

Research Article

The Dynamics of Islamic Family Law in the Face of Technological Advancements and Social Changes in the Era of Society 5.0

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ORCIDAbdul Rahman Ramadhan: <https://orcid.org/0009-0004-2549-9626>**Abstract.**

In the era of Society 5.0, Islamic family law faces contemporary issues influenced by technological advancements and digital transformations. This research aims to analyze these issues and their impact on Islamic family law, focusing on changes in marriage patterns, divorce, gender roles, and individual rights. The research combines the concept of Society 5.0 with the unique aspects of Islamic family law, providing a deeper understanding of its adaptation to the challenges of the digital age. Through a literature review methodology, relevant sources such as textbooks, journals, and internet resources are analyzed to explore contemporary issues. The results highlight pressing matters such as polygamy, women's rights in divorce, and inheritance rights. The influence of technological development and digital transformation on Islamic family law is examined, addressing the opportunities and challenges brought by digital communication tools and online platforms. The research contributes to formulating legal policies and strategies to address these issues, ensuring their alignment with religious principles and the needs of the Muslim community. By understanding the complexities and evolving nature of Islamic family law in Society 5.0, this research paves the way for the development of adaptive laws in accordance with changing times.

Keywords: contemporary issues, gender roles, Islamic family law, marriage patterns, society 5.0, technological advancements

1. Introduction

In the era of Society 5.0, characterized by rapid technological advancements and digital transformations, various contemporary issues arise in various aspects of life, including Islamic family law. Islamic family law, as one of the important branches of law in the lives of Muslims, faces significant challenges and changes in the face of the Society 5.0 era. Islamic family law comprises a set of rules and principles that govern the relationships among Muslim family members, including marriage, divorce, inheritance, rights and obligations, as well as family protection and welfare. Islamic family law is based on the teachings of the Quran and the hadiths of Prophet Muhammad, as well as the interpretations and applications conducted by scholars and Islamic legal experts. In

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the past few decades, social, economic, and technological developments have had a significant impact on the institution of the family and Islamic family law.

The family is the smallest unit in a society and plays a crucial role in shaping individual character and governing the nation. The family is also where individuals acquire moral and spiritual values that shape their personalities and characters. In Indonesia, most of the population is Muslim, making Islamic family law one of the most widely practiced laws. With the development of time, society has entered the era of Society 5.0, characterized using digital technology and artificial intelligence. This era has also brought about impacts on various aspects of life, including Islamic family law.

In the context of Islamic family law, many contemporary issues need attention. One important issue is early marriage, which is still prevalent in Indonesia. Early marriage can have an impact on the health and education of children and hinder the social and economic progress of families. Additionally, there is the issue of polygamy, which is still practiced by some people despite not receiving unanimous agreement from all scholars.

Furthermore, another important issue is women's rights in divorce. Many women do not receive their rights fairly in divorce due to a lack of understanding and enforcement of Islamic family law. Issues related to inheritance rights are also subject to debate and need clearer and fairer regulations to avoid discrimination against women. In the era of Society 5.0, people are increasingly connected and integrated through information and communication technology. The development of social media, digital platforms, and other technologies has brought changes to family dynamics and social interactions. Phenomena such as increased divorce rates, changes in marriage patterns, women's roles in the family, and individual rights within the family context are important issues that affect Islamic family law.

This research will focus on analysing the contemporary issues that arise in Islamic family law in the era of Society 5.0. The research will emphasize understanding the influence of technological advancements and digital transformations on Islamic family law. Additionally, the research will explore changes in marriage patterns, divorce, gender roles, and individual rights within the context of Islamic family law.

The research has uniqueness in combining contemporary issues of Islamic family law with the concept of Society 5.0. The concept of Society 5.0 refers to the envisioned future where digital technology and artificial intelligence are used to enhance human quality of life, including in the field of law. Therefore, this title highlights the integration between Islamic family law and technological advancements in the era of Society 5.0.

This title is innovative as it discusses issues of Islamic family law in the context of Society 5.0, which has not been extensively researched. Research conducted in this context will provide a deeper understanding of how Islamic family law can adapt to the challenges and changes faced in the era of Society 5.0. This research will also offer new perspectives in analysing and understanding the relevant issues of Islamic family law in the current era.

This research is of high urgency due to its relevance to the challenges and changes faced by Islamic family law in the era of Society 5.0. In this evolving context, it is important to understand and address the contemporary issues that arise in Islamic family law to provide solutions that align with religious principles and the needs of the Muslim community. This research can make a significant contribution in formulating relevant and sustainable legal policies and strategies to address these issues.

The purpose of this research include analysing the contemporary issues that arise in the context of Islamic family law in the era of Society 5.0, investigating the influence of technological advancements and digital transformations on Islamic family law, exploring changes in marriage patterns, divorce, gender roles, and individual rights within Islamic family law. Identifying the challenges and opportunities faced by Islamic family law in the era of Society 5.0, recommending appropriate legal solutions and strategies to address the contemporary issues in Islamic family law in the era of Society 5.0. Thus, this research is expected to provide a better understanding of the complexities of issues in Islamic family law in the era of Society 5.0 and contribute to the development of relevant and adaptive laws in accordance with the changing times.

2. Methods

This research is a literature review, which is a study conducted through the collection of data or scientific literature, or an examination carried out to solve a problem that essentially focuses on critical and in-depth analysis of relevant literary materials. Before conducting a review of the literature, the researcher must first determine precisely from which sources the scientific information will be obtained. Some of the sources used include textbooks, scientific journals, statistical references, research findings in the form of theses, dissertations, and internet resources, as well as other relevant sources.

The data sources used in this study are secondary data sources such as books, research journals, scientific articles, and official websites that contain information relevant to the research themes of Society 5.0 era, religious education, child education, and prophetic traditions. The research analysis technique employed is deductive analysis,

which involves analysing the obtained data in a general sense and then drawing specific conclusions.

3. Results and Discussion

3.1. Contemporary Issues in Islamic Family Law in the Era of Society 5.0

In the era of Society 5.0, Islamic family law faces numerous contemporary issues that require careful examination and consideration. As technology advances and societies evolve, new challenges arise, impacting the traditional framework of Islamic family law. This discussion aims to shed light on the pressing matters that emerge in this context, exploring the intersection of Islamic principles, societal changes, and the digital age. By delving into these contemporary issues, we can foster a deeper understanding of the evolving nature of Islamic family law and identify potential solutions to ensure its relevance and effectiveness in the modern world.

The advent of Society 5.0, characterized by the integration of cyberspace and physical space, poses unique challenges for Islamic family law. One of the key contemporary issues is the clash between technological advancements and the preservation of Islamic values within family dynamics. The widespread use of social media, digital communication platforms, and online interactions has altered the nature of relationships, leading to concerns about privacy, gender roles, and the impact of virtual spaces on marital and familial obligations. By examining the intersection of Islamic family law with the digital realm, we can navigate these challenges and develop strategies to uphold the principles of Islam while embracing the benefits of technological progress in today's interconnected world. The following are some contemporary issues in Islamic family law in the era of Society 5.0.:

3.1.1. Status of Polygamy

Polygamy is a legal form of marriage in Islam, but it has certain requirements that must be met. The function of regulations related to polygamy in Islamic family law is to protect the interests of those who practice it, both men and women. The status of polygamy in contemporary Islamic family law in Muslim countries can be absolute, conditional, or prohibited, depending on the interpretation of sharia law.[1]

3.1.2. Kafalah and Nafkah

The law of family in Syria follows the Ottoman Law of Family Rights, which requires kafalah as a common condition in marriage, although it is not a mandatory requirement for a valid marriage. Equality is not only about religion or lineage, but also social status. In terms of nafkah, the position of the wife has a greater right, not only for basic needs such as clothing, food, and shelter, but also for health costs, which are considered basic needs in contemporary times.[2]

3.1.3. Child Protection

Child Protection: The positive response of the Islamic world to the International Convention on the Rights of the Child (CRC) provides great hope for efforts to improve child protection systems, especially in Muslim countries. However, some studies show that the positive response of the Islamic world to the CRC has not had a significant impact on efforts to improve child protection systems in Muslim countries, including Indonesia. There is a strong impression that the ratification of the CRC by Muslim countries is merely symbolic and does not reflect a real commitment to child protection.[3]

3.1.4. Renewal of Islamic Family Law

The use of classical fiqh in contemporary Islamic family law no longer seems to be able to respond to the problems and developments of society today. The renewal of Islamic family law, which is then made into a state regulation, is considered a very relevant solution in responding to contemporary legal issues. This paper aims to reveal the model of renewal of Islamic family law in various Muslim countries as a first step in creating positive law in a country. The method used in this study is literature review, and the findings suggest that the renewal of Islamic family law is carried out to answer the increasingly complex problems faced by society. The implication of the findings is that the positivization of Islamic family law in the Muslim world is very important as a response to the development of the times. In addition, the manifestation of renewal will give birth to a fiqh or understanding that is in line with changes in society. [4]

3.1.5. Adat Theory in Fiqh Rules

Al-'adah muhakkamah is one of the five major fiqhiyah rules that has a broad scope of discussion branches. This rule is built on the basis of adat and local wisdom that exists in every community, where this custom is continuously carried out by the community without any denial of them. Therefore, Islam makes the customs of the community as a legal basis as long as it fulfills the requirements set by the Shari'a. This paper aims to examine the rules of fiqhiyah "al-'adat muhakkamah" in general and its implementation in the field of the Islamic family. The results of the study suggest that al-'adah is something that occurs repeatedly which is accepted by common sense and human nature. The rule of al-'Adah muhakkamah can also be implemented as a judge in the field of Islamic family law both classical and contemporary. [5]

3.2. The Influence of Technological Development and Digital Transformation on Islamic Family Law

The development of technology and digital transformation has had an impact on various aspects of life, including Islamic family law. The Influence of Technological Development and Digital Transformation on Islamic Family Law is a compelling and timely topic that delves into the impact of technological advancements on the principles and practices of Islamic family law. In today's rapidly evolving digital era, technology has brought about significant changes in various aspects of our lives, including the realm of family law within the Islamic legal framework. This discussion aims to explore how technological development and digital transformation have shaped and influenced the implementation of Islamic family law, examining both the opportunities and challenges that arise in this context.

As the world becomes increasingly interconnected through digital platforms and technological innovations, Islamic family law has also witnessed noteworthy transformations. The advent of digital communication tools, online platforms, and digital record-keeping systems has presented both advantages and complexities in the application of Islamic family law principles. The ease of access to information, the digital dissemination of Islamic legal resources, and the online platforms that facilitate marriage and divorce proceedings have all contributed to redefining the dynamics of Islamic family law. However, along with these advancements come critical questions regarding authenticity, privacy, and the need to strike a balance between preserving religious traditions and adapting to the digital age. In this discussion, we will explore these intricacies

and examine the influence of technological development and digital transformation on Islamic family law from various perspectives. The following are some influences of technological development and digital transformation on Islamic family law:

The rapid development of technology has made information more accessible and has led to the emergence of new businesses and services. [6]

3.2.A The Religious Courts have utilized information technology to facilitate problem-solving in both internal organizational matters and external matters related to justice-seeking.[7]

3.2.B The use of technology in determining the gender of a child is possible through artificial insemination, but ultimately, the outcome is in the hands of Allah.[8]

3.2.C The practice of surrogate motherhood has raised legal and religious issues, and according to the decision of the Indonesian Ulama Council, it is not allowed in Islam.[9]

3.2.D The issue of euthanasia has arisen due to the rapid development of medical technology, and while it is considered a form of intentional killing in Islam, there are situations where doctors may feel compassion for patients who are suffering from incurable diseases.[10]

Overall, the impact of technology and digital transformation on Islamic family law is complex and multifaceted, and it requires careful consideration of Islamic principles and values.

3.3. Changes In Marriage Patterns, Divorce, Gender Roles, And Individual Rights In Islamic Family Law

The evolution of marriage patterns, divorce, gender roles, and individual rights within Islamic family law has been a subject of significant debate and transformation in recent years. This topic delves into the changes that have taken place within Islamic societies, exploring the dynamic interplay between tradition and modernity. With shifting societal norms and a greater emphasis on individual rights, Islamic family law has witnessed notable reforms to address the evolving needs and aspirations of Muslim communities worldwide. By examining the various dimensions of these changes, we can gain insights into the ongoing efforts to strike a balance between religious principles and the pursuit of gender equality, personal autonomy, and social justice within Islamic family structures.

The intricate web of interrelated issues encompassing marriage patterns, divorce, gender roles, and individual rights in Islamic family law showcases the complexities inherent in navigating the tension between tradition and progress. Islamic societies have witnessed transformations in marriage practices, such as the rising prevalence of arranged marriages alongside the emergence of love marriages and interfaith unions. Moreover, the evolving role of women and shifting gender dynamics within Islamic family structures have brought about important discussions on equality, empowerment, and the recognition of women's rights. Simultaneously, the issue of divorce has garnered attention, with debates surrounding divorce rates, the rights of divorced individuals, and the impact on children. This multifaceted topic invites exploration into the diverse perspectives, legal reforms, and social movements that are shaping the landscape of Islamic family law today. The following are some changes in marriage patterns, divorce, gender roles, and individual rights in Islamic family law:

3.3.1. Nusyuz

Nusyuz is a concept in Islamic law that refers to a breach of marital obligations and rights. It can take various forms, such as a wife's refusal to accept her husband physically or emotionally, or a wife's disobedience to her husband in matters that do not contradict religious teachings. Ulama madzhab agree that a wife who commits nusyuz is not entitled to nafkah (maintenance), but they differ on the extent to which nusyuz can result in the forfeiture of nafkah rights.[11]

3.3.2. Pre-marital Counselling

Pre-marital counseling is a process that aims to minimize divorce rates in Indonesian. The counseling is designed to help future spouses understand their responsibilities and obligations towards each other, and to prevent divorce by promoting harmonious family relationships.[12]

3.3.3. Forced Marriage

Forced marriage is a practice that still occurs in some Muslim communities, where a wali (guardian) can marry off his daughter without considering her wishes or rights. This practice is based on the concept of *ijbar walī*, which gives a wali the right to marry off his

daughter without her consent. However, this practice is controversial and goes against the principles of individual rights and gender equality in Islam.[13]

3.3.4. Iddah

Iddah is a period of waiting that a woman must observe after the dissolution of her marriage, whether by divorce or death of her husband. During this period, she cannot remarry or engage in sexual activity. Iddah is intended to ensure that the woman is not pregnant and to give her time to reflect on her situation before making any decisions about her future. However, some scholars argue that the rules of iddah are discriminatory towards women and limit their freedom.[13]

3.3.5. Age of Marriage

The age of marriage is an important issue in Islamic family law. In Indonesia, the Marriage Law sets the minimum age of marriage at 19 for men and 16 for women. However, there have been calls to raise the minimum age of marriage for women to 18, in order to protect their health and well-being.[14] In 2014, the Indonesian Constitutional Court rejected a petition to raise the minimum age of marriage for women to 18, which sparked controversy and criticism from human rights activists.

3.4. Challenges and Opportunities Faced by Islamic Family Law in the Era of Society 5.0

In the era of Society 5.0, characterized by technological advancements and digital transformation, Islamic family law faces complex challenges and opportunities. Islam has a rich heritage of family law, encompassing various aspects of family life such as marriage, divorce, inheritance, and women's rights. However, amidst the rapid development of technology and social changes, the Islamic family law system is confronted with various issues that affect the stability and sustainability of Muslim families. These challenges include the influence of globalization, demands for social change, tensions between traditional and modern values, as well as different interpretations in the application of Islamic family law.

Currently, Islamic family law has significant opportunities to adapt to the era of Society 5.0. Technology and digitization offer new possibilities in simplifying legal processes, enhancing accessibility to information, and facilitating communication among

stakeholders. In this era, there are opportunities to develop innovative solutions that can improve the implementation of fair and inclusive Islamic family law. Moreover, social transformation and increased awareness of the importance of gender equality and women's rights provide impetus for renewal in Islamic family law. Therefore, it is crucial to consider the challenges and opportunities faced by Islamic family law in the era of Society 5.0, with the aim of ensuring that the law remains relevant, just, and able to accommodate the needs and aspirations of Muslim families in this ever-changing era. The following are some challenges and opportunities faced by Islamic family law in the era of Society 5.0:

3.4.1. Challenges

- 3.4.1.A Changing times: Family law is the most powerful law practiced in Islamic history, but it faces challenges due to the demands of changing times.[15]
- 3.4.1.B Women's rights: Islamic family law is not always compatible with women's human rights, as stipulated in the CEDAW. In the Islamic legal tradition, the dominant view of marriage is of it being a mere contract whereby the wife's role is limited to giving the husband access to sexual pleasure in return for money.[16]
- 3.4.1.C Unifying, codifying, and legislating Islamic law: Efforts to unify, codify, and legislate Islamic law in a number of Muslim countries have led to problems related to family law.[15]

3.4.2. Opportunities:

- 3.4.2.A Reform and transformation: The reform and transformation of family law in Indonesia did not reduce the independence of religious judges in exploring and discovering more contextual Islamic law.[15] The reform of Islamic family law in Indonesia and Tunisia is carried out to answer the demands of the times and elevate the status of women by protecting, maintaining, and fighting for women's rights.[17]
- 3.4.2.B Renewal: Islamic law can change according to the demands of the benefit, such as the appearance of the imam of the fiqh school as strong evidence that Islamic law will always undergo renewal in accordance with the demands of the times and the social conditions of its adherents.[18]

3.4.2.C Variations: There are a variety of models in the exploration, practice, and reform of family law in the Islamic world.[15] The country of Turkey is the first country to carry out renewal in family law.[19]

3.5. Recommendations for Legal Solutions and Strategies to Address Contemporary Issues in Islamic Family Law in the Era of Society 5.0.

In the era of Society 5.0, characterized by the integration of advanced technologies with society, it is imperative to explore recommendations for legal solutions and strategies to address contemporary issues in Islamic family law. Islamic family law governs matters related to marriage, divorce, child custody, inheritance, and other essential aspects of family life for Muslim individuals. However, with the rapid changes in society and the advent of new technologies, numerous challenges have emerged that require careful consideration and innovative approaches to ensure the law remains relevant and effective. This discussion aims to highlight key recommendations that can help navigate these challenges and provide viable solutions for the evolving needs of individuals and families within the framework of Islamic family law.

The contemporary issues in Islamic family law within the era of Society 5.0 demand proactive measures and thoughtful strategies to ensure the protection of individuals' rights and well-being while upholding the principles of Islamic jurisprudence. Technological advancements, such as social media, artificial intelligence, and reproductive technologies, have introduced novel complexities and ethical dilemmas that were previously unknown. Moreover, changing social norms, gender dynamics, and the evolving concept of family require Islamic family law to adapt and provide comprehensive solutions that meet the needs of diverse individuals and families. This discussion aims to explore recommendations for legal frameworks and strategies that address these pressing issues, promoting justice, fairness, and harmony within the context of Islamic family law in the era of Society 5.0. Here are some recommendations for legal solutions and strategies to address contemporary issues in Islamic family law in the era of Society 5.0:

3.5.A Regulating family life based on Islamic law: The Family Law Qanun in Aceh is an example of regulation aimed at organizing the family life of the Acehnese community based on the principles of Islamic law.[20] Through this regulation, there is an emphasis on upholding Islamic values in family life, such as the obligation to marry legally, the rights and responsibilities of spouses, and the protection and education of children.

- 3.5.B Providing pre-marital education: This approach aims to increase the awareness of prospective couples regarding their responsibilities and readiness to embark on married life.[20] By providing pre-marital education, it is hoped that couples can understand family values, the responsibilities of building a harmonious family, as well as communication skills and conflict resolution.
- 3.5.C Officially registering marriages in state documents: Official registration of marriages in state documents is important to ensure the validity and legal certainty of the marriage.[20] By having valid documents, couples will receive legal protection and their rights will be guaranteed in various aspects, such as inheritance rights, insurance rights, and social rights.
- 3.5.D Regulating administrative requirements: The regulation of administrative requirements in marriage, such as ensuring that prospective spouses are free from the influence of narcotics and illegal drugs, aims to protect families from potential issues that may arise due to dependency or substance abuse.[20]
- 3.5.E Regulating against courtship: In communities that have local wisdom, courtship can be regulated in accordance with traditions and cultural values that are highly respected.[20] This aims to maintain family harmony by considering the approval and support of the extended family and building a good relationship between the two families that will unite.
- 3.5.F Regulating divorces to be conducted in court: This regulation ensures that the divorce process is carried out legally and attended by authorized parties, such as judges.[20] Therefore, divorce can be done with fair and transparent procedures, while considering the rights of both parties. This regulation also provides an opportunity for the parties involved to seek reconciliation before deciding to divorce.
- 3.5.G Regulating polygamy rules: In the context of the Family Law Qanun in Aceh, there is controversy regarding polygamy regulations. Narrative reviews indicate that polygamy regulations are not considered as a solution that can guarantee the formation of family resilience in society.[20] In this case, this regulation aims to minimize the risk of injustice and conflicts in households due to polygamous practices that do not comply with the principles of justice in Islam.
- 3.5.H Using customary traditions as a solution: Some customary traditions, such as martahi marpege-pege among the Batak Angkola community, can be used as a solution for families who are marrying off their children.[21] In this tradition, both

families will hold discussions to address marriage issues through consultation and reach mutually beneficial agreements for both parties. This aims to strengthen the bond and understanding between the two families that will be connected through marriage.

- 3.5.I Implementing marriage agreements: Marriage agreements can be used as a solution to address issues within the family, particularly those related to economic matters.[22] In this agreement, couples can arrange the financial rights and obligations of each party, division of assets, and responsibilities related to family finances. With such agreements, it is expected to reduce potential conflicts related to economic issues within the household.
- 3.5.J Preventing divorces due to the impact of Covid-19: In the situation of the Covid-19 pandemic, efforts to prevent divorces can be carried out by various parties, including the government, religious leaders, the community, families, and individual awareness.[23] The government can provide support and facilities needed by couples experiencing economic, psychological, or social pressures due to the pandemic. Religious leaders and the community can provide understanding, advice, and assistance to couples in overcoming conflicts and difficulties. Families and individual awareness can strengthen communication, mutual support, and seek solutions together to maintain family.
- 3.5.K Renewing family laws: The renewal of Islamic family laws to become state regulations can be a relevant solution to respond to contemporary family law issues.[4] In this context, the renewal of family laws aims to ensure the compatibility between religious laws and positive laws, as well as accommodate social developments and the needs of society in maintaining a healthy and harmonious family life.
- 3.5.L Implementing Islamic economics: Applying the principles of Islamic economics, such as the prohibition of usury, fair trade, and social justice, can be a solution and alternative for overcoming poverty and improving living standards.[24] In the context of the family, implementing Islamic economics can encourage couples to engage in halal businesses, share expenses fairly within the family, and pay attention to the social and economic needs of other family members.

4. Conclusion

In the era of Society 5.0, Islamic family law faces contemporary issues stemming from technological advancements, societal changes, and the digital age. These challenges

include the clash between technology and Islamic values, concerns about privacy and gender roles in virtual spaces, and the need for the renewal of Islamic family law to respond to modern problems. The influence of technological development and digital transformation on Islamic family law is complex, requiring careful consideration of Islamic principles. Changes in marriage patterns, divorce, gender roles, and individual rights have also shaped Islamic family law, with debates on nusyuz, pre-marital counselling, forced marriage, iddah, and the age of marriage. Islamic family law must navigate the challenges and opportunities in Society 5.0, with potential for innovation, improved access to information, and the promotion of gender equality. It is essential to ensure the relevance and effectiveness of Islamic family law in accommodating the needs of Muslim families in the ever-changing modern era.

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