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Construction of Proof in Divorce Cases Involving Adultery Allegations: An Analysis of Two Religious Court Decisions from the Perspective of Maqāṣid al-Syarī'ah

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Abstrak

Penelitian ini bertujuan menganalisis konstruksi pembuktian hubungan dengan pihak ketiga dalam perkara perceraian serta kedudukannya dalam pembuktian perselisihan dan pertengkaran terus-menerus. Penelitian ini juga mengkaji pertimbangan hakim dalam mengabulkan perceraian berdasarkan perspektif maqāṣid al-syarī'ah. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Data diperoleh melalui studi kepustakaan dengan menelaah peraturan perundang-undangan, literatur fikih, serta Putusan Pengadilan Agama Kabupaten Malang Nomor 3997/Pdt.G/2019/PA.Kab.Mlg dan Putusan Pengadilan Agama Malang Nomor 1072/Pdt.G/2024/PA.Mlg. Hasil penelitian menunjukkan bahwa kedua putusan tidak menetapkan perzinaan sebagai fakta hukum, melainkan menempatkan hubungan dengan pihak ketiga sebagai salah satu faktor yang melatarbelakangi perselisihan rumah tangga. Pembuktian diarahkan pada keadaan perkawinan yang telah mengalami keretakan, ditandai dengan perselisihan berkepanjangan, perpisahan, dan tidak berhasilnya upaya perdamaian. Dalam perspektif maqāṣid al-syarī'ah, pengabulan perceraian dapat dipahami sebagai upaya mencegah kemudaratan yang berkelanjutan melalui perlindungan jiwa, penimbangan maslahat, dan pertimbangan akibat hukum. Penelitian ini memperjelas perbedaan orientasi pembuktian zina dan pembuktian keretakan perkawinan dalam perkara perceraian.

Kata Kunci: pembuktian perceraian; hubungan pihak ketiga; maqāṣid al-syarī'ah.

Abstract

This study examines the evidentiary construction of relationships with third parties in divorce proceedings and their relevance to establishing continuous disputes and quarrels as grounds for divorce. It also analyzes the judges' considerations in granting divorce from the perspective of maqāṣid al-sharī'ah. This research employs normative legal research using statutory, conceptual, and case approaches. The data were collected through library research by examining relevant legislation, Islamic jurisprudence literature, and two court decisions: Decision No. 3997/Pdt.G/2019/PA.Kab.Mlg of the Malang Regency Religious Court and Decision No. 1072/Pdt.G/2024/PA.Mlg of the Malang Religious Court. The findings indicate that neither court established adultery as a legally proven fact. Instead, relationships with third parties were treated as factors contributing to marital disputes. The evidentiary process focused on demonstrating the breakdown of the marriage, as

reflected in prolonged conflicts, separation, and unsuccessful reconciliation efforts. From the perspective of maqāṣid al-sharī'ah, granting divorce may be understood as an effort to prevent continuing harm through the protection of life, the balancing of competing interests, and consideration of the consequences of legal decisions. This study clarifies the distinction between proving adultery and establishing marital breakdown in divorce proceedings.

Keywords: *divorce evidence; third-party relationships; maqāṣid al-sharī'ah.*

Introduction

Marriage constitutes a legal bond aimed at establishing a harmonious family life. However, in practice, spousal relationships do not always align with this objective. Disputes, the erosion of trust, and the involvement of one party with a third party frequently trigger prolonged conflicts culminating in divorce. In such cases, relationships with a third party often form a core part of the plaintiff's claims or the defendant's responses. Nevertheless, the existence of such a relationship cannot always be—nor does it necessarily need to be—proven as adultery (*zinā*) within the strict definition of Islamic criminal jurisprudence (*fiqh jināyah*). The core issue lies in how facts concerning a relationship with a third party are evaluated within divorce proceedings and to what extent such facts can be utilized to demonstrate marital breakdown.

From the perspective of *fiqh jināyah*, adultery is categorized as a *ḥudūd* offense subject to stringent evidentiary requirements. One primary mode of proof is the direct testimony of four eyewitnesses to the act, alongside confession under conditions rigorously debated by Muslim jurists. These stipulations govern the proof of the criminal act of adultery and its corresponding legal consequences. Meanwhile, within Indonesian marriage law, the ground for divorce based on adultery is distinguished from the ground of continuous disputes and quarrels. This distinction is manifested in Article 19 letters (a) and (f) of Government Regulation Number 9 of 1975, as well as Article 116 letters (a) and (f) of the Compilation of Islamic Law (KHI). Consequently, evidentiary standards in divorce proceedings are not invariably directed toward confirming the occurrence of adultery, but rather toward substantiating a state of irremediable marital breakdown.

A number of studies have previously examined infidelity and evidentiary issues in divorce cases. Achmad Husaini, through research on divorce grounded in adultery at the Kuala Tungkal Religious Court, outlined the complexities of proving adultery and the standing of witnesses in divorce litigation. Research by Lale Dita Ayu Liantari and Sahruddin concerning contested divorce based on infidelity at the Praya Religious Court similarly explored how infidelity is framed within judges' legal considerations. While both studies provide valuable insights into evidentiary challenges and the application of divorce grounds involving third-party allegations, a comprehensive analysis contrasting the proof of adultery in *fiqh jināyah* with the evidentiary status of third-party involvement as an indicator of marital breakdown remains underexplored.

Other studies, such as Khoerun's research on divorce cases at the East Jakarta Religious Court and Eka Susylawati's writings on continuous disputes as a ground for divorce, have laid a foundation for understanding the application of divorce grounds within religious court practices. Nonetheless, scholarly engagement with

judges' reasoning in assessing third-party relationships has yet to fully clarify how such facts are correlated with a household's loss of harmony. Furthermore, evaluating judicial reasoning through the framework of substantive public benefit (*maṣlaḥah*), particularly regarding whether a marriage should be preserved or dissolved, remains an open area for scholarly inquiry. Accordingly, this study not only examines the legal standing of third-party relationships within the architecture of divorce proof, but also evaluates judicial reasoning through the lens of *maqāṣid al-syarī'ah*.

These dynamics are prominently manifested in Decision of the Malang Regency Religious Court Number 3997/Pdt.G/2019/PA.Kab.Mlg and Decision of the Malang Religious Court Number 1072/Pdt.G/2024/PA.Mlg. Both decisions involve allegations of third-party relationships yet present distinct evidentiary instruments and litigant postures. In the 2019 case, the wife alleged her husband's relationship with another woman, substantiated inter alia by WhatsApp messages and witness testimonies. Conversely, in the 2024 case, the husband alleged his wife's relationship with another man by submitting electronic evidence and witness accounts. Despite these allegations, both cases were adjudicated under the ground of continuous disputes and quarrels pursuant to Article 19 letter (f) of Government Regulation Number 9 of 1975 *juncto* Article 116 letter (f) of the Compilation of Islamic Law, rather than establishing adultery as the foundational legal fact of the verdict.

These two decisions raise critical questions regarding how judges assess evidentiary tools and statements concerning third-party relationships, and how such facts are integrated into the proof of continuous marital disputes. This inquiry is paramount because the existence of electronic messages or witness statements regarding a third-party association does not automatically prove sexual intercourse, nor does it inherently demonstrate that a marriage has suffered a level of breakdown fulfilling statutory divorce criteria. Therefore, it is essential to examine the nexus between facts revealed at trial, judicial evaluation of evidence, and the legal conclusions drawn regarding the marital condition of the parties.

Beyond evidentiary aspects, the granting of a divorce is deeply intertwined with considerations of the parties' welfare (*maṣlaḥah*). Within the framework of *maqāṣid al-syarī'ah*, this issue can be examined through the principle of the preservation of life (*ḥifẓ al-nafs*), the weighing between the benefits of preserving versus terminating a marriage, and the evaluation of potential consequences arising from a decision (*i'tibār ma'ālāt al-af'āl*). This perspective is employed to evaluate judicial reasoning in assessing household conditions and the prospective impacts of maintaining or dissolving the marriage. Consequently, this study addresses two central research questions: how the evidentiary construction of third-party relationships and their standing in proving continuous disputes are manifested in both decisions, and how the judges' legal reasoning in granting the divorce can be analyzed through the perspective of *maqāṣid al-syarī'ah*. This research aims to elucidate the patterns of judicial assessment regarding facts and evidence submitted by litigants, while analyzing the substantive foundation of *maṣlaḥah* reflected in the verdicts. Ultimately, this study is expected to clarify the distinction between proving adultery and proving marital breakdown in divorce litigation, while offering a critical appraisal of judicial reasoning based on the objectives of Islamic law.

Research Method

This study is normative legal research focusing on the examination of legal provisions and judicial considerations in divorce cases involving allegations of third-party relationships. It employs three legal research approaches: the statute approach, the conceptual approach, and the case approach. The statute approach is used to examine provisions governing grounds for divorce in Government Regulation No. 9 of 1975, the Compilation of Islamic Law (KHI), and other regulations relevant to the law of evidence. The conceptual approach is utilized to analyze the concept of proving adultery (*zinā*) in Islamic criminal jurisprudence (*fiqh jināyah*), the nature of third-party relationships in divorce litigation, and the principles of *maqāṣid al-syarī'ah*—specifically the protection of life (*ḥifẓ al-nafs*), the balancing of public benefits (*ta'āruḍ al-maṣāliḥ*), and the consideration of legal consequences (*i'tibār ma'ālāt al-af'āl*). Meanwhile, the case approach is applied to analyze the judicial *ratio decidendi* in Decision of the Malang Regency Religious Court Number 3997/Pdt.G/2019/PA.Kab.Mlg and Decision of the Malang Religious Court Number 1072/Pdt.G/2024/PA.Mlg.

The legal materials utilized in this research comprise primary, secondary, and tertiary legal materials. Primary legal materials consist of Government Regulation No. 9 of 1975, the Compilation of Islamic Law, the Marriage Law, the Electronic Information and Transactions (ITE) Law, as well as the two court decisions under study. Secondary legal materials include classical and contemporary Islamic jurisprudence texts (*kitāb fiqh*), *maqāṣid al-syarī'ah* literature, scholarly books on marriage law and procedural law of evidence, alongside relevant journal articles and prior research findings. Tertiary legal materials comprise legal dictionaries, encyclopedias, and reference sources that aid in clarifying specific terms and concepts used in this study.

Data collection was conducted through library research by tracing, identifying, and inventorying statutory regulations, judicial decisions, and literature relevant to the study's focus. All collected legal materials were subsequently analyzed qualitatively using a descriptive-analytical technique. The analysis proceeded through three main stages. First, delineating the distinction between the evidentiary construction of adultery in *fiqh jināyah* and the proof of divorce grounds under Indonesian marriage law. Second, identifying legal facts and analyzing the judges' *ratio decidendi* in both decisions, particularly regarding how third-party relationships were framed as the catalyst for continuous dispute and marital breakdown. Third, examining judicial considerations through the lens of *maqāṣid al-syarī'ah* to assess the protection of *maṣlaḥah* in granting the divorce. Through these structured stages, this research aims to clarify the evidentiary construction employed by judges while critically evaluating the substantive foundations of *maṣlaḥah* reflected in their legal reasoning.

Results and Discussion

A. The Construction of Proof of Adultery and Third-Party Relationships in Divorce Litigation

1. The Proof of Adultery in Jurisprudential Perspective and Its Distinction from Proof in Divorce Litigation

In Islamic law, adultery (*zinā*) is a prohibited act classified as a *ḥudūd* offense because it constitutes a violation of established divine commands. Adultery is fundamentally understood as sexual intercourse between a man and a woman outside a valid marital bond. Given its severe legal consequences, the establishment of adultery cannot be based merely on suspicion or moral judgment; rather, it requires rigorous proof. This principle is reflected, among other things, in Surah al-Nūr [24]: 4, which mandates four eyewitnesses for anyone accusing chaste women of adultery.[1]

In Islamic jurisprudence (*fiqh*), one primary mode of proving adultery is the direct testimony of four eyewitnesses to the act. Alongside testimony, confession by the perpetrator is also recognized as a form of proof, although jurists hold divergent views regarding its specific conditions and legal consequences. The strict evidentiary requirements are deeply rooted in caution regarding the establishment of *ḥudūd* offenses, while simultaneously protecting an individual's honor from unverified accusations.[2] Consequently, the requirement of four witnesses must be understood within the context of establishing adultery, which carries implications for the application of *ḥudūd* punishments.

One form of proving adultery recognized in *fiqh* is the direct testimony of four eyewitnesses to the act. Alongside testimony, confession by the perpetrator is also recognized as an evidentiary tool in adultery cases, despite differing views among jurists regarding its conditions and legal consequences. Accordingly, the four-witness requirement cannot be detached from the context of establishing the act of adultery, which entails the application of *ḥudūd* penalties.

However, these requirements cannot be divorced from their scope and evidentiary objectives. The proof of adultery in *fiqh jināyah* aims to establish an act as a criminal offense subject to *ḥudūd* sanctions, whereas proof in divorce litigation is directed toward assessing whether legal grounds for dissolving a marriage have been fulfilled. This difference in legal objects and consequences means that the four-witness requirement in *ḥudūd* cases cannot be automatically applied to divorce proceedings. In this context, the judge is not examining whether an individual should be penalized for adultery, but rather evaluating the facts presented by the litigants to determine the fulfillment of divorce grounds as stipulated by statutory regulations. This distinction is also highlighted in Achmad Husaini's research on divorce practices involving allegations of adultery at the Kuala Tungkal Religious Court, which demonstrates that divorce proceedings are conducted under civil procedural law and do not necessitate four witnesses as required in *ḥudūd* proof.[3]

[1] Al-Qur'an, QS. al-Nūr [24]: 4.

[2] Muh Zaitun Ardi et al., "Islamic Criminal Law On Jarimah Zina's Testimony: Uncovering The Conflicts Between Sharia Doctrine And Reality," *Al-Risalah Jurnal Ilmu Syariah Dan Hukum* 22, no. 1 (May 2022): 52–62.

This divergence in objectives also influences how judges evaluate evidence. In divorce litigation, witness testimonies, documentary evidence, electronic records, and other facts revealed at trial can be utilized to assess the state of the parties' household. Such evidence does not inherently establish that a relationship with a third party fulfills the legal elements of adultery under *fiqh jināyah*. Nevertheless, it can demonstrate communication or intimacy that triggers disputes, erodes trust, disrupts the performance of marital rights and obligations, or impairs the continuation of the marriage. Therefore, a clear distinction must be made between proving that an individual has committed adultery and proving that a relationship with a third party has caused marital breakdown.

2. The Distinction Between Divorce Grounds Based on Adultery and Continuous Disputes under Government Regulation No. 9 of 1975 and the Compilation of Islamic Law (KHI)

In Indonesian marriage law, adultery and continuous disputes are designated as two distinct grounds for divorce. Article 19 of Government Regulation (PP) No. 9 of 1975 regulates adultery under letter (a), whereas continuous disputes and quarrels without any prospect of reconciliation are regulated under letter (f).[4] A similar formulation is found in Article 116 letters (a) and (f) of the Compilation of Islamic Law (KHI).[5] The placement of both provisions in separate clauses indicates that the act of adultery and marital breakdown constitute distinct legal bases, although in certain circumstances they may intersect.

The ground for divorce based on adultery, as stipulated in Article 19 letter (a) of PP No. 9 of 1975 and Article 116 letter (a) of the KHI, is anchored in the misconduct of one party qualified as adultery. Conversely, the ground of continuous disputes under Article 19 letter (f) of PP No. 9 of 1975 and Article 116 letter (f) of the KHI does not rest upon the proof of a single specific act, but rather upon the condition of the marital relationship characterized by prolonged conflict and the absence of any hope for reconciliation. In other words, letter (a) emphasizes the specific conduct of a party, whereas letter (f) is oriented toward the overall condition of the spousal relationship. This distinction dictates the facts that must be proven as well as the legal basis employed by the judge in qualifying those facts.

This distinction is further reflected in the evidentiary provisions governing dispute grounds. Article 22 paragraph (2) of PP No. 9 of 1975 states that a divorce suit based on Article 19 letter (f) is admissible if the causes of the dispute and quarrel have become sufficiently clear to the court after hearing family members and individuals close to the couple.[6] This provision indicates that the judicial examination is not directed toward establishing a criminal offense or specific violation, but rather toward acquiring a comprehensive picture of the causes and conditions of domestic conflict. Consequently, the judge's focus centers on a series

[3] Achmad Husaini, "Dinamika Perceraian Karena Zina Dan Problematika Saksi: Studi Di Pengadilan Agama Kuala Tungkal," *Aainul Haq: Jurnal Hukum Keluarga Islam* 4, no. II (2024): 145.

[4] Peraturan Pemerintah Republik Indonesia Nomor 9 Tahun 1975 tentang Pelaksanaan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, Pasal 19 huruf a dan f.

[5] Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam, Lampiran, Buku I, Pasal 116 huruf a dan f.

[6] Peraturan Pemerintah Republik Indonesia Nomor 9 Tahun 1975, Pasal 22 ayat (2).

of facts demonstrating the existence of disputes, their persistence, and the circumstances indicating the impossibility of reconciliation.

Nevertheless, invoking the ground of continuous disputes does not imply that every single argument or disharmony can instantly serve as a basis for granting a divorce. The elements set forth in Article 19 letter (f) of PP No. 9 of 1975 and Article 116 letter (f) of the KHI must be evaluated comprehensively: the existence of continuous disputes and quarrels, and the absence of hope for the spouses to live harmoniously together again. Therefore, judges must weigh not only the triggering events of conflict but also their development and impact on the marital relationship. In this context, a relationship with a third party may serve as a factual explanation for the origin of disputes, yet it does not automatically substitute for the proof of marital breakdown required by letter (f).

3. The Legal Standing of Third-Party Relationships as Facts Indicating Marital Breakdown

Based on this distinction, relationships with third parties must be understood according to their legal relevance in divorce litigation. Such relationships may manifest as communication exceeding reasonable boundaries, emotional intimacy, or other associations that generate suspicion and conflict between spouses. However, these forms of relationship cannot always be qualified as adultery in the strict sense of *fiqh*. Consequently, terms such as infidelity or third-party involvement must be employed cautiously to avoid conflating suspected behavioral conduct with legally proven adultery. In divorce litigation, its relevance lies in the extent to which such relationships explain the emergence of disputes and their impact on the sustainability of the household.[7]

The standing of a third-party relationship as a factual catalyst for breakdown further requires judges to correlate it with other evidence revealed during trial proceedings. Electronic communications, witness statements, party admissions, or other evidence may establish the existence of a specific relationship. However, such evidence must be evaluated based on its content, context, and correlation with the condition of the household. Communications indicating intimacy with another person, for instance, become relevant when proven to generate conflict, erode trust, or disrupt spousal relations. Conversely, the mere existence of such communications is insufficient to conclude that adultery has occurred or that statutory divorce grounds have been fulfilled. Thus, evidentiary evaluation must be directed toward the facts sought to be proven, rather than the mere existence of the evidence itself.

The legal standing of a third-party relationship ultimately depends upon the specific ground for divorce invoked. When grounded in adultery, the judge must assess whether the accused act can be proven and qualified as adultery under the relevant legal framework. Meanwhile, when invoked as a cause of continuous disputes, the examination focuses on the influence of that relationship upon the marriage, including whether it triggered prolonged conflict and extinguished any hope for reconciliation. In this regard, a third-party relationship does not constitute

[7] Lale Dita Ayu Liantari dan Sahruddin, "Analisis Yuridis Cerai Gugat dengan Alasan Perselingkuhan di Pengadilan Agama Praya Kabupaten Lombok Tengah: Studi Putusan PA Praya Nomor 1071/Pdt.G/2020/PA.Pra," Private Law 2, no. 2 (2022): 344–51.

an independent ground for divorce, but rather functions as a factual background explaining the cause and progression of marital breakdown.

This distinction forms the foundational basis for understanding the evidentiary construction in divorce cases involving allegations of adultery. The failure to prove an individual as an adulterer does not automatically strip a third-party relationship of its legal relevance. Such facts may still be considered provided they are proven to be connected to marital disputes and breakdown. In essence, proof in divorce litigation is not intended to supersede the evidentiary standards of adultery in *fiqh jināyah*, but rather to assess whether a third-party relationship, combined with other facts, demonstrates the fulfillment of divorce grounds under Indonesian marriage law. This distinction serves as the baseline for analyzing how judges in both examined decisions construct the facts of third-party relationships and channel them toward the ground of continuous disputes.[8]

B. Fact Construction and Judicial *Ratio Decidendi* in Two Religious Court Decisions

1. Fact Construction and Judicial Reasoning in Decision Number 3997/Pdt.G/2019/PA.Kab.Mlg

The legal action in Decision of the Malang Regency Religious Court Number 3997/Pdt.G/2019/PA.Kab.Mlg was initiated by a wife who alleged that her marriage suffered from continuous disputes and quarrels caused by her husband's romantic involvement with another woman. The plaintiff discovered this relationship through WhatsApp messages revealing affectionate communication between the defendant and the third party. Conversely, the defendant contested the allegation, asserting that the communication pertained to familial relations and financial debts. Consequently, divergent testimonies regarding the nature of the defendant's relationship with the third party persisted from the onset of the examination.[9]

To substantiate her claims, the plaintiff presented two witnesses acquainted with the parties' domestic issues. Both witnesses learned of the alleged romantic involvement through the plaintiff's accounts and WhatsApp conversations shown to them, rather than through direct observation of sexual intercourse between the defendant and the third party. Nevertheless, the witnesses testified that the issue triggered disputes, deteriorated spousal communication, and resulted in a physical separation of residence lasting approximately ten months. Family reconciliation efforts likewise proved unsuccessful. Consequently, the witness testimonies served more to corroborate the impact of the relationship on domestic life than to directly prove adultery.[10]

The panel of judges declared that the testimonies of the plaintiff's two witnesses fulfilled formal and material requirements, subsequently utilizing them to corroborate four central facts: continuous disputes and quarrels, the defendant's romantic relationship with another woman as the catalyst, deteriorating

[8] Putusan Pengadilan Agama Kabupaten Malang Nomor 3997/Pdt.G/2019/PA.Kab.Mlg perihal Perceraian (Cerai Gugat), 12 Mei 2020; Putusan Pengadilan Agama Malang Nomor 1072/Pdt.G/2024/PA.Mlg perihal Perceraian (Cerai Gugat), 30 Januari 2025.

[9] Putusan Pengadilan Agama Kabupaten Malang Nomor 3997/Pdt.G/2019/PA.Kab.Mlg perihal Perceraian (Cerai Gugat), 12 Mei 2020.

[10] Ibid.

communication during physical separation, and the failure of reconciliation efforts. Meanwhile, the sole witness presented by the defendant was sidelined pursuant to Article 169 of the *Herzien Inlandsch Reglement* (HIR) and the principle of *unus testis nullus testis*. Based on this evaluation, the judge did not establish the occurrence of adultery, but rather identified a romantic relationship that catalyzed disputes and marital breakdown.[11]

These facts were subsequently utilized by the judge to evaluate the marital condition of the parties. The panel found that a once-harmonious marriage had been marred by conflict stemming from the defendant's romantic involvement, culminating in physical separation, impaired communication, and mutual indifference. This sequence of circumstances was deemed indicative of a total loss of marital harmony, preventing the fulfillment of spousal rights and obligations.[12]

Of particular note is how the judge integrated the romantic third-party relationship into the legal reasoning. The relationship was designated as the cause of disputes, yet it was not treated as an independent object of adultery proof requiring separate establishment. Instead, the judge linked it directly to its impact on domestic life, particularly prolonged disputes, physical separation, and the breakdown of communication. The panel further clarified that marital breakdown need not be manifested solely through physical violence or open altercations, but may also comprise mental cruelty or abandonment resulting in the unfulfillment of marital duties.[13]

Based on these factual findings, the panel qualified the parties' marital condition as a broken marriage and applied Article 19 letter (f) of PP No. 9 of 1975 *juncto* Article 116 letter (f) of the KHI.[14] The judge concluded that three statutory elements were fulfilled: continuous disputes and quarrels, the absence of hope for reconciliation, and the failure of mediation efforts. Thus, the defendant's romantic relationship with another woman was framed as the factual cause of disputes, whereas the legal basis for granting the divorce rested upon the established reality of marital breakdown.

2. Fact Construction and Judicial Reasoning in Decision Number 1072/Pdt.G/2024/PA.Mlg

In contrast to the preceding case, Decision of the Malang Religious Court Number 1072/Pdt.G/2024/PA.Mlg involved allegations of a third-party relationship raised by a husband against his wife. In her response, the defendant alleged that the plaintiff maintained a relationship with another man who was his colleague. The defendant also submitted WhatsApp transcripts and presented a written statement purportedly showing the plaintiff's admission of the relationship, including allegations of sexual intercourse. However, the plaintiff denied these accusations, asserting that the written statement was signed under duress. Consequently, the allegation of adultery in this case remained a contested claim requiring evaluation based on trial evidence and facts, rather than being accepted as proven *ab initio*.[15]

[11] Ibid.

[12] Putusan Pengadilan Agama Kabupaten Malang Nomor 3997/Pdt.G/2019/PA.Kab.Mlg perihal Perceraian (Cerai Gugat), 12 Mei 2020.

[13] Ibid.

[14] Ibid.

During the proceedings, the litigants submitted various pieces of evidence, including printed WhatsApp chat transcripts. The panel evaluated this electronic evidence pursuant to Article 5 of the Electronic Information and Transactions (ITE) Law, which recognizes electronic information, electronic documents, and their printed outputs as valid legal evidence.[16] Regarding exhibits T.1 and T.2, the judge noted that the chat contents were undisputed and acknowledged as authentic by the opposing party, subsequently granting them perfect evidentiary weight by referencing Article 165 of the HIR.[17] Furthermore, two witnesses presented by the defendant testified to domestic disputes, a physical separation lasting approximately one and a half years, and the failure of reconciliation efforts.[18]

Nevertheless, acknowledgment of the existence and content of communications must be distinguished from proving the entirety of events alleged through those communications. In this decision, the judge accepted the WhatsApp chat evidence while noting its contents were undisputed. However, when formulating legal facts, the panel did not declare that the plaintiff had committed adultery or extra-marital sexual intercourse. Rather, the judge found that domestic disputes and quarrels centered around issues of communication, emotional support (*nafkah batin*), and third-party involvement. This sequence of facts was subsequently correlated with a year-and-a-half physical separation and the failure of family efforts to reconcile the parties.[19]

Based on these facts, the panel concluded that the parties' marriage had suffered from continuous disputes and quarrels, accompanied by physical separation and the severance of spousal communication. The judge also emphasized the psychological bond (*ikatan batin*) as an essential element of marriage pursuant to Article 1 of the Marriage Law. When such a bond ceases to exist in domestic life, the marriage is legally deemed to have collapsed. Consequently, the presence of a third party was framed as a contributing factor within a broader sequence of conflict, rather than as an independent legal fact establishing adultery.[20]

The judge's reasoning subsequently extended to evaluating the consequences of sustaining a marriage under such conditions. The panel assessed whether the marriage remained viable when the parties were no longer willing to sustain it and domestic life failed to fulfill its statutory objectives. To reinforce this reasoning, the judge invoked the legal maxim *lā ḍarar wa lā ḍirār*, aligned the parties' circumstances with provisions of the Domestic Violence Elimination Law, and cited Sayyid Sabiq's exposition in *Fiqh al-Sunnah* regarding the permissibility of divorce when hardship is proven and reconciliation proves unattainable. The judge further

[15] Putusan Pengadilan Agama Malang Nomor 1072/Pdt.G/2024/PA.Mlg perihal Perceraian (Cerai Gugat), 30 Januari 2025.

[16] Undang-Undang Republik Indonesia Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik sebagaimana diubah dengan Undang-Undang Nomor 19 Tahun 2016, Pasal 5 ayat (1) dan (2)

[17] Herzien Inlandsch Reglement (HIR), Pasal 165.

[18] Putusan Pengadilan Agama Malang Nomor 1072/Pdt.G/2024/PA.Mlg perihal Perceraian (Cerai Gugat), 30 Januari 2025.

[19] Ibid.

[20] Ibid.

referenced Supreme Court Decision Number 1278 K/AG/1999 concerning broken marriages resulting from prolonged and irreconcilable disputes.[21]

Drawing upon this legal reasoning, the panel declared the grounds for divorce proven pursuant to Article 19 letter (f) of PP No. 9 of 1975 *juncto* Article 116 letter (f) of the KHI. Physical separation, failed mediation and reconciliation efforts, and the absence of hope for harmonious reunion formed the legal basis for granting the petition. The judge likewise assessed that maintaining a marriage under such conditions would inevitably inflict severe physical and psychological suffering upon both parties.[22] Thus, analogous to the 2019 decision, the third-party allegation was not established as adultery, but was evaluated as an integral component of the facts demonstrating marital breakdown.

3. The Shift in Evidentiary Orientation: From Adultery Establishment to Marital Breakdown Proof

Read side-by-side, both decisions reveal structural differences in evidentiary subject matter and litigant postures. In Decision Number 3997/Pdt.G/2019/PA.Kab.Mlg, the wife alleged her husband's romantic involvement with another woman, relying primarily on witness testimonies regarding WhatsApp communications. Meanwhile, in Decision Number 1072/Pdt.G/2024/PA.Mlg, the husband alleged his wife's involvement with another man, submitting printed WhatsApp transcripts evaluated alongside witness accounts. This divergence demonstrates that both cases involved distinct evidentiary materials, precluding any assumption of identical evidentiary standards.

Notwithstanding these differences, both decisions share a common approach in qualifying third-party relationships. In the 2019 decision, the husband's romantic relationship was characterized as the cause of disputes, whereas in the 2024 decision, third-party involvement was framed alongside communication deficits and emotional support issues as a conflict-triggering factor.[23] In both proceedings, the judges refrained from treating the establishment of adultery as the decisive legal fact governing the dissolution of the marriage. Judicial focus centered instead on prolonged disputes, physical separation, impaired spousal communication, and failed reconciliation efforts.

This commonality underscores a crucial distinction between conflict-triggering facts and the legal facts governing the granting of divorce. Third-party relationships explain the genesis or progression of disputes, whereas marital breakdown constitutes the overarching state that must be proven to fulfill divorce grounds under Article 19 letter (f) of PP No. 9 of 1975 and Article 116 letter (f) of the KHI.[24] Consequently, judges evaluate not merely whether a party maintained an association with another individual, but whether that association triggered

[21] Putusan Pengadilan Agama Malang Nomor 1072/Pdt.G/2024/PA.Mlg perihal Perceraian (Cerai Gugat), 30 Januari 2025.

[22] Ibid., 40.

[23] Putusan Pengadilan Agama Kabupaten Malang Nomor 3997/Pdt.G/2019/PA.Kab.Mlg perihal Perceraian (Cerai Gugat), 12 Mei 2020; Putusan Pengadilan Agama Malang Nomor 1072/Pdt.G/2024/PA.Mlg perihal Perceraian (Cerai Gugat), 30 Januari 2025.

[24] Peraturan Pemerintah Republik Indonesia Nomor 9 Tahun 1975, Pasal 19 huruf f; Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991, Lampiran, Buku I, Pasal 116 huruf f.

prolonged disputes rendering the marriage unsustainable. Evidentiary orientation is thus channeled toward the overall condition of the marital relationship rather than the isolated conduct of a single party.

This judicial pattern cannot be construed as an alteration or relaxation of the evidentiary standards governing adultery in *fiqh*. Neither decision exhibits any modification of the stringent witness requirements mandated for establishing *ḥudūd* offenses. What emerges instead is the application of appropriate legal grounds for divorce tailored to the judicial examination's legal object. Judges are not determining whether adultery occurred to impose criminal sanctions, but are evaluating whether trial facts demonstrate marital breakdown as required by marriage law. Accordingly, this pattern is more accurately characterized as a shift in evidentiary orientation within divorce litigation, rather than a relaxation of adultery proof standards.

Nevertheless, this analytical construction leaves lingering questions regarding the boundaries of judicial evaluation concerning third-party evidence. In the 2019 case, witness testimonies regarding WhatsApp communications were utilized to substantiate dispute origins, despite witnesses lacking direct observation of sexual acts.[25] In the 2024 case, the judge accepted printed electronic transcripts and noted they were undisputed, yet did not elaborate further on whether admission of chat contents encompassed the veracity of their entire context.[26] Furthermore, the decision characterized exhibits T.1 and T.2 as non-authentic deeds (*bukan akta autentik*), yet subsequently accorded them perfect evidentiary weight by citing Article 165 of the HIR. This generates unresolved doctrinal questions regarding the nexus between the admission of chat contents, electronic document authenticity, and applicable evidentiary weight.[27]

Consequently, both decisions illustrate that third-party relationships hold legal relevance in divorce litigation without requiring formal establishment as adultery. Their relevance rests upon their capacity to explain the causes and progression of conflicts culminating in marital breakdown. However, such relationships cannot be automatically equated with proof of structural marital collapse. Judges must continuously correlate them with collateral facts, such as prolonged disputes, physical separation, disrupted spousal rights and obligations, and failed reconciliation efforts. This architectural framework serves as the baseline for examining whether judicial reasoning in terminating marriages adequately reflects the protection of the parties' substantive welfare (*maṣlaḥah*).[28]

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[25] Putusan Pengadilan Agama Kabupaten Malang Nomor 3997/Pdt.G/2019/PA.Kab.Mlg perihal Perceraian (Cerai Gugat), 12 Mei 2020.

[26] Putusan Pengadilan Agama Malang Nomor 1072/Pdt.G/2024/PA.Mlg perihal Perceraian (Cerai Gugat), 30 Januari 2025.

[27] Undang-Undang Republik Indonesia Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik sebagaimana diubah terakhir dengan Undang-Undang Nomor 1 Tahun 2024, Pasal 5. Lihat juga Andi Rishadi dan Habibah Fiteriana, "Dari Ruang Privat ke Ruang Sidang: Dinamika Pembuktian Perselingkuhan Digital dalam Sengketa Perceraian," Direktorat Jenderal Badan Peradilan Agama, 22 Juni 2026, https://badilag.mahkamahagung.go.id/artikel/dari-ruang-privat-ke-ruang-sidang-dinamika-pembuktian-perselingkuhan-digital-dalam-sengketa-perceraian-oleh-andi-rishadi-s-h-m-h-habibah-fiteriana-s-h-m-h-22-6, diakses Minggu 1 November 2026.

[28] Putusan Pengadilan Agama Kabupaten Malang Nomor 3997/Pdt.G/2019/PA.Kab.Mlg perihal Perceraian (Cerai Gugat), 12 Mei 2020; Putusan Pengadilan Agama Malang Nomor 1072/Pdt.G/2024/PA.Mlg perihal Perceraian (Cerai Gugat), 30 Januari 2025.

C. Consideration of Public Benefit (*Maṣlaḥah*) in Granting Divorce from the Perspective of *Maqāṣid al-Syarī'ah*

1. *Ḥifẓ al-Nafs* as an Orientational Framework for Protection in Divorce Litigation

Within the framework of *maqāṣid al-syarī'ah*, marriage is not merely a legal contract between a man and a woman, but an institution designed to foster a tranquil family life characterized by mutual protection and the fulfillment of reciprocal rights and obligations. This objective is reflected in Surah al-Rūm [30]: 21, which portrays marriage as a pathway to attaining tranquility (*sakīnah*), affection (*mawaddah*), and mercy (*raḥmah*). Therefore, preserving marital integrity constitutes a fundamental public benefit (*maṣlaḥah*) worthy of safeguarding. However, the maintenance of this bond must remain tethered to its underlying purposes. When domestic life transforms into a source of chronic disputes and enduring hardship, formalistic preservation of the marriage ceases to align with those objectives.

A primary objective of Islamic law (*maqāṣid*) highly relevant to this condition is *ḥifẓ al-nafs* (the preservation of life and human well-being). Within the classical hierarchy of *al-darūriyyāt al-khams*, *ḥifẓ al-nafs* constitutes a primary necessity requiring protection. The preservation of life in this context extends beyond the prevention of physical violence or homicide to encompass safeguarding individuals from conditions generating severe psychological distress and destroying domestic tranquility. In a household setting, prolonged conflict and psychological pressure constitute forms of hardship (*mafsadah*) demanding judicial attention. Nevertheless, the invocation of *ḥifẓ al-nafs* in divorce proceedings must remain anchored in concrete trial facts, rather than speculative assumptions that ordinary marital disputes inherently threaten bodily safety.

This understanding harmonizes with the jurisprudential methodology of Abū Isḥāq al-Syāṭibī in *al-Muwāfaqāt*, which situates the protection of human welfare as the overarching objective of divine legislation. Such welfare is secured through the protection of five foundational necessities: religion, life, lineage, intellect, and property.[29] Protection is operationalized not only by actively manifesting benefits, but also by preempting harms (*mafāsid*). Within this framework, marriage cannot be evaluated solely by the formal continuity of its legal bond, but must be gauged by its capacity to generate substantive welfare for the parties bound within it.

In both examined cases, the relevance of *ḥifẓ al-nafs* is manifested in the erosion of marital harmony, deteriorating communication, physical separation, and the failure of reconciliation efforts. While these facts do not establish immediate threats to physical safety, they demonstrate acute hardship when conflicts persist indefinitely and spousal relations preclude the proper fulfillment of rights and obligations. Consequently, *ḥifẓ al-nafs* is deployed in this study in a targeted sense as an orientational framework for protecting litigants from the deleterious consequences of severe marital breakdown.

[29] Abū Isḥāq al-Syāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Syarī'ah*, terj. Ahmadzaini Dahlan, dkk. Jakarta: Pustaka Al-Kautsar, 2021.

2. Weighing Competing Benefits: Preserving Versus Terminating Marriage

The invocation of *ḥifẓ al-nafs* in divorce litigation necessitates a comparative weighing between the benefits of preserving versus terminating a marriage. On one hand, preserving a marriage constitutes a *maṣlaḥah* as it maintains familial integrity and affords spouses an opportunity to mend their relationship. On the other hand, dissolving a marriage emerges as the superior course of action when breakdown has reached an advanced stage and continuation merely prolongs conflict and suffering. The core issue, therefore, is not a binary choice between preserving or severing ties, but identifying which alternative robustly secures substantive welfare based on the concrete circumstances of the parties.

This balancing act finds doctrinal expression in the legal maxim: *Idzā ta'āraḍat maṣlaḥatāni ru'iya a'ẓamuhumā bi-tafwīti adnāhumā* (When two public benefits conflict, the greater benefit is prioritized by foregoing the lesser).[30] This maxim serves as a metric for evaluating the choice between preserving or dissolving a marriage. Marital integrity need not be prioritized unconditionally when circumstances demonstrate that the bond has ceased to fulfill its objectives. Conversely, divorce is recognized as a more beneficial outcome when breakdown is profound, reconciliation efforts have collapsed, and no realistic prospect of harmonious reunion remains.

This reasoning is further reinforced by the maxim *dar'u al-mafāsid muqaddam 'alā jalb al-maṣāliḥ* (repelling harm takes precedence over securing benefits).[31] In the context of family law, this maxim does not imply that every domestic dispute must terminate in divorce. As long as reasonable prospects exist for repairing the relationship and restoring household objectives, preserving the marriage retains substantive welfare value. However, when disputes persist unchecked and reconciliation fails, maintaining the marital tie actively prolongs hardship. Consequently, preventing further harm supersedes preservation when the welfare ordinarily generated by marriage can no longer be realized.

Beyond balancing benefits, al-Syāṭibī's doctrine of *i'tibār ma'ālāt al-af'āl* (anticipating and weighing the consequences of actions) provides critical analytical purchase. According to al-Syāṭibī, an act cannot be judged solely by its initial form or intent, but must be evaluated in light of its ultimate consequences.[32] In divorce litigation, this principle is instrumental in assessing the ramifications of two alternatives: sustaining a marriage amidst chronic conflict versus dissolving it. When sustaining a marriage prolongs disputes and psychological detriment, whereas dissolution terminates that suffering, judicial termination aligns more closely with the protective objectives of Islamic law.

Crucially, this consequential evaluation must not be conducted in abstract terms. Judges must tether their assessments to proven evidentiary facts, such as the duration of disputes, post-separation conditions, the fulfillment of spousal rights, and the outcomes of mediation. Judicial attention to legal consequences does not

[30] 'Izz al-Dīn ibn 'Abd al-Salām, *Qawā'id al-Aḥkām fī Maṣāliḥ al-Anām*. Kairo: Dār al-Ma'ārif, 1991.

[31] Jalāl al-Dīn al-Suyūṭī, *Al-Ashbāh wa al-Naẓā'ir fī Qawā'id wa Furū' Fiqh al-Syāfi'iyyah*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1990.

[32] Abū Isḥāq al-Syāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Syarī'ah*. Beirut: Dār al-Kutub al-'Ilmiyyah, 2003.

dispense with evidentiary rigor; rather, it provides a substantive framework for comprehending the true meaning and impact of facts revealed at trial. Hence, divorce cannot be justified merely as a matter of administrative convenience, but stands justified as a superior *maṣlaḥah* when maintaining a marriage retains no realistic foundation for fulfilling its divine objectives.

3. Evaluating Judicial *Ratio Decidendi* through the Lens of *Maqāṣid al-Syarī'ah*

The analytical framework comprising *ḥifẓ al-nafs*, benefit balancing, and consequential reasoning serves as an evaluative lens for scrutinizing the *ratio decidendi* in both court decisions. This appraisal does not claim that the judges explicitly operationalized al-Syāṭibī's theoretical constructs, but evaluates whether the judicial reasoning deployed in granting the divorce is defensible from the standpoint of substantive *maṣlaḥah* protection. *Maqāṣid* thus functions as an analytical tool to assess the coherence between established facts, selected legal bases, and the welfare sought to be safeguarded.

In Decision Number 3997/Pdt.G/2019/PA.Kab.Mlg, the judge evaluated the defendant's romantic relationship as the catalyst for disputes evolving into marital breakdown. This factual finding was linked to prolonged quarrels, impaired communication, physical separation, and failed reconciliation.[33] From a *maqāṣid* perspective, this nexus of circumstances demonstrates that the marital relationship no longer generates tranquility (*sakīnah*) nor permits the proper execution of spousal obligations. Consequently, granting the divorce can be understood as an effort to halt domestic conditions that continually threaten to generate ongoing hardship for the parties.

This reasoning gains added relevance when the judge clarifies that marital breakdown need not be manifested through physical violence, but may comprise mental cruelty or conditions resulting in the unfulfillment of spousal rights and obligations.[34] This exposition demonstrates that domestic hardship is not restricted to physical violence. Within the perspective of *ḥifẓ al-nafs*, the preservation of life can likewise be invoked to interpret circumstances that disrupt personal security and domestic tranquility. Nevertheless, the decision does not elaborate specifically on the precise form or severity of psychological suffering endured by the parties. Therefore, the *maqāṣid* analysis is more appropriately directed toward the judge's recognition of marital breakdown and the functional collapse of the spousal relationship, rather than presuming the judicial establishment of specific psychological disorders.

Meanwhile, in Decision Number 1072/Pdt.G/2024/PA.Mlg, the judge framed issues concerning communication, emotional support (*nafkah batin*), and third-party involvement as contributing factors to marital breakdown. These circumstances were reinforced by a physical separation lasting approximately one and a half years and the failure of reconciliation efforts.[35] The judge likewise stated that maintaining a marriage under such conditions would inevitably inflict severe

[33] Putusan Pengadilan Agama Kabupaten Malang Nomor 3997/Pdt.G/2019/PA.Kab.Mlg perihal Perceraian (Cerai Gugat), 12 Mei 2020.

[34] Putusan Pengadilan Agama Kabupaten Malang Nomor 3997/Pdt.G/2019/PA.Kab.Mlg perihal Perceraian (Cerai Gugat), 12 Mei 2020.

[35] Putusan Pengadilan Agama Malang Nomor 1072/Pdt.G/2024/PA.Mlg perihal Perceraian (Cerai Gugat), 30 Januari 2025.

physical and psychological suffering upon both parties. This reasoning bears a more direct nexus to the orientation of *ḥifẓ al-nafs*, as the judge did not merely evaluate that the marriage had fractured, but explicitly accounted for prospective hardships should the bond be sustained.

The invocation of the legal maxim *lā ḍarar wa lā ḍirār* in the 2024 decision further demonstrates that judicial reasoning was not driven solely by a party's unilateral desire for divorce, but by an evaluation of the harm arising from the continuation of the marriage. When read through the prism of benefit balancing, the judge confronted two alternatives: sustaining the marriage with the risk of prolonged conflict, or terminating it to halt conditions generating suffering. Based on the proven duration of physical separation and the collapse of reconciliation[36], the judge opted for terminating the marriage as the more appropriate course. This reasoning is amenable to analysis through the principle of *i'tibār ma'ālāt al-af'āl*, which accounts for the consequences of choosing either to preserve or dissolve the marriage.

When compared, both decisions share a relatively similar factual foundation in assessing marital breakdown, yet diverge in argumentative emphasis. The 2019 decision highlights the third-party romantic relationship as the primary catalyst for disputes while elucidating marital breakdown through the concept of mental cruelty. Conversely, the 2024 decision more explicitly links domestic breakdown to the concrete hardship incurred if the marriage is sustained. This divergence indicates that the orientation toward protecting *maṣlaḥah* is observable in both rulings, notwithstanding structural variations in how the consequences of preserving the marriage are articulated. The 2024 decision provides a more explicit analytical space for balancing preservation against dissolution, whereas the 2019 decision places heavier emphasis on the established fact of breakdown as the foundational basis for granting the divorce.

Nevertheless, the deployment of *ḥifẓ al-nafs* as an analytical framework remains subject to clear methodological boundaries. Neither decision details empirical proof establishing direct threats to life or dangerous physical violence endangering the parties. Consequently, it is unwarranted to conclude that divorce in either case constituted the sole means of saving human life. A more proportionate argument posits that *ḥifẓ al-nafs* provides an orientational lens for assessing the protection of parties against harms arising from prolonged domestic conflict, provided such protection is supported by trial evidence. Within these boundaries, *maqāṣid* is not utilized to legitimize divorce automatically, but to test the sufficiency of substantive welfare grounds underlying its concession.

Based on this exposition, the granting of divorce in both decisions can be comprehended through the comparative weighing between the welfare of preserving a marriage and the welfare of terminating a relationship that has undergone profound breakdown. *Ḥifẓ al-nafs* serves as the orientational framework for reading the hardship experienced by the parties, whereas al-Syāṭibī's doctrine on benefit balancing and legal consequences provides the methodological apparatus for evaluating judicial discretion. Thus, divorce does not constitute an end in itself,

[36] Putusan Pengadilan Agama Malang Nomor 1072/Pdt.G/2024/PA.Mlg perihal Perceraian (Cerai Gugat), 30 Januari 2025.

but functions as a legitimate pathway pursued when preserving a marriage no longer permits the realization of substantive welfare and instead threatens to prolong hardship.

Conclusion

Based on the findings and discussion, this study demonstrates that the proof of third-party relationships in divorce litigation need not be directed toward establishing the criminal act of adultery (*zinā*) as required in Islamic criminal jurisprudence (*fiqh jināyah*). In both examined decisions, relationships with third parties were framed as factual causes of dispute, whereas the legal basis for granting the divorce rested upon the established reality of marital breakdown pursuant to Article 19 letter (f) of Government Regulation No. 9 of 1975 *juncto* Article 116 letter (f) of the Compilation of Islamic Law (KHI). This pattern reflects a shift in evidentiary orientation from establishing adultery to evaluating the impact of third-party relationships on the sustainability of the marriage. From the perspective of *maqāṣid al-syarī'ah*, judicial reasoning can be comprehended through the principles of *ḥifẓ al-nafs* (preservation of life and well-being), the balancing of public benefits (*ta'āruḍ al-maṣāliḥ*), and the consideration of legal consequences (*i'tibār ma'ālāt al-af'āl*). Together, these principles provide an analytical framework demonstrating that dissolving a marriage can emerge as a more beneficial outcome (*maslahat*) when breakdown is severe, reconciliation efforts have failed, and maintaining the marriage carries the potential to prolong harm.

The findings of this study offer practical insights for religious court practices, particularly for judges in distinguishing between the proof of adultery and the proof of marital breakdown. This distinction is essential to ensure that third-party relationships are not prematurely qualified as adultery without sufficient evidence, while remaining legally relevant as a cause of dispute. Furthermore, the framework of *maqāṣid al-syarī'ah* serves as an analytical instrument to evaluate the substantive welfare (*maṣlaḥah*) of preserving versus dissolving a marriage, strictly anchored in the factual evidence revealed during court proceedings.

Future research is recommended to examine a broader corpus of Religious Court decisions to obtain a more comprehensive overview of evidentiary patterns regarding third-party relationships in divorce litigation. Subsequent inquiries may also focus specifically on the evidentiary weight of electronic documents, particularly concerning authenticity, admissions of chat contents, and judicial evaluation of electronic communication contexts. In doing so, future studies can deepen procedural evidentiary aspects while critically testing the consistent application of *maṣlaḥah* principles within judicial reasoning in divorce cases.

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