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Divorce law in the perspective of the Quran: Solutions to the phenomenon of digital divorce and social media normative study of the principles of Ihsan and Taqwa in the contemporary *talak* process

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ABSTRACT

The phenomenon of divorce in the digital age shows a rapid increase, especially due to the involvement of social media in the family life period which is the main trigger. Divorce that used to only occur through formal legal mechanisms now often appears in the form of a digital divorce or through a social media liaison procedure such as talaq statements through text messages, uploads on social media, or online or online communication. In this context, the Qur'an remains the main source in leading Muslims to understand the nature of a divorce, not just as a breakdown of a relationship, but as a spiritual process based on the values of ihsan and piety. This study aims to examine the law of divorce according to the Qur'an, focusing on the values of ihsan and piety as a moral solution to a major phenomenon of divorce in the digital era. This study uses a normative approach with a thematic interpretation analysis method (maudhu'i) on divorce verses in the Qur'an, such as QS. Al-Baqarah: 229–232 and QS. At-Talaq: 1-7.

Keywords: digital divorce; Islamic law; Al-Quran; Ihsan; Taqwa; contemporary talak.

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1. INTRODUCTION

A marriage in the Islamic view is not just a social contract, but a 'mitsaqan ghalizah or sacred bond accompanied by a moral responsibility. The main purpose of a marriage is to form a family that is sakinah, mawaddah, and rahmah as mentioned in QS. Ar-Rum: 21. However, in social reality, not all marriages are able to achieve such beautiful goals. Conflicts, differences in vision, and changes in character between the two parties often lead to a divorce. It is in this context that Islam appears to place divorce as rukhshah (legal dispensation), not the main norm. Divorce is allowed as a last resort to avoid wider harm, while still upholding the principles of ihsan (goodness) and taqwa (piety) to Allah SWT in the process.

Recent scholarship has examined digital divorce and the growing role of social media and messaging platforms in marital breakdown (Alghifari et al., 2020; Arief, 2023; Dinata, 2024; Harman et al., 2022). Other studies map how digital interactions reshape communication patterns, conflict escalation, and the visibility of private matters in public spaces (Alhalim, 2024; Delisa et al., 2025; Diana, 2025). From the perspective of Islamic family law, researchers discuss procedural shifts, evidentiary questions, and interpretive responses to online-based talaq practices (Amani et al., 2024; Astuti & Rohmayanti, 2024; Azkiyah & Samsudin, 2025). Ethical issues, including harm, dignity, and responsible communication, are also repeatedly highlighted as digital divorce cases become more common (Asrori & Nurbaedah, 2025; Basri et al., 2023; Bramasta & Ihsan, 2024; Fadilah, 2025).

Additional studies extend the discussion to custody disputes and post-divorce arrangements, as well as mediation practices in Indonesian contexts (Ihsan et al., 2024; Jaya et al., 2024; Khoiriyah, 2025; Maghfiroh et al., 2024; Prasetyo et al., 2024). Research also addresses litigation procedures, evidentiary standards, and normative-fiqh reasoning used by courts and practitioners (Judge, 2024; Nelli & Jaafar, 2023; Nelli et al., 2023; Qomariyah & Hikmiyah, 2023; Rahman, 2023; Rizani et al., 2024). Broader perspectives include anthropological and doctrinal readings of talaq intention and contractual wording, along with contemporary public discourse in online media (Siagian & Soiman, 2025; Squirrel, 2019; Stiawan, 2024; Suaib, 2024; Syafruddin, 2023; Zahra et al., 2025).

However, with the development of technology and social media in the modern era, which is very rapid, it has brought great changes to humans interacting with each other, including in the relationship between husband and wife. The phenomenon of digital divorce has now become a new reality in contemporary society. Talak is no longer pronounced in front of the wife directly and at the same time or in a religious court, but new trends and procedures have emerged, namely through text messages, social media status, or by direct online video. In Indonesia, a number of cases show that husbands impose divorce through social media communication applications such as WhatsApp, Facebook, or TikTok for emotional reasons, or to embarrass their spouses in public spaces. This phenomenon not only raises new legal problems, as well as the validity of talaq, but also moral crises that arise in oneself because the values of ihsan and piety taught by the Qur'an are often ignored.

In the context of Islamic law, talaq through online digital has caused a quite sharp fiqh debate among scholars. Some classical scholars such as in the Shafi'i and Hanafi schools consider that talaq is valid if it fulfills the elements of sharih (firm words) and the intention of qashd, regardless of the medium of delivery. This means that if a husband consciously writes "I divorce you" to his wife through digital media, then the talaq is considered to fall. However, contemporary scholars such as Yusuf al-Qaradawi and Wahbah az-Zuhayli emphasized the need to consider the intention, context, and validity of digital evidence directly, because the digital space is often prone to manipulation and misunderstanding between readers and creators, leading to new questions about the authenticity of a phenomenon.

In addition, a social ethical dimension in digital divorce is an important concern. In the era of social media, divorce is often used for public consumption, no longer a private matter between a husband and wife

and a family full of honor. Yet many couples have opened up about disgracing each other, spreading screenshots of private conversations, or writing statuses that degrade their ex-partners. This phenomenon is clearly contrary to the principle of *bi ihsan* as stated by Allah in QS. Al-Baqarah: 229:

الطَّلَاقُ مَرَّتَيْنِ ۖ فإِذَا طَلَّقَ الْمَرْءُ وَطِيقَةً أَوْ تَسْرِيحًا بِإِحْسَانٍ ۗ وَلَا يَجِلُّ لَكُمْ أَنْ تَأْخُذُوا بِمَا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ ۚ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ ۖ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ ۗ تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا ۚ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ

Meaning: Talak (which can be referred to) is twice. (After that) the husband can detain (refer) in a proper way or release (divorce) properly. It is not lawful for you to take back something (dowry) that you have given them, unless both of them (husband and wife) are worried that they will not be able to carry out the limits of Allah's provisions. If you are worried that they are not able to carry out the limits of Allah, then they are not guilty of the payment that (must) be given (by the wife) to redeem themselves.68) Those are the limits of Allah, do not transgress them. Whoever transgresses the boundaries of Allah, they are the wrongdoers.

This verse becomes the basis of the law of *khulu'* and the acceptance of *'iwad*. *Khulu'* is the wife's right to divorce her husband by paying *'iwad* (ransom) through the court. And this verse emphasizes that even if divorce is justified, it must be done with noble morals, maintaining honor and maintaining the dignity and dignity of each party. This principle of *ihsan* is the moral fortress of every individual so that the divorce process does not turn into a hostility that damages the social and spiritual order.

In addition to *ihsan*, the Qur'an also emphasizes the importance of piety in regulating post-divorce relationships. In QS. At-Talaq: 2–3, Allah says

فَإِذَا بَلَغَ آجُلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ وَأَشْهِدُوا ذَوَيْ عَدْلٍ مِّنكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ ۚ ذَٰلِكُمْ يُوعَظُ بِهِ مَن كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۗ وَمَن يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا ۗ وَيَرْزُقْهُ مِن حَيْثُ لَا يَحْتَسِبُ ۚ وَمَن يَتَّوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ ۗ إِنَّ اللَّهَ بَالِغُ أَمْرِهِ ۗ قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا

Meaning: When they have neared the end of their prayers, consult with them in a good way or release them in a good way and bear witness with two of your just witnesses and establish the testimony for Allah's sake. That is what is advised to those among you who believe in Allah and the Last Day. Whoever fears Allah, He will surely open a way out for him 3. and bestow upon him sustenance from a direction he did not expect. Whoever trusts in Allah, Allah will provide for him. Indeed, it is Allah who completes His affairs. Indeed, God has made provision for everything (Q.S At-talak: 2-3).

That whoever fears Him will be given an unexpected way out and sustenance. This verse shows that divorce is not the end of everything, but a test of piety for both parties both wife and husband. A pious person will manage the divorce with manners, patience, and responsibility between the two, while a person who loses piety will make a divorce an arena of revenge and hostility and even a forum for achieving sympathizers and popularity that has occurred in the current digital era.

However, the reality in the social media era shows that more and more Muslim couples are losing the value of *ihsan* and piety when facing their domestic conflicts. Social media is often a place to "solve" family problems, rather than an active communication space. But as a result, it comes with the phenomenon of emotional digital divorce, which is a divorce that does not go through formal legal procedures and is often carried out in an angry state in an online space. In many cases, husbands drop talaq through electronic messages, then regret it after finding it viral on social media. This shows the weakness of spiritual awareness and media ethics in modern society.

In terms of positive law in Indonesia, divorce is only considered valid if it is carried out before a religious court in accordance with Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI). However, Islamic law cannot be ignored because it has moral and spiritual legitimacy for Muslims. Thus, an approach that is able to integrate Islamic normative law with the existing digital social reality is

needed, so that divorce does not lose its human value. This is where it is important to conduct a normative study of the principles of *ihsan* and *taqwa* in the contemporary *talaq* process through social media as a problem or problematic in today's life (Republic of Indonesia, 1974; Republic of Indonesia, 1991).

This study aims to re-examine the legal meaning of divorce in the Qur'an via social media by emphasizing the two main principles of *ihsan* as a guide for social ethics, and *taqwa* as spiritual control. These two principles are expected to be a solution to the phenomenon of digital divorce and social media abuse in today's Muslim households. This research also seeks to show that Islamic law is dynamic and able to answer the challenges of the times without losing its essence as *rahmatan lil 'alamin*.

Study of divorce verses in the Qur'an such as QS. Al-Baqarah: 229–232 and QS. At-Talaq: 1–7 shows that Islamic law views divorce not only as a legal matter, but also as an individual spiritual. Every commandment and prohibition in these verses always ends with an appeal to piety, which means that the validity of *talaq* is not only measured by a legal formality, but also by the awareness of faith and sincerity of heart between both husband and wife. Thus, *talaq* carried out through social media without sincere intentions, without a process of introspection, and accompanied by hatred, and with high emotions is not in line with the spirit of Islamic law.

The phenomenon of digital divorce also raises new social problems. The publication of domestic conflicts on social media has the potential to create new effects, namely normalizing divorce as a trivial matter, lowering the value of the sanctity of marriage, and psychologically disturbing children and extended families. In many cases, couples involved in digital divorce not only lose their marital relationship, but also lose their social reputation and honor in the eyes of society as well as the breakdown of the relationship between the two families.

Therefore, there needs to be a reorientation of Islamic legal values so as not to get caught up in formalities, but also to pay attention to ethical and spiritual aspects. The principles of *ihsan* and *taqwa* need to be understood in depth as the main foundation in every family divorce process in this modern era, both verbally and digitally. This principle will restore the meaning of divorce to its original essence, which is a dignified peaceful settlement, not a place for retaliation in the public sphere.

2. RESEARCH METHOD

This research uses a normative approach, which is an approach that focuses on the study of Islamic normative sources such as the Qur'an, hadith, and the views of scholars to understand a concept of divorce law in a contemporary context. This approach is commonly used in the study of Islamic law to interpret the teachings of *sharia* based on universal values such as justice, *ihsan*, and *taqwa*. Her main focus is to explore how texts provide moral and legal principles that are relevant to new social realities, including the phenomenon of digital divorce and social media.

This research is a library research. The primary main data can be obtained from books of *tafsir*, classical and contemporary *fiqh* literature, scientific journals, and relevant laws and regulations, such as the Compilation of Islamic Law (KHI) and Law Number 1 of 1974 concerning Marriage. The focus of the analysis is directed to the verses of the Qur'an that regulate *talaq* and divorce, including Q.S Al-Baqarah:229-232, Q.S At-thalaq:1-7, Q.S An-Nisa:35 In addition, the hadiths of the Prophet Muhammad (saw) related to divorce, in the ethics of marriage and marriage, and manners in separation are also used as the main reference in this study.

Secondary data sources are in the form of contemporary books, journal articles, and academic research that discusses digital divorce, modern Islamic family law, and social media phenomena in marital relationships. Data collection techniques are carried out by means of documentation studies and literature analysis. The researcher searches and studies religious texts related to *talaq* both through journals and literature, then combines them with the results of academic studies and social data related to digital divorce.

When the principle of taqwa is not present in the phenomenon of divorce, it has the potential to turn into an instrument of violence, such as public humiliation through social media, spreading disgrace of the spouse, or even manipulating public opinion so that it has an impact on a person's life with negative impressions. This phenomenon is contrary to the spirit of the sharia which emphasizes respect for human honor. Therefore, the principle of taqwa functions as a self-control mechanism that limits a person from acting excessively in domestic conflicts.

In the digital social context, the value of ihsan has an increasingly important and competent meaning. If in classical times ihsan was interpreted as virtue in real deeds, then in the era of social media, ihsan can be interpreted as digital etiquette in treating ex-spouses. Based on the results of the study on QS. Al-Baqarah: 231, Allah said:

وَإِذَا طَلَقْتُمُ النِّسَاءَ فَبَلِّغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ سَرَحوهُنَّ بِمَعْرُوفٍ وَلَا تُمْسِكُوهُنَّ ضِرَارًا لِيَتَعْتَدُوا ۚ وَمَنْ يَفْعَلْ ذَلِكَ فَقَدْ ظَلَمَ نَفْسَهُ
وَلَا تَتَّخِذُوا آيَاتِ اللَّهِ هُزُوعًا وَادْكُرُوا نِعْمَتَ اللَّهِ عَلَيْكُمْ وَمَا أَنْزَلَ عَلَيْكُمْ مِنَ الْكِتَابِ وَالْحِكْمَةِ يَعِظُكُمْ بِهِ ۚ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِكُلِّ شَيْءٍ
عَلِيمٌ ۚ ٢٣١

Meaning: When you divorce your wife, until the end of her period, (69) keep them in a proper way or divorce them in a proper way. Do not hold back from them to cause harm until you go beyond the limit. Whoever does so, he has indeed wronged himself. Do not make the verses of Allah a ridicule. Remember Allah's favor to you and what Allah has revealed to you, namely the Book (Qur'an) and Wisdom (Sunnah), to teach you. Fear Allah and know that Allah is All-Knowing. (Q.S. Al-Baqarah:231)

Idah is a waiting period (not allowed to marry) for women due to divorce or the death of their husband.

From this verse, it is found that a significant moral value is found that in any situation, a husband is prohibited from treating his ex-wife with the intention of hurting or even injuring him. This value is universal, including in digital communication. The principle of ihsan requires a person to always refrain from actions such as spreading disgrace to a partner, making uploads that bring down dignity and honor, or using social media to gain public sympathy in ongoing domestic conflicts.

3.2. Divorce Law Via Social Media

Contemporary studies by several modern Islamic jurists such as Jasser Auda and Yusuf al-Qaradawi also confirm that Islamic law has always been relevant to the context of the fruitfulness of the times, as long as the values of maqasid al-shari'ah (the purpose of Islamic law) are well maintained. In the context of digital divorce, the maqasid that must be upheld are hifz al-'ird (maintaining honor), hifz al-'aql (maintaining common sense in making decisions), and hifz al-nasl (protecting offspring from the psychological impact of public divorce). These three can only be maintained if the principle of ihsan becomes the moral foundation in domestic life.

The results of the study also show that Islamic law and positive Indonesian law have similarities in the moral spirit of both emphasizing the importance of responsibility and protection for the weak, especially women and children. The Compilation of Islamic Law (KHI) stipulates that talaq is only valid if it is pronounced in front of a Religious Court session. However, from the perspective of normative fiqh, digital talaq can be valid when it meets certain conditions, namely: (1) Clearly spoken. Carried out by a party who is aware and intends to divorce, and (2) Legally provable.

Thus, these findings show that there is a compromise between classical jurisprudence and modern positive law. Islamic law emphasizes the aspect of intention and seriousness in talaq, while state law emphasizes formal procedures and applicable legal protection. Meanwhile, the principles of ihsan and taqwa are an ethical bridge that connects the two, so that divorce continues to run with dignity and does not cause social slander and new social problems, both in the real world and in the digital world.

In addition to the Qur'an, the Prophet's hadiths are also an important source in affirming the ethics of divorce. One of the most relevant hadiths is the words of the Prophet (peace be upon him):

ثلاث جدھن جد، وهزلھن جد: النكاح والطلاق والرجعة

Meaning: Three serious and joking matters are also considered serious: marriage, talaq, and referral. That is why we have to be careful not to let our guard Abu Daud)

This hadith shows that the words of thalak cannot be played, even if they are said with the intention of joking. However, Sayyid Sabiq added that saying thalak without intention or being said in an unconscious state cannot be considered valid.

From the hadith, a conclusion can be drawn that the utterances of thalak cannot be played with, especially on social media so that it can have an effect on the fall of a person's talaq against his wife. However, in social media, divorce should be carried out with dignity and honor between both parties. As the Prophet PBUH said:

"The believer who is most perfect in faith is the best in morals, and the best of you is the best towards his wife." (HR. Tirmidhi)

This hadith reinforces that good morals are the main factor in the parameters of one's faith, even in divorce situations. Therefore, the behavior of hurting, slandering, or humiliating a spouse either directly or through social media is a form of violation of the principles of ihsan and piety alone. Thus, it affirms that digital divorce can only be morally acceptable if it is done with full responsibility, spiritual awareness, and respect between the two for human values as taught by the Qur'an and Sunnah. The principles of ihsan and taqwa are normative guidelines that prevent the abuse of digital space as a means of domestic conflict.

4. DISCUSSION

4.1. Divorce in the Quran

The law of divorce in Islam can not only be understood solely from a formal legal point of view, but must be placed on the ethical framework of the Qur'an based on ihsan and piety. These two values are the moral foundations that govern human relationships between husband and wife, including in the context of marriage and divorce that occur. The Qur'an does not interpret divorce as a form of individual or unlimited freedom, but rather as an emergency legal mechanism that is justified to safeguard the welfare and avoid harm in one's domestic life.

The concept of talaq in the Qur'an has a unique character, namely legal but limited by morality. The Word of Allah in QS. Al-Baqarah: 229–230 explains that talaq should be done only twice, and if after that the couple is still unable to live together, then they can be separated in a good way. The limit of two times talaq is an effort by Islamic law to prevent rash actions in a married marriage. In other words, the Qur'an wants to build awareness that talaq is not an emotional decision, but the last step in the ladder after various efforts of *islah* (peace) have been made.

In the tafsir al-Maraghi, it is stated that the command "bi ihsan" in the verse requires that divorce be carried out and carried out in the most noble way, namely in a manner without insult, without violence, and without degrading the dignity of the spouse. This value should be the main basic principle in regulating divorce in today's modern digital era, where the relationship between husband and wife does not only take place in the real world but also in the digital space of social media. When a couple decides to separate, the first action such as vilifying their ex on social media, spreading private conversations, or publicizing domestic conflicts is contrary to the *bi ihsan* commands that have been set forth in the Qur'an.

4.2. The Meaning of Courtesy

Etymologically, *ihsan* means to do something well and perfectly. In the context of divorce, *ihsan* is not just a polite attitude, but an expression of one's maturity in undergoing a real process of marriage. So that

this value contains the meaning of beauty in behavior, subtlety of mind, and the awareness that every action is under the supervision of Allah. The Prophet Muhammad (peace be upon him) explained:

"Indeed, Allah has ordained mercy over all things." (HR. Muslim)

The meaning of this hadith is very broad, including in terms of separation. Therefore, *ihsan* in divorce can be interpreted as the ability to maintain the dignity of the couple even though the relationship has ended. In the digital era, this form of courtesy includes the responsibility not to make social media a tool of revenge or a space for the publication of hatred for couples.

The phenomenon of divorce in this era of digital social media where *talaq* is pronounced through short messages, social media uploads, or online platforms such as phone and video calls and videos. Showing the crisis of courtesy values in modern Muslim society, many couples use social media as a means of venting their inner wounds, seeking public sympathy, and even attacking the honor of their ex-spouses against each other. In fact, from the perspective of the Qur'an, the relationship between husband and wife must still be well maintained in honor even after separation.

In QS. Al-Baqarah: 231 hereby clearly states that the husband should not detain his wife "in order to cause harm", because such an act is a form of tyranny against himself and others. In the digital context, actions such as uploading content that embarrasses an ex-spouse, distributing personal photos, or associating one's good name with household disgrace are modern forms of *mudharrah* (moral torture) that the Qur'an forbids.

If *ihsan* serves as a guide in social ethics, then *taqwa* serves as spiritual control. Allah says in QS. At-Talaq: 2-3:

"Whoever fears Allah, He will surely provide a way out for him, and give him sustenance from an unexpected direction."

This verse shows that piety in the context of divorce is not only an obligation, but also a person's moral awareness to uphold justice and avoid tyranny. The Qur'an commands that humans should always be pious in facing life's trials, including when losing a partner. Therefore, the delivery of *talaq* through digital media must be done carefully, only after it is ensured that the legal requirements are met and do not violate the principle of honor.

In the view of al-Qurthubi, the verse "*fattqu Allaha rabbakum*" (be fearful of your Lord) in QS. At-Talaq: 1 is the essence of the entire law of divorce. That is, the law would be meaningless without spiritual awareness. Without devotion, the law is just a formality without a soul. With piety, every step in the divorce process becomes worship, not hostility.

4.3. The Principle of *Ihsan* and *Taqwa* on the Digital Divorce Phenomenon

The emergence of divorce in the digital era of social media shows that technological developments have entered the private space of human life. Islamic law does not reject social change, but demands that these changes remain within the moral corridor and the applicable law. In this context, the principles of *ihsan* and *taqwa* are the main measuring tools to assess the legality and ethics of *talaq* actions carried out through digital media.

In jurisprudence, scholars differ in their opinions about the validity of *talaq* conveyed through electronic media or online social media. Some classical scholars argue that *talaq* remains valid as long as it meets the requirements of *sharih* (clear speech) and *qashd* (the existence of intention). However, in the digital context, the authentic question arises whether the digital message on social media is true from the husband, or whether it is fabricated.

However, from an ethical perspective, the principle of *ihsan* requires that digital media be not only used as a tool to break relationships, but also as a means of clarification and good communication between the two parties. *Taqwa* encourages every Muslim to consider the social and psychological impact of his or her actions. In Islam, the honor of one's family must be maintained, not displayed in public spaces. The Prophet PBUH said:

"No one who likes to spread the disgrace of others will enter Paradise." (HR. Muslim)

This hadith has become very relevant in the age of social media, where privacy is often sacrificed for the sake of public attention and sympathizers. So, *ihsan* and *taqwa* are not only moral concepts, but also digital ethical principles that prevent social damage due to the misuse of technology. The results of the normative reading show that Islamic law and positive Indonesian law can complement each other in regulating the phenomenon of digital divorce. Islamic law emphasizes the seriousness of intention and spiritual awareness in *talaq*, while positive law emphasizes procedural aspects and the protection of the rights of the divorced party. When these two systems are combined, a more comprehensive understanding of law is born: *sharia legal*, while having the force of formal law.

The principles of *bi ihsan* and *taqwa* can be the basis for the formation of new regulations that adapt to the times. For example, in the digital context, every statement of *talaq* should not only be judged by the speech, but also by the ethics of its delivery. *Talak* announced on social media, even though textually fulfills the element of *talaq*, must still be considered a violation of *sharia* ethics because it is contrary to the value of *ihsan*.

5. CONCLUSION

Islamic law is always relevant to the context of the fruitfulness of the times, as long as the values of *maqasid al-shari'ah* (the purpose of Islamic law) are well maintained. In the context of digital divorce, the *maqasid* that must be upheld are *hifz al-'ird* (maintaining honor), *hifz al-'aql* (maintaining common sense in making decisions), and *hifz al-nasl* (protecting offspring from the psychological impact of public divorce). These three can only be maintained if the principle of *ihsan* becomes the moral foundation in domestic life.

That Islamic law and positive Indonesian law have similarities in the moral spirit of both emphasize the importance of responsibility and protection for the weak, especially women and children. The Compilation of Islamic Law (KHI) stipulates that *talaq* is only valid when pronounced in front of a Religious Court hearing

However, from the perspective of normative *fiqh*, digital *talaq* can be valid when it meets certain conditions, namely: (1) Clearly spoken. Carried out by a party who is aware and intends to divorce, and (2) Legally provable.

Thus, these findings show that there is a compromise between classical jurisprudence and modern positive law. Islamic law emphasizes the aspect of intention and seriousness in *talaq*, while state law emphasizes formal procedures and applicable legal protection. Scholars of interpretation such as Ibn Kathir interpret that piety is a spiritual limit so that humans do not use the right of *talak* arbitrarily and at will. This principle emphasizes that Islamic law not only regulates relationships between individuals, but also requires spiritual awareness in every legal action carried out

Ethical Approval

Not Applicable

Informed Consent Statement

Not Applicable

Authors' Contributions

JA conceptualized the study, conducted textual analysis, and drafted the manuscript. HI contributed to literature review, interpretation of findings, and manuscript revision.

Disclosure Statement

The Authors declare that they have no conflict of interest

Data Availability Statement

The data presented in this study are available upon request from the corresponding author for privacy.

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