Online Marriage and Divorce Fatwas: Religious Authority and the Digital Transformation of Islamic Family Law

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The rapid expansion of digital technologies has significantly transformed the production, dissemination, and authority of Islamic legal opinions (fatwas), particularly in the domain of Muslim family law. This article examines digital fatwas concerning online marriage and divorce as a critical site for understanding the reconfiguration of religious authority and Islamic legal reasoning in the digital age. Focusing specifically on issues such as virtual marriage contracts, digital guardianship, and divorce pronouncements conveyed through electronic media, the study explores how religious institutions and scholars respond to emerging online marital practices. Employing a qualitative socio-legal approach, this research analyzes selected digital fatwas issued by authoritative Islamic legal bodies and prominent scholars, alongside relevant classical fiqh doctrines on marriage and divorce. The analysis is framed through the perspectives of uṣūl al-fiqh, maqāṣid al-sharīʿah, and legal pluralism to examine the negotiation between normative Islamic law and contemporary technological realities. The findings reveal that digital fatwas on online marriage and divorce reflect both continuity and transformation within Islamic family law. While classical principles concerning consent, guardianship, and legal certainty remain foundational, digital contexts necessitate reinterpretations that reshape procedural norms and challenge traditional mechanisms of religious authority. Moreover, digital platforms contribute to the decentralization of fatwa authority, expanding public engagement while simultaneously generating legal ambiguities and contestations. This study highlights the implications of digitalization for legal legitimacy and the future development of Islamic jurisprudence in digitally mediated societies.

INTRODUCTION

The rapid development of digital technology has fundamentally reshaped social interactions, including religious practices and legal processes within Muslim societies.[1] The integration of digital platforms into everyday life has not only transformed modes of communication but also altered the ways in which religious knowledge is produced, accessed, and legitimized. Within this evolving landscape, Islamic law increasingly confronts new challenges as traditional legal norms are negotiated within digitally mediated environments.[2]

One of the most significant manifestations of this transformation is the emergence of digital fatwas addressing online religious practices. Fatwas, as non-binding yet authoritative legal opinions, have historically functioned as a central mechanism through which Islamic law adapts to changing social realities. In the digital age, however, fatwas are no longer confined to formal religious institutions or face-to-face scholarly interactions; rather, they circulate widely through websites, social media platforms, and mobile applications.

The digitalization of fatwas carries profound implications for Muslim family law, particularly with regard to marriage and divorce. Online marriage contracts, virtual guardianship arrangements, and divorce pronouncements delivered via electronic communication have become increasingly visible practices, raising complex legal and ethical questions. These developments challenge classical fiqh assumptions concerning physical presence, verbal declaration, and procedural certainty in marital transactions.[3]

Marriage (nikāḥ) and divorce (ṭalāq) occupy a central position within Islamic jurisprudence as legal institutions that regulate not only private relationships but also the broader social order. Classical jurists devoted extensive attention to these institutions, emphasizing elements such as consent, guardianship (walāyah), witnesses, and legal responsibility. The translation of these foundational elements into digital contexts necessitates careful legal reconsideration rather than uncritical technological acceptance.[4]

Religious authorities have responded to these developments by issuing digital fatwas that seek to reconcile classical Islamic legal principles with contemporary technological realities. Some fatwas adopt a cautious approach, prioritizing legal certainty and the prevention of harm,

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[1] Nor Ipansyah and Anwar Hafidzi, "Reform of Islamic Family Law in Indonesia: Integrating Maqāṣid Al-Sharī 'ah and the Principles of Justice in the Digital Era," *AL-SYAKHSHIYYAH Jurnal Hukum Keluarga Islam Dan Kemanusiaan* 7, no. 2 (2025): 285–302, https://doi.org/https://doi.org/10.30863/as-hki.v7i2.10637.

[2] Khaiyyil Faizunan Nurun Nafi, Kamilatun Nisa', and Ahmad Taufiqur Rohman, "Digitalization in Islamic Family Law: An Opportunity or a Threat?," *International Journal of Religion and Social Community* 2, no. 2 (September 2024): 34–48, https://doi.org/10.30762/ijoresco.v2i2.3498.

[3] Muhammad Fadhlurrahman Zakaria, Zubair Zubair, and Ihwan Setiawan Umar, "Fatwa Institutions and Digital Family Law: Online Marriage and Divorce in Indonesia (NU, Muhammadiyah, and MUI)," *Mauriduna : Journal of Islamic Studies* 6, no. 3 (August 2025): 442–62, https://doi.org/10.37274/mauriduna.v6i3.28.a topic that became increasingly relevant with the state's consideration of digitizing marital administration. The aim of this study was to analyze whether online marriage and divorce fulfilled the legal and religious requirements in Islam and how the three major Islamic institutions in Indonesia—Nahdlatul Ulama (NU

[4] Encep Taufik Rahman et al., "Religious Moderation Approach through Islamic Family Law and Siyasah Fiqh: Challenges of the Digital Era in Banjar City, West Java, Indonesia," *Munakahat: Journal of Islamic Family Law* 1, no. 1 (2024): 20–30.

while others demonstrate a more accommodative stance by recognizing digital media as valid instruments of legal communication. These divergent responses reflect an ongoing negotiation within contemporary Islamic legal thought.

At the same time, the proliferation of digital fatwas has reshaped the landscape of religious authority. Digital platforms enable individual scholars, informal religious actors, and transnational institutions to issue and disseminate fatwas beyond traditional institutional boundaries.[5] This phenomenon contributes to the decentralization and fragmentation of religious authority, raising concerns regarding legitimacy, accountability, and legal coherence in Islamic family law.

Scholarship on digital Islam and Islamic law has extensively examined the role of technology in disseminating religious teachings and shaping religious identity in cyberspace. However, much of the existing research continues to treat digital fatwas as a general phenomenon, without undertaking thematic analysis within specific legal domains. Consequently, the concrete implications of digitalization for particular branches of Islamic law—such as family law—remain insufficiently explored.

Broadly speaking, existing studies may be categorized into four major strands. First, doctrinal studies emphasizing the normative validity of online marriage through fiqh al-nawāzil analysis, particularly concerning classical requirements such as ittiḥād al-majlis (unity of session) and the presence of a guardian.[6] Second, research focusing on the transformation of religious authority in digital spaces, including the emergence of cyber-muftis and the phenomenon of algorithmic legitimacy, employing systematic and discourse-analytical approaches.[7] Third, studies examining digital fatwas from gender and media perspectives, highlighting the reproduction of patriarchal biases within social structures and religious representations.[8] Fourth, research emphasizing

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5   Vit Šisler, "European Courts′ Authority Contested? The Case of Marriage and Divorce Fatwas On-Line," *Masaryk University Journal of Law and Technology* 3, no. 1 (2009): 51–78.

6   Siti Muna Hayati et al., "Religious Tradition and Technology: Debate among Penghulus about Online Marriage Law in Banjarmasin," *Journal of Islamic Law* 5, no. 1 (2024): 105 – 124, https://doi.org/10.24260/jil.v5i1.2187; Muhammad Taufiq et al., "Online Marriage in the Perspective of Fiqh Nawazil," *Jurnal Hukum Islam* 21, no. 1 (2023): 29 – 54, https://doi.org/10.28918/jhi_v21i1_02; Ita Musarrofa, Husnul Muttaqin, and Ridha 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* 22, no. 1 (2024): 89 – 122, https://doi.org/10.28918/jhi_v22i1_4.

7   Soleh Hasan Wahid and Syahid Abdulloh, "Digital Islamic Authority: A Revolutionary Shift or Mere Hype? A Systematic Review," *SN Social Sciences* 6, no. 2 (2026), https://doi.org/10.1007/s43545-026-01328-5; Soleh Hasan Wahid, "RESEARCH INSIGHTS ON ONLINE FATWAS: A COMPREHENSIVE SYSTEMATIC LITERATURE REVIEW," *Journal of Fatwa Management and Research* 29, no. 1 (2024): 23 – 46, https://doi.org/10.33102/jfatwa.vol29no1.570; Abdelhalim Mohamed Mansour Ali and Muhammad Ahmad Ibrahim Aljahsh, "The Proliferation of Anomalous Digital Fatwas: A Critical Examination of Jurisprudential Challenges and Societal Impacts in the Digital Age," *Ahkam: Jurnal Ilmu Syariah* 25, no. 1 (2025): 37 – 52, https://doi.org/10.15408/ajis.v25i1.37905; Murtala Ibrahim, "Islam in the Digital Infrastructure: The Rise of Islamic Cyber Practices in Northern Nigeria," *Religion, State and Society* 52, no. 2–3 (2024): 114 – 132, https://doi.org/10.1080/09637494.2024.235395.

8   Mohammad Bachrul Falah and Riyanta, "Digital Patriarchy: How Indonesian Islamic Preachers Construct Gender Asymmetry through YouTube Fatwas," *Al-Ahwal* 18, no. 1 (2025): 103 – 122, https://doi.org/10.14421/ahwal.2025.18106; Mustafa Kamal Rokan, Imam Yazid, and Ahmad Makky, "Reconstruction of the Concept of Nushuz of the Wife in the Digital Era," *Samarah* 4, no. 2 (2020): 568 – 585, https://doi.org/10.22373/sjhk.v4i2.7259; Yulmitra Handayani, "ISLAMIC FAMILY LAW IN THE DIGITAL SPACE: Gender Bias in the Discourse of Family Law in Instagram; [HUKUM PERKAWINAN ISLAM DI RUANG DIGITAL: Bias Gender Dalam Wacana Hukum Perkawinan Di Instagram]," *Al-Ahwal* 14, no. 2 (2021): 112 – 132, https://doi.org/10.14421/ahwal.2021.14201.

methodological innovation through the development of concepts such as digital ʿurf and maqāṣid al-sharīʿah–oriented approaches to formulate Islamic legal reform in the digital age.[9]

This article seeks to address this gap by focusing specifically on digital fatwas concerning online marriage and divorce. Rather than treating digital fatwas as a homogeneous entity, this study analyzes how religious authorities construct and articulate legal reasoning regarding the validity of marriage contracts, guardianship arrangements, and divorce procedures within digital environments. This focused approach enables a deeper examination of the dynamics of continuity and transformation within Islamic legal doctrine amid technological change.[10]

Employing a qualitative socio-legal methodology, this research combines textual analysis of selected digital fatwas with an examination of classical fiqh literature on marriage and divorce. The analytical framework is grounded in principles of uṣūl al-fiqh, including maqāṣid al-sharīʿah, maṣlaḥah, and sadd al-dharīʿah, to assess how legal norms are reinterpreted in response to technological developments. Furthermore, this article situates digital fatwas within a broader context of legal pluralism, in which Islamic law interacts with state law and social practice. In many Muslim societies, online marriage and divorce practices operate alongside formal legal institutions, generating tensions between religious legitimacy and positive legal requirements. Within this plural legal landscape, digital fatwas function as mediating instruments.

Through an analysis of digital fatwas on online marriage and divorce, this article demonstrates that Islamic family law is neither static nor resistant to change; rather, it evolves dynamically through interpretive engagement with new social realities. At the same time, the study highlights the risks of legal ambiguity and normative fragmentation arising from the uncontrolled proliferation of digital religious authorities.[11] Accordingly, this article contributes to contemporary debates on Islamic law, religious authority, and digital transformation by offering a focused and in-depth examination of Muslim family law in cyberspace.[12] It argues that digital fatwas on marriage and divorce constitute a crucial arena in which the future trajectory of Islamic legal reasoning and authority is being negotiated in the cyber era.

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9   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* 10, no. 2 (2025): 784 – 808, https://doi.org/10.29240/jhi.v10i2.14630; 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* 23, no. 2 (2025): 653 – 684, https://doi.org/10.28918/jhi.v23i2.09; Sanuri et al., "Epistemological Transformation of ʿUrf in the DSN-MUI Fatwa on E-Commerce: A Maqāṣid Al-Sharīʿah Based Analysis," *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 2 (2025): 167 – 190, https://doi.org/10.24090/mnh.v19i2.13145.

10 Anang Wahid Cahyono, "Islamic Family Law and Social Transformation: A Study on Marriage, Divorce, and Inheritance in the Sharia System," *Berajah Journal* 4, no. 7 (2024): 1421–30, https://doi.org/https://doi.org/10.47353/bj.v4i7.448.

11 Arfan Amrullah, Khabib Jamalullail, and Mohammad Syaifuddin, "The Talaq Phenomenon In The Digital Era: An Analysis Of Divorce Law Through Social Media In The Perspective Of Fiqh And Indonesian Laws," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 1 (2026): 1165–76, https://doi.org/https://doi.org/10.61104/alz.v4i1.3181.

12 Bimo Abisatya and Gentala Prasetyo, "Analysis of Islamic Law on the Practice of Siri Marriage in the Digital Era: Legal, Social, and Policy Implications," *SYARIAT: Akhwal Syaksiyah, Jinayah, Siyasah and Muamalah* 1, no. 2 (July 2024): 105–14, https://doi.org/10.35335/29t0rg67.

RESEARCH METHODS

This study adopts a qualitative socio-legal research design to examine digital fatwas concerning online marriage and divorce within the broader framework of Islamic family law. [13] The primary data consist of selected digital fatwas issued by recognized religious authorities and established Islamic legal institutions, disseminated through official websites, digital platforms, and online fatwa repositories. These fatwas are purposively selected based on their substantive relevance to issues of online marriage contracts, virtual guardianship, and divorce pronouncements transmitted via electronic communication.

Secondary sources include classical *fiqh* texts on marriage and divorce, contemporary scholarly works on Islamic law, and relevant studies on digital religion and religious authority. Data collection is conducted through systematic document analysis to ensure analytical depth, doctrinal coherence, and contextual accuracy. The analysis employs an interpretive legal approach grounded in *uṣūl al-fiqh* and Islamic legal theory. Classical legal doctrines are examined in conjunction with digital fatwas through the analytical lenses of *maqāṣid al-sharīʿah*, *maṣlaḥah*, and *sadd al-dharīʿah* to assess patterns of continuity and transformation in legal reasoning.

Furthermore, the study incorporates a legal pluralism perspective to situate digital fatwas within the broader interaction between religious norms, state law, and social practice. This integrated methodological framework enables a comprehensive assessment of how digitalization reshapes religious authority and doctrinal reasoning in Islamic family law, while maintaining analytical rigor and conceptual clarity. [14]

ANALYSIS AND DISCUSSION

Digital Fatwas and the Reconfiguration of Religious Authority in Muslim Family Law

The digitalization of religious discourse has significantly altered the traditional configuration of religious authority in Islamic family law. Historically, the authority to issue fatwas on matters such as marriage and divorce was vested in formally trained jurists and institutional bodies whose legitimacy derived from scholarly credentials, jurisprudential mastery, and institutional recognition. Digital platforms, however, have introduced new channels through which religious opinions circulate, thereby reshaping the structure of authority in unprecedented ways. [15]

In digital spaces, the production and dissemination of fatwas are no longer monopolized by established religious institutions. Individual scholars, independent preachers, and even non-institutional religious actors are now able to issue legal opinions on sensitive family law matters through social media, websites, and online forums. While this shift has broadened access to

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[13] John W Creswell and J David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage publications, 2017).

[14] Abdul Rahman Ramadhan, "The Dynamics of Islamic Family Law in the Face of Technological Advancements and Social Changes in the Era of Society 5.0," *KnE Social Sciences*, January 2024, https://doi.org/10.18502/kss.v9i2.14986.

[15] Musarrofa, Muttaqin, and Amaliyah, "The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law."

religious knowledge, it has simultaneously weakened the hierarchical structure that traditionally regulated fatwa authority.[16]

The shift of authority from institutional settings to digital platforms has particularly affected Muslim family law, given its close connection to social order and legal certainty. Fatwas concerning marriage and divorce require a high degree of legal precision, as they directly impact personal status, lineage, and social rights. In digital environments, however, such fatwas are often consumed in fragmented forms, detached from their methodological foundations.[17]

The legitimacy of online fatwas on marriage and divorce is therefore a central issue in contemporary Islamic legal discourse. Unlike institutional fatwas, which are typically issued through formal procedures and collective deliberation, digital fatwas often lack transparent methodological explanation. As a result, the criteria for determining authoritative and reliable fatwas become increasingly ambiguous for Muslim audiences.[18]

Religious legitimacy in the digital age is frequently shaped by factors beyond classical scholarly authority. Popularity, digital visibility, and audience engagement play a crucial role in determining which fatwas gain influence. Consequently, fatwas on nikāḥ and ṭalāq issued by digitally prominent figures may carry significant social weight despite lacking institutional endorsement or rigorous juristic reasoning.

This phenomenon contributes to the fragmentation of religious authority in Islamic family law.[19] Multiple and competing fatwas on similar issues—such as the validity of online marriage contracts or digital divorce pronouncements—circulate simultaneously in digital spaces. This plurality of opinions, while not inherently problematic within Islamic jurisprudence, becomes contentious when methodological differences are obscured or ignored.

From a socio-legal perspective, the fragmentation of authority creates normative uncertainty within Muslim communities. Individuals may selectively adopt fatwas that align with personal preferences, often without awareness of their broader legal and ethical implications. In family law matters, such selective engagement risks undermining legal certainty and social stability.

The decentralization of fatwa authority also challenges the accountability of religious actors. In traditional settings, institutional mechanisms functioned to regulate the issuance of fatwas and ensure adherence to established legal methodologies. Digital environments, by contrast, lack comparable regulatory frameworks, allowing legally consequential opinions on marriage and divorce to circulate without effective oversight.[20]

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[16]   Ali and Aljahsh, "The Proliferation of Anomalous Digital Fatwas: A Critical Examination of Jurisprudential Challenges and Societal Impacts in the Digital Age."

[17]   Masruha Masruha et al., "Digitization of Fatwas and Religious Authority: A Study on the Role of Social Media in the Interpretation of Islamic Law," *Journal of Mujaddid Nusantara* 2, no. 2 (June 2025): 99–113, https://doi.org/10.62568/jomn.v2i2.421.

[18]   Falah and Riyanta, "Digital Patriarchy: How Indonesian Islamic Preachers Construct Gender Asymmetry through YouTube Fatwas."

[19]   Youssof Mohamed Salhein, "State-Society Relations in Digital Fatwas: A Study of Islamweb in Qatar" (Hamad Bin Khalifa University (Qatar), 2018).

[20]   Rika Lusri Virga, "Fatwas and Figures: How NU and Muhammadiyah Shape Religious Authority on Indonesian Instagram Accounts," *Jurnal Sosiologi Reflektif* 19, no. 2 (April 2025): 259–88, https://doi.org/10.14421/j4wpwh96.

Nevertheless, the reconfiguration of religious authority should not be understood solely as a crisis. Digital fatwas also reflect adaptive strategies through which Islamic law responds to changing social realities. For many Muslims, online fatwas provide accessible guidance in contexts where institutional religious authority is distant or insufficiently responsive to contemporary issues.

The tension between accessibility and authority is particularly evident in family law. While digital fatwas democratize access to religious guidance, they simultaneously complicate efforts to maintain doctrinal coherence and legal reliability. This tension underscores the need for renewed methodological clarity in issuing digital fatwas on marriage and divorce.

From a theoretical standpoint, the reconfiguration of religious authority in digital fatwas can be understood through the lens of legal pluralism. Digital fatwas operate alongside state law, institutional religious rulings, and social practices, forming a complex legal landscape. Within this plural normative landscape, authority is not simply imposed but continuously negotiated, and legitimacy emerges through dynamic interaction among diverse actors.[21]

Digital fatwas on marriage and divorce illustrate a profound transformation in the structure of religious authority within Islamic family law. The shift toward fragmented and decentralized authority challenges traditional models of legal legitimacy while simultaneously expanding the reach of Islamic legal discourse. A nuanced understanding of this transformation is essential for assessing the future trajectory of Islamic family law in digitally mediated societies.

Online Marriage Fatwas: Negotiating Classical Fiqh and Digital Practices

The emergence of online marriage practices has become one of the most debated issues in contemporary Islamic family law, particularly following the expansion of digital communication technologies.[22] Religious authorities are increasingly confronted with questions regarding the permissibility and validity of marriage contracts conducted through video calls, online platforms, or other digital media. These developments require juristic engagement that goes beyond technical considerations and addresses foundational legal principles.

Digital fatwas on online marriage often respond to practical situations such as long-distance relationships, transnational marriages, and extraordinary circumstances that limit physical presence. In such contexts, online platforms are proposed as alternative spaces for conducting the marriage contract (akad nikāḥ). This shift raises fundamental legal questions concerning the nature of presence (ḥuḍūr), directness of consent, and the evidentiary value of digital communication.[23]

Classical Islamic jurisprudence outlines clear pillars (arkān) and conditions (shurūṭ) for the validity of marriage, including the presence of a guardian (walī), two witnesses, mutual consent expressed through ijāb and qabūl, and legal capacity of the parties. These elements were

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[21] M Muji Buddin SM et al., "ISLAMIC LAW, THE CONSTITUTION, AND DIGITAL MEDIA: A Study of Islamic Discourse Construction in Contemporary Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 2 (December 2025): 20–36, https://doi.org/10.30631/alrisalah.v25i2.1951.

[22] Taufiq et al., "Online Marriage in the Perspective of Fiqh Nawazil."

[23] Hayati et al., "Religious Tradition and Technology: Debate among Penghulus about Online Marriage Law in Banjarmasin."

historically understood within face-to-face interactions, emphasizing physical co-presence as a safeguard for legal certainty and social recognition.

The practice of online marriage challenges the classical assumption of physical co-presence, particularly in relation to the performance of ijāb and qabūl through digital media. Some jurists argue that digital communication can fulfill the requirement of immediacy (ittiḥād al-majlis) if the exchange of consent occurs in real time. Others maintain that the absence of physical presence undermines the integrity of the contract and increases the risk of manipulation.[24]

The issue of virtual guardianship further complicates the legal assessment of online marriage. Classical fiqh accords the walī a central role in safeguarding the interests of the bride, particularly in ensuring consent and legal protection. Digital fatwas that permit virtual guardianship often rely on analogies with written authorization or representation (wakālah), while critics caution against weakening procedural safeguards.

Fatwas permitting online marriage frequently employ maqāṣid al-sharī'ah as a justificatory framework. The objectives of preserving lineage (ḥifẓ al-nasl), protecting dignity, and facilitating lawful relationships are invoked to argue that digital media may serve as valid tools if they effectively fulfill these aims. This approach emphasizes substance over form while maintaining core legal principles.[25]

Conversely, fatwas rejecting online marriage often prioritize sadd al-dhari'ah (blocking the means to harm), highlighting risks such as identity fraud, coerced consent, and evidentiary uncertainty. From this perspective, physical presence functions as a preventive mechanism that minimizes legal disputes and ensures social accountability.

The tension between permissive and restrictive fatwas illustrates the dynamic process of legal reasoning in Islamic family law. Rather than signaling a rupture with classical doctrine, these debates demonstrate the flexibility of fiqh in responding to new realities through established methodological tools. Digital practices thus become sites of juristic negotiation rather than outright legal deviation.[26]

From a socio-legal standpoint, online marriage fatwas also reflect broader transformations in social practice and legal expectations. In many contexts, religious validation of marriage operates alongside state legal requirements, creating a dual framework of legitimacy.[27] Digital fatwas may grant religious recognition to online marriages that lack formal legal registration, thereby producing normative ambiguity.[28]

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[24] Fikri et al., "Emergence of Digital Matrimony: Exploring Islamic Legal Responses to Metaverse Marriages."

[25] Marzuki et al., "Marriage Contract Through Teleconferencing in The View of Contemporary Scholars," *WARAQAT : Jurnal Ilmu-Ilmu Keislaman* 10, no. 1 (June 2025): 98–117, https://doi.org/10.51590/waraqat.v10i1.998.

[26] Zulbaidah Zulbaidah et al., "'From Traditional 'Urf to Digital 'Urf: Accommodating the Values of the Young Generation on Husband-Wife Relations in the Framework of Ushūl Al-Fiqh'.," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (November 2025): 784–808, https://doi.org/10.29240/jhi.v10i2.14630.

[27] Daud Rismana et al., "The Controversy on the Minimum Age for Marriage in Indonesia: Factors and Implications," *Journal of Sustainable Development and Regulatory Issues (JSDERI)* 2, no. 1 (January 26, 2024): 53–66, https://doi.org/10.53955/jsderi.v2i1.21.

[28] Fama Dieng, "Muslims Seeking Marriage in the Digital Age: Key Islamic Ethical Components of Muslim Online Dating" (Hamad Bin Khalifa University (Qatar), 2021).

The reliance on maqāṣid and maṣlaḥah in online marriage fatwas underscores the evolving role of teleological reasoning in contemporary Islamic jurisprudence. While such reasoning enables adaptability, it also demands rigorous methodological discipline to prevent arbitrary legal conclusions. Without clear parameters, appeals to public interest risk undermining legal consistency.

Ultimately, digital fatwas on online marriage reveal a broader shift in how Islamic family law engages with technology. Legal reasoning increasingly incorporates considerations of social necessity, technological mediation, and global mobility. This shift does not negate classical fiqh but repositions it as a living tradition capable of interpretive renewal.

Online marriage fatwas represent a critical arena in which classical fiqh principles are negotiated within digital practices. The interplay between rukun and syarat of marriage, maqāṣid al-sharī'ah, and maṣlaḥah illustrates both continuity and transformation in Islamic family law. These fatwas highlight the ongoing effort of religious authorities to balance legal certainty with social responsiveness in the digital age.[29]

Digital Divorce Fatwas and Legal Pluralism in Contemporary Muslim Societies

The proliferation of digital communication technologies has significantly transformed the practice and perception of divorce within Muslim societies. Religious authorities are increasingly confronted with questions regarding the validity of divorce pronouncements delivered through text messages, voice notes, video calls, and other electronic media. These practices raise complex legal and ethical concerns, particularly in relation to intention, procedural certainty, and evidentiary standards in Islamic family law.[30]

Classical Islamic jurisprudence recognizes divorce (ṭalāq) as a legally effective act when pronounced clearly by a competent husband with conscious intention. Some jurists historically acknowledged written or indirect forms of divorce, provided that intention (niyyah) could be established. Digital divorce fatwas often draw upon these classical precedents to assess the validity of electronic divorce pronouncements.[31]

Fatwas permitting digital divorce frequently employ analogical reasoning (qiyās), equating electronic messages with written declarations recognized in classical fiqh. From this perspective, a text message or recorded statement may constitute a valid expression of divorce if intention is evident and the message is unequivocal. This reasoning prioritizes the substance of legal intent over the medium of communication.

Conversely, many religious authorities adopt a restrictive approach toward digital divorce, emphasizing the risks associated with impulsive behavior, emotional distress, and misuse of technology. These fatwas often invoke sadd al-dharī'ah to prevent harm, arguing that digital

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29   Najah Nadi Ahmad, "The Interconnection of Legal and Social Norms in the Practice of Fatwa-Giving," 2013.
30   Wael Farouq, *The Fatwā in the Digital Age: What Are Muslim Millennials Looking For?* (Springer Nature, 2024).
31   Amal Alqawasmi, "Legal Pluralism's Perspectives and Human Rights Challenges in Marriage and Divorce Norms: The Case of Muslims in Europe," in *Relationships Rights and Legal Pluralism* (Routledge, 2024), 123–39.

media facilitate hasty divorce decisions that undermine the ethical objectives of Islamic family law.[32]

The divergence of fatwas on digital divorce reflects broader debates within Islamic legal reasoning regarding the balance between legal validity and moral responsibility. While some jurists focus on the technical fulfillment of legal requirements, others stress the ethical and social consequences of normalizing digital divorce practices. This divergence highlights the multidimensional nature of divorce in Islamic law.[33]

Digital divorce fatwas also operate within legally plural contexts where Islamic law interacts with state family law systems. In many Muslim-majority countries, state law requires judicial procedures or official registration for divorce to be legally recognized. Consequently, a divorce deemed valid through a digital fatwa may lack legal effect under state law, creating a disjunction between religious and legal legitimacy.[34]

This tension between religious fatwas and state law has significant implications for legal certainty, particularly for women and children. A religiously recognized but legally unregistered divorce can affect rights related to maintenance, custody, and inheritance. Digital divorce fatwas thus expose vulnerabilities within plural legal systems where multiple normative orders coexist.[35]

From a socio-legal perspective, digital divorce practices are shaped not only by legal norms but also by social realities. Digital communication offers privacy, speed, and emotional distance, which may appeal to individuals seeking to avoid social confrontation. However, these same features contribute to the erosion of procedural safeguards designed to protect vulnerable parties.[36]

Legal pluralism provides a useful analytical framework for understanding digital divorce fatwas. Rather than operating in isolation, these fatwas interact with state law, customary norms, and social expectations. Authority and legitimacy are negotiated through practice, as individuals navigate multiple legal frameworks to resolve family disputes.[37]

The absence of harmonization between digital fatwas and formal legal institutions intensifies normative fragmentation in Islamic family law. Without clear coordination, digital

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[32] Muhamad Ismail, Robitho Alam Hadi Faisal, and Zainur Zainur, "Marriage and Divorce in Islamic Law: Sociological Implications for Modern Muslim Societies," *Journal of Islamic Law El Madani* 4, no. 1 (February 2025): 25–37, https://doi.org/10.55438/jile.v4i1.142.

[33] Wael Farouq, "European Muslims and the Digital Fatwā," in *The Fatwā in the Digital Age* (Cham: Springer Nature Switzerland, 2024), 35–56, https://doi.org/10.1007/978-3-031-66036-8_4.

[34] Ahmad Rezy Meidina, "Legal System of Polygamy and Divorce in Muslim Countries: Comparative Studies among Turkey, Pakistan, and Indonesia," *Matan : Journal of Islam and Muslim Society* 5, no. 1 (May 2023): 15, https://doi.org/10.20884/1.matan.2023.5.1.8301.

[35] Hind Ahmed Zaki, "Law, Culture, and Mobilization: Legal Pluralism and Women's Access to Divorce in Egypt," *Muslim World Journal of Human Rights* 14, no. 1 (January 2017): 1–25, https://doi.org/10.1515/mwjhr-2016-0022.

[36] Muhammad Fuad Zain Durotun Nafisah, Nasrudin Nasrudin, Ahmad Rezy Meidina, "Comparative Analysis of Islamic Family Law and Normative Law: Examining the Causes of Divorce in Purwokerto, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024), https://doi.org/http://dx.doi.org/10.22373/sjhk.v8i2.16825.

[37] Adi Harmanto et al., "Reconstructing the Epistemology of MUI Family Law Fatwas: Integrating Ushul Fiqh, Maqāṣid, and Social Context," *Jurnal Mahkamah : Kajian Ilmu Hukum Dan Hukum Islam*, December 2025, 379–90, https://doi.org/10.25217/jm.v10i2.6802.

divorce practices risk producing inconsistent legal outcomes and undermining public trust in both religious and state legal systems. This fragmentation challenges efforts to maintain coherence in family law governance.

Despite these challenges, digital divorce fatwas also reflect adaptive legal responses to contemporary communication realities. They demonstrate the capacity of Islamic law to engage with technological change through interpretive reasoning. However, such adaptability requires methodological discipline and institutional responsibility to ensure legal protection and ethical integrity.[38]

Digital divorce fatwas reveal the complex interplay between technology, religious authority, and legal pluralism in contemporary Muslim societies.[39] While electronic media offer new avenues for expressing legal intent, they also generate legal ambiguities and social risks. Understanding these dynamics is essential for assessing the future of Islamic family law and its capacity to uphold legal certainty and social justice in the digital age.

Comparative Dynamics of Online Marriage and Divorce Fatwas in Indonesia and Egypt: Institutional Authority, Legal Pluralism, and Digital Transformation

The comparative examination of online marriage and divorce fatwas in Indonesia and Egypt reveals two distinct yet intersecting trajectories in the digital transformation of Islamic family law.[40] Both countries represent influential Muslim-majority legal systems, yet they differ significantly in institutional configuration, state-religion relations, and the structure of religious authority. In Indonesia, digital fatwas are often issued by plural religious organizations such as Majelis Ulama Indonesia (MUI), Nahdlatul Ulama (NU), and Muhammadiyah, while in Egypt, religious authority is more centralized under institutions such as Dar al-Ifta al-Misriyyah and Al-Azhar.[41] These structural differences significantly shape how digital fatwas on online marriage and divorce are formulated, disseminated, and legitimized.[42]

In Indonesia, the pluralistic religious landscape encourages diverse interpretations regarding the validity of online marriage contracts and digital divorce pronouncements. Fatwas issued by MUI, NU, and Muhammadiyah often reflect a dialogical engagement between classical fiqh doctrine and Indonesia's positive legal framework, particularly the Marriage Law and the

[38] Tri Gunawan et al., "Digital Nikah and Smart Contracts: Legal Reconstruction of Islamic Marriage in the Blockchain Era," *Islamic Law and Social Issues in Society* 1, no. 2 (October 2025): 185–203, https://doi.org/10.64929/ilsiis.v1i2.25.

[39] Dinda Difia Madina, Ahmad Rezy Meidina, and Anwar Zein, "The Dynamics of Polygamy and Divorce in Muslim Countries," *El-Aqwal: Journal of Sharia and Comparative Law*, 2023, 135–48.

[40] Zakaria, Zubair, and Umar, "Fatwa Institutions and Digital Family Law: Online Marriage and Divorce in Indonesia (NU, Muhammadiyah, and MUI)."a topic that became increasingly relevant with the state's consideration of digitizing marital administration. The aim of this study was to analyze whether online marriage and divorce fulfilled the legal and religious requirements in Islam and how the three major Islamic institutions in Indonesia—Nahdlatul Ulama (NU

[41] Ahmad Ropei et al., "MANAGING 'BALIGH' IN FOUR MUSLIM COUNTRIES: Egypt, Tunisia, Pakistan, and Indonesia on the Minimum Age for Marriage," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 1 (June 2023): 112–40, https://doi.org/10.14421/ahwal.2023.16106.

[42] Joko Mirwan Muslimin, "Islamic Law and Social Change: A Comparative Study of the Institutionalization and Codification of Islamic Family Law in the Nation-States Egypt and Indonesia (1950-1995)" (Staats-und Universitätsbibliothek Hamburg Carl von Ossietzky, 2005).

Compilation of Islamic Law (KHI). Digital platforms such as institutional websites, YouTube channels, and Instagram accounts enable these organizations to respond rapidly to public inquiries about virtual akad nikāḥ or ṭalāq via electronic messages. Consequently, religious authority in Indonesia operates within a competitive yet participatory digital environment.[43]

By contrast, Egypt presents a more centralized and state-integrated model of religious authority. Dar al-Ifta al-Misriyyah functions as the primary official institution responsible for issuing fatwas, often in coordination with judicial and governmental frameworks.[44] Digital fatwas concerning online marriage or divorce are typically disseminated through official portals, reflecting institutional consensus rather than organizational plurality.[45] This centralized model reinforces doctrinal coherence but may limit interpretive diversity compared to Indonesia's more decentralized setting.[46]

Regarding online marriage, Indonesian fatwas generally adopt a cautiously accommodative approach. Some scholars permit marriage contracts conducted via teleconference provided that essential pillars consent, guardian, witnesses, and clarity of ijāb-qabūl are fulfilled in real time. The reasoning frequently invokes maqāṣid al-sharī'ah, particularly the protection of lineage (ḥifẓ al-nasl) and the facilitation of lawful unions in contexts such as long-distance relationships or emergency conditions.[47] However, religious validation does not automatically guarantee state recognition, as Indonesian law requires formal registration before authorized marriage registrars.[48]

In Egypt, fatwas on online marriage tend to emphasize procedural rigor and the necessity of safeguarding contractual certainty.[49] While some juristic reasoning acknowledges the theoretical validity of remote consent through analogy with written contracts, Egyptian authorities frequently stress the importance of official documentation and judicial oversight. The integration between religious fatwa institutions and the state judiciary strengthens the insistence on formal procedures, thereby minimizing the gap between religious and legal legitimacy.[50]

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43 Lalu Tambeh Wadi et al., "Navigating Divorce in the Global South: Comparative Insights into Legal Procedures and Gender Implications in Muslim-Majority Countries," *KALOSARA: Family Law Review* 5, no. 2 (September 2025): 1–10, https://doi.org/10.31332/kalosara.v5i2.11721.

44 Rana Hendy, "The State of Marriage in Egypt," 2024, 263–305, https://doi.org/10.1007/978-981-97-7620-7_5.

45 Zeba Khan, "Experience of Muslim Communities in the Middle East and North Africa: Introduction," in *Handbook of Contemporary Islam and Muslim Lives* (Cham: Springer International Publishing, 2021), 277–99, https://doi.org/10.1007/978-3-030-32626-5_19.

46 Muhammad Latif Fauzi, *Aligning Religious Law and State Law: Negotiating Legal Muslim Marriage in Pasuruan, East Java*, vol. 18 (Brill, 2023).

47 Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law* (International Institute of Islamic Thought (IIIT), 2022).

48 Asrat Nita Wati, Pagar Pagar, and Hasan Matsum, "Legal Protection for Wives in Unregistered Polygamous Marriages: An Analysis of Islamic Law in Indonesia," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 24, no. 1 (July 2025): 3701–12, https://doi.org/10.31941/pj.v24i2.6589.yet cultural-religious norms perpetuate nikah sirri (unregistered marriages

49 Jaime E. Mendoza, Maram Tolba, and Yasmine Saleh, "Strengthening Marriages in Egypt: Impact of Divorce on Women," *Behavioral Sciences* 10, no. 1 (December 2019): 14, https://doi.org/10.3390/bs10010014.

50 Hussein Hassan Soliman, Nagwa Ibrahim Alsharqawi, and Mustafa Ahmed Younis, "Is Tourism Marriage of Young Girls in Egypt a Form of Child Sexual Abuse? A Family Exploitation Perspective," *Journal of Child Sexual Abuse* 27, no. 2 (February 2018): 122–40, https://doi.org/10.1080/10538712.2018.1425945.

The divergence becomes even more pronounced in digital divorce fatwas. In Indonesia, opinions vary regarding the validity of ṭalāq delivered via SMS, WhatsApp, or other electronic media. Some scholars recognize such pronouncements as religiously valid if intention (niyyah) is clear, drawing upon classical discussions of written divorce. Others reject or discourage digital divorce on the basis of sadd al-dharī'ah, warning against impulsive and emotionally driven declarations.[51] Nevertheless, under Indonesian positive law, divorce is legally effective only after judicial proceedings in the Religious Court, creating a dual structure of religious and legal recognition.[52]

Egypt, by contrast, has implemented regulatory reforms aimed at controlling verbal and informal divorce practices. Fatwas issued by Dar al-Ifta al-Misriyyah increasingly stress the requirement of documentation and official registration to ensure legal effect. Although classical jurisprudence recognizes oral pronouncement, contemporary Egyptian discourse supported by state policy seeks to restrict unregistered divorces to protect women's rights and ensure legal clarity.[53] This alignment between religious authority and legislative reform reflects a more integrated governance model of Islamic family law.

The comparative perspective also highlights differing patterns of digital authority. In Indonesia, digital platforms contribute to the fragmentation of religious authority, as multiple organizations and independent preachers issue accessible fatwas online. Authority is negotiated through popularity, institutional reputation, and audience engagement. In Egypt, digital dissemination strengthens rather than fragments institutional authority, as official bodies maintain control over online fatwa production and branding.[54] Thus, digitalization produces decentralization in Indonesia but institutional consolidation in Egypt.

From the standpoint of legal pluralism, Indonesia exemplifies a multilayered interaction between religious fatwas, state law, and social practice. Online marriage or divorce may be religiously acknowledged through digital fatwas yet remain legally ineffective without court registration. Egypt, on the other hand, demonstrates a more harmonized relationship between religious and state authority, reducing normative dissonance but potentially narrowing interpretive flexibility.[55] These contrasting configurations illustrate how digital transformation interacts with pre-existing institutional structures.

The socio-legal implications of these differences are significant. In Indonesia, the plurality of digital fatwas enhances accessibility and public participation but risks normative ambiguity and forum shopping. In Egypt, centralized digital fatwas promote doctrinal consistency and legal

[51] Abu Ishaq Al-Syatibi, "Al-Muwafaqat Fi Ushul Al-Syari'ah," *Vol. II (Beirut: Dar Al Kutub Al Ilmiyah, Tt)* 1 (2003): 290.

[52] Luciana Anggraeni and R. Tanzil Fawaiq Sayyaf, "Critical Analysis of Islamic Family Law Reform: Corpus and Classification," *Media Syari'ah : Wahana Kajian Hukum Islam Dan Pranata Sosial* 26, no. 2 (December 2024): 189, https://doi.org/10.22373/jms.v26i2.26589.

[53] Rachel L. Kaplan, Marwan Khawaja, and Natalia Linos, "Husband's Control and Sexual Coercion Within Marriage," *Violence Against Women* 17, no. 11 (November 2011): 1465–79, https://doi.org/10.1177/1077801211434724.

[54] Nadia Sonneveld, "Rethinking the Difference between Formal and Informal Marriages in Egypt," *Yearbook of Islamic and Middle Eastern Law Online* 15, no. 1 (2011): 53–77, https://doi.org/10.1163/22112987-90000005.

[55] Alexander A. Weinreb, "Characteristics of Women in Consanguineous Marriages in Egypt, 1988–2000," *European Journal of Population / Revue Européenne de Démographie* 24, no. 2 (June 2008): 185–210, https://doi.org/10.1007/s10680-008-9160-z.

certainty but may limit participatory deliberation.[56] Both models face challenges in balancing accessibility, authority, and protection of vulnerable parties particularly women affected by informal digital divorce practices.

Ultimately, the comparison between Indonesia and Egypt demonstrates that the digital transformation of Islamic family law does not produce uniform outcomes. Instead, it amplifies existing institutional logics and governance patterns. In Indonesia, digital fatwas on online marriage and divorce reflect negotiated pluralism and decentralized authority. In Egypt, they reinforce centralized institutional control and closer integration with state law. This comparative analysis underscores that the future trajectory of Islamic family law in the digital age will depend not only on technological adaptation but also on how religious authority is structured, regulated, and legitimized within each socio-legal context.[57]

CONCLUSION

This article has demonstrated that digital fatwas on online marriage and divorce constitute a decisive arena for understanding the ongoing transformation of Islamic family law in the digital age. Employing a socio-legal approach grounded in uṣūl al-fiqh, the study shows that religious authorities are not merely reacting to technological change, but actively and constructively reinterpreting classical doctrines of nikāḥ and ṭalāq through methodological principles such as maqāṣid al-sharī'ah, maṣlaḥah, and sadd al-dharī'ah. While foundational principles — including consent, guardianship, intention, and legal certainty—remain doctrinally intact, their procedural articulation is increasingly mediated by digital communication technologies, reflecting a dynamic interplay between continuity and reform. The comparative analysis of Indonesia and Egypt further reveals that the trajectory of this transformation is profoundly shaped by institutional configurations of religious authority: Indonesia's plural and competitive digital sphere—represented by actors such as Majelis Ulama Indonesia, Nahdlatul Ulama, and Muhammadiyah—encourages interpretive diversity alongside normative fragmentation, whereas Egypt's centralized framework under Dar al-Ifta al-Misriyyah and Al-Azhar reinforces institutional coherence and closer alignment between religious and state law. At the same time, the proliferation of digital fatwas within legally plural contexts generates significant tensions between religious recognition and state legal requirements, particularly concerning the validity of online marriage and digital divorce pronouncements, with tangible socio-legal consequences for women and children whose rights depend upon procedural clarity and formal legal acknowledgment. Although digital fatwas enhance accessibility and democratize religious guidance, their expansion risks undermining legal certainty in the absence of institutional accountability and regulatory coordination. Ultimately, the future trajectory of Islamic family law in digitally mediated societies will depend not only on juristic adaptability but also on the capacity of religious and state institutions to harmonize doctrinal reasoning, technological

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[56] Lewellyn Hendrix and Mark A. Schneider, "Assumptions on Sex and Society in the Biosocial Theory of Incest," *Cross-Cultural Research* 33, no. 2 (May 1999): 193–218, https://doi.org/10.1177/106939719903300204.

[57] JM. Muslimin et al., "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 1 (June 2024): 53–77, https://doi.org/10.19105/al-Ihkam.v19i1.8731.

realities, and protective legal frameworks, making digital marriage and divorce fatwas central indicators of how Islamic jurisprudence negotiates authority, legitimacy, and justice in the cyber age.

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