

Deepfake and the Admissibility of Digital Evidence in Syiqaq Cases: Challenges for Islamic Family Law in the Generative AI Era

Ahmad

Institut Agama Islam Negeri Parepare, Indonesia

*Correspondence: ahmad@iainpare.ac.id

Abstract

The rapid advancement of digital technology has transformed evidentiary practices in Indonesia's judicial system, including the adjudication of *syiqaq* (marital dispute) cases within the Religious Courts. Digital traces are increasingly recognized as *qarinah* (circumstantial evidence); however, the emergence of Generative Artificial Intelligence (GenAI) and deepfake technology has raised unprecedented challenges regarding the authenticity and reliability of digital evidence. This study examines the implications of deepfake technology for the admissibility of digital evidence in *syiqaq* cases and proposes a reconstruction of evidentiary standards from the perspective of Islamic family law. Employing a socio-legal approach, the study combines doctrinal analysis of Indonesian positive law, Islamic legal principles, and contemporary judicial practices concerning digital evidence. The findings reveal a regulatory gap in addressing synthetic media, creating the risk of the Liar's Dividend phenomenon, whereby authentic evidence may be dismissed while manipulated evidence is erroneously accepted. The study argues that the Qur'anic principle of *tabayyun* should be operationalized through standardized digital forensic authentication and integrated with the framework of *maqāsid al-sharī'ah* to safeguard family integrity (*ḥifẓ al-nasl*) and personal honor (*ḥifẓ al-'ird*). This study contributes to the evolving epistemology of *bayyinah* by proposing a normative framework for reforming digital evidentiary standards in the era of Generative AI.

[Perkembangan teknologi digital telah mengubah praktik pembuktian dalam peradilan Indonesia, termasuk dalam penyelesaian perkara syiqaq di lingkungan peradilan agama. Jejak digital kini semakin diterima sebagai qarinah (circumstantial evidence), tetapi kemunculan Generative Artificial Intelligence (GenAI) dan teknologi deepfake menimbulkan tantangan baru terhadap autentisitas dan reliabilitas alat bukti digital. Penelitian ini bertujuan menganalisis implikasi deepfake terhadap keberterimaan alat bukti digital dalam perkara syiqaq serta merekonstruksi standar pembuktian berdasarkan prinsip hukum keluarga Islam. Penelitian menggunakan pendekatan sosio-legal melalui analisis doktrinal terhadap hukum positif Indonesia, prinsip-prinsip hukum Islam, dan perkembangan praktik pembuktian digital di peradilan. Hasil penelitian menunjukkan adanya kekosongan pengaturan mengenai autentikasi media sintesis yang berpotensi memunculkan fenomena Liar's Dividend, yaitu kondisi ketika bukti autentik diragukan atau bukti hasil manipulasi justru diterima sebagai alat bukti. Oleh karena itu, prinsip tabayyun perlu dioperasionalkan melalui mekanisme autentikasi forensik

Keywords:

Deepfake; *Syiqaq*; Digital Evidence; *Bayyinah*; Generative AI.

Article History:

Received: 12-03-2026.

Revised: 24-05-2026.

Accepted: 08-06-2026.

digital yang terstandar dan diintegrasikan dengan pendekatan maqāṣid al-sharī'ah untuk melindungi keutuhan keluarga (ḥifẓ al-nasl) dan kebormatan (ḥifẓ al-'ird). Penelitian ini berkontribusi pada pengembangan epistemologi bayyinah dalam hukum keluarga Islam dengan menawarkan kerangka normatif bagi pembaruan standar pembuktian digital pada era GenAI].



Copyright © 2026 by Author(s).

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License.

Introduction

The global digital transformation of the 21st century has fundamentally reshaped the administrative and legal landscapes of family law, including in Indonesia.¹ The Indonesian Religious Courts (Pengadilan Agama) have aggressively modernized their infrastructure through the e-Court system, heavily regulated by Supreme Court Regulations (PERMA) such as No. 7 of 2022, to realize fast, simple, and low-cost litigation.² While this digitalization has significantly reduced bureaucratic friction, it has introduced profound complexities into the substantive mechanisms of judicial proof (*bayyinah*), particularly in *syiqaq* (severe marital discord) adjudication.³ Empirically, the Supreme Court of the Republic of Indonesia recorded an overwhelming 2,664,296 divorce cases between 2017 and 2020, a massive proportion of which involved allegations of infidelity or abuse.⁴ Consequently, the traditional reliance on physical witnesses has been increasingly supplanted by digital footprints; printed screenshots of WhatsApp chats, audio notes, and social media interactions are now routinely admitted as circumstantial evidence (*qarinah*) under the Electronic Information and Transactions Law (UU ITE).⁵

However, the rapid emergence of Generative Artificial Intelligence (GenAI) and deepfake technology has abruptly destabilized this epistemological foundation, rendering the

¹ Khairunas Rajab and Rudy Asrianto, “The Impact of Globalization and Scientific and Technological Developments on Family Behavior and the Dynamics of Islamic Family Law,” *Hayula: Indonesian Journal of Multidisciplinary Islamic Studies* 10, no. 1 (2026): 137–50.

² Nursitta Hidayati and Fauziah Lubis, “Implementasi Perma Nomor 7 Tahun 2022 Tentang E-Court Secara Prodeo Di Pengadilan Agama Rantauprapat Kelas IB,” *Jurnal Ilmu Hukum Humaniora Dan Politik (JIHHP)*, <https://doi.org/10.38035/Jihhp.V4i5.2456> (2024).

³ Nafan Tarihoran and Mustafa Ali Almagdub, “Contemporary Challenges and Prospects of Mediation in Contested Divorce Cases in Indonesia,” *NUS-ANTARA: Journal Of Law Studies* 4, no. 01 (2025): 44–59.

⁴ Luluk Latifah and Iskandar Ritonga, “Difference of Divorce Determination in Indonesia: A Study Systematic Literature Review,” *Jurnal Biometrika Dan Kependudukan (Journal of Biometrics and Population)* 11, no. 2 (2022): 223–35.

⁵ Benedicta Ingrid Deviriana et al., “Analysis of Whatsapp Chat Usage as Court Evidence,” *Devotion: Journal of Research and Community Service* 6, no. 6 (2025): 574–83.

traditional "seeing is believing" paradigm dangerously obsolete.⁶ In the highly volatile context of *yiyaq*, litigants can now easily weaponize accessible AI tools to manufacture hyper-realistic, yet entirely fabricated, audio and visual evidence of infidelity or domestic violence—a phenomenon this study conceptualizes as "Fitnah 2.0" (algorithmic slander).⁷ This technological disruption severely paralyzes the role of family arbitrators (*hakam*), who lack the technical expertise and institutional tools to authenticate contested digital media during mediation.⁸ Furthermore, the pervasive public awareness of deepfakes has given rise to the "Liar's Dividend," a socio-legal paradox where guilty litigants can evade accountability by falsely claiming that genuine, damning digital evidence is an AI forgery.⁹ This epistemological gridlock directly threatens the courts' ability to establish factual reality, making the current presumption of digital authenticity highly vulnerable to exploitation.

Despite the significance of this challenge, a critical gap remains in contemporary Islamic legal scholarship concerning the implications of synthetic media. Existing studies have largely examined digitalization from administrative or broad socio-legal perspectives, while giving limited attention to its impact on evidentiary standards in Islamic family law. For instance, Amri et al. (2026)¹⁰ and Yasmita et al. (2025)¹¹ explored the procedural shift and institutional innovations of the e-Court system in Religious Courts, while Hertlein (2021)¹² and Abdul-Malik (2021)¹³ examined the sociological impacts of digital technologies

⁶ Nadia Naffi, "Deepfakes and the Crisis of Knowing," UNESCO Ideas Lab (UNESCO, 2025), <https://www.unesco.org/en/articles/deepfakes-and-crisis-knowing>.

⁷ Laura M D'Orsi, "Divorce in the Age of Deepfakes: Navigating AI-Generated Evidence in Family Law," Law Offices of Laura M. D'Orsi, LLC – Blog (Red Bank, New Jersey, USA: Law Offices of Laura M. D'Orsi, LLC, 2025), <https://lauradorsilaw.com/divorce-in-the-age-of-deepfakes/>.

⁸ Saksham Bhatnagar, "Arbitration in Technology Disputes: Addressing Complexities in the Digital Era," *Jus Corpus LJ* 5 (2024): 336.

⁹ Bobby Chesney and Danielle Citron, "Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security," *California Law Review* 107 (2019): 1753–1820, <https://doi.org/10.15779/Z38RV0D15J>.

¹⁰ M Saeiful Amri et al., "Digitalization of Religious Courts and Transformation of Islamic Family Law in Indonesia: Analysis of Institutional Innovation and Implementation of e-Court," *Kanun: Journal of Sharia, Law, and Digital Society*, 2026, 35–44.

¹¹ Yasmita Yasmita et al., "The Implementation of E-Court at the Banten High Religious Court: Challenges, Barriers, and Prospects within Indonesia's Legal System," *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 2 (2025): 431–50.

¹² Katherine M Hertlein, "The Weaponized Web: How Internet Technologies Fuel Intimate Partner Violence," *International Journal of Systemic Therapy* 32, no. 3 (2021): 171–93.

¹³ Bubune Malik, "Social Media Activism and Offline Campaigns in the Fight against Domestic Violence in Ghana. A Study of Selected Activists on Facebook," *Journal of Positive School Psychology* 6, no. 3 (2022).

on intimate partner violence. In the secular legal realm, scholars like Heaton et al. (2026)¹⁴ have begun addressing the evidentiary crises posed by GenAI in criminal justice systems. While studies like Ramadani et al. (2024)¹⁵ highlighted the evidentiary power of electronic documents under UU ITE, none of these works have specifically theorized deepfake technology as a distinct, disruptive variable against the classical Islamic epistemology of *bayyinah* and *qarinah* in family litigation. This research bridges that exact gap by examining the ontological threat of synthetic media within the specific procedural anatomy of *syiqaq*.

Therefore, this study aims to explore how deepfake technology alters the epistemological value of digital evidence in *syiqaq* proceedings, and how Religious Courts can mitigate the threat of "Fitnah 2.0" by operationalizing the Qur'anic mandate of *Tabayyun* (verification) alongside modern digital forensics. To achieve this, the research employs a socio-legal approach, utilizing Max Weber's theories of "social action" to analyze judicial behavior in the face of technological deception, and Jasser Auda's systems approach to *Maqashid al-Shari'ah* as the primary analytical lens. This study provides a pioneering theoretical contribution by integrating the epistemology of *bayyinah* with GenAI challenges. Ultimately, this research demonstrates that shifting from a presumption of digital authenticity to algorithmic verification is not merely a procedural necessity, but a religious imperative rooted in *Maqashid al-Shari'ah* to protect the sanctity of lineage (*hifẓ al-nasl*) and human honor (*hifẓ al-'irdh*).

Method

This qualitative study employs a robust socio-legal research approach to comprehensively unpack the intersection of Generative AI, evidentiary admissibility, and Islamic jurisprudence. This methodology deliberately bridges doctrinal legal research (normative jurisprudence) with a sociological analysis of judicial behavior. The doctrinal dimension critically examines the normative texts governing the Indonesian justice system, while the sociological dimension evaluates the practical implementation and behavioral

¹⁴ Iva Ivaylova Yosifova-Takeva, "Authenticating Deepfake Evidence in Civil Proceedings: A Temporal Approach," 2026, <https://doi.org/10.2139/ssrn.6752300>.

¹⁵ Sonia Ramadani, Reski Anwar, And Nagia Duwi Safitri, "The Evidentiary Power Of Electronic Documents As An Extension Of Legal Evidence According To Electronic Information And Transactions Law (Uu Ite)," *Asy Syar'iyah: Jurnal Ilmu Syari'ah Dan Perbankan Islam* 9, No. 2 (2024): 191–207.

consequences of these laws—specifically how judges, *bakam* (arbitrators), and litigants interact with digital evidence in an era of technological deception.

The data collection relies entirely on documentary study and extensive library research. The primary legal materials include Indonesian positive law—specifically the Electronic Information and Transactions Law (UU ITE No. 11/2008 as amended by Law No. 1/2024), Supreme Court Regulation (PERMA) No. 7 of 2022 concerning e-Court procedures, and the Criminal Procedure Code (KUHAP). These are juxtaposed with primary theological sources, notably Qur'anic injunctions on *syiqaq* (Surah An-Nisa: 35) and *Tabayyun* (Surah Al-Hujurat: 6), as well as classical texts such as Ibn Qayyim's formulations on *bayyinah*. Furthermore, rather than analyzing isolated court verdicts, this study systematically reviews the current procedural gaps in the Religious Courts' evidentiary guidelines regarding the handling of electronic documents as *qarinah* (circumstantial evidence). Secondary materials include institutional reports from the Supreme Court, recent literature on digital forensics, and comparative analyses of AI-generated evidence frameworks.

The collected data were analyzed using qualitative descriptive techniques and rigorous content analysis. First, content analysis was applied to the statutory regulations and court decisions to identify the existing legal vacuum surrounding GenAI and synthetic media in civil litigation. Second, the socio-legal analysis utilized Max Weber's theories of "social action" to evaluate how the threat of "Fitnah 2.0" and the "Liar's Dividend" paralyze the traditional mediation functions of the *bakam*. Finally, Jasser Auda's systems approach to *Maqashid al-Shari'ah* (the objectives of Islamic law) was employed as the primary analytical lens. This framework was operationalized to evaluate whether the current procedural handling of unauthenticated digital evidence achieves justice or perpetuates harm, ultimately serving as the basis for formulating standardized digital forensic policy recommendations for the Religious Courts.

Results and Discussion

The Epistemological Shift from *Bayyinah* to *Qarinah* in the Digital Age

The foundation of Islamic judicial procedure (*fiqh al-qadha*) rests heavily on the concept of *bayyinah*. While modern colloquialism often reduces *bayyinah* simply to

"witnesses," classical jurists provided a far more expansive and dynamic definition.¹⁶ Ibn Qayyim profoundly defined *bayyinah* as encompassing everything that clarifies a matter and demonstrates the right or truth.¹⁷ Historically, the Islamic legal system operated under an epistemology where the physical presence, direct observation, and moral uprightness (*'adalah*) of the witness guaranteed the integrity of the evidence. However, the mass digitalization of modern communication has precipitated a profound epistemological shift. Today, the footprints of human interaction—which frequently form the basis of marital disputes and *syiqaq*—are largely digital, preserved in the form of electronic documents, chat logs, and multimedia files.¹⁰

In Indonesian positive law, this shift is formally accommodated by the Electronic Information and Transactions Law (UU ITE), which explicitly elevates electronic information and electronic documents to the status of valid legal evidence.¹⁸ This effectively expands the traditional evidentiary hierarchy codified in the Civil Procedure Code (HIR/RBg), allowing the Religious Courts to accept digital data on par with traditional written or testimonial evidence. Consequently, within the Religious Courts, digital evidence is frequently submitted to prove the existence of persistent conflict, infidelity, or abuse.⁵ Yet, within the strict parameters of Islamic jurisprudence, unauthenticated digital documents do not inherently achieve the status of primary *bayyinah*. Instead, they function as *qarinah*—circumstantial or supporting evidence.

The concept of *qarinah* is firmly established in Islamic law, famously illustrated in the Qur'anic narrative of Prophet Yusuf (Surah Yusuf 12:28). In this narrative, the fact that Yusuf's shirt was torn at the back served as the circumstantial evidence (*qarinah*) proving his innocence against Zulaikha's accusations of assault, demonstrating that he was fleeing from her rather than attacking her.¹⁹ Just as the physical state of the shirt served as an undeniable forensic indicator of the truth in the ancient world, digital data—when properly authenticated—serves as modern *qarinah*. A WhatsApp message or an audio recording points

¹⁶ Jamal Jamil, "Pembuktian Di Peradilan Agama," *Jurnal Al-Qadai: Peradilan Dan Hukum Keluarga Islam* 4, no. 1 (2017): 25–39.

¹⁷ Birgit Krawietz, "Ibn Qayyim Al-Jawziyah: His Life and Works," *Mamluk Studies Review* 10 (2006).

¹⁸ Adisti Puspa Setyawan et al., "Indonesia's Electronic Information and Transactions Law: History, Impact, and Challenges," *Journal Research of Social Science, Economics & Management* 4, no. 12 (2025).

¹⁹ Mohd Munzil Muhamad et al., "Qarinah: Admissibility of Circumstantial Evidence in Hudud and Qisas Cases," *Mediterranean Journal of Social Sciences* 6 (March 1, 2015), <https://doi.org/10.5901/mjss.2015.v6n2p141>.

toward a specific reality. However, unlike a physically present, oath-bound witness, digital evidence is inherently disembodied from its creator, introducing unique vulnerabilities.

Table 1. Epistemological Comparison of Evidence in Islamic Jurisprudence

Dimension	Traditional Bayyinah (e.g., Shahadah / Witness Testimony)	Digital Evidence as Qarinah (e.g., Electronic Documents)
Source of Truth	Human integrity, moral uprightness ('adalah), and physical oath-taking. ²⁰	Algorithmic integrity, metadata authenticity, and digital chain of custody. ²¹
Vulnerability	Human fallibility, perjury, memory degradation, bias. ²²	Technological manipulation, deepfakes, cyber-tampering, data corruption. ²³
Authentication Mechanism	Cross-examination (munaqashah) and rigorous character vetting (tazkiyah al-shuhud).	Digital forensics, cryptographic hashing (SHA-256), and AI-powered spectrogram analysis.
Legal Weight in PA	Primary and decisive proof, capable of establishing absolute legal facts.	Prima facie evidence, doubtful evidence, or supporting evidence; weight depends entirely on technical validation.
Dimension	Traditional Bayyinah (e.g., Shahadah / Witness Testimony)	Digital Evidence as Qarinah (e.g., Electronic Documents)
Source of Truth	Human integrity, moral uprightness ('adalah), and physical oath-taking.	Algorithmic integrity, metadata authenticity, and digital chain of custody.

Source: Synthesized from classical Islamic jurisprudential texts and Indonesian digital evidence regulations.

Based on Table 1, a profound ontological divide exists between traditional *bayyinah* and modern digital *qarinah*. Traditional Islamic jurisprudence anchors the validity of evidence

²⁰ Abuhamid M Abdul-Quadir, *Shahadah: The Role of Witnesses in the Islamic Law of Evidence* (The University of Utah, 1997).

²¹ Tuan Muhammad Faris Hamzi Tuan Ibrahim et al., "The Role of Digital Forensics as Qarinah Muasirah in Proving Cyber Offences Under Malaysian Islamic Evidence Law," *Al-Istinbath: Jurnal Hukum Islam* 11, no. 1 (2026): 19–39.

²² Abdulmaleek Kadiri, "An Examination of the Concept of Burden of Proof in Adultery Cases under Islamic Law," 2024.

²³ Mohamad Aniq Aiman Alias et al., "Legal Analysis of Syariah Court Evidence Law on Digital Document as Evidence and Its Admissibility in Court Proceedings: Analisis Perundangan Bagi Undang-Undang Keterangan Mahkamah Syariah Terhadap Dokumen Digital Sebagai Kaedah Pembuktian Dan Kebolehteri," *Journal of Management and Muamalah* 11, no. 2 (2021): 54–64.

in human integrity (*'adalah*), which can be rigorously tested in the courtroom through cross-examination (*munaqashah*) and character vetting (*tazkiyah al-shuhud*). In contrast, digital evidence relies entirely on algorithmic integrity and metadata authenticity. This finding challenges the prevailing practice identified by Fairuz (2025) and Ramadani et al. (2024), who argue that the Electronic Information and Transactions Law (UU ITE) seamlessly equates electronic documents with traditional written evidence. While their studies correctly highlight the legal extension of evidence, they critically overlook the technological vulnerabilities inherent in disembodied data. As Table 1 illustrates, human fallibility (perjury) is inherently distinct from algorithmic manipulation (deepfakes). Therefore, treating printed screenshots simply as modern "letters" (*surat*)—a practice normalized in many Religious Courts—is an epistemological fallacy. This study asserts that without specialized digital forensic authentication, electronic documents cannot achieve the substantive certainty of traditional *bayyinah*, keeping them perpetually in the realm of doubtful *qarinah* susceptible to "Fitnah 2.0."

The distinction between *bayyinah* and *qarinah* becomes acutely problematic in the current procedural practices of the Religious Courts. Currently, electronic evidence is often utilized in practice with a status equal to written evidence/letters (*surat*). To fulfill formal requirements, litigants frequently print out screenshots of digital interactions, which are then given a postal stamp (*nazegelen*) to be accepted by the judge.²⁴ The fundamental assumption underlying this bureaucratic acceptance is that the printed digital file is an accurate, unadulterated representation of a historical fact.¹⁰ Deepfake technology utterly destroys this underlying assumption, forcing a critical re-evaluation of how *qarinah* is authenticated before it can be allowed to influence a judge's conviction.

The Procedural Anatomy of *Syiqaq* and the Crisis of Hakam Mediation

To understand the specific, targeted threat that digital manipulation poses to Islamic family law, one must thoroughly examine the procedural anatomy of *syiqaq*. In the Indonesian legal context, marital dissolution can occur through various avenues, such as a husband's declaration of divorce (*cerai talak*), a wife's lawsuit for divorce (*cerai gugat*), the annulment of

²⁴ Neal Feigenson, "Adjudication on Zoom and beyond: Human Interaction in Virtual Courts," *Washburn LJ* 62 (2022): 461.

marriage (*fasakh*), or divorce based on a violated prenuptial condition (*taklik talak*).²⁵ However, *syiqaq* represents a unique and highly specific ground for divorce. It is triggered by severe, continuous, and seemingly irreconcilable *perselisihan* (disputes) between a husband and wife, where neither party can resolve the issue internally.³ The Qur'anic mandate for resolving *syiqaq* is explicitly and meticulously detailed in Surah An-Nisa: 35: "And if you fear dissension (*syiqaq*) between the two, send an arbitrator (*hakam*) from his people and an arbitrator from her people".⁶

When a divorce petition involving severe conflict is filed, and the judge determines through initial evidentiary hearings that *syiqaq* exists, the court issues an interlocutory decree (*putusan sela*).²⁶ This decree formally pauses standard litigation and orders the appointment of the *hakam* (arbitrators or peacemakers)—ideally chosen from the extended families of the spouses, or appointed by the court if family members are unavailable or unsuitable.⁷ The *hakam* operate as an extension of the court's fact-finding and mediation mechanism, tasked with intimately probing the root of the marital discord and attempting a reconciliation.⁷ The process is exhaustive; if the first attempt at reconciliation fails, some interpretations and local procedures require the couple to undergo up to three rounds of reconciliation efforts before the *hakam* report back to the court recommending divorce.³⁰

In traditional agrarian or closely-knit communities, the *hakam* possessed direct, localized knowledge of the couple's behavior. The arbitration process relied on interpersonal communication, communal witness accounts, and the moral authority of the family elders.⁷ In the contemporary socio-legal landscape, however, marital conflicts are frequently catalyzed by, or entirely occur within, digital spaces. Social media interactions, secretive messaging applications, and digital financial transactions are often the primary arenas of marital betrayal or the catalysts for suspicion.⁵ Consequently, when the Religious Court issues the *putusan sela* and appoints the *hakam*, these lay arbitrators are immediately confronted with a deluge of digital evidence presented by the warring spouses.⁷

The introduction of deepfakes and advanced digital manipulation into this highly volatile environment acts as a systemic poison. If a wife submits an audio recording of her

²⁵ "Pengajuan Cerai Talak/Cerai Gugat" (Pengadilan Agama Demak, 2019), <https://pa-demak.go.id/>.

²⁶ Ahmad Yani et al., "Legal Construction of Cumulative Decisions on Marriage Annulment and Divorce Claims at the Jakarta Religious High Court," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 2 (2025): 655–70.

husband verbally abusing her or admitting to an affair, and the husband counters that the audio is a synthetic AI forgery, the *hakam* find themselves completely paralyzed.²⁷ Family arbitrators, chosen for their wisdom and familial ties, possess neither the technical expertise nor the institutional tools to distinguish between a genuine emotional outburst and a voice cloned by a Generative Adversarial Network (GAN).⁷ The primary function of the *hakam*—to seek peace based on truth—is compromised because the baseline reality of the conflict cannot be established. If the *hakam* accept a fabricated deepfake as genuine, they risk penalizing an innocent party, destroying an otherwise salvageable marriage, and facilitating an unjust divorce based on a digital illusion. Conversely, if they dismiss authentic evidence of abuse or infidelity due to unfounded suspicions of digital manipulation, they abandon a victim to further suffering. This epistemological gridlock directly undermines the efficacy of the *hakam* institution. In many cases, it forces the Religious Court judges to bypass the nuanced mediation intended by Islamic law and rely heavily on their own presumptions (*persangkaan hakim*) without a solid factual foundation, leading to potentially inequitable rulings.²⁶

Fitnah 2.0: Deepfake Typologies and the Liar's Dividend in Family Litigation

To adequately address the conceptual emergence of "Fitnah 2.0," it is imperative to establish its genealogical evolution from what this study categorizes as "Fitnah 1.0." In classical Islamic jurisprudence and traditional sociological contexts, Fitnah 1.0 represents analog, human-centric slander. It manifests primarily through verbal gossip, written defamation, or perjury (false testimony) within a courtroom. The epistemological defense against Fitnah 1.0 is deeply reliant on human interaction; judges and *hakam* dismantle it by scrutinizing the witness's moral integrity (*tazkiyah al-shuhud*) and conducting rigorous cross-examination (*munaqashah*). In the realm of Fitnah 1.0, a human liar can be interrogated, their motives analyzed, and their physical demeanor observed until the deceit collapses under judicial scrutiny. The lie is inherently bound to the physical presence and moral fallibility of the liar.

²⁷ Connor Heaton, Shay Cleary, and Michael Navin, "AI-Generated Evidence Is a Threat to Public Trust in the Courts," NCSC - National Center for State Courts (National Center for State Courts, 2026), <https://www.ncsc.org/>.

Fitnah 2.0, however, marks a radical ontological shift from human fallibility to algorithmic deception. Powered by machine learning models and Generative Adversarial Networks (GANs), Fitnah 2.0 creates hyper-realistic synthetic media that effectively disembodies the lie from the liar. Unlike Fitnah 1.0, which relies on the persuasive power of a human narrative, Fitnah 2.0 bypasses human storytelling entirely by fabricating the historical record itself—generating photographic or auditory "proof" of events that never occurred. Because an AI-generated audio or video file has no physical conscience to interrogate and cannot be subjected to traditional cross-examination, the classical defense mechanisms of Islamic law are rendered powerless.²⁸ Fitnah 2.0 transforms slander from a localized moral failing into a highly scalable, hyper-realistic weapon, fundamentally shifting the judicial battleground from moral philosophy to digital forensics.

The era of Generative Artificial Intelligence introduces an ontological challenge that transcends all traditional forms of documentary forgery. Deepfake technology operates through sophisticated machine learning models, primarily Generative Adversarial Networks (GANs), where two neural networks—a generator and a discriminator—compete iteratively to produce synthetic media that is statistically indistinguishable from real, historical data.²⁹ In the context of the Indonesian legal system, this technological leap has rendered the traditional "seeing is believing" paradigm dangerously obsolete.¹⁶ The creation of convincing synthetic media is no longer confined to highly resourced state actors or elite cyber-criminals; open-source applications and inexpensive online platforms have democratized the ability to manipulate faces, voices, and environments, making the technology accessible to any aggrieved spouse.

Within the realm of Islamic family law, the weaponization of this technology constitutes what can accurately be described as "Fitnah 2.0." *Fitnah*, in Islamic terminology, encompasses slander, persecution, trials, and the sowing of destructive discord. Deepfakes hyper-charge *fitnah* by wrapping falsehood in the guise of irrefutable, photorealistic truth. The most devastating manifestation of this in marital disputes is the creation and

²⁸ A J Bravo, "Graphic Approaches: A Theoretical and Artistic Exploration of Pornography" (University of Kent (United Kingdom), 2024).

²⁹ Jeremy Brown, "Ontology of Deepfakes," *Medium* (Medium, 2021), <https://medium.com/>.

dissemination of deepfake pornography.³⁰ Malicious actors can map a spouse's face onto explicit material to manufacture grounds for divorce, destroy reputations within conservative communities, or extort favorable terms in child custody disputes and alimony negotiations. From an Islamic jurisprudential perspective, the generation of such material is strictly *haram* (forbidden), constituting not only a severe cybercrime but an egregious violation of human dignity, privacy, and honor.³¹ Table 2 details the specific typologies of deepfake threats encountered in family law contexts and their intended legal consequences in *syiqaq* proceedings.

Table 2. Typology of Deepfake Threats in Marital Dispute Litigation

Threat Typology	Mechanism of Action	Intended Legal Consequence in Syiqaq Cases
Synthetic Audio Forgery	Voice cloning using AI models trained on brief, easily obtainable audio samples of a spouse (e.g., from social media).	Fabricating confessions of infidelity, severe verbal abuse, or illicit financial transactions to manipulate the hakam and the judge.
Visual Identity Manipulation	Face-swapping technologies mapping a spouse's face onto compromising videos or images.	Generating fake evidence of adultery (<i>zina</i>), creating non-consensual deepfake pornography for extortion or character assassination. ³²
Contextual Deepfakes	AI-generated backgrounds or manipulated timestamps overlaid onto authentic media.	Falsifying alibis or "proving" a spouse was in a contested location to demonstrate neglect or misconduct. ³³
The Liar's Dividend	Exploiting the public awareness of deepfakes to strategically deny the authenticity of real, damaging evidence.	Escaping accountability for actual domestic violence (KDRT), infidelity, or financial hiding by claiming the authentic evidence is AI-generated.

Source: Analysis of AI threat landscapes and Indonesian legal vulnerabilities.

³⁰ Evi Yanti and Heni Susanti, "Deepfake Porn And Victim Protection: Legal Challenges In The Era Of Technological Disruption Within The Framework Of The SDGs," in *Proceeding International Conference on Social Sciences*, vol. 1, 2026, 66–85.

³¹ Muswar Sikandar Makol and Muhammad Asim Shahbaz, "Cyber Law and Islamic Jurisprudence: Addressing Digital Crimes in the Shari 'ah Framework," *Tanaqur* 6, no. 1 (2025): 32–58.

³² Rena Song, "Faking It: A Proposed Solution to Counter Nonconsensual Pornographic Deepfakes," *Wash. & Lee J. Civ. Rts. & Soc. Just.* 31 (2025): 157.

³³ Maurice R Dyson, "Combatting AI's Protectionism & Totalitarian-Coded Hypnosis: The Case for AI Reparations & Antitrust Remedies in the Ecology of Collective Self-Determination," *SMU L. Rev.* 75 (2022): 625.

Table 2 systematically categorizes four distinct typologies of deepfake-based threats that are particularly relevant to *syiqah* proceedings within the Indonesian Religious Court system, each representing a unique mechanism through which generative AI can be weaponized to distort legal proceedings. The first typology, Synthetic Audio Forgery, operates through AI-powered voice cloning technology trained on relatively brief audio samples of a target individual, which are often readily obtainable from publicly accessible social media platforms. In the context of marital litigation, this mechanism poses a grave threat, as it enables malicious parties to fabricate entirely fictional confessions of infidelity, episodes of severe verbal abuse, or evidence of illicit financial transactions — all designed to manipulate the *bakam* (arbitrator) and presiding judge toward a predetermined outcome.

The second typology, Visual Identity Manipulation, involves face-swapping technologies that superimpose a spouse's facial identity onto compromising visual content. This constitutes one of the most egregious forms of digital fabrication, as it serves dual destructive purposes: generating falsified evidence of *zina* (adultery) to influence divorce proceedings, and producing non-consensual deepfake pornography as an instrument of extortion or systematic character assassination within the litigant's social and religious community. The third typology, Contextual Deepfakes, represents a more subtle but equally consequential form of manipulation. Rather than fabricating identities entirely, this method involves the artificial generation of backgrounds or the alteration of timestamps overlaid onto otherwise authentic media. Through this technique, a party can falsify alibis or construct fraudulent visual proof that a spouse was present at a disputed location, thereby manufacturing evidence of neglect or marital misconduct.

The fourth and arguably most structurally corrosive typology is the Liar's Dividend. Unlike the preceding three typologies, which involve the active creation of fabricated evidence, the Liar's Dividend operates inversely — it exploits widespread public awareness of deepfake technology to cast strategic doubt upon *genuine* evidence. A respondent confronted with authentic recordings of domestic violence (*KDRT*), infidelity, or financial concealment may simply claim that the evidence has been AI-generated, thereby delegitimizing truthful documentation without the need to produce any counter-evidence whatsoever.

Collectively, these four typologies illustrate that the threat posed by generative AI to *syiqaq* litigation is not unidimensional. It operates simultaneously on two fronts: the injection of fabricated falsehoods into the evidentiary record, and the strategic erosion of confidence in authentic evidence. Both vectors undermine the fundamental epistemological integrity upon which just adjudication must rest. While the submission of fabricated evidence is an acute and targeted threat, an equally insidious and systemic consequence of the deepfake era is the phenomenon known as the "Liar's Dividend". Because society, the media, and the judiciary are becoming increasingly aware that video and audio can be perfectly faked, a profound baseline skepticism is injected into the courtroom.³⁴

A litigant confronted with genuine, damning digital evidence—such as a secretly recorded video of domestic violence or a WhatsApp voice note organizing an illicit affair—can simply invoke the specter of AI, claiming the evidence is a deepfake.³⁵ This strategic denial shifts the immense burden of proof back onto the victim, who must now scientifically prove the authenticity of the media in a legal system that lacks the standardized forensic infrastructure to do so easily.¹² The Liar's Dividend threatens to paralyze the Religious Courts; if judges universally doubt all digital evidence due to the mere *possibility* of manipulation, legitimate victims of *syiqaq*-inducing behavior will be denied justice, and public trust in the judiciary's ability to resolve disputes based on factual reality will rapidly erode.¹⁴

The current regulatory framework in Indonesia is fundamentally ill-equipped to manage this specific crisis. While the revised UU ITE (Law No. 1/2024 amending Law No. 11/2008 and 19/2016), the Criminal Procedure Code (KUHAP), and specific laws like the Sexual Violence Criminal Law (UU TPKS) recognize electronic evidence and criminalize the spread of non-consensual intimate imagery, they do not provide granular, explicit statutory guidance on managing generative AI or deepfake submissions in civil and religious litigation.¹⁴ This legal vacuum forces Religious Court judges to navigate complex ontological disputes regarding digital reality without clear procedural guardrails, heightening the risk of inconsistent jurisprudence across different jurisdictions.¹² The threat of GenAI is distinctly different from emerging technologies like Augmented Reality (AR) or Virtual Reality (VR)

³⁴ Riana Pfefferkorn, "'Deepfakes' in the Courtroom," *BU Pub. Int. LJ* 29 (2019): 245.

³⁵ David Chukwuebuka MKPO, "Is Truth And Integrity Of Justice On Trial In The Age Of Artificial Intelligence (Ai)? Re-Assessing Digital Evidence In The Context Of Ai-Generated Evidence Such As Deepfakes," *International Review Of Law And Jurisprudence (IRLJ)* 7, no. 1 (2025).

evidence; while AR/VR are immersive reconstructions that require strict regulation as supporting *qarinah*, deepfakes are actively deceptive by design, aiming to replace reality entirely rather than reconstruct it.²⁷

Operationalizing *Tabayyun* as a Forensic Jurisprudential Standard

The Islamic legal tradition is not defenseless against the proliferation of sophisticated falsehoods. The Qur'an anticipates the destructive potential of unverified information and establishes a permanent, unyielding epistemological safeguard in the principle of *Tabayyun* (verification). Surah Al-Hujurat, verse 6, unequivocally states: "O you who have believed, if there comes to you a disobedient one with information, investigate (*tabayyanu*), lest you harm a people out of ignorance and become, over what you have done, regretful".²² In the classical context, *Tabayyun* involved physically interrogating the character of the news-bearer, analyzing their motives, and cross-referencing eyewitness accounts. In the digital age, where the "news-bearer" is a disembodied algorithmic file, *Tabayyun* must evolve from a moral exhortation into a rigorous, technically sophisticated forensic standard.²²

To practice *Tabayyun* in the deepfake era, Religious Court judges and *hakam* cannot simply examine a printed screenshot or listen to an audio file and gauge its authenticity based on intuition or surface-level plausibility.³⁶ The verification of digital evidence must transition entirely from perceptual evaluation to algorithmic authentication. This necessitates the formal integration of digital forensics into the standard operating procedures of the Pengadilan Agama. Digital forensics is the scientific mechanism by which the strength, validity, and integrity of electronic evidence are exposed and confirmed, aligning perfectly with the intent of *Tabayyun*.¹⁷

When electronic evidence is challenged by a claim of deepfake manipulation (the Liar's Dividend), the court must mandate the involvement of expert witnesses and certified forensic institutions. In Indonesia, the official digital forensic institution operates under the Directorate of Information Control, Investigation, and Digital Forensics of the National Cyber and Crypto Agency (BSSN).²⁵ The authentication process involves looking beyond the sensory output of the file to examine its underlying cryptographic reality. Modern forensic-

³⁶ Annisa Khairani Ali Hakim, "Tabayyun Di Era Digital, Ketika Deepfake Mengancam Kebenaran Dan Diplomasi Internasional," *Website FISIP UIN Jakarta* (FISIP UIN Syarif Hidayatullah Jakarta, 2025), <https://fisip.uinjkt.ac.id/>.

grade AI detection pipelines, built with open-source tools, utilize deep metadata analysis, examining the ExifTool logs that record the device, software, and timestamp of the file's creation. More advanced techniques include AI-powered spectrogram analysis to detect the unnatural acoustic frequencies indicative of synthetic voice generation, and neural artifact detection to identify the microscopic visual distortions left behind by face-swapping algorithms. Empirical research demonstrates that these models, when trained on robust datasets like Meta's Deepfake Detection Challenge (DFDC) dataset, can achieve an accuracy of 91.72% across both audio and visual modes, providing the forensic reliability needed in high-stakes legal settings.

By requiring digital evidence to produce verifiable outputs—such as SHA-256 hash records that prove the file has not been altered since its acquisition—the court establishes a transparent, unassailable digital chain of custody.¹⁷ The implementation of *Tabayyun* through digital forensics ensures that electronic evidence presented in *syiqaq* cases meets the rigorous standards required to qualify as valid *qarinah*. Only when an electronic document passes these standardized tests can its authenticity be guaranteed, allowing the judge to integrate it into their legal reasoning safely.²⁵ However, the current reality in many Religious Courts is that digital evidence is often admitted in a highly informal manner, simply as printed screenshots devoid of metadata, making retrospective forensic authentication impossible.¹⁰ This procedural laxity violates the principle of *Tabayyun* and exposes the judicial process to severe manipulation.¹² Bridging this gap requires substantial capacity building; judges and legal practitioners must be educated on the nature of digital threats and the absolute necessity of preserving the digital integrity of the original files.¹⁵

Reconstructing the Admissibility Framework: A *Maqashid al-Shari'ah* Perspective

The rapid integration of technology into judicial administration—such as the e-Court system designed to realize the principles of fast, simple, and low-cost justice—must not come at the expense of substantive fairness and truth.³⁷ Jasser Auda's systems approach to *Maqashid al-Shari'ah* (the higher objectives of Islamic law) emphasizes that the ultimate goal of the Shari'ah is the realization of justice, welfare, and the protection of fundamental human rights

³⁷ Fadhel Arjuna Adinda et al., "The Challenge of Admitting Electronic Evidence in Civil Procedure Law," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 3 (2025): 656–80.

across all contexts, including the digital realm. The five essential protections (*al-daruriyyat al-khams*)—religion (*hifẓ al-dīn*), life (*hifẓ al-nafs*), intellect (*hifẓ al-'aql*), lineage/family (*hifẓ al-nasl*), and property (*hifẓ al-māl*)—serve as the metric by which any new technological or legal development must be judged.

Deepfake technology poses a direct, targeted, and existential threat to two critical pillars of *Maqashid al-Shari'ah*: the protection of lineage/family (*hifẓ al-nasl*) and the protection of honor (*hifẓ al-'irdh*).³⁸ When synthetic media is used to falsely accuse a spouse of adultery (*zina*), it not only inflicts profound psychological trauma and destroys the marital bond (creating artificial *syiqaq*), but it also risks delegitimizing lineage and permanently staining the honor of the accused and their extended family.³⁹ The use of deepfakes to generate non-consensual pornography represents an extreme violation of *hifẓ al-'irdh*, transforming the sanctity of the human body into a weapon of digital exploitation. Furthermore, issues surrounding digital data also intersect with modern legal concepts like the "right to be forgotten"—a person's right to have information about themselves deleted from cyberspace if found not guilty by a court, ensuring that false deepfake accusations do not permanently ruin their life post-trial.

Therefore, preventing the admission of deepfakes into the courtroom, and effectively neutralizing the Liar's Dividend, is not merely a matter of procedural compliance; it is a fundamental religious imperative. Under the jurisprudential maxim "harm must be eliminated" (*al-darar yuzal*), the state and the judiciary bear the heavy responsibility to enact proactive measures against this technological harm. The current ambiguity surrounding the treatment of digital evidence in the Religious Courts must be resolved through explicit regulatory action. Table 3 outlines the proposed regulatory and procedural shifts necessary to align digital evidence admissibility with the protective principles of *Maqashid al-Shari'ah*.

Table 3. Proposed Authentication Framework for Digital Evidence in Religious Courts

Current Procedural Practice	Proposed Maqashid-Aligned Practice	Objective / Rationale
Admitting physical printouts of social media	Printouts are legally insufficient unless	Prevents basic manipulation; ensures the digital chain of

³⁸ Mawloud Mohadi and Yasser Tarshany, "Maqasid Al-Shari'ah and the Ethics of Artificial Intelligence: Contemporary Challenges," *Journal of Contemporary Maqasid Studies* 2, no. 2 (2023): 79–102.

³⁹ Mahrus Ali et al., "Deepfakes and Victimology: Exploring the Impact of Digital Manipulation on Victims," *Substantive Justice International Journal of Law* 8, no. 1 (2025).

or chat logs as primary evidence, formalized only by a nazegelen stamp.	accompanied by the original digital file with intact, verifiable metadata.	custody remains unbroken for future expert forensic analysis.
Presumption of authenticity unless aggressively challenged by opposing counsel. ⁴⁰	Mandatory preliminary digital authentication for high-stakes evidence (e.g., proof of adultery, abuse, or financial fraud) before formal admission.	Protects <i>hifz al-'irdh</i> by ensuring defamatory synthetic media cannot enter the public court record unchecked.
Over-reliance on lay hakam to interpret digital communications during the putusan sela mediation phase.	Court-appointed digital forensic experts must verify contested electronic evidence before passing it to the hakam for review.	Empowers hakam with verified truth, allowing the mandated mediation to occur based on reality rather than synthetic deception.
Inconsistent application of UU ITE regarding digital manipulation across different jurisdictions.	Issuance of a Supreme Court Circular (SEMA) or Regulation (PERMA) explicitly standardizing the testing and admissibility of GenAI evidence.	Ensures legal certainty, uniformity across jurisdictions, and mitigates the Liar's Dividend by standardizing the burden of proof.

Source: Synthesis of digital forensic standards and *Maqashid al-Shari'ah* principles.

As illustrated in Table 3, the proposed framework necessitates a radical shift from mere administrative compliance to substantive forensic authentication. Previous scholarship on the digitalization of Religious Courts, such as studies by Panjaitan (2024) and Yasmita et al. (2025), predominantly celebrates the e-Court system for successfully implementing the *contante justitie* principle—ensuring fast, simple, and low-cost litigation. However, this study argues that such procedural efficiency becomes highly destructive when confronted with Generative AI. From a *Maqashid al-Shari'ah* perspective, the acceleration of justice cannot justify the admission of synthetic falsehoods. When unauthenticated deepfakes are allowed to bypass forensic scrutiny merely to expedite a *syiqaq* resolution, the court actively facilitates the violation of *hifz al-nasl* (the protection of family integrity) and *hifz al-'irdh* (the protection of human honor).

In dialogue with Mohadi and Tarshany (2023), who warned of the ethical voids in AI development, this research emphasizes that the jurisprudential maxim "harm must be

⁴⁰ Numara Ardelia Fairuz, "Diskursus Yuridis Bukti Elektronik Dalam Perkara Perceraian: Analisis Komparatif Dua Putusan Pengadilan Agama," *Zaaken: Journal of Civil and Business Law* 6, no. 2 (2025): 188–208.

eliminated" (*al-darar yuzal*) obligates the state to prioritize epistemological certainty over administrative speed.⁴¹ Therefore, unlike traditional bureaucratic requirements (such as the *nazegelen* stamp) which only prove a document's physical existence, the proposed Maqashid-aligned practice mandates algorithmic verification. This ensures that the *hakam* base their reconciliation efforts on objective historical reality, effectively neutralizing the "Liar's Dividend" and safeguarding the sanctity of Islamic judicial truth.

To actualize this framework, adaptive legal reform via a criminal law policy approach and civil procedure update is essential. The Indonesian Supreme Court (Mahkamah Agung) must issue specific guidelines—such as a Supreme Court Regulation (PERMA) or Circular (SEMA)—that explicitly address the admissibility, testing, and authentication of Generative AI and synthetic media in civil and religious proceedings. These guidelines must define the specific threshold at which electronic evidence requires expert forensic analysis from institutions like BSSN, and establish standardized protocols for the secure transfer and storage of digital files to prevent tampering. Furthermore, capacity-building programs must be urgently instituted to educate Religious Court judges and administrative staff on the nature of AI threats, ensuring they possess the digital literacy required to critically evaluate complex electronic submissions. By intertwining the ethical rigor of the Qur'anic mandate of *Tabayyun* with the protective mandate of *Maqashid al-Shari'ah* and the scientific precision of modern digital forensics, the Indonesian justice system can secure its epistemological foundations against the highly disruptive tide of Fitnah 2.0.

Conclusion

The integration of electronic evidence into the Indonesian Religious Courts initially represented a progressive step toward modernizing family dispute resolution. However, the rapid proliferation of Generative AI and deepfake technology has exposed critical vulnerabilities in the current evidentiary framework. This study reveals that the traditional epistemological concept of *bayyinah*, which historically relied on human integrity, is ill-equipped to navigate a landscape where digital *qarinah* (circumstantial evidence) can be seamlessly synthesized to manufacture hyper-realistic falsehoods. This phenomenon, conceptualized as "Fitnah 2.0," fundamentally threatens *syiqaq* adjudication by paralyzing the

⁴¹ Mohadi and Tarshany, "Maqasid Al-Shari'ah and the Ethics of Artificial Intelligence: Contemporary Challenges."

mediation efforts of *hakam* and trapping judges in the epistemological gridlock of the "Liar's Dividend." The current reliance on unauthenticated printed digital media, coupled with a regulatory vacuum regarding synthetic evidence in civil procedures, renders the courts dangerously susceptible to profound miscarriages of justice.

Theoretically, this research contributes to the evolution of Islamic legal epistemology by expanding the classical discourse on *bayyinah* and *qarinah* to include algorithmic variables. It challenges the prevailing assumption within positive law (UU ITE) that equates digital documents with traditional written evidence, arguing instead that disembodied data carries unique ontological vulnerabilities. Furthermore, this study refines the Qur'anic concept of *Tabayyun* (verification) by shifting its application from a human-centric moral vetting process (*tazkiyah al-shuhud*) to a mandate for rigorous digital forensic authentication. Ultimately, by viewing evidentiary admissibility through the lens of *Maqashid al-Shari'ah*, this study establishes that requiring algorithmic verification—such as deep metadata analysis and cryptographic chain-of-custody protocols through certified institutions like BSSN—is not merely a procedural upgrade. It is a vital religious and legal necessity to protect the sanctity of lineage (*hifz al-nasl*), human honor (*hifz al-'irdh*), and societal trust against the corrosive tide of digital manipulation. It is strongly recommended that the Indonesian Supreme Court issue specialized procedural guidelines (PERMA or SEMA) to standardize the forensic verification of digital evidence in the deepfake era.

Declarations

Author contribution statement

A is the sole author of this manuscript and was responsible for all aspects of the research, including conceptualization, methodology, data collection, socio-legal analysis, original draft preparation, and final editing. AA has read and approved the final manuscript.

Declaration of interests statement

The author declares that there are no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

AI Usage Statement

During the preparation of this manuscript, the author utilized artificial intelligence (AI) tools, specifically Claude, strictly for language translation, grammar refinement, and improving the clarity of the English text. AI was not used to generate core ideas, conduct substantive analysis, formulate research methodology, or draw theoretical conclusions. The author retains full responsibility for the originality, accuracy, and academic integrity of the content, and AI tools are not credited as authors or contributors, in accordance with ethical standards in academic publishing.

References

- Abdul-Quadir, Abuhamid M. *Shahadah: The Role of Witnesses in the Islamic Law of Evidence*. The University of Utah, 1997.
- Adinda, Fadhel Arjuna, Ema Rahmawati, Eman Suparman, Ridwan Arifin, and Souad Ezzrouali. "The Challenge of Admitting Electronic Evidence in Civil Procedure Law." *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 3 (2025): 656-80. <https://doi.org/10.29303/ius.v13i3.1873>
- Ali, Mahrus, Zico Junius Fernando, Chairul Huda, and Mahmutarom Mahmutarom. "Deepfakes and Victimology: Exploring the Impact of Digital Manipulation on Victims." *Substantive Justice International Journal of Law* 8, no. 1 (2025). <https://doi.org/10.56087/substantivejustice.v8i1.306>
- Alias, Mohamad Aniq Aiman, Wan Abdul Fattah Wan Ismail, Ahmad Syukran Baharuddin, and Lukman Abdul Mutalib. "Legal Analysis of Syariah Court Evidence Law on Digital Document as Evidence and Its Admissibility in Court Proceedings: Analisis Perundangan Bagi Undang-Undang Keterangan Mahkamah Syariah Terhadap Dokumen Digital Sebagai Kaedah Pembuktian Dan Kebolehteri." *Journal of Management and Muamalah* 11, no. 2 (2021): 54-64.
- Amri, M Saeful, Tazkiyyatun Nafisah, Agus Irfan, and Muhammad Azam. "Digitalization of Religious Courts and Transformation of Islamic Family Law in Indonesia: Analysis of Institutional Innovation and Implementation of e-Court." *Kanuun: Journal of Sharia, Law, and Digital Society*, 2026, 35-44.
- Bhatnagar, Saksham. "Arbitration in Technology Disputes: Addressing Complexities in the Digital Era." *Jus Corpus LJ* 5 (2024): 336.
- Bravo, A J. "Graphic Approaches: A Theoretical and Artistic Exploration of Pornography." University of Kent (United Kingdom), 2024.
- Brown, Jeremy. "Ontology of Deepfakes." Medium. Medium, 2021. <https://medium.com/>.
- Chesney, Bobby, and Danielle Citron. "Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security." *California Law Review* 107 (2019): 1753-1820. <https://doi.org/10.15779/Z38RV0D15J>. <https://doi.org/10.2139/ssrn.3213954>
- D'Orsi, Laura M. "Divorce in the Age of Deepfakes: Navigating AI-Generated Evidence in

- Family Law." Law Offices of Laura M. D'Orsi, LLC - Blog. Red Bank, New Jersey, USA: Law Offices of Laura M. D'Orsi, LLC, 2025. <https://lauradorsilaw.com/divorce-in-the-age-of-deepfakes/>.
- Deviriana, Benedicta Ingrid, Dinda Nurdianti, Fioren Tirta Chandra, Muhamad Nagib, and Xena Danella. "Analysis of Whatsapp Chat Usage as Court Evidence." *Devotion: Journal of Research and Community Service* 6, no. 6 (2025): 574-83. <https://doi.org/10.59188/devotion.v6i6.25492>
- Dyson, Maurice R. "Combatting AI's Protectionism & Totalitarian-Coded Hypnosis: The Case for AI Reparations & Antitrust Remedies in the Ecology of Collective Self-Determination." *SMU L. Rev.* 75 (2022): 625. <https://doi.org/10.25172/smulr.75.3.7>
- Fairuz, Numara Ardelia. "Diskursus Yuridis Bukti Elektronik Dalam Perkara Perceraian: Analisis Komparatif Dua Putusan Pengadilan Agama." *Zaaken: Journal of Civil and Business Law* 6, no. 2 (2025): 188-208. <https://doi.org/10.22437/zaaken.v6i2.43219>
- Feigenson, Neal. "Adjudication on Zoom and beyond: Human Interaction in Virtual Courts." *Washburn LJ* 62 (2022): 461.
- Hakim, Annisa Khairani Ali. "Tabayyun Di Era Digital, Ketika Deepfake Mengancam Kebenaran Dan Diplomasi Internasional." Website FISIP UIN Jakarta. FISIP UIN Syarif Hidayatullah Jakarta, 2025. <https://fisip.uinjkt.ac.id/>.
- Heaton, Connor, Shay Cleary, and Michael Navin. "AI-Generated Evidence Is a Threat to Public Trust in the Courts." NCSC - National Center for State Courts. National Center for State Courts, 2026. <https://www.ncsc.org/>.
- Hertlein, Katherine M. "The Weaponized Web: How Internet Technologies Fuel Intimate Partner Violence." *International Journal of Systemic Therapy* 32, no. 3 (2021): 171-93. <https://doi.org/10.1080/2692398X.2021.1906619>
- Hidayati, Nursitta, and Fauziah Lubis. "Implementasi Perma Nomor 7 Tahun 2022 Tentang E-Court Secara Prodeo Di Pengadilan Agama Rantauprapat Kelas IB." *Jurnal Ilmu Hukum Humaniora Dan Politik (JIHHP)*, <https://doi.org/10.38035/jihhp.v4i5.2456> (2024). <https://doi.org/10.38035/jihhp.v4i5.2456>
- Ibrahim, Tuan Muhammad Faris Hamzi Tuan, Nasrul Hisyam Nor Muhamad, Mohamad Aniq Aiman Alias, and Ahmad Syukran Baharuddin. "The Role of Digital Forensics

- as Qarinah Muasirah in Proving Cyber Offences Under Malaysian Islamic Evidence Law." *Al-Istinbath: Jurnal Hukum Islam* 11, no. 1 (2026): 19-39. <https://doi.org/10.29240/jhi.v11i1.14738>
- Jamil, Jamal. "Pembuktian Di Peradilan Agama." *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 4, no. 1 (2017): 25-39. <https://doi.org/10.24252/al-qadau.v4i1.4973>
- Kadiri, Abdulmaleek. "An Examination of the Concept of Burden of Proof in Adultery Cases under Islamic Law," 2024. <https://doi.org/10.2139/ssrn.5448914>
- Krawietz, Birgit. "Ibn Qayyim Al-Jawzīyah: His Life and Works." *Mamlūk Studies Review* 10 (2006).
- Latifah, Luluk, and Iskandar Ritonga. "Difference of Divorce Determination in Indonesia: A Study Systematic Literature Review." *Jurnal Biometrika Dan Kependudukan (Journal of Biometrics and Population)* 11, no. 2 (2022): 223-35. <https://doi.org/10.20473/jbk.v11i02.2022.223-235>
- Makol, Muswar Sikandar, and Muhammad Asim Shahbaz. "Cyber Law and Islamic Jurisprudence: Addressing Digital Crimes in the Shari 'ah Framework." *Tanazur* 6, no. 1 (2025): 32-58.
- Malik, Bubune. "Social Media Activism and Offline Campaigns in the Fight against Domestic Violence in Ghana. A Study of Selected Activists on Facebook." *Journal of Positive School Psychology* 6, no. 3 (2022).
- MKPO, David Chukwuebuka. "Is Truth And Integrity Of Justice On Trial In The Age Of Artificial Intelligence (Ai)? Re-Assessing Digital Evidence In The Context Of Ai-Generated Evidence Such As Deepfakes." *International Review Of Law And Jurisprudence (IRLJ)* 7, no. 1 (2025).
- Mohadi, Mawloud, and Yasser Tarshany. "Maqasid Al-Shari'ah and the Ethics of Artificial Intelligence: Contemporary Challenges." *Journal of Contemporary Maqasid Studies* 2, no. 2 (2023): 79-102. <https://doi.org/10.52100/jcms.v2i2.107>
- Muhamad, Mohd Munzil, Ahmad Mohd Shariff, Ramalingam Rajamanickam, Mazupi Rahman, Anowar Zahid, and Noorfajri Ismail. "Qarinah: Admissibility of Circumstantial Evidence in Hudud and Qisas Cases." *Mediterranean Journal of Social Sciences* 6 (March 1, 2015). <https://doi.org/10.5901/mjss.2015.v6n2p141>. <https://doi.org/10.5901/mjss.2015.v6n2p141>

- Naffi, Nadia. "Deepfakes and the Crisis of Knowing." UNESCO Ideas Lab. UNESCO, 2025. <https://www.unesco.org/en/articles/deepfakes-and-crisis-knowing>.
- "Pengajuan Cerai Talak/Cerai Gugat." Pengadilan Agama Demak, 2019. <https://pa-demak.go.id/>.
- Pfefferkorn, Riana. "' Deepfakes' in the Courtroom." BU Pub. Int. LJ 29 (2019): 245.
- Rajab, Khairunas, and Rudy Asrianto. "The Impact of Globalization and Scientific and Technological Developments on Family Behavior and the Dynamics of Islamic Family Law." Hayula: Indonesian Journal of Multidisciplinary Islamic Studies 10, no. 1 (2026): 137-50. <https://doi.org/10.21009/hayula.010.01.07>
- Ramadani, Sonia, Reski Anwar, and Nagia Duwi Safitri. "The Evidentiary Power Of Electronic Documents As An Extension Of Legal Evidence According To Electronic Information And Transactions Law (Uu Iti)." Asy Syar'iyah: Jurnal Ilmu Syari'ah Dan Perbankan Islam 9, no. 2 (2024): 191-207. <https://doi.org/10.32923/a754rb33>
- Setyawan, Adisti Puspa, I Dewa Wirantaya, Pina Mustika, and William Gomarga. "Indonesia's Electronic Information and Transactions Law: History, Impact, and Challenges." Journal Research of Social Science, Economics & Management 4, no. 12 (2025). <https://doi.org/10.59141/jrssem.v4i12.899>
- Song, Rena. "Faking It: A Proposed Solution to Counter Nonconsensual Pornographic Deepfakes." Wash. & Lee J. Civ. Rts. & Soc. Just. 31 (2025): 157.
- Tarihoran, Nafan, and Mustafa Ali Almagdub. "Contemporary Challenges and Prospects of Mediation in Contested Divorce Cases in Indonesia." NUSANTARA: Journal Of Law Studies 4, no. 01 (2025): 44-59.
- Yani, Ahmad, Muhammad Husni Abdullah Pakarti, Ah Fathonih, Aden Rosadi, Soni Zakaria, and Ahmad Hasan Ridwan. "Legal Construction of Cumulative Decisions on Marriage Annulment and Divorce Claims at the Jakarta Religious High Court." Nurani: Jurnal Kajian Syari'ah Dan Masyarakat 25, no. 2 (2025): 655-70. <https://doi.org/10.19109/nurani.v25i2.30527>
- Yanti, Evi, and Heni Susanti. "Deepfake Porn And Victim Protection: Legal Challenges In The Era Of Technological Disruption Within The Framework Of The SDGs." In Proceeding International Conference on Social Sciences, 1:66-85, 2026.

Yasmita, Yasmita, Ah Fathonih, Usep Saepulah, Burhanuddin Burhanuddin, Mohammad Ridwan, and Edy Saputra. "The Implementation of E-Court at the Banten High Religious Court: Challenges, Barriers, and Prospects within Indonesia's Legal System." *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 2 (2025): 431-50. <https://doi.org/10.32505/qadha.v12i2.11677>

Yosifova-Takeva, Iva Ivaylova. "Authenticating Deepfake Evidence in Civil Proceedings: A Temporal Approach," 2026. <https://doi.org/10.2139/ssrn.6752300>.
<https://doi.org/10.2139/ssrn.6752300>