

THE TRANSFORMATION OF ISLAMIC FAMILY LAW IN THE DIGITAL ERA: A Sociological Legal Analysis of Marriage and Divorce Regulations in Indonesia

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Abstract: This study aims to analyze sociological law regarding marriage and divorce regulations in the digital era. The digital era has had a significant impact on marriage and divorce regulations within the framework of Islamic family law in Indonesia. This study uses sociological and legal analysis to explore the impact of technological advances on the understanding and application of these laws. Digital transformation has increased the accessibility of legal information, simplified legal procedures, and changed the social dynamics in marriage and divorce administration. Research findings show that although digitalization has increased the accessibility of legal information and simplified legal procedures, it has also introduced new complexities in the social dynamics surrounding marriage and divorce, including potential conflicts with traditional values and religious norms. Additionally, the shift to digital platforms raises serious concerns regarding data privacy and security, as the handling of sensitive personal information becomes more vulnerable to breaches. These challenges emphasize the need for a careful and balanced approach to regulatory adaptation, which not only responds to technological advances but also ensures the maintenance of basic principles of Islamic law. Ultimately, this research concludes that comprehensive policy reform is essential not only to meet the evolving needs of modern society but also to maintain the fairness, honesty and integrity of family law processes in the digital era. Such reforms must be designed to ensure that all levels of society can benefit equally from the advantages brought by digitalization, while adhering to the basic principles of Islamic law.

Keywords: Islamic family law; digital era; legal sociology

Abstrak: Studi ini bertujuan untuk menganalisa hukum sosiologis terhadap peraturan perkawinan dan perceraian di era digital. Era digital telah memberikan dampak yang signifikan terhadap regulasi perkawinan dan perceraian dalam kerangka hukum keluarga Islam di Indonesia. Studi ini menggunakan analisis sosiologis dan hukum untuk mengeksplorasi dampak kemajuan teknologi terhadap pemahaman dan penerapan hukum-hukum tersebut. Transformasi digital telah meningkatkan aksesibilitas informasi hukum, menyederhanakan prosedur hukum, dan mengubah dinamika sosial dalam administrasi perkawinan dan perceraian. Temuan penelitian menunjukkan bahwa meskipun digitalisasi telah meningkatkan aksesibilitas informasi hukum dan menyederhanakan prosedur hukum, hal ini juga memperkenalkan kompleksitas baru dalam dinamika sosial yang mengelilingi perkawinan dan perceraian, termasuk potensi konflik dengan nilai-nilai tradisional dan norma-norma agama. Selain itu, peralihan ke platform digital menimbulkan kekhawatiran serius mengenai privasi dan keamanan data, karena penanganan informasi pribadi yang sensitif menjadi lebih rentan terhadap pelanggaran. Tantangan-tantangan ini menekankan perlunya pendekatan yang hati-hati dan seimbang dalam adaptasi regulasi, yang tidak hanya menanggapi kemajuan teknologi tetapi juga memastikan terpeliharanya prinsip-prinsip dasar hukum Islam. Akhirnya, penelitian ini menyimpulkan bahwa reformasi kebijakan yang komprehensif sangat penting tidak hanya untuk memenuhi kebutuhan masyarakat modern yang terus berkembang tetapi juga untuk menjaga keadilan, kejujuran, dan integritas proses hukum keluarga di era digital. Reformasi tersebut harus dirancang untuk memastikan bahwa semua lapisan masyarakat dapat memperoleh manfaat yang setara dari keuntungan yang dibawa oleh digitalisasi, sambil tetap mematuhi prinsip-prinsip dasar hukum Islam.

Kata kunci: hukum keluarga Islam; era digital; sosiologi hukum

Introduction

The digital era has changed various aspects of human life, including in the field of family law. In Indonesia, Islamic family law plays an important role in regulating marriage and divorce issues for Muslims. However, advances in information and communication technology have brought new challenges and opportunities in the application and regulation of Islamic family law. This digital transformation affects various aspects, from administrative procedures to public understanding and acceptance of these changes.¹

Digitalization in the process of family law administration, such as marriage and divorce registration, offers convenience and efficiency that was previously unthinkable. An online record-keeping system can speed up administrative processes, reduce bureaucracy, and increase accessibility for the community. However, this transformation also raises concerns about the validity of data, the security of personal information, and compliance with sharia principles.²

Existing regulations must be adapted to accommodate the changes brought about by digital technology. The use of digital platforms in family legal proceedings must still meet sharia requirements, such as witness verification and the consent of the parties involved. In addition, new regulations must ensure the protection of data privacy and security, given the increased risk of data breaches in digital systems.³

In addition to technical and regulatory aspects, digital transformation in Islamic family law also faces social and cultural challenges. Not all societies have

the same access to technology, and understanding and acceptance of these changes vary. Some people may feel comfortable with traditional ways and are not ready to switch to digital systems. Therefore, effective education and socialization efforts are needed to ensure that all levels of society can adapt to these changes.⁴

On the other hand, the digital era also opens up great opportunities for increased efficiency and transparency in the family legal process. Digital systems can minimize administrative errors, speed up case resolution, and increase accountability. Thus, the public can directly benefit from this digital transformation in the form of faster and more transparent services.⁵

Max Weber, a sociologist, introduced the concept of social action to analyze how individuals interact and form social structures. Social action according to Weber is an action carried out by an individual who considers the actions of others and is oriented towards them.⁶ In the context of the transformation of Islamic family law, this social action can be seen in how society responds and adapts to technological changes in the family law process. Before the digital era, the marriage and divorce process was traditionally regulated with rigid procedures in religious courts. These traditional actions are based on long-standing habits and norms in society. With digital technology, individuals are starting to consider the values they embrace, such as fairness, efficiency, and ease of access. This change encourages the public to accept the digital system in the family legal process, as long as it does not conflict with sharia principles. The application of technology in

¹ Rico Alana Daniswara and Andhita Risiko Faristiana, "Tranformasi Peran Dan Dinamika Keluarga Di Era Digital Menjaga Keluarga Dalam Revolusi Industri 4.0 Tantangan Dalam Perubahan Sosial," *JISPENDIORA Jurnal Ilmu Sosial Pendidikan Dan Humaniora* 2, no. 2 (2023): 29–43.

² Abdul Halim Barkatullah, *Hukum Transaksi Elektronik Di Indonesia: Sebagai Pedoman Dalam Menghadapi Era Digital Bisnis e-Commerce Di Indonesia* (Nusamedia, 2019).

³ Ayu Simanjuntak et al., "Dampak Teknologi Dan Inovasi Pada Keadilan Dalam Penegakan Hukum Di Era Digital," *Journal on Education* 6, no. 1 (2023): 9212–19.

⁴ Husna Nashihin, Anisatul Baroroh, and Aslam Ali, "Implikasi Hukum Teknologi Informasi Dalam Perkembangan Teknologi Pendidikan Islam (Telaah Atas Hukum Moore, Hukum Metcalfe, Dan Hukum Coase)," *At Turots: Jurnal Pendidikan Islam* 2, no. 2 Desember (2020): 136–47.

⁵ Kadek Rima Anggen Suari and I Made Sarjana, "Menjaga Privasi Di Era Digital: Perlindungan Data Pribadi Di Indonesia," *Jurnal Analisis Hukum* 6, no. 1 (2023): 132–42.

⁶ Amal Taufiq, "Perilaku Ritual Warok Ponorogo Dalam Perspektif Teori Tindakan Max Weber," *The Sociology of Islam* 3, no. 2 (2013): 112–22.

family law is also driven by practical goals, such as speeding up administrative processes, reducing costs, and increasing transparency. Individuals and legal institutions are using technology to achieve these goals more effectively. Emotional responses to technological changes also play an important role. Some individuals may feel anxious or uncomfortable with these changes, while others may feel enthusiastic about the convenience offered. Regulations must consider these different types of social actions to ensure that the changes made are not only efficient but also accepted by the wider community.⁷

To ensure that the digital transformation in Islamic family law can run well and in accordance with sharia principles, in-depth research is needed. This research is expected to provide a comprehensive understanding of the implications of digital transformation on marriage and divorce regulations in Indonesia. In addition, this research is also expected to provide practical recommendations for policymakers and legal practitioners in developing regulations that are adaptive and responsive to technological advances.

Method

This research includes normative that aims to examine existing regulations and how they are interpreted and applied in the context of digitization of Islamic family law.⁸ The purpose of this study is to assess the existing regulations related to marriage and divorce in Islamic law in Indonesia. The data sources used are Laws, Government Regulations, MUI Fatwas, Religious Court decisions, and other legal documents. This approach focuses on the analysis of social action in the context of law, specifically how individuals

and groups respond and adapt to changes in regulation and technology.⁹

Results and Discussion

The Transformation of Islamic Family Law in the Digital Era

Family law is a branch of civil law that regulates various aspects of family life and relationships between family members.¹⁰ It includes the rights and obligations of husband and wife, parent-child relationships, as well as issues related to marriage, divorce, child custody, and inheritance. Family law aims to regulate family life so that it runs harmoniously, protect the rights of individuals in the family, and resolve conflicts that may arise. Family law regulates the legal conditions of marriage, marriage registration procedures, and the rights and obligations of husband and wife. Family law also regulates the reasons for divorce, the procedure for filing for divorce, and the legal consequences of divorce such as child custody and the division of joint property.¹¹

The use of digital technology has changed the way family law administration is carried out, such as the registration of marriages and divorces, as well as the submission of documents and applications online. This increases efficiency in handling family law cases and reduces excessive bureaucracy.¹² With the internet and social media, people have easier access to Islamic family law information. They can gain knowledge of their rights and obligations in marriage and divorce, as well as better know the legal procedures.¹³

⁹ Derita Prapti Rahayu, M SH, and Sesi Ke, "Metode Penelitian Hukum," *Yogyakarta: Thafa Media*, 2020.

¹⁰ H I Rosyadi and M H SH, *Rekonstruksi Epistemologi Hukum Keluarga Islam* (books.google.com, 2022).

¹¹ Khoiruddin Nasution, "Metode Pembaruan Hukum Keluarga Islam Kontemporer," *Unisia* 30, no. 66 (2007).

¹² Rohmadi Rohmadi, Fauzan Fauzan, and Wahyu Abdul Jafar, "Positive and Negative Impacts of Polygamy in The Life of Muslim Family," *Madania: Jurnal Kajian Keislaman* 26, no. 1 (June 13, 2022): 75–84, <https://doi.org/10.29300/madania.v26i1.3797>.

¹³ Lilis Hidayati Yuli Astutik and Muhammad Ngizzul Muttaqin, "Positififikasi Hukum Keluarga Di Dunia Muslim Melalui

⁷ Abdul Ghofur, "Tindakan Sosial Dalam Novel Yasmin Karya Diyana Millah Islami (Teori Tindakan Sosial Max Weber)," *Jurnal Pendidikan Bahasa Dan Sastra Indonesia*. Surabaya, 2020, 1–10.

⁸ David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (2021): 2463–78.

Technology makes it possible to conduct online mediation and dispute resolution. This can help reduce the cost and time required to resolve family disputes, as well as provide easier access for the parties involved. Many countries have started implementing online pre-marriage education for brides-to-be. This program not only provides an understanding of the obligations and responsibilities in marriage, but also prepares prospective couples to face the challenges of married life.¹⁴

One of the main challenges of digital transformation is data protection and privacy. Islamic family law must ensure that personal information collected and processed in the context of family law is kept confidential in accordance with sharia principles. Although technology brings convenience, the challenge faced is how to maintain traditional values in Islamic family law in the context of digitalization. This involves a discussion of how technology can be applied without sacrificing sharia principles and Islamic ethics.¹⁵

Digital transformation also affects the approach to fatwas and the study of Islamic law. More and more Islamic scholars and scholars are using digital platforms to disseminate their views on family law issues, which affects the understanding and application of family law more broadly. The use of technology can also increase supervision and law enforcement of the implementation of family law. Digital database systems can help manage case information and ensure compliance with legal decisions.¹⁶

Pembaharuan Hukum Keluarga: Hukum Keluarga Islam,” *Islamika: Jurnal Ilmu-Ilmu Keislaman* 20, no. 01 (2020): 55–65.

¹⁴ Wandu Sujatmiko et al., “Membumikan Moderasi Hukum Keluarga Islam Guna Membentuk Masyarakat Madani Menggunakan Teknologi Informasi,” *KREATIF: Jurnal Pengabdian Masyarakat Nusantara* 4, no. 2 (2024): 177–81.

¹⁵ Nur Ahmad Yasin, “Tanggung Jawab Orang Tua Kepada Anak Di Era Digital: Perspektif Hukum Keluarga Islam Di Indonesia,” *Skripsi Sarjana Tidak Diterbitkan*. Surabaya: Jurusan Hukum Perdata Islam, Fakultas Syariah Dan Hukum UIN [Universitas Islam Negeri] Sunan Ampel. Tersedia Secara Online Juga Di: http://digilib.uinsby.ac.id/27596/1/Nur%20Ahmad%20Yasin_Co1214018.Pdf [Diakses Di Muara Bungo, Jambi, Indonesia: 5 Februari 2019], 2018.

¹⁶ Muhammad Jazil Rifqi, “Perkembangan Dan Pemanfaatan

The transformation of Islamic family law in the digital era has had a significant impact on the way regulations, access, and dispute resolution are carried out. While technology offers many benefits in improving efficiency and accessibility, the main challenge is to ensure that ethical and sharia values are maintained in each step of this transformation. A deep understanding and thoughtful adaptation to technological changes is essential in maintaining the relevance and fairness of Islamic family law in this digital era.¹⁷

Implications for Marriage and Divorce Regulations in Indonesia

The regulation of marriage according to Islam is based on the principles contained in the Quran and Hadith, and is further regulated in the laws or regulations that apply in countries with a majority Muslim population. Divorce for Muslims in Indonesia is regulated by Law Number 1 of 1974 concerning Marriage. This law regulates the divorce procedure for Muslims, including the terms, processes, and related laws. Meanwhile, the Compilation of Islamic Law (KHI) stipulates several additional procedures related to divorce, such as mediation requirements before filing a divorce lawsuit.¹⁸

For non-Muslims, divorce is regulated by Law Number 1 of 1974 concerning Marriage. Although it specifically regulates marriage among Muslims, it also applies to non-Muslims in terms of marriage and divorce. Meanwhile, Law Number 35 of 2014 concerning Child Protection regulates divorce procedures and children's rights in divorce cases. As for the mediation mechanism. Before filing a divorce lawsuit, the party who wants to divorce must follow mediation. This mediation aims to find a peaceful solution between husband and

Teknologi Informasi Pengadilan Agama,” *Jurnal Al-Qadai: Peradilan Dan Hukum Keluarga Islam* 7, no. 1 (2020): 70–82.

¹⁷ Nattasya Meliannadya and Mukarramah Mukarramah, “Hukum Keluarga Islam Dalam Mensikapi Revolusi Industri 4.0,” *Qiyas: Jurnal Hukum Islam Dan Peradilan* 7, no. 1 (2024).

¹⁸ Amrin Nurfeni, “Dinamika Regulasi Perlindungan Hak Konstitusional Anak Pasca Perceraian,” *Cita Hukum Indonesia* 1, no. 2 (2022): 73–86.

wife before entering into a more formal legal process. In Indonesia, the grounds that can be used as a basis for divorce include insurmountable conflicts, domestic disharmony, and other reasons recognized by applicable law. Family law in Indonesia also regulates the division of joint property after divorce, including alimony for the wife and minor children. For Islamic family law cases, such as marriage and divorce, they are processed in Religious Courts spread across various regions in Indonesia. Cases involving non-Muslims, including marriage and divorce, are processed in the general court in accordance with the applicable civil law. In addition to positive laws that apply throughout Indonesia, there is also recognition of customary law practices in various regions. Although it does not directly regulate divorce, customary law can influence the social and cultural context surrounding the divorce process in some communities.¹⁹

Divorce regulations in Indonesia are a testament to the intricate and multifaceted nature of family law, which intertwines various dimensions such as religious doctrine, cultural traditions, and local legal practices. These regulations are meticulously crafted to safeguard individual rights, uphold fair and transparent legal procedures, and ensure the effective resolution of disputes, thereby catering to the diverse needs of both Muslim and non-Muslim populations in the country. Given Indonesia's pluralistic legal system, which integrates Islamic law (Sharia), customary law (*Adat*), and national law, the regulation of divorce must navigate the complex interplay between these systems to maintain social harmony and legal integrity.

The transformation of Islamic family law in the digital era introduces new challenges and opportunities that require careful consideration and adaptation. For instance, the integration of digital technologies in legal processes—such as online registration for marriage and divorce, virtual mediation sessions, and the use of electronic

documentation—has the potential to enhance efficiency and accessibility. However, it also raises concerns about data security, the digital divide, and the preservation of traditional values in a rapidly changing societal context.

Furthermore, the shift towards digital platforms in handling marriage and divorce cases necessitates a reevaluation of the existing regulatory frameworks to ensure they are robust enough to address emerging issues such as cyber threats, unauthorized access to sensitive personal information, and the potential for unequal access to digital services due to socio-economic disparities. Additionally, there is a need to strike a balance between modernizing legal procedures and maintaining the integrity of religious and cultural practices, which are deeply embedded in the societal fabric of Indonesia.

In this evolving landscape, policymakers and legal practitioners must work together to develop adaptive regulations that can accommodate the advancements of the digital era while respecting the diverse religious and cultural contexts in which these laws are applied. This includes not only revising existing laws but also providing adequate training and resources for legal professionals to effectively navigate the digital transformation. Ultimately, the successful implementation of these transformations will depend on a nuanced understanding of the intersection between technology, law, and society, ensuring that the legal system remains equitable, accessible, and respectful of Indonesia's rich cultural heritage.²⁰

While digital technology significantly enhances access to information, disparities in technological infrastructure across different regions in Indonesia remain a critical challenge. These technological gaps can create unequal access to essential information regarding Islamic family law, potentially exacerbating existing social inequalities. In remote or underdeveloped areas, limited internet connectivity and a lack of digital literacy may

¹⁹ Zaitun Zaitun, "Regulasi Emosi Pasca Perceraian" (UNIVERSITAS MUHAMMADIYAH GRESIK, 2018).

²⁰ Encep Taufik Rahman and Hisam Ahyani, "Hukum Perkawinan Islam," 2023.

prevent communities from fully benefiting from advancements in legal technology, thus widening the divide between urban and rural populations. This inequality in access could lead to disparities in legal outcomes, where certain groups are better informed and equipped to navigate the legal system than others.

Moreover, the integration of digital technology in the context of Islamic family law necessitates a careful balancing act to ensure that it aligns with deeply rooted traditional and Sharia values. The introduction of technology into legal processes—such as digital documentation, online dispute resolution, and virtual court proceedings—must be approached with sensitivity to the cultural and religious contexts in which these laws operate. If not carefully managed, the adoption of technology could inadvertently lead to conflicts with established cultural norms and religious practices, potentially causing resistance from communities who view these changes as a threat to their way of life.

In addition to cultural considerations, the protection of personal data in the digital realm is paramount. As more personal information is stored and transmitted electronically, the risks of data breaches, identity theft, and unauthorized access increase. Such vulnerabilities can severely undermine public trust in the legal system, particularly if sensitive information related to marriage and divorce cases is compromised.²¹ Therefore, it is essential that robust data protection measures are put in place to safeguard individuals' privacy and maintain the integrity of the legal process.

The transformation of Islamic family law in the digital era must also adhere to national legal frameworks and international human rights commitments. This involves ensuring that the regulations governing marriage and divorce are in harmony with universal human rights standards,

such as the right to privacy, equality before the law, and the protection of family life. Any technological implementation that conflicts with these rights could not only lead to legal challenges but also damage Indonesia's reputation on the global stage.

Furthermore, the successful implementation of digital technology in managing marriage and divorce cases requires not only adequate technological infrastructure but also the availability of well-trained personnel. Legal professionals, court officials, and support staff must be equipped with the necessary skills to operate new technologies and ensure that they are used effectively and ethically. Without proper training and resources, the efficiency and effectiveness of the legal system could be compromised, leading to delays, errors, and a potential loss of public confidence.

Finally, digital transformation can also bring about significant cultural and social shifts, particularly in how people perceive and engage with Islamic family law. As technology changes the way legal processes are conducted, it may also influence societal values and norms, challenging traditional perceptions of justice, authority, and family roles. These shifts could either facilitate or hinder the acceptance and implementation of legal reforms, depending on how well they resonate with the broader cultural and religious ethos of Indonesian society. Therefore, any attempt to modernize Islamic family law through digital means must be accompanied by efforts to engage with and educate the public, ensuring that these changes are understood, accepted, and supported by the communities they are intended to serve.²²

The implementation of the transformation of Islamic family law in the digital era in Indonesia presents a series of intricate challenges that must be carefully navigated to achieve a successful integration of modern technology within the

²¹ A. Kumedi Ja'far et al., "Turun Ranjang Marriage in Interdisciplinary Perspective: A Study on the Community of West Java and Lampung," *Madania: Jurnal Kajian Keislaman* 24, no. 2 (December 16, 2020): 213–22, <https://doi.org/10.29300/madania.v24i2.5227>.

²² Kartika Septiani Amiri, "Perkembangan Dan Problematika Hukum Perkawinan Di Indonesia," *Al-Mujtahid: Journal of Islamic Family Law* 1, no. 1 (2021): 50–58.

framework of traditional and religious values. These challenges span a wide spectrum, from the uneven distribution of technological infrastructure across the country to the complexities of aligning digital processes with deeply ingrained cultural practices and sharia principles.

One of the foremost challenges is technological accessibility, which varies significantly between urban and rural areas. In more remote regions, limited internet connectivity and a lack of access to digital devices can hinder the effective implementation of digital legal systems. This disparity not only creates an uneven playing field in terms of access to justice but also risks marginalizing communities that are already at a disadvantage, thereby widening the existing gap between different socio-economic groups in the country.

Moreover, the transformation of Islamic family law in the digital era necessitates a delicate balance between embracing technological advancements and maintaining adherence to traditional values. Islamic family law is deeply rooted in religious texts and cultural practices that have been followed for generations. The introduction of digital platforms for marriage registration, divorce proceedings, and other legal processes must be carefully tailored to respect these traditions. Any misalignment between digital practices and traditional values could lead to resistance from communities and religious leaders, potentially undermining the effectiveness of the reforms.

Personal data protection is another critical issue that must be addressed in the digitalization of Islamic family law. As legal processes move online, sensitive personal information related to marriage, divorce, and family matters becomes vulnerable to data breaches and cyber threats. Ensuring robust data security measures is essential to protect individuals' privacy and maintain public trust in the legal system. Without proper safeguards, the digital transformation could inadvertently expose individuals to risks that were not present in traditional, paper-based legal processes.

In addressing these challenges, it is imperative to consider the local context, cultural values, and universal legal principles that govern Indonesian society. The diverse cultural landscape of Indonesia, with its rich tapestry of ethnicities, religions, and local customs, requires a nuanced approach to legal reform. Solutions that work in one region or community may not be applicable in another, highlighting the need for flexibility and adaptability in the implementation of digital legal systems.

Furthermore, the transformation must be guided by universal legal principles that uphold human rights, equality before the law, and access to justice for all. These principles should serve as the foundation for any legal reforms, ensuring that the benefits of digitalization are distributed equitably across society. By carefully considering these factors, the transformation of Islamic family law in the digital era can be shaped in a way that not only modernizes legal processes but also reinforces the values and principles that are central to Indonesian identity.

Ultimately, the success of this transformation will depend on the ability to navigate these complex challenges while remaining sensitive to the unique characteristics of Indonesian society. By fostering a collaborative approach that involves stakeholders from various sectors—government, religious authorities, legal professionals, and the public—Indonesia can develop a digital legal framework that enhances access to justice, respects cultural and religious values, and protects the rights and privacy of all its citizens. This holistic approach will ensure that the digital transformation of Islamic family law has a positive and lasting impact on society as a whole, paving the way for a more inclusive and equitable legal system in the digital age.²³

²³ Toha Andiko, "PEMBAHARUAN HUKUM KELUARGA DI DUNIA ISLAM (Analisis Terhadap Regulasi Poligami Dan Keberanjakannya Dari Fikih)," *Nuansa* 12, no. 2 (2019), <https://doi.org/10.29300/nuansa.v12i2.2807>.

The Transformation of Islamic Family Law in the Digital Era: A Sociological Analysis of Law on Marriage and Divorce Regulations in Indonesia

Max Weber²⁴ (1864-1920) was a sociologist, economist, and political theorist from Germany known for his contributions to the understanding of modernization, bureaucracy, and rationalization in society. Max Weber's influence extends far beyond his immediate contributions to the understanding of rational action, encompassing a broader impact on the study of social institutions, power dynamics, and cultural evolution. His theory of rationalization, which posits that modern society increasingly relies on reason, logic, and efficiency rather than tradition and emotion, remains a cornerstone in the analysis of contemporary social structures. Weber's exploration of bureaucracy, for example, highlights how this form of organization, characterized by hierarchical authority and standardized procedures, becomes dominant in modern societies due to its efficiency in achieving specific goals. This bureaucratic model, according to Weber, also embodies the process of disenchantment, where traditional values and spiritual beliefs are progressively replaced by a rational, calculative mindset.

Furthermore, Weber's comparative studies on religion, particularly his seminal work on the Protestant Ethic and the Spirit of Capitalism, demonstrate how religious ideas can shape economic behavior and social development, offering a nuanced understanding of the interplay between culture and economics. His interdisciplinary approach, combining elements of sociology, economics, and history, has inspired generations of scholars to explore the intricate relationships between individual actions and broader societal changes. Weber's legacy continues to resonate in contemporary discussions on the challenges of modernity, the role of institutions, and the

complexities of cultural identity in an increasingly globalized world.²⁵

Weber views modernization as a process of rationalization in which non-rational traditions, values, and beliefs are replaced by rational considerations and efficiency. In the context of Islamic family law, digital transformation can be understood as part of a rationalization process in which legal decisions are increasingly based on information and technology to achieve set goals. Weber's concept of bureaucracy explains how modern organizations organize power rationally and efficiently through fixed rules and procedures. In the context of Islamic family law, digital transformation can bring about changes in the administration of marriage and divorce that are more efficient and organized. As discussed earlier, Weber identifies three types of rational actions: rational with a purpose, in terms of value, and traditional. In the digital age, the use of technology can increase rational actions with the aim of managing marriage and divorce, while traditional values may be faced with the challenge of adapting to technological changes.²⁶

The transformation of Islamic family law in the digital era affects the way information access, administration, and dispute resolution are carried out. Technology allows users to more easily access legal information, such as the terms of marriage and divorce, which in turn can improve transparency and understanding of the law. The implementation of technology can improve efficiency in handling marriage and divorce, reducing the cost and time needed for administrative and legal processes. Digital transformation brings challenges to traditional values in Islamic family law. The use of technology must be in

²⁴ Ahmad Putra and Sartika Suryadinata, "Menelaah Fenomena Klitih Di Yogyakarta Dalam Perspektif Tindakan Sosial Dan Perubahan Sosial Max Weber," *Asketik: Jurnal Agama Dan Perubahan Sosial* 4, no. 1 (2020).

²⁵ Alis Muhlis and Norkholis Norkholis, "Analisis Tindakan Sosial Max Weber Dalam Tradisi Pembacaan Kitab Mukhtashar Al-Bukhari (Studi Living Hadis)," *Jurnal Living Hadis* 1, no. 2 (2016): 242–58.

²⁶ Aprillia Reza Fathiha, "Analisis Tindakan Sosial Max Weber Terhadap Tradisi Siraman Sedudo," *AL MA'ARIEF: Jurnal Pendidikan Sosial Dan Budaya* 4, no. 2 (2022): 68–76.

line with the ethical and sharia values held by the community, to ensure that the changes are widely accepted and in accordance with the local cultural context. Therefore, Weber highlighted the importance of protecting the privacy and security of personal data. In the context of Islamic family law in the digital era, data protection is crucial to maintain public trust in the legal system implemented.²⁷

However, not all regions in Indonesia have adequate technological infrastructure, which can be an obstacle in the implementation of the transformation of Islamic family law in the digital era evenly.²⁸ The importance of preparing society for these changes and ensuring that technology adoption is valued socially and culturally. Technology allows people to more easily access information on marriage and divorce laws in Islam, as well as facilitate online pre-marriage education and counseling. This supports the goal of *maqâshid al-syarî'ah* in maintaining family welfare and the sustainability of marriage. *Maqâshid al-syarî'ah* emphasizes the importance of maintaining justice, balance, and harmony in society. The implementation of technology in marriage and divorce regulation can help improve the legal process, reduce bureaucracy, and ensure that legal decisions are based on objective justice.²⁹

The transformation of Islamic family law in the digital era must consider the Islamic values that govern marriage and divorce relationships. Technology can speed up the process, but it must still ensure that religious and ethical values are not neglected. The use of technology can challenge traditional norms in Islamic societies

related to marriage and divorce.³⁰ It is important to ensure that the adoption of these technologies respects and maintains existing cultural and religious values.³¹ In the digital context, the protection of personal data is crucial to ensure that sensitive information related to marriage and divorce is properly protected. This is in accordance with the principles of *maqâshid al-syarî'ah* which guarantees the peace and privacy of individuals. The transformation of Islamic family law in the digital era also requires good public acceptance, as well as proper education to ensure that these changes are widely accepted and in accordance with the values of *maqâshid al-syarî'ah*.³²

Taking into account the perspective of *maqâshid al-syarî'ah* Jasser Auda, the transformation of Islamic family law in the digital era in Indonesia must be guided by sharia goals that include welfare, justice, and privacy protection. This analysis helps to understand how technology can support the implementation of more efficient and fair laws governing marriage and divorce, while maintaining the cultural and religious values that are important to the Muslim community in Indonesia.

Conclusion

The transformation of Islamic family law in the digital era shows that technology has brought significant changes in marriage and divorce regulations in Indonesia. Digital platforms have streamlined administrative processes, enabling

²⁷ Muhammad Erfan, "Spirit Filantropi Islam Dalam Tindakan Sosial Rasionalitas Nilai Max Weber," *Jesya (Jurnal Ekonomi Dan Ekonomi Syariah)* 4, no. 1 (2021): 54–64.

²⁸ Ah Soni Irawan, "Maqâshid Al-Sharî'ah Jasser Auda Sebagai Kajian Alternatif Terhadap Permasalahan Kontemporer," *The Indonesian Journal of Islamic Law and Civil Law* 3, no. 1 (2022): 39–55.

²⁹ S H Muhammad Mattori, *Memahami Maqashid Syariah Jasser Auda (Berbasis Pendekatan Sistem)* (Guepedia, 2020).

³⁰ 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," *MILRev: Metro Islamic Law Review* 3, no. 1 (April 4, 2024): 1–21, <https://doi.org/10.32332/milrev.v3i1.8907>.

³¹ Ridlwan al Hanif, "Pemikiran Poligami: Studi Komparasi Pemikiran Muhammad Abduh Dan Ali Syariati Dilihat Dari Teori Maqasid Syariah Jasser Auda," *SAKINA: Journal of Family Studies* 3 (2019): 1–11.

³² Luqman Rico Khashogi Luqman, "Menakar Rekonstruksi Maqashid Syariah:(Telaah Genealogis Pendekatan System Jasser Auda)," *POLITEA: Jurnal Politik Islam* 5, no. 1 (2022): 64–82.

wider access to legal information and providing more efficient mechanisms for addressing marital disputes. Wider access to information and more efficient procedures are positive outcomes of these developments, fostering greater inclusivity and transparency in the implementation of family law. The sociological analysis of law emphasizes the importance of policy adaptation that takes into account not only technology, but also the basic values of Islamic law. It is crucial to ensure that legal reforms uphold justice, equality, and the welfare of families, as these are fundamental objectives of Islamic law. By exploring the interplay between technology, societal values, and Islamic legal principles, this research underscores the necessity of a balanced approach to regulatory updates. Such updates must be designed to address the complexities of modern society while preserving the spiritual and ethical dimensions of family law. Thus, regulatory updates are needed to ensure that family law can effectively address the needs of modern society, fostering harmony between tradition and innovation.

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