Volume 6 Issue 2 July–December 2026
Syakhshiyyah: Journal of Islamic Family Law
P-ISSN 3032-212X; E-ISSN 2986-5409

Electronic Evidence, Authentication Challenges, and the Qarinah Doctrine: Judicial Reasoning in Divorce Cases Involving Alleged Cyber Infidelity at the Batang Religious Court

Bukti Elektronik, Tantangan Autentikasi, dan Doktrin Qarinah: Penalaran Hakim dalam Perkara Perceraian yang Melibatkan Dugaan Perselingkuhan Siber di Pengadilan Agama Batang

Muhammad Yusuf
Universitas Islam Negeri KH. Abdurrahman Wahid Pekalongan, Indonesia
muhammad.yusuf25008@mhs.uingusdur.ac.id

Rinto Hermawan
Universitas Islam Negeri KH. Abdurrahman Wahid Pekalongan, Indonesia
rinto.hermawan25010@mhs.uingusdur.ac.id

Ade Dedi Rohayana
Universitas Islam Negeri KH. Abdurrahman Wahid Pekalongan, Indonesia
adededirohayana@uingusdur.ac.id

Article History:

DOI: https://doi.org/10.32332/a2esyq87
Copyright ©2026 Author

Received: 15-07-2026	Revised: 13-09- 2026	Accepted: 15-11-2026	Published: 16-11-2026

Abstract: This study examines the legal reasoning of judges at the Batang Religious Court in assessing electronic evidence in the form of printed screenshots of digital conversations in divorce cases involving allegations of cyber infidelity. It focuses on the relationship between the legal recognition of electronic evidence under the Law on Electronic Information and Transactions (EIT Law) and the requirements of authenticity, integrity, and accessibility. This study adopts a normative legal approach and a multiple embedded case study design to examine 16 divorce decisions issued in 2025. The analysis of judicial reasoning focuses on 14 cases decided on the merits, while the remaining two cases provide procedural context. The findings show that Article 19(f) of Government Regulation No. 9 of 1975 was the most frequently invoked ground for divorce, although the formulation of the claims varied across cases. Judges treated printed digital evidence as supporting indications rather than as conclusive proof of the allegations. Its assessment was considered alongside witness testimony and other facts established during the proceedings. The study also finds that the subsequent affixing of stamp duty (*nazegelen*) does not, by

itself, establish the authenticity or integrity of the underlying electronic data. The absence of digital forensic verification therefore raises potential evidentiary concerns, particularly when the source, authenticity, or context of the material is disputed. The doctrines of *qarīnah* and judicial presumptions may provide analytical frameworks for assessing electronic indications, provided that their probative value is evaluated in conjunction with other relevant evidence and the circumstances of each case.

Keywords: Electronic Evidence; Cyber Infidelity; *Qarīnah*; Judicial Presumption; Divorce Proceedings.

Abstrak: Penelitian ini menganalisis pertimbangan hukum hakim Pengadilan Agama Batang dalam menilai alat bukti elektronik berupa hasil cetak tangkapan layar percakapan digital pada perkara perceraian yang melibatkan dugaan perselingkuhan siber. Persoalan utama penelitian terletak pada hubungan antara pengakuan alat bukti elektronik dalam Undang-Undang Informasi dan Transaksi Elektronik (UU ITE) dengan persyaratan keaslian, keutuhan, dan keteraksesan informasi elektronik. Penelitian ini menggunakan pendekatan yuridis-normatif dengan desain studi kasus berganda (*multiple embedded case study*) terhadap 16 putusan perkara perceraian tahun 2025. Analisis mendalam terhadap pertimbangan hukum hakim difokuskan pada 14 perkara yang diperiksa pokok perkaranya, sedangkan dua perkara lainnya digunakan sebagai konteks prosedural. Hasil penelitian menunjukkan bahwa Pasal 19 huruf f PP No. 9 Tahun 1975 tentang perselisihan dan pertengkaran terus-menerus menjadi dasar hukum yang dominan digunakan para pihak, meskipun formulasi gugatan tidak sepenuhnya seragam. Hakim menempatkan hasil cetak bukti digital bukan sebagai alat bukti yang secara mandiri menentukan kebenaran dalil, melainkan sebagai indikasi pendukung dalam konstruksi pembuktian yang juga melibatkan keterangan saksi dan fakta-fakta lain yang terungkap di persidangan. Penelitian ini juga menunjukkan bahwa pemeteraian kemudian (*nazegelen*) tidak dengan sendirinya membuktikan keaslian dan keutuhan data elektronik yang mendasarinya. Ketiadaan verifikasi forensik digital karena itu menyisakan potensi risiko pembuktian, terutama apabila sumber, keaslian, atau konteks bukti dipersoalkan. Doktrin qarinah dan persangkaan hakim dapat menjadi kerangka penilaian terhadap indikasi elektronik, sepanjang bobot pembuktiannya tetap dinilai bersama alat bukti lain dan keadaan konkret setiap perkara.

Kata Kunci: Alat Bukti Elektronik; Perselingkuhan Siber; *Qarinah*; Persangkaan Hakim; *Syiqaq*.

A. INTRODUCTION

Digital communication technologies have transformed patterns of interpersonal interaction, including communication within marital relationships in Indonesia. One emerging concern is cyber infidelity, which may involve intimate digital conversations,

video calls, and the exchange of inappropriate content through online messaging platforms.[1] Such conduct may contribute to marital disputes and, in certain circumstances, become part of the factual basis for divorce claims. Data published by the Directorate General of Religious Courts indicate that hundreds of thousands of divorce cases are handled by religious courts across Indonesia, with continuous disputes and quarrels among the frequently invoked grounds for divorce.[2] Within this legal context, divorce claims increasingly refer to digital communications and activity records found on spouses' mobile devices.[3]

Although cyber infidelity is an increasingly documented social phenomenon, its use as a factual basis in divorce proceedings raises significant challenges for the civil justice system, particularly in relation to the assessment of electronic evidence. Civil procedural law in religious courts continues to operate within an evidentiary framework influenced by the *Herziene Indonesisch Reglement* (HIR) and the *Rechtsreglement voor de Buitengewesten* (RBg), which historically developed around conventional documentary evidence.[4] Meanwhile, Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 1 of 2024 (hereinafter the EIT Law), recognizes electronic information and electronic documents, including their printouts, as legally admissible evidence.[5] Meanwhile, Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 1 of 2024 (hereinafter the EIT Law), recognizes electronic information and electronic documents, including their printouts, as legally admissible evidence.[5] Nevertheless, Article 5(3), read in conjunction with Article 6 of the EIT Law, requires electronic information and documents to satisfy conditions concerning the

[1] Hermes Aura Azkiyah, Samsudin, and Adang Djumhur, "Cyber Cheating as a Form of Violationofa Spouse'sin Islamic Family Law," Articles, *BUSTANUL FUQAHA: Journal of Islamic Law* 6, no. 2 (August 2025): 360–75, https://doi.org/10.36701/bustanul.v6i2.2317.

[2] Ditjen Badilag, *Laporan Pelaksanaan Kegiatan Direktorat Jenderal Badan Peradilan Agama 2025* (n.d.), https://cloud.badilag.net/s/6ezaWDaNXWo7r8J.

[3] Agung Pramudita, Rohmat, and Syeh Sarip Hadaiyatullah, "Analisis Hukum Keluarga Islam Terhadap Perceraian Akibat Perselingkuhan Di Media Sosial," *Al-Ahwal Al-Syakhsiyyah: Jurnal Hukum Keluarga Dan Peradilan Islam* 7, no. 1 (2026), https://doi.org/10.15575/as.v7i1.54658.

[4] Achmad Ali and Wiwie Heryani, *Asas-Asas Hukum Pembuktian Perdata* (Jakarta: Kencana (Prenadamedia Group), 2012)

[5] Republik Indonesia, *Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik*, Republik Indonesia, 2024, https://peraturan.bpk.go.id/details/274494/uu-no-1-tahun-2024

reliability of the electronic system, accessibility, integrity, and accountability.[6] In practice, the parties in the cases examined primarily submitted printed screenshots bearing subsequently affixed stamp duty (*nazegelen*), while the judgments contained no indication of digital forensic examinations assessing the origin or integrity of the underlying data.[7]

In this context, the legal recognition of electronic information as admissible evidence must be distinguished from the authentication of the specific electronic material submitted in court. Article 5 of the EIT Law establishes the legal status of electronic information, electronic documents, and their printouts as evidence, but this recognition does not automatically establish the authenticity or reliability of every submitted document. Authentication requires an assessment of whether the electronic information originates from the stated source, has retained its integrity, and is presented in a sufficiently complete context. Accordingly, the submission of a legible screenshot does not, by itself, establish the identity of the sender, exclude the possibility of alteration, or demonstrate that the displayed conversation represents its complete sequence. The distinction between legal admissibility and authentication is therefore essential to prevent the formal recognition of electronic evidence from being treated as conclusive proof of the truth of its contents.

The distinction between the legal recognition and authentication of electronic evidence is relevant to two strands of previous scholarship: the substantive legal implications of cyber infidelity and the procedural treatment of electronic evidence. The first strand examines how digital interactions may affect marital obligations and the legal assessment of marital misconduct. Mustafa Kamal Rokan, Imam Yazid, and Ahmad Makky discuss the reconstruction of the concept of *nushūz* in the digital era, particularly in response to changes in patterns of marital interaction through digital media.[8] Hermes Aura Azkiyah, Samsudin, and Adang Djumhur examine cyber

[6] Santhos Wachjoe P., "Penggunaan Informasi Elektronik Dan Dokumen Elektronik Sebagai Alat Bukti Persidangan," *Jurnal Hukum Dan Peradilan* 6, no. 3 (2017): 465–86, https://doi.org/10.25216/jhp.6.3.2017.465-486.

[7] Efa Laela Fakhriah, *Bukti Elektronik Dalam Sistem Pembuktian Perdata* (Penerbit Alumni, 2023), https://books.google.co.id/books?id=AjLOEAAAQBAJ.

[8] Mustafa Kamal Rokan, Imam Yazid, and Ahmad Makky, "Reconstruction of the Concept of Nushuz of the Wife in the Digital Era," *Samarah: Journal of Family Law and Islamic Law* 4, no. 2 (2020): 563–84, https://doi.org/10.22373/sjhk.v4i2.7259.

cheating as conduct that may violate a spouse's rights and the obligations arising from marriage.[9] Similarly, Chilyatun Nafis discusses cyber infidelity in relation to the criteria of *nushūz* in digital marital relationships.[10] Although these studies provide a substantive perspective on the legal implications of digital misconduct within marriage, their primary concern differs from the present study, which focuses on how electronic materials presented in divorce proceedings are assessed and incorporated into judicial reasoning.

The second strand of previous scholarship examines the evidentiary status and probative value of electronic documents in Indonesian procedural law. Efa Laela Fakhriah and Rafi Kesha et al. highlight the importance of assessing electronic evidence in light of the reliability, integrity, and authenticity of the underlying information.[11] These considerations become particularly significant when the authenticity or context of an electronic document is disputed by the opposing party. Edmon Makarim, through the functional equivalence approach, explains the legal recognition of electronic documents by emphasizing their functional capacity to fulfill the requirements traditionally associated with written documents.[12] .[12] Research on religious court proceedings has also examined the application of electronic evidence in divorce cases. Amelia Sukmasari et al. discuss the use of electronic evidence as an extension of legally recognized evidence in civil proceedings.[13] Meanwhile, Yusuf Wibisono examines the status of electronic evidence in cases before religious courts, while Farhan Taufiqurahman and Handar Subhandi Bakhtiar address its application in religious court procedural law through

[9] Azkiyah, Samsudin, and Djumhur, "Cyber Cheating as a Form ofViolationofa Spouse'sin Islamic Family Law."

[10] Chilyatun Nafis, "Cyber Infidelity Dalam Perspektif Hukum Keluarga Islam: Analisis Kriteria Nusyuz Dalam Relasi Perkawinan Digital," *Ahlana: Jurnal Hukum Dan Hukum Keluarga Islam* 3, no. 2 (2026): 11–26, https://doi.org/10.30821/jhki.v3i2.30020.

[11] Rafi Kesha et al., "Kekuatan Pembuktian Alat Bukti Elektronik Dalam Hukum Acara Perdata Indonesia," Articles, *Journal of Golden Generation Legal Science* 2, no. 2 (07 2026): 374–83, https://doi.org/10.65244/jggls.v2i2.528.

[12] Edmon Makarim, "Keautentikan Dokumen Publik Elektronik Dalam Administrasi Pemerintahan Dan Pelayanan Publik," *Jurnal Hukum Dan Pembangunan* 45, no. 4 (2015).

[13] Amelia Sukmasari et al., "Application Of Electronic Evidence As Extension Of Legal Civil Evidence Divorce Cases In Indonesia," *Indonesian Journal of Law, Environment, and Natural Resources* 4, no. 1 (2024): 1–12, https://doi.org/10.51749/injurlens.v4i1.95.

a case study.[14] Taken together, these studies provide a basis for understanding the legal position of electronic evidence, but further analysis is needed regarding how judges assess the authenticity and probative value of printed digital conversations when no forensic verification is indicated in the judgments.

Although previous studies have examined the legal status and probative value of electronic documents, including their use in divorce proceedings, further research is needed to clarify the relationship between the authentication of printed digital conversations and the construction of evidence in religious court proceedings. In particular, limited attention has been given to how judges assess printed transcripts of digital conversations when no forensic verification is indicated in the judgments, and how such materials are incorporated into judicial reasoning through the doctrine of judicial presumptions (*rechterlijke vermoedens*) under Article 173 of the HIR and the concept of *qarīnah* in Islamic jurisprudence. Another issue concerns the relationship between evidence of alleged cyber infidelity and the legal grounds for divorce under Article 19(f) of Government Regulation No. 9 of 1975, which requires the existence of continuous disputes and quarrels and the absence of a reasonable prospect of reconciliation. The evidentiary significance of digital conversations must therefore be examined not only in relation to their authenticity and context but also in relation to the extent to which they support the legally required elements of the asserted ground for divorce. These issues constitute the central focus of the present study.

This study examines the evidentiary framework applied by judges at the Batang Religious Court in adjudicating divorce cases involving allegations of cyber infidelity. It addresses three interrelated issues: first, how allegations of cyber infidelity are formulated in the parties' claims and petitions; second, how printed electronic documents are assessed and incorporated into the construction of circumstantial evidence and judicial presumptions; and third, what legal risks may arise when such evidence is relied upon without forensic verification being indicated in the judgments. The analysis draws on Ibn Qayyim al-Jawziyyah's concept of *al-ṭuruq al-ḥukmiyyah*, the doctrine of judicial

[14] Yusuf Wibisono, "Kedudukan Alat Bukti Elektronik Dalam Perkara Alat Bukti Elektronik Dalam Perkara Di Pengadilan Agama," secs. 220-231, *Jurnal Al-Mabsut: Jurnal Studi Islam Dan Sosial* 16, no. 2 (September 2022), https://doi.org/https://doi.org/10.56997/almabsut.v16i2.687.

presumptions, and the functional equivalence approach to electronic documents. The study's contribution lies in examining the relationship between the limitations of electronic evidence authentication, the judicial construction of evidence in divorce proceedings, and the legal implications of relying on printed digital conversations in the absence of documented forensic verification.

B. METHOD

This study adopts a normative legal research design with a case-based approach to examine the application of Indonesian legal provisions and Islamic judicial doctrines in the adjudication of divorce cases at the Batang Religious Court.[15] The analysis combines three approaches: the statutory approach, which examines the relevant legal provisions; the conceptual approach, which explores the doctrines and legal concepts underlying the assessment of electronic evidence; and the case approach, which analyzes judicial decisions and their legal reasoning.[16] The study further employs an embedded multiple-case design to examine judicial reasoning across selected divorce cases decided by the Batang Religious Court during 2025.[17]

The legal materials were classified into three categories. First, primary legal materials consisted of 16 divorce case decisions obtained from the Batang Religious Court's Case Tracking Information System (*Sistem Informasi Penelusuran Perkara*, SIPP), as well as relevant statutory provisions, including Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019; Government Regulation No. 9 of 1975; the Compilation of Islamic Law (KHI); Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 1 of 2024; and the relevant provisions on evidence under the *Herziene Indonesisch Reglement* (HIR).[18] Second, secondary legal materials included classical Islamic judicial literature, particularly Ibn Qayyim al-Jawziyyah's *Al-Ṭuruq al-Ḥukmiyyah fī al-Siyāsah al-Sharʿiyyah*, textbooks on

[15] Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).
[16] Marzuki, *Penelitian Hukum*.
[17] Robert K. Yin, *Case Study Research and Applications: Design and Methods*, 6th ed. (Los Angeles: SAGE Publications, Inc., 2018).
[18] Pengadilan Agama Batang, "Data primer SIPP Pengadilan Agama Batang 2025," Database, January 7, 2026.

evidence law, and relevant articles published in national and international academic journals.[19] Third, tertiary legal materials comprised legal dictionaries and encyclopedias of Islamic jurisprudence.

The 16 cases were selected through purposive sampling based on two inclusion criteria: (1) the statement of claim or petition explicitly referred to alleged cyber infidelity through digital platforms, such as WhatsApp, Facebook, or other messaging applications, as a factor contributing to marital disputes; and (2) the parties submitted printed copies of electronic documents as evidence, bearing subsequently affixed stamp duty (*nazegelen*). All 16 cases were included in the descriptive mapping of digital platforms and the parties' arguments. However, the substantive analysis of the evidentiary framework and the judges' *ratio decidendi* focused on 14 cases that resulted in decisions on the merits. The remaining two cases—one declared inadmissible (*niet-ontvankelijk verklaard*) due to a procedural defect and one withdrawn by the plaintiff—were used solely to provide comparative procedural context. Accordingly, these two cases were excluded from the analysis of judicial assessments concerning the probative value and authenticity of electronic evidence.

The legal materials were analyzed through close reading and qualitative content analysis of the selected judicial decisions. The analysis proceeded in three stages. First, the factual allegations and relief sought by the parties were identified to determine the legal grounds invoked in each divorce case. Second, the judges' legal reasoning (*ratio decidendi*) was examined, particularly in relation to their assessment of electronic evidence, the use of *qarīnah* as circumstantial evidence, and the application of judicial presumptions (*praesumptio facti*) under Article 173 of the HIR. Third, the consistency between the evidentiary reasoning and the final rulings was assessed in light of the principles of simple, speedy, and low-cost justice stipulated in Article 2(4) of Law No. 48 of 2009 on Judicial Power.[20] The findings were subsequently interpreted through inductive and deductive legal reasoning to

[19] Ibnu Qayyim Al-Jauziyyah, *At-Turuq al-Hukmiyyah Fi as-Siyasah Asy-Syar'iyyah* (Makkah: Dar Alam al-Fawa'id, 2007).

[20] Republik Indonesia, *Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman* (2009).

formulate conclusions regarding the evidentiary framework applied in the examined cases.

C. RESULTS AND DISCUSSION

1. Typology of Cyber Infidelity and the Formulation of Divorce Grounds

An examination of 16 divorce decisions issued by the Batang Religious Court in 2025 reveals the distribution of cases involving allegations of cyber infidelity and the procedural circumstances in which they were adjudicated. Of these cases, 14 (87.50%) were wife-initiated divorce suits (*cerai gugat*), while two (12.50%) were husband-initiated divorce petitions (*cerai talak*). In addition, 12 of the 16 cases (75.00%) were decided in the absence of the defendant or respondent, despite proper summons having been issued in accordance with the applicable procedural rules.[21] This distribution provides the procedural context for examining how allegations of cyber infidelity and printed electronic materials were presented in the proceedings. It should not, however, be taken as evidence that the predominance of wife-initiated suits was caused by digital communication technology or that the absence of the opposing party constituted an admission of the allegations.

Table 1 presents the 16 divorce decisions examined in this study, including the types of digital materials referred to by the parties, the legal grounds stated in the factual allegations and the relief sought, and the outcomes of the proceedings.

Table 1.
Overview of the 16 Divorce Decisions Involving Digital Evidence

No.	Case Number	Type	Platform/Digital Evidence	Statement of Facts	Prayer for Relief	Judgment
1.	98/Pdt.G/2025/PA.Btg	Divorce by Petition	Cell Phone (suspicious activity)	Section 19(f) of Government Regulation No. 9 of 1975	Section 19(f) of Government Regulation No. 9 of 1975	First ba'in sughra divorce
2.	445/Pdt.G/2025/PA.Btg	Divorce by Talak	Defendant's cell phone chat/conversation	Section 19(f) of Government	Section 19(f) of Government	First raj'i divorce (by default)

[21] Batang, "Data primer SIPP Pengadilan Agama Batang 2025."

				Regulation No. 9 of 1975	Regulation No. 9 of 1975	
3.	511/Pdt.G/2025/PA.Btg	Divorce by Petition	Facebook Post (video/photo)	Article 19(a) of Government Regulation No. 9 of 1975	Article 19(a) of Government Regulation No. 9 of 1975	First ba'in sughra divorce (in absentia)
4.	679/Pdt.G/2025/PA.Btg	Divorce by Petition	WhatsApp (one-way communication)	Article 19(b) of Government Regulation No. 9 of 1975	Section 19(b) of Government Regulation No. 9 of 1975	First ba'in sughra divorce (in absentia)
5.	860/Pdt.G/2025/PA.Btg	Divorce by Petition	Text Messages & Admission (hotel check-in)	Section 19(f) of Government Regulation No. 9 of 1975	Section 19(f) of Government Regulation No. 9 of 1975	First ba'in sughra divorce (in absentia)
6.	938/Pdt.G/2025/PA.Btg	Divorce by Petition	WhatsApp (restricted access to children)	Section 19(f) of Government Regulation No. 9 of 1975	Section 19(f) of Government Regulation No. 9 of 1975	First ba'in sughra divorce (in absentia)
7.	968/Pdt.G/2025/PA.Btg	Divorce by Petition	WhatsApp (intimate chat with another woman)	Section 19(f) of Government Regulation No. 9 of 1975	Section 19(f) of Government Regulation No. 9 of 1975	First ba'in sughra divorce (in absentia)
8.	1037/Pdt.G/2025/PA.Btg	Divorce by Petition	Social media (romantic relationship)	Section 19(f) of Government Regulation No. 9 of 1975	Section 19(f) of Government Regulation No. 9 of 1975	First ba'in sughra divorce (in absentia)
9.	1106/Pdt.G/2025/PA.Btg	Divorce by Talak	Obscene chat & sharing of explicit images via cell phone	Article 19(a), (f) of Government	Section 19(f) of Government Regulation	Permission for one raj'i divorce (in absentia)

				Regulation No. 9 of 1975	No. 9 of 1975	
10.	1166/Pdt.G/2025/PA.Btg	Divorce by Petition	Online chat & gambling (apps)	Section 19(f) of Government Regulation No. 9 of 1975	Section 19(f) of Government Regulation No. 9 of 1975	First ba'in sughra divorce
11.	1597/Pdt.G/2025/PA.Btg	Divorce by Petition	Suspicion of a hidden cell phone	Section 19(a), (f) of Government Regulation No. 9 of 1975	Section 19(f) of Government Regulation No. 9 of 1975	First ba'in sughra divorce (in absentia)
12.	1704/Pdt.G/2025/PA.Btg	Divorce by Petition	Video calls & long-distance mobile phone communication	Section 19(f) of Government Regulation No. 9 of 1975	Section 19(f) of Government Regulation No. 9 of 1975	First ba'in sughra divorce (in absentia)
13.	1955/Pdt.G/2025/PA.Btg	Divorce by Petition	WhatsApp (open romantic relationship)	Article 19(b) of Government Regulation No. 9 of 1975	Article 19(b) of Government Regulation No. 9 of 1975	First ba'in sughra divorce (in absentia)
14.	1996/Pdt.G/2025/PA.Btg	Divorce by Petition	WhatsApp (intimate chat with WIL)	Section 19(f) of Government Regulation No. 9 of 1975	Section 19(f) of Government Regulation No. 9 of 1975	First ba'in sughra divorce (in absentia)
15.	2000/Pdt.G/2025/PA.Btg	Divorce by Petition	WhatsApp (WIL contacted the plaintiff)	Section 19(f) of Government Regulation No. 9 of 1975		Dismissed as Inadmissible*
16.	1862/Pdt.G/2025/PA.Btg	Divorce by Petition	Cell Phone Communications			Dismissed (NO)**

	(Suspicion of Infidelity)

Source: Primary Data—Copies of SIPP Decisions from the Batang Religious Court for the Year 2025.

With regard to the digital platforms and materials referred to in the parties' claims, WhatsApp appeared most frequently among the 16 cases examined. The distribution of the platforms and digital materials identified in the decisions is presented in Table 2.

Table 2
Distribution of Digital Platforms and Materials Identified in the Case Decisions

No.	Type of Digital Platform/Instrument	Frequency of Appearance	Percentage (%)
1.	WhatsApp (chats, logs, phone activity)	11	68.75%
2.	Facebook Messenger / social media	2	12.50%
3.	Michat / dating app	1	6.25%
4.	Photo Gallery & Phone Camera	1	6.25%
5.	Combination of more than one platform	1	6.25%
	Total	16	100%

Source: Primary Data from a Copy of the SIPP Ruling of the Batang Religious Court for the Year 2025.

The distribution in Table 2 indicates that WhatsApp was the most frequently identified digital platform in the cases examined, appearing in 11 of the 16 decisions (68.75%). In Case No. 968/Pdt.G/2025/PA.Btg, for example, the plaintiff alleged that the defendant had repeatedly exchanged affectionate messages with another woman through WhatsApp, which contributed to the breakdown of the marriage. In Case No. 860/Pdt.G/2025/PA.Btg, the parties' text-message exchanges were presented in connection with an allegation of infidelity involving a hotel booking with a third party. These examples illustrate how digital communications were invoked as part of the factual background of marital disputes. They do not, by themselves, establish the authenticity of the submitted messages or conclusively prove the alleged conduct.

Beyond the types of digital materials identified, the decisions also reveal variations in how the parties formulated the legal grounds for divorce. Article 19(f) of Government Regulation No. 9 of 1975 was the most frequently invoked provision

among the cases examined. However, the legal grounds stated in the factual allegations did not always correspond exactly to those specified in the relief sought. In several cases, the factual allegations referred to alleged adultery or conduct considered inconsistent with marital fidelity, whereas the relief sought relied primarily on continuous disputes and quarrels. This distinction is important because the factual narrative provides the context of the marital conflict, while the relief sought identifies the legal outcome requested from the court. Accordingly, the assessment of each case should consider both the factual allegations and the legal grounds relied upon, rather than treating every allegation of cyber infidelity as an independently established ground for divorce.

The frequent reliance on Article 19(f) of Government Regulation No. 9 of 1975 reflects the relevance of marital discord as a legal ground for divorce in the cases examined. This provision concerns continuous disputes and quarrels between spouses, accompanied by the absence of a reasonable prospect of reconciliation. It should be distinguished from *syiqāq* as a specific concept in Islamic family law and as separately formulated in Article 116(h) of the Compilation of Islamic Law. As discussed by Eka Susylawati, the legal assessment of marital disputes in religious court proceedings requires attention to the condition of the marital relationship rather than merely the occurrence of an isolated disagreement.[22] Accordingly, digital evidence of intimate communications may help explain the circumstances that triggered or intensified marital conflict, but it does not, by itself, establish the statutory elements of Article 19(f). The court must still assess whether the evidence as a whole demonstrates continuous disputes and the absence of a reasonable prospect of reconciliation.

A notable variation appears in Case Nos. 1106/Pdt.G/2025/PA.Btg and 1597/Pdt.G/2025/PA.Btg. In both cases, the factual allegations referred to Article 19(a) of Government Regulation No. 9 of 1975 concerning adultery, alongside Article 19(f) concerning continuous disputes and quarrels. However, the relief sought relied on Article 19(f) as the legal ground for divorce. This difference

[22] Susylawati, "Perselisihan Dan Pertengkaran Sebagai Alasan Perceraian Di Pengadilan Agama."

indicates that allegations of adultery were included in the factual narrative, while the requested legal basis emphasized the breakdown of the marital relationship. The available information does not, by itself, establish why the parties formulated their claims in this manner. It is therefore more appropriate to understand the difference as a variation between the factual allegations and the legal grounds specified in the relief sought, rather than as evidence of a deliberate strategy to avoid the burden of proving adultery.

A different pattern appears in Case No. 511/Pdt.G/2025/PA.Btg, in which Article 19(a) of Government Regulation No. 9 of 1975 was maintained as the stated legal ground. Unlike cases involving private messaging records, the evidence described in the decision included videos and photographs posted publicly on Facebook. These materials were presented in support of the allegation of adultery. However, the public availability of photographs or videos depicting an intimate relationship does not, by itself, establish that sexual intercourse occurred. The evidentiary significance of these materials must therefore be understood in light of the specific findings and reasoning stated by the panel of judges. Furthermore, the opposing party's absence from the proceedings cannot automatically be treated as an admission of the allegation or as confirmation of the authenticity and substantive meaning of the digital materials.

Cases Nos. 679/Pdt.G/2025/PA.Btg and 1955/Pdt.G/2025/PA.Btg relied on Article 19(b) of Government Regulation No. 9 of 1975, which concerns one spouse leaving the other for two consecutive years without the other spouse's permission and without a valid reason or circumstances beyond that spouse's control. In these cases, WhatsApp-related materials were presented in connection with allegations concerning the parties' separation and the involvement of a third party. Nevertheless, evidence of a romantic relationship with another person does not, by itself, establish the statutory requirements of Article 19(b). The relevant assessment must address the duration and circumstances of the separation, including whether the requirements specified in the provision have been fulfilled.

2. Functional Equivalents and Nazegelen: The Transformation of Digital Evidence into Prima Facie Evidence

provisions of civil procedural law, including the *Herziene Indonesisch Reglement* (HIR), which recognizes several forms of evidence, such as written documents, witness testimony, presumptions, admissions, and oaths. The emergence of electronic documents has expanded this framework by introducing forms of evidence that do not necessarily exist in conventional written form. Article 5(1) and (2) of Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 1 of 2024 (hereinafter the EIT Law), recognizes electronic information, electronic documents, and their printouts as lawful evidence and as an extension of existing legal evidence. Article 5(3) further provides that electronic information and documents are legally valid when they use an electronic system in accordance with the applicable legal requirements. Meanwhile, Article 6 addresses their equivalence to written documents where written form is legally required, provided that the information is accessible, displayable, its integrity is assured, and it can be accounted for in explaining a particular state of affairs. These provisions establish the legal recognition of electronic evidence, but they do not mean that every electronic document submitted in court is automatically authenticated or that its contents must be accepted as fact.[23]

In the cases examined, the judgments indicate that the electronic materials submitted by the parties were primarily presented as printed screenshots of digital conversations or other electronic content. The decisions do not indicate that these materials were accompanied by documented hash-value comparisons, chain-of-custody records, or expert testimony from digital forensic specialists. This limitation does not automatically establish that the submitted screenshots had been manipulated or lacked integrity. Rather, it indicates that their technical authenticity and integrity were not expressly examined through forensic procedures documented in the judgments. As discussed by Efa Laela Fakhriah, electronic evidence requires careful assessment of its reliability, particularly when questions

[23] Makarim, "Keautentikan Dokumen Publik Elektronik Dalam Administrasi Pemerintahan Dan Pelayanan Publik."

arise concerning the origin, integrity, and completeness of the information. Accordingly, the absence of documented forensic verification should be treated as a limitation in assessing the evidentiary reliability of the materials, rather than as conclusive proof that the screenshots were technically unreliable.

A hash value is a sequence of characters generated by applying a cryptographic hash function to a digital file. In digital forensic examinations, it can be used to assess whether a file has changed between the time of acquisition and a subsequent examination. If two copies of a file produce the same hash value, this supports the conclusion that their digital contents are identical at the points of comparison. However, matching hash values do not establish that the original file was authentic, that the conversation was actually sent by the person identified as the sender, or that the displayed messages represent the complete context of the communication. Hash verification should therefore be understood as a method of assessing file integrity, not as independent proof of the truth of its contents. Metadata may provide additional information concerning file creation, modification, device characteristics, and other technical attributes, although such information must also be interpreted cautiously because it may change during data transfer, export, or processing. A chain-of-custody record, meanwhile, documents the acquisition, transfer, storage, access, and submission of electronic data from the time it is collected until it is presented in court. These technical measures can strengthen the assessment of electronic evidence, but their relevance depends on the nature of the data, the method of acquisition, and the specific evidentiary issues raised in the proceedings.

The legal recognition of printed electronic documents can be further examined through the functional equivalence approach. This approach holds that electronic documents should not be denied legal recognition merely because their form differs from that of conventional written documents, provided that they can fulfill the relevant legal functions and satisfy the applicable requirements of reliability and accessibility.[24] In the cases examined, printed screenshots of digital conversations

[24] Makarim, "Keautentikan Dokumen Publik Elektronik Dalam Administrasi Pemerintahan Dan Pelayanan Publik."

were also submitted with stamp duty affixed subsequently (*nazegelen*). This practice, however, must be distinguished from the authentication of electronic information.[25] Subsequent stamp duty relates to the fulfillment of stamp-duty obligations concerning a document; it does not verify the identity of the sender, the ownership of the account or device, the integrity of the original electronic data, or the accuracy of the conversation's contents. Accordingly, the presence of a stamp on a printed screenshot cannot, by itself, establish that the document originated from the device or account claimed by the submitting party. The functional equivalence approach may explain the legal recognition of printed electronic documents, but the authenticity, integrity, and probative value of the underlying information must still be assessed separately in light of the circumstances of each case.

In the cases examined, printed screenshots were considered as part of the evidentiary materials rather than as independent proof of all the alleged facts. The absence of forensic examination does not automatically render an electronic document irrelevant or inadmissible; however, it may affect the weight that can reasonably be attributed to it, particularly when its origin, integrity, or contextual completeness is disputed. As discussed in the literature on electronic evidence by Stephen Mason and Daniel Seng, the assessment of electronic material requires attention to its reliability and the circumstances in which it was created, obtained, and presented.[26] Accordingly, judges should consider the source of the document, the identity of the relevant accounts or devices, the consistency of the displayed information, the possibility of alteration, and its relationship with other evidence. In divorce proceedings, printed conversations may provide indications of events that contributed to marital conflict, while the existence and severity of the marital breakdown must be established through the assessment of all relevant evidence, including witness testimony and other facts presented at trial.

The distinction between subsequent stamp duty (*nazegelen*) and authentication has direct implications for the assessment of evidentiary weight.

[25] Farhan Taufiqurahman and Handar Subhandi Bakhtiar, "Penerapan Alat Bukti Elektronik Dalam Hukum Acara Peradilan Agama (Studi Kasus Putusan Nomor 192/Pdt.G/2020/PA.Bitg)," *Global Research and Innovation Journal* 1, no. 3 (2025): 2799–810.

[26] Stephen Mason and Daniel Seng, eds., *Electronic Evidence and Electronic Signatures* (London: University of London Press, 2021).

Although the affixing of stamp duty may fulfill the applicable administrative requirements, it does not resolve questions concerning the origin, integrity, or completeness of the electronic information reproduced in the printed document. Therefore, a screenshot bearing subsequently affixed stamp duty must still be assessed in relation to its source, the method by which it was obtained, the consistency of its contents, and its corroboration by other evidence. Where the opposing party disputes the authenticity or context of the conversation, the judge should consider whether further examination is necessary and proportionate to the evidentiary issue raised. The probative value of the document must consequently be determined on the basis of its reliability and its relationship with the other evidence, rather than inferred from the fulfillment of stamp-duty requirements alone.

3. The Structure of Layered Evidence: Integrating the Doctrine of Qarīnah, Judicial Presumptions, and Witness Testimony

The examination of the 14 decisions on the merits reveals the importance of assessing electronic materials in conjunction with other forms of evidence. Printed screenshots of digital conversations may provide indications of communications or events related to the alleged marital conflict, but their evidentiary significance cannot be determined in isolation. The analysis therefore considers three related dimensions of judicial reasoning: the doctrine of *qarīnah* in Islamic jurisprudence, judicial presumptions (*rechterlijke vermoedens*) under Indonesian civil procedural law, and witness testimony concerning the parties' domestic circumstances. These dimensions serve different evidentiary functions and should not be treated as interchangeable. Their relationship provides an analytical framework for examining how electronic indications and other established facts may contribute to the judicial assessment of marital breakdown.

The conceptual basis for examining circumstantial evidence in Islamic jurisprudence can be found in Ibn Qayyim al-Jawziyyah's *Al-Ṭuruq al-Ḥukmiyyah fī al-Siyāsah al-Sharʿiyyah*. Ibn Qayyim emphasizes that judicial determination should not be confined to narrowly formalistic understandings of evidence when relevant indications can help reveal the facts of a case. In this framework, signs and circumstances (*al-amārāt wa al-qarāʾin*) may serve as means of establishing facts

when they are sufficiently relevant and persuasive in the circumstances under consideration.[27] This perspective provides a conceptual basis for analyzing contemporary digital materials as possible *qarāʾin*, including screenshots of intimate conversations, records of repeated communication, and photographs showing a spouse with another person. Nevertheless, these materials should not automatically be regarded as conclusive indications of adultery or marital misconduct. Their significance depends on their reliability, context, and consistency with other established facts. In this study, the concept of contemporary *qarāʾin* (*qarāʾin muʿāṣirah*) is therefore used as an analytical framework to assess the potential evidentiary function of digital materials, rather than as a claim that the judges expressly adopted Ibn Qayyim's terminology in their decisions.

In the 14 cases decided on the merits, witness testimony was used to explain the parties' domestic circumstances, including repeated arguments, periods of separation, and disruptions in communication between spouses. Such testimony may help establish the existence and development of marital discord, particularly when witnesses have directly observed the relevant circumstances or have personal knowledge of the events described. However, witness testimony concerning the deterioration of the marital relationship does not, by itself, establish the technical authenticity of a WhatsApp conversation or the identity of its sender. Conversely, printed electronic materials may provide indications of communications or events associated with the dispute, but their contents must still be assessed in terms of their origin, integrity, and context. The two forms of evidence therefore serve complementary but distinct functions: witness testimony may substantiate the condition of the marital relationship, while electronic materials may help explain particular communications or events alleged to have contributed to the conflict. The legal requirements concerning witness examination in cases specifically characterized as *syiqāq* must also be distinguished from the general assessment of evidence in divorce proceedings under Article 19(f) of Government Regulation No. 9 of 1975.[28]

[27] Al-Jauziyyah, *At-Turuq al-Hukmiyyah Fi as-Siyasah Asy-Syar'iyyah*.
[28] Roihan A. Rasyid, *Hukum Acara Peradilan Agama* (Jakarta: Rajawali Pers, 2015).

These findings should also be understood in light of the 12 cases decided in the absence of the defendant or respondent (*verstek*). When a properly summoned defendant or respondent fails to appear, the court may proceed with the examination of the case in accordance with the applicable procedural rules. However, the absence of the opposing party does not automatically establish the truth of every allegation or authenticate the electronic documents submitted by the plaintiff or petitioner. The court must still examine whether the claims are legally and factually supported by sufficient grounds. In this context, printed screenshots may serve as supporting indications, while witness testimony and other facts presented during the proceedings may provide additional information about the condition of the marriage. The evidentiary assessment must therefore remain focused on the relevance, reliability, and sufficiency of the materials presented, notwithstanding the procedural circumstances of the defendant's or respondent's absence.

Taken together, the findings indicate that the assessment of electronic evidence in the examined divorce cases involves a combination of evidentiary materials with distinct but complementary functions. The doctrine of *qarīnah* provides an Islamic jurisprudential perspective for understanding circumstantial indications, while Article 173 of the HIR offers a procedural basis for drawing judicial presumptions from facts established during the proceedings. Witness testimony, in turn, helps explain the circumstances of marital conflict and the deterioration of the relationship. Nevertheless, these forms of evidence do not eliminate the need to assess the authenticity and reliability of electronic materials or establish that the statutory requirements for divorce have been fulfilled. Their combined evidentiary significance depends on the relevance, consistency, and sufficiency of the facts presented in each case. Thus, the layered evidentiary framework should be understood as a method of judicial assessment rather than as an automatic mechanism for validating printed digital evidence.

4. Critical Analysis of Legal Risk and the Dimensions of Judicial Discretion

The assessment of printed electronic documents without documented forensic verification highlights a tension between the practical use of digital materials in

divorce proceedings and the need to establish their evidentiary reliability. Printed screenshots may help explain the factual background of a marital dispute, particularly when they contain communications or other information relevant to the parties' allegations. However, where the origin, integrity, or completeness of such materials has not been independently examined, questions may arise concerning the extent to which their contents can reliably support the facts in dispute. These concerns do not automatically render the documents inadmissible or devoid of probative value. Rather, they require a distinction between the legal recognition of electronic evidence, the authentication of the particular material submitted, and the weight that may reasonably be attributed to it. The potential risks discussed in this study therefore concern the vulnerability of evidentiary reasoning when the reliability of electronic materials is disputed, rather than legal consequences already established in the decisions examined.

These potential vulnerabilities become particularly relevant in cases decided by default judgment (*verstek*). A defendant who was not present during the proceedings may, subject to the applicable procedural requirements, file an objection (*verzet*) against the default judgment and present a defense concerning the allegations and evidence previously examined in their absence. In such proceedings, the defendant may dispute the identity of the sender, the ownership or use of the relevant account, the completeness of the conversation, or the circumstances in which the screenshots were obtained.[29] At the appellate level, the evidentiary findings and legal reasoning of the first-instance court may be challenged within the scope of appellate review. By contrast, cassation is primarily concerned with questions of law and the grounds for cassation prescribed by procedural law, rather than a general re-examination of all facts and evidence. Accordingly, the possibility of challenges through these procedural avenues should be understood in accordance with the distinct scope and requirements of each remedy. Since this study does not examine subsequent litigation concerning the 16

[29] Kesha et al., "Kekuatan Pembuktian Alat Bukti Elektronik Dalam Hukum Acara Perdata Indonesia."

decisions, it cannot establish that any of the judgments were actually reversed or set aside because of deficiencies in electronic evidence authentication.

From the perspective of civil evidentiary law, a denial by the opposing party concerning the content or authenticity of a screenshot does not automatically render the evidence inadmissible or devoid of probative value. Nevertheless, such a denial requires the judge to examine the document more carefully, particularly its source, the identity of the communicating parties, the integrity of the data, the completeness of the conversation, and its consistency with other evidence. Article 1875 of the Indonesian Civil Code, which addresses the evidentiary force of a private deed acknowledged by the parties concerned, may serve as a limited point of comparison.[30] However, a printed screenshot cannot be treated as equivalent to a conventional private deed because its assessment also involves questions concerning the identity of the source, the integrity of the electronic data, the completeness of the conversation, and the accuracy of its context. Accordingly, the assessment of screenshots must remain subject to the specific legal framework governing electronic information and documents under the ITE Law. A challenge to authenticity should therefore prompt a more rigorous assessment of the evidence and its probative weight, particularly where the disputed material is not corroborated by other relevant evidence.

The use of printed electronic evidence without forensic verification should be assessed in light of the proportionality required in judicial proceedings. In divorce cases, judges must address both the reliability of the evidence submitted and the need to establish whether the legal grounds for divorce have been sufficiently demonstrated. Printed electronic documents may therefore be considered as supporting evidence when their contents are relevant to the alleged marital conflict and are corroborated by other evidence. However, procedural efficiency and the need to resolve family disputes cannot justify disregarding questions concerning the source, integrity, and context of electronic information. The central issue is thus not whether judges should always require forensic examination, but whether the

[30] Wibisono, "Kedudukan Alat Bukti Elektronik Dalam Perkara Alat Bukti Elektronik Dalam Perkara Di Pengadilan Agama."

decision to accept and rely on particular electronic evidence is supported by adequate legal reasoning. This assessment involves three interrelated considerations: procedural proportionality, the interests involved in resolving family disputes, and the legal requirements governing the grounds for divorce.

First, the principle of simple, speedy, and low-cost justice, as stipulated in Article 2(4) of Law No. 48 of 2009 on Judicial Power, should inform the assessment of whether further examination of electronic evidence is necessary. In divorce proceedings, requiring digital forensic examination in every case may create procedural burdens, particularly where the parties have limited access to technical expertise or the resources needed for such examination. However, this principle should not be interpreted as permitting judges to disregard the reliability of electronic evidence. Rather, the need for further examination should be determined proportionately, taking into account the nature of the electronic material, the specific grounds on which its authenticity or integrity is disputed, and its significance to the resolution of the case. Where substantial objections arise concerning the source, integrity, or completeness of the material, additional verification may be necessary before the evidence is given significant probative weight. This approach allows the court to maintain procedural efficiency while ensuring that the assessment of electronic evidence remains sufficiently careful and accountable.[31]

Second, the nature of divorce proceedings, which concern personal legal status and family relationships, requires judges to assess the circumstances of marital breakdown comprehensively. The need to resolve a family dispute should not be obstructed by disproportionate technical requirements where the breakdown of the marriage has been established through other relevant and reliable evidence. Nevertheless, the interests of the parties and the need for a resolution cannot justify disregarding the reliability of electronic evidence. The legal maxim *darʾ al-mafāsid muqaddam ʿalā jalb al-maṣāliḥ* (preventing harm takes precedence over securing benefit) may provide a framework for considering the competing consequences of a

[31] Sukmasari et al., "Application Of Electronic Evidence As Extension Of Legal Civil Evidence Divorce Cases In Indonesia."

judicial decision. In this context, the court should consider both the potential harm of prolonging a marriage in which serious and irreparable conflict has been established and the potential harm of relying on electronic evidence whose authenticity or integrity has not been adequately assessed. The maxim should therefore be applied through a balanced evaluation of the evidence and the circumstances of the case, rather than as a justification for lowering the standard of evidentiary scrutiny. Accordingly, substantive justice and legal certainty should be pursued together through reasoned judicial assessment.[32]

Third, Article 19(f) of Government Regulation No. 9 of 1975 provides a legal basis for divorce where continuous disputes and quarrels between spouses have left no reasonable prospect of restoring a harmonious marital relationship.[33] In cases involving allegations of cyber infidelity, electronic evidence may provide an indication of conduct or interactions that contributed to the marital conflict. However, the existence of such digital material does not, by itself, establish that the statutory requirements for divorce have been met. The court must assess whether the evidence as a whole demonstrates the continuity of the disputes and the absence of a reasonable prospect of reconciliation. Witness testimony and other evidence may help establish the history and consequences of the marital conflict, but they do not automatically authenticate the electronic material submitted. Accordingly, even where the court relies on Article 19(f) rather than requiring proof of adultery as an independent ground for divorce, the authenticity, integrity, and context of electronic evidence remain relevant whenever that material forms part of the court's factual assessment. The application of this provision therefore does not eliminate the need to examine the reliability of electronic evidence or remove the possibility of legal challenges to the judgment.

In light of the distinction between compliance with administrative requirements and the authentication of electronic evidence, the Supreme Court of the Republic of Indonesia should consider developing technical guidelines for the

[32] Abū Muḥammad ʿIzz al-Dīn ibn ʿAbd al-Salām, *Qawāʿid al-Aḥkām fī Maṣāliḥ al-Anām* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1999), 11.)

[33] Republic of Indonesia, Government Regulation No. 9 of 1975 concerning the Implementation of Law No. 1 of 1974 on Marriage, Article 19(f).

examination and evaluation of electronic evidence in religious court proceedings. Such guidelines could establish practical parameters for assessing the source of electronic documents, the identity of the relevant accounts or devices, the integrity and completeness of the information, the method of collection, and the relationship between the submitted material and other evidence. They could also clarify the circumstances in which further examination, including inspection of the original device or consultation with a qualified expert, may be necessary. Any such requirements should be applied proportionately, taking into account the nature of the disputed material, the objections raised by the opposing party, and the significance of the evidence to the outcome of the case. The guidelines should also address the protection of personal data and remain consistent with the principles of simple, speedy, and low-cost justice. Clearer guidance would help judges distinguish between the formal submission of electronic documents, the assessment of their authenticity and integrity, and the determination of their probative weight. This would strengthen the consistency and transparency of judicial reasoning while promoting greater legal certainty in divorce cases involving electronic evidence.

D. CONCLUSION

This study examines how electronic evidence is presented, assessed, and incorporated into judicial reasoning in divorce cases involving allegations of cyber infidelity at the Batang Religious Court. Based on the analysis of 16 decisions issued in 2025, including 14 decisions examined substantively and two cases considered for procedural context, the study draws three main conclusions.

First, Article 19(f) of Government Regulation No. 9 of 1975 was the predominant legal basis invoked in the divorce cases examined. Although the parties' claims involved allegations of cyber infidelity, the judicial determination generally focused on whether continuous disputes and quarrels had occurred and whether there remained a reasonable prospect of reconciliation. This indicates that the legal resolution of divorce cases involving cyber infidelity does not necessarily depend on establishing adultery as an independent ground for divorce. Rather, digital interactions may provide context for understanding the events that

contributed to marital conflict, while the legal requirements under Article 19(f) must be established through the evidence as a whole.

Second, printed screenshots of digital conversations functioned as supporting evidence in the judicial assessment of the cases examined, rather than as conclusive proof of all allegations of cyber infidelity. The functional equivalence approach explains the legal recognition of electronic information and its printed form as evidence, but such recognition does not automatically establish the authenticity, integrity, or completeness of the submitted material. Similarly, the subsequent affixing of stamp duty (*nazegelen*) concerns an administrative requirement and does not authenticate the source or content of an electronic document. Within the analytical framework of *qarīnah* and judicial presumptions under Article 173 of the HIR, electronic materials may be considered alongside witness testimony and other established facts. These forms of evidence serve different but complementary functions: electronic materials may indicate the events underlying the dispute, whereas witness testimony primarily establishes the circumstances and breakdown of the marital relationship. The defendant's absence in proceedings resulting in default judgments likewise cannot be treated as an admission of the allegations or automatic confirmation of the authenticity of the submitted electronic evidence. Accordingly, the probative value of such material must be assessed in relation to the totality of the evidence and the legal grounds for divorce.

Third, reliance on printed electronic evidence without documented forensic verification in the judgments examined presents potential evidentiary vulnerabilities. These include questions concerning the origin of the information, the identity of the communicating parties, the integrity and completeness of the conversation, its surrounding context, and the legality of its acquisition. Although Article 19(f) of Government Regulation No. 9 of 1975 allows the court to focus on the proven breakdown of the marriage rather than requiring the alleged cyber infidelity to be established as an independent ground for divorce, it does not eliminate the need to assess the reliability of electronic material when that material forms part of the judicial reasoning. The risks identified in this study therefore concern the adequacy of evidentiary assessment and the possibility of legal challenges, not consequences that have been demonstrated to occur through

subsequent judicial review. This limitation is particularly important because the study does not examine the subsequent procedural outcomes of the decisions analyzed.

In light of these findings, the Supreme Court of the Republic of Indonesia should consider developing technical guidelines for the assessment of electronic evidence in religious court proceedings. Such guidelines should clarify the parameters for examining the source, authenticity, integrity, completeness, context, and method of acquisition of electronic information, as well as the circumstances in which further examination or expert assistance may be necessary. Future research could extend this analysis to contested divorce cases in which the opposing party actively challenges the authenticity or reliability of electronic evidence. Comparative examination of decisions across different religious courts would also help identify whether the evidentiary practices observed at the Batang Religious Court reflect a broader pattern in the adjudication of divorce cases involving cyber infidelity.

E. AI USAGE STATEMENT

During the preparation of this manuscript, the authors used Google Gemini to assist with language editing, grammar refinement, and improving the overall readability of the text. After using this tool, the authors thoroughly reviewed, verified, and edited the content as needed, and take full responsibility for the accuracy, originality, and integrity of the publication.

REFERENCES

Ali, Achmad, and Wiwie Heryani. *Asas-Asas Hukum Pembuktian Perdata*. Jakarta: Kencana (Prenadamedia Group), 2012.

Al-Jauziyyah, Ibnu Qayyim. *At-Turuq al-Hukmiyyah Fi as-Siyasah Asy-Syar'iyyah*. Makkah: Dar Alam al-Fawa'id, 2007.

Arto, Mukti. *Praktek Perkara Perdata Pada Pengadilan Agama*. Yogyakarta: Pustaka Pelajar, 2004.

Azkiyah, Hermes Aura, Samsudin, and Adang Djumhur. "Cyber Cheating Sebagai Bentuk Pelanggaran Hak Pasangan Suami Istri Dalam Hukum Keluarga Islam: Cyber Cheating as a Form of Violation of Wife's Rights in Islamic Family Law."

Articles. *BUSTANUL FUQAHA: Jurnal Bidang Hukum Islam* 6, no. 2 (August 2025): 360–75. https://doi.org/10.36701/bustanul.v6i2.2317.

Badilag, Ditjen. *Laporan Pelaksanaan Kegiatan Direktorat Jenderal Badan Peradilan Agama 2025*. n.d. https://cloud.badilag.net/s/6ezaWDaNXWo7r8J.

Batang, Pengadilan Agama. "Data primer SIPP Pengadilan Agama Batang 2025." Database. January 7, 2026.

Devy, Soraya, Rahmaton, Muhammad Siddiq, and Mizaj. "The Role of Witness as Evidence in Divorce Cases at the Banda Aceh Syar'iyah Court." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021): 577–96. https://doi.org/10.22373/sjhk.v5i2.10825.

Fakhriah, Efa Laela. *Bukti Elektronik Dalam Sistem Pembuktian Perdata*. Penerbit Alumni, 2023. https://books.google.co.id/books?id=AjLOEAAAQBAJ.

Kementeraian Agama RI. *Buku I Kompilasi Hukum Islam Di Indonesia*. 2018.

Kesha, Rafi, Adam Khalil N, M. Avilla Bakri Jafair, and Rizha Claudilla Putri. "Kekuatan Pembuktian Alat Bukti Elektronik Dalam Hukum Acara Perdata Indonesia." Articles. *Journal of Golden Generation Legal Science* 2, no. 2 (07 2026): 374–83. https://doi.org/10.65244/jggls.v2i2.528.

Makarim, Edmon. "Keautentikan Dokumen Publik Elektronik Dalam Administrasi Pemerintahan Dan Pelayanan Publik." *Jurnal Hukum Dan Pembangunan* 45, no. 4 (2015).

Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2011.

Mason, Stephen, and Daniel Seng, eds. *Electronic Evidence and Electronic Signatures*. London: University of London Press, 2021.

Nafis, Chilyatun. "Cyber Infidelity Dalam Perspektif Hukum Keluarga Islam: Analisis Kriteria Nusyuz Dalam Relasi Perkawinan Digital." *Ahlana: Jurnal Hukum Dan Hukum Keluarga Islam* 3, no. 2 (2026): 11–26. https://doi.org/10.30821/jhki.v3i2.30020.

Nofiardi. "Testimonium de Auditu Witness: Comparison of Maṣlāhah in the Settlement of Syiqāq in the Religious Court of the Border Regions." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 1015–35. https://doi.org/10.22373/sjhk.v7i2.11493.

Nurlaelawati, Euis. *Modernization, Tradition, and Identity: The Kompilasi Hukum Islam and Legal Practice in Indonesian Religious Courts*. Amsterdam: Amsterdam University Press, 2010.

Pramudita, Agung, Rohmat, and Syeh Sarip Hadaiyatullah. "Analisis Hukum Keluarga Islam Terhadap Perceraian Akibat Perselingkuhan Di Media Sosial." *Al-Ahwal Al-Syakhsiyyah: Jurnal Hukum Keluarga Dan Peradilan Islam* 7, no. 1 (2026). https://doi.org/10.15575/as.v7i1.54658.

Rasyid, Roihan A. *Hukum Acara Peradilan Agama*. Jakarta: Rajawali Pers, 2015.

Republik Indonesia. *Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik*. Republik Indonesia, 2024. https://peraturan.bpk.go.id/details/274494/uu-no-1-tahun-2024.

———. *Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman*. 2009.

Rokan, Mustafa Kamal, Imam Yazid, and Ahmad Makky. "Reconstruction of the Concept of Nushuz of the Wife in the Digital Era." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 2 (2020): 563–84. https://doi.org/10.22373/sjhk.v4i2.7259.

Subekti, R. *Hukum Pembuktian*. Jakarta: Pradnya Paramita, 2001.

Sukmasari, Amelia, Wulanmas Frederik, Daniel F. Aling, and Ronald Saija. "Application Of Electronic Evidence As Extension Of Legal Civil Evidence Divorce Cases In Indonesia." *Indonesian Journal of Law, Environment, and Natural Resources* 4, no. 1 (2024): 1–12. https://doi.org/10.51749/injurlens.v4i1.95.

Surat Edaran Mahkamah Agung (SEMA) Nomor 07 Tahun 2012 Tentang Rumusan Hukum Hasil Rapat Pleno Kamar Mahkamah Agung Sebagai Pedoman Pelaksanaan Tugas Bagi Pengadilan (2012).

Susylawati, Eka. "Perselisihan Dan Pertengkaran Sebagai Alasan Perceraian Di Pengadilan Agama." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 3, no. 1 (2018): 81–94.

Taufiqurahman, Farhan, and Handar Subhandi Bakhtiar. "Penerapan Alat Bukti Elektronik Dalam Hukum Acara Peradilan Agama (Studi Kasus Putusan Nomor 192/Pdt.G/2020/PA.Bitg)." *Global Research and Innovation Journal* 1, no. 3 (2025): 2799–810.

Wachjoe P., Santhos. "Penggunaan Informasi Elektronik Dan Dokumen Elektronik Sebagai Alat Bukti Persidangan." *Jurnal Hukum Dan Peradilan* 6, no. 3 (2017): 465–86. https://doi.org/10.25216/jhp.6.3.2017.465-486.

Wibisono, Yusuf. "Kedudukan Alat Bukti Elektronik Dalam Perkara Alat Bukti Elektronik Dalam Perkara Di Pengadilan Agama." Secs. 220-231. *Jurnal Al-Mabsut: Jurnal Studi Islam Dan Sosial* 16, no. 2 (September 2022). https://doi.org/https://doi.org/10.56997/almabsut.v16i2.687.

Yin, Robert K. *Case Study Research and Applications: Design and Methods*. 6th ed. Los Angeles: SAGE Publications, Inc., 2018.