinances on Muslim marriages in Java and Madura in 1929. Post-independence, Law No. 1 of 1974 on Marriage became pivotal, defining marriage as a bond based on belief in God and confirming the jurisdiction of Religious Courts for Muslims. This law also adopted many Islamic legal concepts, such as polygamy rules. The KHI was promulgated to unify legal references and address contemporary familial problems that arose after the 1974 Marriage Law. Its creation aimed to accommodate state interests, local practices, and women's concerns, particularly regarding polygamy, divorce, and marital property rights.³

The rapid advancement of digital technology has introduced novel issues into family law, such as online marriage, technology-based divorce, digital marriage dowry, and online sexual relations between spouses. These new realities expose the limitations of conventional, often static, legal frameworks. The digital era is not simply adding new types of cases; it is fundamentally challenging the conventional nature of existing family law. The explicit mention of "*urf* of cyberspace" being "worthy of being used as a legal basis for the renewal of the Compilation of Islamic Law" indicates that technological advancements are creating new social norms that demand legal recognition and adaptation.⁴ This dynamic relationship between technology, society, and law suggests that technology acts as a powerful catalyst for legal evolution. This necessitates a shift from a reactive legal posture to a proactive one, where legal reform anticipates future technological developments and their societal impacts, integrating new social realities into the legal framework. This requires continuous evaluation and adaptation of laws, moving beyond traditional, slower legislative cycles. The digital

³ Euis Nurlaelawati, "Islamic Justice in Indonesia: Family Law Reform and Legal Practice in the Religious Courts," *Asia-Pacific Research Center Bulletin* 9 (2013): 25.

⁴ Ita Musarrofa et al., "The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law," *Jurnal Hukum Islam* 22, no. 1 (2024): 89–124, https://doi.org/10.28918/jhi_v22i1_4.

era also amplifies existing demands for gender equality and child protection, as digital platforms present new risks like exposure to negative content, digital addiction, and online violence.⁵

There exists a palpable tension between certain traditional interpretations of Islamic legal principles and the universal standards of human rights, particularly concerning gender equality and freedom. While some modernists argue for aligning *Sharia* with human rights and democracy, fundamentalists advocate for an uncompromising implementation of "pure *Sharia*". This tension is not merely academic but manifests in practical challenges, as some *Sharia* practices have been deemed incompatible with human rights, gender equality, and freedom of speech.⁶ This ideological divide significantly influences the discourse and feasibility of Islamic family law reform in Indonesia.

This report addresses the critical imperative of reforming Islamic family law in Indonesia. As the world's most populous Muslim-majority nation, Indonesia's legal landscape, particularly its family law enshrined in the *Kompilasi Hukum Islam (KHI)*, faces unprecedented challenges from rapid digitalization and evolving human rights norms. The digital age introduces novel legal issues such as online marriages and technology-driven divorces, while global human rights standards, notably those related to gender equality and child protection, exert pressure on traditional legal interpretations. This report argues that *maqāṣid al-sharī'ah* (the higher objectives of Islamic law) provides a dynamic and authentic framework for reconstructing Indonesian Islamic family law. By reinterpreting traditional legal provisions through the lens of *maqāṣid*—emphasizing justice (*'adl*), welfare (*maṣlaḥah*), and human dignity (*karāmah insāniyyah*)—Indonesia can harmonize its Islamic legal identity with universal human rights principles, ensuring a progressive, inclusive, and effective legal system in the digital era.

B. Method

This study employs a normative-juridical research design, focusing on the

⁵ antaranews.com, "Regulation to Shield Children from Digital Risks: Minister," Antara News, July 25, 2025, <https://en.antaranews.com/news/368785/regulation-to-shield-children-from-digital-risks-minister>.

⁶ "Sharia," accessed September 1, 2025, <https://en.wikipedia.org/wiki/Sharia>.

examination of legal norms, doctrines, and principles governing Islamic family law in Indonesia. Rather than relying on empirical data, the research emphasizes textual and conceptual analysis to understand how *maqāṣid al-sharī'ah* can be harmonized with contemporary human rights frameworks in the digital era. This method is suitable for legal scholarship that aims to explore reformative interpretations within Islamic jurisprudence while addressing emerging issues such as digital marriage registration, e-litigation, and online child protection. The normative approach enables the researcher to assess the coherence and relevance of Indonesia's *Kompilasi Hukum Islam (KHI)* in light of modern socio-legal realities and the global human rights discourse.

The legal materials used in this research are classified into three categories: primary, secondary, and tertiary. Primary materials include statutory instruments such as Law No. 1 of 1974 on Marriage, the *Kompilasi Hukum Islam (KHI)*, Supreme Court Regulations (PERMA) on e-litigation, and relevant constitutional court decisions. Secondary materials encompass scholarly writings, journal articles, and authoritative commentaries from Muslim jurists, especially those elaborating on *maqāṣid al-sharī'ah* theory, gender justice, and digital legal transformation.

The analytical framework integrates the theory of *maqāṣid al-sharī'ah* as articulated by Jasser Auda, Yusuf al-Qaradawi, and other modern theorists, emphasizing the objectives of justice ('adl), welfare (maṣlaḥah), and human dignity (karāmah insāniyyah). This framework serves as the interpretive lens for evaluating Indonesia's Islamic family law provisions against international human rights standards. A comparative legal analysis supplements this framework, allowing the study to identify similarities and divergences between Indonesia's family law practices and those of other Muslim-majority countries, particularly Morocco's Mudawwanah reforms and Malaysia's E-Syariah system. Through this dual approach, the research moves beyond textual description toward a systematic reinterpretation of law that is both theologically grounded and socially responsive.

The data collection process relies on library research and document analysis, systematically examining relevant legislation, judicial decisions, and fatwas issued by Indonesia's religious and legal institutions. Each source is critically reviewed to

trace its historical background, legal rationale, and practical application in contemporary contexts. This method facilitates the identification of doctrinal inconsistencies, gender biases, and digital governance gaps within the KHI and related regulations. The data are organized thematically to ensure a coherent and comprehensive analysis of reform areas that demand *maqāṣid*-based reinterpretation.

Finally, the data analysis employs a qualitative-descriptive technique combined with deductive and hermeneutical reasoning. The deductive process starts from the universal principles of *maqāṣid al-sharī'ah* and human rights, applying them to specific legal provisions and practical cases within Indonesia's Islamic family law. Meanwhile, the hermeneutical approach facilitates contextual interpretation by considering Indonesia's plural legal system, socio-cultural dynamics ('urf), and the technological developments influencing family life. This methodological synthesis allows the study to construct a coherent model of reform that is not merely theoretical but applicable to legislative, judicial, and institutional domains. The analysis ultimately supports a paradigm shift toward a *maqāṣid*-driven, rights-oriented, and digitally adaptive framework for Islamic family law in Indonesia.

C. Results and Discussion

The KHI functions as a "normative guideline" and an "instrument that reflects the aspirations of the community in achieving justice and welfare in family life".⁷ Religious Courts (*Pengadilan Agama*) serve as the primary judicial bodies for Muslim family matters. Judges in these courts use the KHI as their main reference point, especially when national laws or government regulations lack specific provisions.⁸

1. Digital Practices and their Legal Implications

⁷ Abdul Aziz, "Characteristics of The Compilation of Islamic Law In Indonesia: A Study of Marriage Law From The Perspective of Political Law," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024): 1882–903.

⁸ Bilalu et al., "Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia."

Online Marriage Registration and Validity: The Indonesian Fatwa Commission authorized online marriages in 2021, acknowledging the reality of virtual interactions. While online marriages must still fulfill the conditions and pillars of marriage as per Law No. 1 of 1974 and the KHI 16, a primary challenge lies in ensuring the physical presence requirement for *ijab kabul* (offer and acceptance) in a virtual setting.⁹ The Ministry of Religious Affairs (Kemenag) manages the official *Simkah* website for online marriage registration, requiring various documents and subsequent physical verification at the local Office of Religious Affairs (KUA).¹⁰

E-Litigation for Divorce: The Indonesian Supreme Court has implemented an e-court system since 2018, regulated by Supreme Court Regulations (e.g., PERMA No. 1 of 2019), aiming for efficient, fast, and low-cost trial processes. While successful in e-filing and e-payment, e-litigation in Religious Courts faces challenges such as unstable internet networks, insufficient employee competence, lack of a dedicated division, and its non-mandatory nature.¹¹ Furthermore, opportunities for mediation in e-litigation divorce cases are significantly reduced due to the inability of judges to meet directly with parties.¹²

The adoption of online marriage registration¹³ and e-litigation demonstrates Indonesia's commitment to digital transformation in family law. However, the effectiveness of these digital initiatives is hampered by fundamental issues. The persistence of physical presence requirements for core religious rituals like *ijab kabul*¹⁴, infrastructural deficiencies like unstable internet, and human resource

⁹ Dwiyana Achmad Hartanto and Evi Sintia Rahma, "Legal Provisions For Online Marry Legalization In Indonesia," *International Journal of Law, Government and Communication* 9, no. 36 (2024): 53–60, <https://doi.org/10.35631/IJLGC.936004>.

¹⁰ Amira Sofa, "How to Register for Marriage Online in Jakarta," Jakarta Smart City, accessed September 2, 2025, <https://smartcity.jakarta.go.id/en/blog/begini-cara-daftar-nikah-online-di-jakarta/>.

¹¹ A Suharsono and N Prasetyoningsih, "Effectiveness of E-Litigation in Religious Courts in Indonesia," *BIS Humanities and Social Science* 1 (October 2024): V124022, <https://doi.org/10.31603/bishss.201>.

¹² Muhammad Rizal Muharam, "Mediation Opportunities in Settling Divorce Cases Through E-Litigation (Case Study of Judges' Experience in Martapura Class IB Religious Court)," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 1, no. 3 (2023): 263–377.

¹³ Sofa, "How to Register for Marriage Online in Jakarta."

¹⁴ Hartanto and Rahma, "Legal Provisions For Online Marry Legalization In Indonesia."

limitations all pose significant obstacles. Moreover, the reduced opportunities for mediation in e-litigation¹⁵ highlight a potential trade-off between efficiency and holistic conflict resolution, especially in sensitive family matters where reconciliation is often prioritized in Islamic law. This situation indicates that simply digitizing existing processes is insufficient; true digital transformation requires re-evaluating underlying legal principles and procedures to align with the capabilities and limitations of technology. This means addressing not just technical infrastructure but also legal substance and the "legal culture" of court employees and litigants.¹⁶ The current state suggests a "digital divide" in access to justice and a need for more nuanced digital legal frameworks.

2. *Maqāṣid al-sharī'ah* and Human Rights Compatibility

The foundational objectives of *Sharia* (*Maqāṣid al-sharī'ah*) traditionally include the preservation of religion (*hifz al-Din*), life (*hifz al-Nafs*), intellect (*hifz al-'Aql*), lineage (*hifz al-Nasl*), and property (*hifz al-Mal*). Contemporary scholars like Jasser Auda advocate for expanding this framework using a "systems approach," integrating features like wholeness, openness, and purposefulness, and applying it to modern concerns such as human rights, social development, and environmental issues.¹⁷ Yusuf al-Qaradawi emphasizes justice and human dignity as key *Maqāṣid*.¹⁸ The overarching values of *Maṣlaḥah* (public welfare/benefit) and *'adl* (justice) are central to the *Maqāṣid* framework.¹⁹

The compatibility between *Maqasid al-Sharī'ah* and human rights is not merely coincidental but can be actively constructed. Modern *Maqasid* theorists like Jasser Auda and Yusuf al-Qaradawi²⁰ explicitly link traditional *Maqasid* (e.g.,

¹⁵ Muharam, "Mediation Opportunities in Settling Divorce Cases Through E-Litigation (Case Study of Judges' Experience in Martapura Class IB Religious Court)."

¹⁶ Suharsono and Prasetyoningsih, "Effectiveness of E-Litigation in Religious Courts in Indonesia."

¹⁷ Asep Sulhadi, "Recontextualizing Maqasid Al-Shariah in Contemporary Qur'anic Exegesis: A Comparative Study of Jasser Auda and Classical Scholars," *SAMAWAT: Journal Of Hadith and Qur'anic Studies* 8, no. 2 (2024): 29–39.

¹⁸ *Wikipedia*, "Maqasid," November 11, 2024, <https://en.wikipedia.org/w/index.php?title=Maqasid&oldid=1256727861>.

¹⁹ Ali Muhammad Bhat, "Maqasid Al-Shari'ah Is a Divine Shield of Islamic Policy," *Journal of Islamic Thought and Philosophy* 2, no. 2 (2023): 128–50.

²⁰ Sulhadi, "Recontextualizing Maqasid Al-Shariah in Contemporary Qur'anic Exegesis: A Comparative Study of Jasser Auda and Classical Scholars."

preservation of life, lineage) to contemporary human rights concepts such as justice, freedom, and human dignity. This internal theological justification provides a powerful argument for integrating human rights within Islamic legal frameworks, moving beyond the perception of human rights as a purely Western imposition.²¹ By emphasizing *'adl* (justice) and *maṣlahah* (welfare) as core *Maqasid* values, Islamic law can be shown to inherently aim for human well-being, which is the essence of human rights.²² This approach fosters a progressive Islamic jurisprudence that is both authentic to its tradition and responsive to modern global norms, potentially reducing resistance from conservative elements who might otherwise view reforms as external interference.

3. Points of Tension and Divergence

The persistent tensions in areas like inheritance for illegitimate children, interfaith marriage, and polygamy demonstrate the deep-seated influence of traditional *fiqh* interpretations and societal norms, even in the face of national legal reforms and international human rights principles. Judges, for instance, may still lean towards conservative interpretations of polygamy²³, and the Constitutional Court's progressive ruling on illegitimate children faces significant ambiguity and resistance.²⁴ This highlights that legal change is not a linear process but a complex negotiation within a pluralistic legal system where religious, customary, and state laws often compete or contradict.²⁵ Effective reform therefore requires more than just legislative amendments; it necessitates a concerted effort to shift legal culture through ongoing judicial training, public education, and sustained dialogue between religious scholars, legal practitioners, and civil society. Without addressing the

²¹ "Sharia."

²² Bhat, "Maqasid Al-Shari'ah Is a Divine Shield of Islamic Policy."

²³ Nurlaelawati, "Expansive Legal Interpretation and Muslim Judges' Approach to Polygamy in Indonesia."

²⁴ Kusumo et al., "Decision of Constitutional Court on the Rights of the Child Out of Wedlock."

²⁵ Fitri Yanti Katili et al., "Harmonization of Interfaith Marriage Law in Indonesian Legal System: Between Social Reality and Legal Certainty," *International Journal of Social Welfare and Family Law* 2, no. 1 (2025): 22–32.

underlying cultural and interpretive barriers, legal reforms may remain "on paper only"²⁶, failing to achieve their intended impact on justice and human rights.

Table 1. Key Provisions of KHI vs. International Human Rights Standards

Area of Law	KHI Provision/ Indonesian Law	Relevant International Human Rights Instrument/ Article	Point of Compatibility/ Tension
Marriage Age	Law No. 1/1974: 19 for men, 16 for women (exceptions possible)	CRC Article 1 (child under 18), CEDAW Article 16(2) (child marriage prohibition)	Tension: Lower minimum age for women compared to international standards and CRC definition of a child.
Guardianship	KHI Article 20(1): Marriage guardianship (<i>wali</i>) traditionally for men 21	CEDAW Article 15 (equality before law), CEDAW Article 16 (equal rights in marriage)	Tension: Gender bias, limiting women's autonomy in marriage decisions.
Polygamy	KHI & Law No. 1/1974: Permitted with court permission, first wife's consent, and financial capability	CEDAW Article 16 (equal rights in marriage, elimination of discrimination against women)	Tension: Potential for gender asymmetry, oppression, and violence against women in practice
Child Legitimacy / Inheritance	KHI Article 100 & Law No. 1/1974 Article 43(1): Illegitimate children only civil ties with mother & her family	CRC Article 2 (non-discrimination), CRC Article 3 (best interests of the child), ICCPR Article 24 (child's right to protection, name, nationality)	Tension: Limited inheritance rights and lineage recognition from biological father
Interfaith Marriage	Law No. 1/1974 Article 2(1) & KHI Articles 40c, 44: Interpreted as prohibiting interfaith marriages	ICCPR Article 18 (freedom of thought, conscience, religion), ICCPR Article 23 (right to marry)	Tension: Restrictions on marriage choice based on religious differences
Divorce	KHI & Law No. 1/1974: Regulates divorce procedures (e.g., <i>talak</i> , e-litigation)	CEDAW Article 16 (equal rights at dissolution of marriage), ICCPR Article 23(4) (protection of children in dissolution)	Compatibility: Provides legal framework for dissolution and child protection, though implementation challenges exist (e.g., e-litigation mediation)

²⁶ Nurlaelawati, "Islamic Justice in Indonesia: Family Law Reform and Legal Practice in the Religious Courts".

Protection from Violence	UU Criminalizes sexual violence, provides victim benefits	TPKS: sexual provides	CEDAW (elimination of all forms of discrimination against women), CRC Article 19 (protection from violence)	Compatibility: Strong legal framework for addressing sexual violence within and outside family.
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4. Recognition and Supervision of Online Marriages

While online marriages have been authorized by the Indonesian Fatwa Commission, there is an urgent need for clear and comprehensive legal frameworks to regulate their recognition and supervision.²⁷ This includes addressing the procedural aspects of *ijab kabul* in a virtual environment and ensuring the legal certainty of such unions beyond mere religious validity.²⁸ Regulations should clarify digital authentication, witness requirements, and the role of the Ministry of Religious Affairs' *Simkah* system²⁹ to ensure robust legal supervision.

Building on existing regulations like Government Regulation No. 17 of 2025 on Electronic Systems in Child Protection³⁰, reforms must adopt a more proactive and holistic approach. This entails developing comprehensive digital literacy programs for children and parents, regulating algorithmic bias, and mandating "privacy-by-design" principles for digital platforms.³¹ Collaboration between the Communication and Digital Affairs Ministry, Women's Empowerment and Child Protection Ministry, and the Religious Affairs Ministry is essential to enforce these measures and educate the public.³²

The current state of digital family law in Indonesia shows a move towards digitalization (e.g., online registration, e-litigation) but not yet full digital governance. The challenges identified, such as unstable internet, lack of competence, limited mediation, and reactive child protection, indicate that simply adopting technology without comprehensive regulatory and infrastructural support

²⁷ Hartanto and Rahma, "Legal Provisions For Online Marry Legalization In Indonesia."

²⁸ Katili et al., "Harmonization of Interfaith Marriage Law in Indonesian Legal System: Between Social Reality and Legal Certainty."

²⁹ Sofa, "How to Register for Marriage Online in Jakarta."

³⁰ antaranews.com, "Regulation to Shield Children from Digital Risks."

³¹ Nashuha, *Indonesia's Online Privacy Protections Are Falling Short of the Mark*.

³² antaranews.com, "Ministries Team up to Enforce Child Protection Regulation," Antara News, July 31, 2025, <https://en.antaranews.com/news/370253/ministries-team-up-to-enforce-child-protection-regulation>.

creates new vulnerabilities. The call for "proactive strategies," "digital literacy," and "privacy-by-design"³³ points to a necessary shift from merely accommodating digital practices to actively shaping a safe and just digital environment for families. This requires robust legal frameworks that anticipate technological evolution and protect fundamental rights in cyberspace. Digital reforms in family law should therefore be part of a broader national digital governance strategy that prioritizes user protection, data security, and equitable access. This involves not just legal amendments but also significant investment in digital infrastructure, human capital development within legal institutions, and continuous public awareness campaigns about digital rights and responsibilities.

5. Strengthening Legal Frameworks for Child Protection in the Digital Space

Existing laws like the Child Protection Law (UU *Perlindungan Anak*)³⁴ and the Sexual Violence Crime Act (UU TPKS)³⁵ provide a foundation for protecting children. However, specific regulations are needed to address digital risks, including online bullying, exploitation, and privacy violations.³⁶ This requires a shift towards preventive measures, promoting digital literacy, and holding digital platforms accountable for child safety features.³⁷

Effective reform necessitates enhanced collaboration and integration among key institutions. This includes developing integrated data systems for family law matters across Religious Courts and the Ministry of Religion³⁸, improving inter-agency coordination for digital services³⁹, and leveraging the Ministry of Religious Affairs' role in marriage registration (KUA, *Simkah*) for broader digital

³³ Nashuha, *Indonesia's Online Privacy Protections Are Falling Short of the Mark*.

³⁴ "Law Concerning Child Protection (Law No. 23/2002) [Undang-Undang Perlindungan Anak (UU No. 23/2002)] • Page 16 • CYRILLA: Global Digital Rights Law," accessed September 2, 2025, <https://cyrilla.org/en/entity/pbzxt86bpc?page=16&searchTerm=Protection+from+Online+Falsehoodsand+Manipulation+Bill>.

³⁵ *Wikipedia*, "Sexual Violence Crime Act."

³⁶ antaranews.com, "Regulation to Shield Children from Digital Risks."

³⁷ Nashuha, *Indonesia's Online Privacy Protections Are Falling Short of the Mark*.

³⁸ Muh Sutri Mansyah et al., "Asset Tracking by Religious Court Judges: Ensuring Post-Divorce Child Support," *SHAHIH: Journal of Islamicate Multidisciplinary* 10, no. 1 (2025): 45–64, <https://doi.org/10.22515/shahih.v10i1.11571>.

³⁹ Mochamad Azhar, "Indonesia Adopts Use Case Approach to Digital Government," accessed September 2, 2025, <https://govinsider.asia/intl-en/article/indonesia-adopts-use-case-approach-to-digital-government>.

transformation.⁴⁰ Religious Courts, as central to dispute resolution, must be at the forefront of this integration.

6. Improving E-Litigation Effectiveness and Accessibility

To enhance the efficiency and accessibility of e-litigation in Religious Courts, challenges related to unstable internet, lack of employee competence, and the non-mandatory nature of e-litigation must be addressed. A crucial reform proposal is to elevate the legal basis of e-litigation from Supreme Court Regulations (PERMA) to a higher-binding Law⁴¹, providing stronger legal certainty. Furthermore, mediation processes, which are currently limited in e-litigation⁴², should be strengthened, potentially through the development of effective online mediation platforms and training for mediators.⁴³

Institutional strengthening in the digital age is not merely about adopting new technologies; it is about a fundamental transformation of governance and service delivery. The challenges in e-litigation highlight that technological solutions must be supported by robust legal frameworks (elevating PERMA to Law), adequate infrastructure (stable internet), and skilled human resources (competent employees).⁴⁴ The need for an "integrated data management system" and "inter-agency coordination"⁴⁵ points to a shift from siloed operations to a networked, transparent, and innovative bureaucracy.⁴⁶ This holistic approach ensures that digital tools genuinely enhance access to justice and public trust. The success of Islamic family law reform in the digital age is intrinsically linked to the broader digital transformation of the Indonesian government. This requires a long-

⁴⁰ Sofa, "How to Register for Marriage Online in Jakarta."

⁴¹ Suharsono and Prasetyoningsih, "Effectiveness of E-Litigation in Religious Courts in Indonesia."

⁴² Muharam, "Mediation Opportunities in Settling Divorce Cases Through E-Litigation (Case Study of Judges' Experience in Martapura Class IB Religious Court)."

⁴³ Aisyah Kahar, "Mediation In All Islamic Family Disputes In Indonesia," accessed September 1, 2025, , <https://www.pa-cilegon.go.id/artikel/717-mediation-in-all-islamic-family-disputes-in-indonesia-tahun-2023-07-11>.

⁴⁴ Suharsono and Prasetyoningsih, "Effectiveness of E-Litigation in Religious Courts in Indonesia."

⁴⁵ Azhar, "Indonesia Adopts Use Case Approach to Digital Government."

⁴⁶ Sandra Willia Gusman, "Development of the Indonesian Government's Digital Transformation," *Dinasti International Journal of Education Management And Social Science* 5, no. 5 (2024): 1128–41, <https://doi.org/10.38035/dijemss.v5i5.2868>.

term strategic vision, sustained political will, and significant investment to build a resilient and responsive digital judicial ecosystem. It also implies a cultural shift within public institutions to embrace transparency, efficiency, and user-centric service delivery.

D. Conclusion

Islamic family law in Indonesia—especially the Kompilasi Hukum Islam (KHI)—requires renewal to remain responsive to the realities of the digital era while preserving the integrity of Sharia. This study emphasizes that *maqāṣid al-sharī‘ah* offers a comprehensive and flexible interpretive framework for recontextualizing Islamic legal provisions based on justice, welfare, and human dignity. Reform must not aim at liberalization or imitation of Western human rights concepts but rather embody *tajdīd* (renewal) within the bounds of Islamic principles. The reform of Indonesia’s Islamic family law should prioritize strengthening legal protection for women and children, enhancing digital judicial systems, and reinforcing the role of ‘*ulamā*’ and religious institutions in ensuring Sharia compliance. In this way, legal modernization becomes an act of preserving Sharia’s objectives—achieving justice, social harmony, and the welfare of the Muslim community in a technologically evolving world.

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