

**ISLAMIC LEGAL REVIEW OF DIVORCE THROUGH WHATSAPP CHAT:
Case Study of Decision Number 3045/Pdt.G/2023/PA. Mdn**

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Abstrak

Penelitian ini menganalisis tinjauan hukum Islam terhadap talak melalui chat WhatsApp dalam Putusan Nomor 3045/Pdt.G/2023/PA.Mdn serta faktor-faktor yang melatarbelakanginya. Penelitian lapangan ini menggunakan pendekatan normatif dan sosiologis di Pengadilan Agama Medan Kelas I-A. Data diperoleh melalui wawancara dengan hakim dan analis perkara peradilan, studi kepustakaan, serta dokumentasi putusan. Data dianalisis dengan analisis isi melalui reduksi, penyajian, dan penarikan kesimpulan, sedangkan keabsahannya diuji melalui triangulasi sumber, teknik, dan waktu. Hasil penelitian menunjukkan bahwa talak melalui WhatsApp dapat dipandang sah menurut hukum Islam apabila pengirim dapat dipastikan, lafaznya jelas, disampaikan secara sadar tanpa paksaan, dan mencerminkan niat sungguh-sungguh suami. Pesan tersebut termasuk talak kitabah, tetapi menurut hukum positif Indonesia hanya berfungsi sebagai alat bukti; putusnya perkawinan tetap memerlukan putusan Pengadilan Agama. Faktor yang melatarbelakangi perkara meliputi perselisihan berkepanjangan, tidak terpenuhinya nafkah lahir dan batin, ketidakjujuran ekonomi, buruknya komunikasi, suami sulit dihubungi, perselingkuhan, pisah rumah sejak 2021, pelanggaran taklik talak, dan kegagalan perdamaian. WhatsApp bukan penyebab utama perceraian, melainkan sarana penyampaian kehendak setelah rumah tangga mengalami keretakan permanen dan tidak memiliki harapan untuk dipulihkan kembali. Temuan ini menegaskan pentingnya verifikasi pesan dan penyelesaian

Kata kunci: Talak melalui WhatsApp, Hukum Islam, Pengadilan Agama

Abstract

This study analyzes the Islamic legal review of divorce pronounced through WhatsApp chat in Decision Number 3045/Pdt.G/2023/PA.Mdn and the factors underlying it. This field research applied normative and sociological approaches. Data came from interviews with judges and a judicial case analyst, literature study, and decision documentation. Content analysis involved data reduction, display, and conclusion drawing, with triangulation for credibility. The findings show that WhatsApp divorce may be valid under Islamic law when the sender is authenticated, the wording is explicit, the message is sent consciously without coercion, and the husband's genuine intention is established. The message constitutes written divorce, yet under Indonesian positive law it functions only as evidence; dissolution of marriage requires a court decision. The underlying factors included prolonged conflict, failure to provide material and emotional maintenance, financial dishonesty, poor communication, the husband's disappearance, infidelity, separation since 2021, breach of the conditional divorce pledge, and failed reconciliation. WhatsApp was therefore not the primary cause of divorce, but the medium used to communicate a decision after the marriage had irreversibly broken down and reconciliation no longer appeared realistically possible.

Keywords: WhatsApp divorce, Islamic law, Religious Court

INTRODUCTION

Marriage in Islamic law is a solemn covenant intended to establish tranquillity, affection, responsibility, and mutual protection between spouses. It is not merely a private agreement between a man and a woman, but a religious and social institution carrying moral, legal, and familial consequences. The marital relationship is expected to provide a framework within which spouses fulfil reciprocal rights and obligations and establish a stable family. Nevertheless, Islamic law recognizes that these purposes cannot always be maintained. Divorce is therefore permitted as a final legal response when marital life can no longer realize its essential purposes and continued union produces greater harm than separation. Indonesian family law adds an important institutional safeguard to this principle. Article 39 of the Marriage Law and Article 115 of the Compilation of Islamic Law require divorce to occur before a court after reconciliation has failed. Thus, marital dissolution involves not only the expression of an intention to divorce but also a formal legal process designed to protect the parties and ensure legal certainty.

The development of digital communication complicates this framework. WhatsApp enables spouses to communicate instantly across distance and has become deeply integrated into everyday interpersonal relationships. However, the same medium can also transmit anger, threats, marital disputes, or an explicit intention to terminate marriage. A husband may communicate words traditionally associated with *talaq* without physically meeting his wife, producing an electronic record that can subsequently be stored, forwarded, or presented as evidence. The central legal issue is therefore not simply whether technology may transmit words of divorce. More importantly, it concerns how classical rules on written divorce, clarity of expression, intention, attribution, and legal consequences operate when the statement exists as electronic data rather than conventional oral or written communication.

Classical Islamic jurisprudence recognizes divorce by writing, commonly discussed as *talaq al-kitabah*. A written statement may function like spoken language when it is attributable to the husband, reaches the wife, and communicates the intended meaning. However, the legal consequences depend on several elements, particularly the wording and intention of the person making the statement. The distinction between explicit and allusive wording remains decisive. Explicit wording directly signifies divorce, whereas allusive wording requires proof of intention. In digital communication, this classical distinction remains relevant but encounters new evidentiary questions. A WhatsApp message may contain clear words of divorce, yet questions can arise regarding who actually sent the message, the context in which it was written, whether the account was controlled by the husband, and whether the message accurately represents a deliberate intention to terminate the marriage.

Indonesian positive law reaches a different institutional conclusion concerning the legal effect of such communication. A WhatsApp statement cannot by itself dissolve a registered marriage because judicial proceedings are required to establish marital breakdown, attempt reconciliation, assess evidence, and issue an enforceable determination. Electronic communication may nevertheless remain legally relevant. Messages can assist the court in reconstructing marital conflict, communication between spouses, the husband's intention, and circumstances

surrounding their separation. The distinction between possible religious validity and state legal effect is therefore essential. A statement may require assessment from the perspective of Islamic jurisprudence without automatically producing the formal legal consequences of divorce under Indonesian law.

Previous studies have examined online divorce mainly through doctrinal comparison. Ropei and Sururie (2021) place WhatsApp divorce within Islamic family-law reform and stress legal protection through court supervision. Syaifuddin (2020) identifies juristic disagreement while emphasizing the conditions attached to written divorce. Pitria et al. (2023) discuss conflict resolution for divorce outside court, while Baihaqi (2021) highlights protection arising from the conditional divorce pledge. These studies demonstrate the importance of examining divorce through both Islamic jurisprudence and Indonesian family law. However, greater attention is required to how electronic divorce statements operate within an actual adjudicated marital dispute, particularly when the message must be understood alongside the history of conflict and the evidentiary process before a Religious Court.

Decision Number 3045/Pdt.G/2023/PA.Mdn (Medan Religious Court, 2023) provides a focused setting for addressing this gap. The case concerned a marriage marked by continuous disputes since 2021, failure to provide material and emotional maintenance, dishonesty in managing household finances and business, the presence of another woman, poor communication, disappearance, and prolonged physical separation. The husband eventually communicated divorce through WhatsApp. These circumstances are significant because they demonstrate that the digital statement did not emerge in isolation. Rather, it appeared within a longer process of marital deterioration. Consequently, the WhatsApp message should not automatically be treated as the primary cause of divorce; it must be interpreted in relation to the underlying conditions that had already weakened the marital relationship.

This case also requires attention to *maqasid al-shariah*. Legal assessment should pursue welfare and prevent harm by protecting religion, life, intellect, lineage, and property. In digital divorce, those purposes demand both respect for substantive Islamic rules and protection against impulsive, unverifiable, ambiguous, or coercive messages. Treating every electronic statement automatically as a legally effective divorce could create uncertainty concerning marital status and expose spouses and children to harmful consequences. Conversely, completely disregarding such communication could overlook relevant evidence of intention and marital breakdown. A purely technological analysis would therefore overlook marital harm, while a purely textual analysis could overlook authorship, context, evidence, and institutional protection. The *maqasid* perspective provides a framework for balancing substantive religious principles with legal certainty and the protection of family members.

The research gap thus lies in connecting three layers within one adjudicated case: the Islamic classification of a WhatsApp statement as written divorce, the evidentiary role assigned to that message by a Religious Court, and the underlying social conditions that explain why the medium was used. This connection matters because technology may change the form, speed, and

documentation of marital communication without necessarily becoming the substantive cause of marital dissolution. WhatsApp is therefore better understood as a medium through which an existing marital crisis may be expressed and documented.

Accordingly, this study aims to analyze the Islamic legal status of divorce communicated through WhatsApp in Decision Number 3045/Pdt.G/2023/PA.Mdn and to identify the factors underlying its pronouncement. Its distinction lies in treating the message neither as an autonomous divorce event nor as irrelevant digital material. Instead, it examines the message through wording, intention, authentication, corroborating facts, and the mandatory judicial process, while locating its use within the history of marital breakdown. The study contributes to contemporary Islamic family law by clarifying the boundary between substantive religious assessment and formal state recognition. It also offers a practical basis for judges and families to approach electronic divorce messages cautiously: their content and intention require serious evaluation, but legal protection arises through adjudication. This integrated perspective helps prevent unilateral digital communication from producing uncertainty while preserving the capacity of Islamic jurisprudence to respond to changing forms of communication.

METHOD

This study employed field research with normative and sociological approaches. Field research was selected because the inquiry required information from the institution that examined the dispute and access to the legal and social context surrounding divorce communicated through digital media. The normative approach was used to examine Islamic legal principles, statutory provisions, the Compilation of Islamic Law, juristic views on written divorce, and Decision Number 3045/Pdt.G/2023/PA.Mdn. The sociological approach was used to understand how those norms were interpreted in judicial practice and how marital circumstances shaped the use of WhatsApp. The research was conducted at the Medan Religious Court Class I-A in 2026 after institutional permission had been obtained.

Informants were selected purposively because the study prioritized depth and direct relevance rather than numerical representation. The empirical data used in the thesis came from judges and a judicial case analyst at the Medan Religious Court Class I-A who understood divorce procedure, evidentiary assessment, and Islamic legal considerations. Data were collected through direct interviews, library research, and documentation. Interviews explored the clarity of the message, the husband's intention, electronic evidence, and judicial procedure. Library research supplied Islamic jurisprudence, legislation, books, and scholarly articles. Documentation centered on the court decision, case records, and supporting materials. No survey, experimental instrument, or statistical sample was employed.

The data were analyzed through content analysis. Interview and documentary material was first reduced according to the two research questions, then displayed in descriptive and thematic form, and finally interpreted to draw conclusions. The analysis compared the message and case facts with the requirements of written divorce, explicit and allusive wording, intention, freedom from coercion, and Indonesian rules requiring judicial divorce. Credibility was tested

through source triangulation by comparing informants, technique triangulation by comparing interviews with documents and literature, and time triangulation through checking information at different times.

RESULTS AND DISCUSSIONS

Decision Number 3045/Pdt.G/2023/PA.Mdn demonstrates that the WhatsApp message was not assessed in isolation. The judges related it to continuous conflict, witness statements, prolonged separation, and the parties' apparent inability to restore marital life. An interviewed judge, Yusri, explained that a WhatsApp statement could be considered evidence when its content clearly expressed an intention to divorce and was reinforced by other proof. Latifa, a judicial case analyst, similarly emphasized clarity, consciousness, absence of coercion, and the need to avoid ambiguity. The case treated digital text as one component within a broader evidentiary narrative rather than as self-sufficient proof.

From the perspective of Islamic law, the first issue was the clarity of the wording. Written divorce is recognized through the concept of *kitabah*, so changing the carrier from a letter to WhatsApp does not necessarily alter the legal substance. If the message states divorce, it resembles explicit wording and can communicate termination without interpretive uncertainty. If it merely tells the wife to leave or return to her family, it is allusive and depends upon intention. This distinction is consistent with contemporary studies finding that WhatsApp can transmit divorce while the legal judgment remains dependent on wording and surrounding circumstances (Hanapi & Putri, 2025; Hikam et al., 2022; Kamiludin, 2023).

The second issue was intention. Ahmad Rasidi, a judge interviewed in the study, explained that the court examined whether the message represented a conscious, serious, and uncoerced decision. The record supported intention through facts extending beyond the message: disputes had persisted since 2021, the spouses lived separately, direct communication had deteriorated, and the husband accepted the prospect of judicial divorce. These circumstances reduced the likelihood that the message was merely a passing emotional expression. Under Islamic law, intention is decisive for allusive written language, although explicit wording still requires reliable attribution to the husband.

Authentication forms a necessary digital layer. A screenshot may reproduce words, but it does not automatically establish who composed or sent them. The decision and interviews indicate that the message gained probative value because it corresponded with testimony and established marital facts. This cautious approach is important because electronic accounts can be accessed by others and excerpts can lose conversational context. Chairunissa and Umami (2023) likewise argue that WhatsApp divorce must be evaluated within both marriage law and the Compilation of Islamic Law, while Kamaluddin (2019) distinguishes electronic delivery from its formal legal consequences.

The findings reveal a dual legal position. Substantively, Islamic law may regard a WhatsApp divorce as effective when the husband and wife are legally identifiable, the statement is authentic and sufficiently clear, and genuine intention exists where required. Institutionally, Indonesian law

does not permit that private message alone to terminate a registered marriage. Article 39 of the Marriage Law and Article 115 of the Compilation of Islamic Law require proceedings before the competent court after reconciliation efforts fail (Supreme Court, 2016). WhatsApp served as evidence of intention and marital rupture, whereas legal dissolution arose from the court decision. This differentiation protects certainty without denying classical reasoning on written divorce (Fikri et al., 2019; Republic of Indonesia, 1974, 1991; Ropei & Sururie, 2021).

The court's approach also reflects *maqasid al-shariah*. Recognizing the message's evidentiary relevance responds to truth and prevents the digital form from concealing a serious marital act. Requiring adjudication, however, protects the wife from unilateral uncertainty and safeguards lineage, property, maintenance, and administrative status. Azis et al. (2024) explain that *maqasid* reasoning directs law toward welfare and the prevention of harm. In this case, welfare was not achieved simply by deciding whether words had religious effect; it required a procedure capable of verifying facts, attempting reconciliation, and producing enforceable legal consequences.

The factors underlying the divorce confirm that WhatsApp was a medium, not the primary cause. The marriage had experienced repeated disputes and quarrels since 2021. The husband allegedly failed to provide material and emotional maintenance, was dishonest in financial and business matters, frequently disappeared and became difficult to contact, and communicated poorly. The presence of another woman further damaged trust. Prolonged separation and the husband's departure from the marital home consolidated the breakdown. These factors correspond with Nisa et al. (2024), who identify persistent conflict, economic problems, and failure to perform marital obligations as recurring grounds in divorce adjudication.

The findings further record a breach of the conditional divorce pledge and unsuccessful reconciliation by relatives and other parties. Those facts are significant because they show that the dispute exceeded a single argument conducted through a messaging application. Baihaqi (2021) explains that the conditional divorce pledge may protect a wife's rights when specified marital obligations are violated. Meanwhile, Pitria et al. (2023) stress that divorce outside court creates conflict requiring resolution through both Islamic and positive law. Here, failed reconciliation and accumulated nonperformance supported the assessment that the marriage had reached a lasting breakdown.

Infidelity and abandonment intensified the transition from conflict to permanent separation. The husband's long absence reduced opportunities for face-to-face deliberation, making WhatsApp the available channel for expressing a decision already shaped by deeper problems. The use of digital communication should not be mistaken for technological causation. Aulianto (2019), Feroza and Misnawati (2020), Leonita and Jalinus (2018), Qadir and Ramli (2024), and Suryaningsih (2020) examine digital communication. The finding separates instrument from cause while recognizing digital immediacy in adjudicated family disputes.

This interpretation also clarifies the relationship between *syiqaq* and written divorce. Continuous conflict supplied the legal and social context, while the message evidenced the husband's orientation toward termination. Syaifuddin (2020) notes that juristic positions vary, yet

most conditional recognition turns on compliance with the elements of divorce. Nazwa et al. (2022) emphasize that the Compilation of Islamic Law institutionalizes divorce through court procedure. Read together, these perspectives support the decision's practical logic: the message mattered, but its meaning and consequences could only be assessed responsibly alongside the marital history and procedural safeguards. The case ultimately reveals complementary, rather than necessarily contradictory, functions of Islamic jurisprudence and state law. Jurisprudence evaluates whether a communicative act satisfies substantive requirements; state law determines when marital status changes for public legal purposes. Ropei and Sururie (2021) interpret this institutionalization as part of Indonesian family-law reform designed to prevent arbitrary divorce. Such protection is especially relevant to electronic statements because speed, distance, and uncertain authorship increase risk. Judicial review preserves access to reconciliation, examination, and enforceable rights while allowing digital evidence to illuminate the parties' actual relationship. Accordingly, the study finds four central bases for assessing WhatsApp divorce in this decision: prolonged conflict that frustrated the purposes of marriage, clear written wording classifiable as *kitabah*, a serious intention corroborated by conduct and separation, and Islamic recognition of writing as a medium of divorce. These bases do not eliminate the statutory court requirement. They explain why the message was religiously relevant and evidentially useful. The combined analysis contributes a disciplined model for similar cases: authenticate the sender, classify the wording, establish intention where needed, corroborate the message, examine underlying harm, attempt reconciliation, and reserve formal dissolution to the Religious Court. This conclusion follows from the decision, interviews, documentary evidence, and the Islamic legal principles examined in the study. Together, these sources support the interpretation and its legal implications. The analysis remains grounded in the evidence and

CONCLUSIONS

The study concludes that divorce communicated through WhatsApp in Decision Number 3045/Pdt.G/2023/PA.Mdn may be recognized substantively under Islamic law when the sender is authenticated, the wording clearly indicates divorce, the husband acts consciously without coercion, and genuine intention is established where the expression is allusive. The message constitutes a form of written divorce. Nevertheless, under Indonesian positive law it does not independently terminate a marriage. It functions as electronic evidence supporting the existence of intention and marital breakdown, while dissolution requires the Religious Court after reconciliation efforts. The case was driven by persistent disputes since 2021, failure to provide material and emotional maintenance, financial dishonesty, poor communication, disappearance, infidelity, prolonged separation, breach of the conditional divorce pledge, and unsuccessful reconciliation. These findings show that WhatsApp was the channel through which divorce was communicated, not the cause of the breakdown. The study contributes an integrated framework that separates religious validity, evidentiary value, and state legal effect without treating them as mutually exclusive. Judicial verification remains essential to test authorship and context, protect

the rights of parties, and prevent uncertainty concerning marital status, lineage, maintenance, and property. Families should avoid unilateral digital divorce and pursue lawful, accountable resolution through the Religious Court.

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