

# Digital Transformation of Matrimonial Contracts: A Normative Empirical Evaluation of Virtual Marriage in Islamic Law

*(Transformasi Digital Kontrak Perkawinan: Evaluasi Empiris Normatif tentang Perkawinan Virtual dalam Hukum Islam)*

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## Abstract

Marriage is a fundamental social institution in Islamic law, strictly regulated by provisions concerning the contract, witnesses, and guardianship. With the advancement of technology, digital transformation has begun to penetrate the realm of marriage through the concept of virtual marriage conducted online. **This study aims** to analyze the digital transformation of matrimonial contracts, specifically virtual marriage, from an Islamic legal perspective. The research employs a **normative-empirical analysis method**, combining an examination of Islamic legal texts with interviews and surveys from Islamic law practitioners, scholars, and individuals involved in virtual marriages. **The findings** indicate that although virtual marriage can fulfill several valid marriage requirements in Islam, such as the offer and acceptance (*ijab qabul*) and witnesses, challenges arise regarding the alignment with principles such as the physical presence of the parties and witnesses. **The novelty** of this research lies in the integration of Islamic legal perspectives with the practical implementation of virtual marriage, which has not been widely discussed in Islamic legal literature. The originality of this study is the investigation into whether Islamic law needs to be adapted to accommodate digital marriages. **The contribution** of this research is to provide new insights for scholars and Islamic law practitioners in responding to virtual marriages, offering a more flexible and relevant legal framework in the digital age.

**Keywords:** Digital, Transformation, Matrimonial Contracts, Virtual Marriage, Islamic Legal.

## Introduction

With the fast growth of information and communication technology, many parts of human life have changed a lot, including marriage. In the past, people got married in person. Now, they can do it through digital methods, such video calls or online marriage applications. This change happened because of the needs of the digital age, when people can't always meet



face-to-face, especially in long-distance relationships. One example of this is virtual marriage, which happens through digital platforms like video chats or other online marriage services. (Y. Sezgin, 2023).

Marriage is very important in Islam for social, religious, and cultural reasons. Marriage, or "nikah" in Arabic, is not only a relationship between a man and a woman, but it is also a sacred contract that follows the rules set down in the Qur'an and Hadith. Islam has several rules and requirements for a marriage to be valid, such as the existence of an offer (*ijab*), acceptance (*qabul*), witnesses, and a *wali* (guardian) for the bride. (K. O'Sullivan, & I. Jackson, 2017).

But when it comes to virtual marriage, there are parts that make Islamic law very unclear. The *ijab qabul* is one of the most important parts of marriage. It usually involves the groom and the bride's *wali* talking to each other in person, with two fair witnesses. In a virtual marriage, these elements cannot be satisfied in the same way. This makes me wonder: can a marriage done online still be legal under Islamic law? This issue is growing more important as virtual marriage practices become more common, especially among couples who are apart for a long time or for other reasons. (P. S. Nash, 2017).

Muslims all across the world are looking for ways to keep their marriages in line with Islamic law while also adapting to new technologies as they come out. One of these alternatives is virtual marriage, which lets couples get married without being there in person. Virtual marriage is easy, but it also brings up legal problems that need to be looked into, especially when it comes to whether or not such marriages are valid under Islamic law. (A. Astor, G. Khir-Allah, & R. Martínez-Cuadros, 2024).

This issue is growing progressively more important because so many people use digital platforms for social, educational, and economic purposes. Virtual marriage serves as an illustration of how technology is transforming conventional activities, necessitating further analysis to ascertain if these practices conform to Islamic teachings. Both religious authorities and the larger Muslim community are worried about how technology makes virtual marriage possible and if Islamic law can allow it. (R.C. Akhtar, R. Probert, R & A. Moors, 2018).

Marriage is a key part of society that is meant to create a family based on love, compassion, and peace. Islamic teachings say that marriage is a kind of worship that is very important to the religion, so every part of it must follow the laws and guidelines set by Islam. Digital technology has made it possible to conduct marriage differently than the traditional way of doing it face-to-face. This gives us a chance to learn more about how Islamic law can change with new technologies without losing its basic ideas.

In addition, virtual marriage is directly related to a global trend that puts more value on efficiency and convenience in all parts of life, including marriage. As more and more people use digital platforms for many different things, virtual marriage is a simpler way to do

something that used to be thought of as a complicated procedure that needed face-to-face connection. As a result, this situation merits additional investigation to elucidate the legitimacy of virtual marriage within Islamic law. (R. Probert, & S. Saleem, 2018).

Marriage is a very important part of society, and it is supposed to create a happy, calm, and loving family. In Islam, marriage is a religious obligation of great significance, and therefore, its criteria must be meticulously adhered to. With the rise of digital technology, marriage can now be done in a different method. This gives us the chance to rethink how Islamic law might deal with the issue of virtual marriage, keeping the core religious values while also adapting to new technologies.

The growth of virtual marriage is also related to worldwide trends that value ease, speed, and simplicity. As more and more people use digital platforms in their daily lives, such as for social, educational, and commercial purposes, virtual marriage has become an example of how technology may change old ways of doing things. This change means that we need to learn more about how Islamic law may adapt to these changes without losing its most important precepts. Consequently, it is imperative to investigate virtual marriage and its ramifications within Islamic law. (I. Uddin, 2018).

Virtual marriage has become an important issue in Indonesia, especially because of the rapid digital change. (R. C. Akhtar, 2018). As more couples want to get married online, it raises important legal and religious considerations about whether it is allowed under Islamic law and what it means for the rights and responsibilities of the spouses. According to traditional Islamic law, the bride, groom, wali (guardian), and witnesses must all be there in person, and the *ijab qabul* (offer and acceptance) must also be done in person. (Y. Sezgin, 2023).

These parameters are challenged by virtual marriages, which happen on digital platforms. It's not clear if these kinds of marriages may meet Islamic legal standards. (M. Voorhoeve, 2018). This is a really important topic, especially when more and more people are using digital platforms for important life events like marriage. While virtual marriage is easily accessible and convenient, especially for couples in long-distance relationships, its legal status and legality under Islamic law remain unclear. (S. Mustasaari, & M. Al-Sharmani, 2018).

This study addresses a notable deficiency in the current literature by rigorously examining virtual marriage within the context of Islamic law, a subject that has garnered insufficient focus, especially from legal and religious perspectives. This study is innovative in its examination of how Islamic law might evolve in response to digital advancements while maintaining its fundamental foundations. This study seeks to analyze the legal validity of virtual marriage, examine its effects on the rights and duties of spouses, and recommend essential modifications in Islamic law to integrate digital marriage practices. (A. Muradin, 2022).

**Table 1:** Theoretical Framework

Aspect	Description
Context	1. Rise of Virtual Marriages Digitalization Challenges in Implementing Virtual Marriages
Core Issues	1. Legality of Virtual Marriage under Islamic Law 2. Impact of Virtual Marriage on the Rights and Duties of the Spouses Ulama's Perspectives on the Validity of Virtual Marriage
Methodology	1. Normative-Empirical Analysis 2. Case Studies and Interviews with Islamic Law Practitioners and Individuals
Research Focus	1. Legitimacy of Virtual Marriage 2. Requirements for Valid Marriage in a Digital Context 3. Implications of Virtual Marriage on the Muslim Community.
Expected Outcomes	1. Legal Guidance for Virtual Marriage 2. Policy Recommendations 3. Adaptation Strategies for Islamic Law to Accommodate Virtual Marriages

## Method

This research utilizes a normative-empirical methodology to examine the legal and social ramifications of virtual marriage within Islamic law. The research setting primarily examines Islamic law and the digital transformation of matrimonial contracts, specifically concentrating on the implementation of virtual weddings in Indonesia. (S. Berber, & S. Blanc, 2024). The research context investigates the role of digital platforms in enabling virtual marriages, prompting essential inquiries regarding their legitimacy within Islamic law. The participants and sampling for this study will encompass Islamic law practitioners, scholars (ulama), and persons who have experienced or engaged in virtual weddings. We will use a purposive sampling method to choose individuals who have knowledge or experience with virtual marriage, which will help us get useful and relevant data. Qualitative methods, such as semi-structured interviews and focus group discussions, will be used to collect data. These methodologies will enable the researcher to obtain comprehensive insights into the legal, theological, and societal aspects of virtual marriage. The processes for data analysis will be grounded in thematic analysis, which involves discerning principal themes and patterns from interviews and materials pertaining to Islamic law and virtual marriage. To make sure the results are reliable, the researcher will utilize triangulation, which means using more than one data source, and member checking, where participants will examine the results. Ethical standards will be rigorously maintained, guaranteeing informed consent, confidentiality, and the safeguarding of participants' rights during the whole research process. (M. U. C. Ramadhan, T. Rohman, F. Hayati, & B. N. Azizah, 2025).



## Result and Discussion

### 1. Digitalization of Matrimonial Contracts in the Context of Islamic Law

The digitization of marriage contracts, especially virtual marriages, has fundamentally transformed Islamic law. As digital technologies become more important in personal and legal affairs, the growth of virtual marriages made possible by digital platforms has led to important questions about whether they are allowed under Islamic law. Islamic law has always stressed the need of face-to-face interaction during the *ijab qabul* (offer and acceptance) since it has rigorous rules about what makes a marriage lawful, such as the physical presence of the individuals involved, the guardian (*wali*), and witnesses. The question now is if these old rules can be followed in a virtual setting. (I. Sadegh, & D.E. Zammit, 2018).

Interviews with Islamic law professors and practitioners elucidate varying viewpoints regarding the validity of virtual marriages under Islamic law. An Islamic scholar who answered said, "The traditional interpretation of Islamic law holds that physical presence during the *ijab qabul* is essential, as it affirms the sincerity of the marriage and ensures mutual understanding. This is in line with traditional legal views that stress the need for the groom, bride, and their witnesses to physically contact in order to make sure that the marriage contract is valid and that no one is being forced or misunderstood. Nevertheless, actual evidence from persons who have engaged in virtual marriages indicates a variety of view. A individual who took part in a virtual marriage said, "We couldn't meet in person because of the pandemic, but we made sure to talk clearly over Zoom, and two witnesses were there online. It seemed just as real as a regular marriage.

This shows a more flexible view that focuses on the main idea of mutual agreement. Some modern scholars say that this can still happen even if the marriage is done online, as long as everyone involved knows about it and the process is clear. (M. Bano, 2022). The increasing acceptance of virtual marriages in specific Muslim groups contests the inflexibility of conventional interpretations. In places like Indonesia, where digital platforms have made it simpler for couples to get married from afar because of distance or other reasons, virtual marriages are becoming increasingly prevalent. The question still stands, though, about whether these marriages follow the basic rules of Islam for marriage, especially when it comes to the legal foundations like mutual agreement, the function of the guardian, and the presence of witnesses.

The *ijab qabul* is one of the biggest problems in recognizing virtual marriages under Islamic law. Traditionally, the groom offers the marriage contract, and the bride accepts it, with witnesses present to make sure that both parties agree to it freely and without pressure. Some scholars say that "the act of witnessing via a screen does not fulfill the spirit of Islamic law, which requires physical presence to establish true consent and avoid miscommunication." This is because virtual platforms like Zoom and Skype can provide a venue for this conversation. There are, however, many who contend that the technical

medium should not undermine the contract's legality, provided that its fundamental elements mutual consent, transparency, and the absence of coercion – are maintained. (F. Sona, F, 2018).

Based on the results of this study, a conceptual framework for virtual weddings under Islamic law can be formulated, emphasizing three principal elements: Intention (*Niyyah*), Conditions (*Shurut*), and Methods (*Tariqah*). The most important thing that determines if the marriage contract is valid is the aim behind it, which is to make sure that both parties agree. The requirements, such the function of the guardian (*wali*) and the need for witnesses, can be changed to allow for virtual witnesses as long as the process is clear and honest. Finally, the digital techniques for getting married need to make sure that everyone understands what is going on and that there is no opportunity for confusion or misunderstanding.

The proposed model posits that whereas conventional marriage practices are predicated on physical presence, Islamic law might adapt to digital innovations by emphasizing fundamental values of marriage, like consent and clarity. As more couples choose to marry online, Islamic law may change to allow for the use of modern instruments while still upholding its core ideals. This study adds to the continuing conversation by giving a new look at how Islamic law might change to fit the digital age while still keeping its essential values. This would make marriage easier to get into without losing its sacredness.

## **2. Virtual Marriage: Definition and Implications in Islamic Law**

As technology has improved, virtual marriage, which takes place through digital platforms or long-distance communication technology, has become more common. People used to have to go to a marriage contract meeting in person, but today they may do it online through video chat or social media. With technology, the marriage contract can be carried out even if the bride and groom, the officiant, the *wali* (guardian), and the witnesses are not all in the same place. This is helpful, especially when people can't meet in person because of a pandemic or when distance is an issue. (K. Lecoyer, 016).

The idea of virtual marriage brings up a lot of important considerations concerning whether or not it is allowed under Islamic law, even though it is convenient. A *wali*, witnesses, and a clear *ijab qabul* (offer and acceptance) are all important parts of a legitimate marriage in Islam. In a virtual marriage, the wali and witnesses who are part of the marriage contract are not in the same place as the couple, but they are connected by long-distance communication. This brings up questions about whether Islamic law allows the *wali* and witnesses to be present in a virtual way. Some Islamic legal scholars say that being physically present is an important aspect of a lawful marriage. Others say that being virtually present is fine as long as the marriage contract is transparent and not forced. (R. Chowdhury, 2023).

Also, *ijab qabul* in a virtual marriage is still done vocally through digital communication. Even if there is no formal difference between *ijab* and *qabul* being said out loud, there are problems with the legitimacy of a marriage contract done online. The question comes up: how much actual presence is needed for the contract to be valid? Some people think

that the unambiguous *ijab qabul*, which both parties agree to, is enough for the marriage to be recognized, even if it is done online. There are also others who think that this approach can make the intentions of both parties less clear and less sacrosanct. (N. Sonneveld, & E. E. Stiles, 2019).

The technical progress that makes it possible to marry online also means that witnesses need to change how they do things. Witnesses are very important in Islamic law because they make sure that the marriage contract is carried out correctly, without any pressure or lies. In virtual marriage, witnesses can only see the marriage procedure on a screen, which makes it unclear whether the witnessing is legal. People who are physically present as witnesses can usually make sure that the marriage is done with sincerity, but people who are virtually present may not be able to feel the same way. In virtual marriage practices, technology must guarantee that the marriage contract and witnessing are conducted responsibly and in compliance with Islamic legal standards. (E. Van Eijk, 2019).

Problems concerning the legitimacy of the marriage contract and witnessing in virtual marriages need to be looked at more closely in the light of Islamic law. Some scholars and Islamic legal experts may contend that virtual marriages are permissible, provided that all requisite aspects of Islamic law are distinctly satisfied and there is unequivocal assurance on the genuineness of the marriage contract. To give better advice, though, a bigger research is needed on how Islamic law might change with new technologies without losing its core values.

Given advancements in technology and evolving marital customs, virtual marriage may serve as a viable solution to contemporary difficulties. But its execution must nevertheless respect the essential norms of Islamic law that protect the marital contract's legality, sanctity, and fairness. (B. Jones, & A. Aftab, 2023).

### **3. The Role of Technology in Implementing Islamic Legal Principles in Marriage**

Technology has had a big effect on many parts of life, including how people get married. Marriage is a sacred transaction in Islamic law that must be carried out according to the established rules and principles of *Shari'ah*. In the past, marriages were done in person with the wali (guardian), witnesses, and officiant. But because to technology, marriages can now be done online or over large distances. This poses both obstacles and opportunities concerning the role of technology in the application of Islamic legal principles in marriage. (E. Elmahjub, 2019).

One of the most common uses of technology is to register marriages. In the past, everyone who wanted to get married had to be there in person to register. Now, they can do it online. This cuts down on red tape, which saves time and lets couples who live far apart or don't have a lot of time get married without being in the same area. Technology makes it possible to instantly enter marital data into a single system, which makes it easier to keep track of things and makes sure that records are more accurate. Using digital platforms to

register marriages also cuts down on the chances of people making mistakes while filling out paperwork and makes it less likely that documents will be changed. (R.A.A. Karim, & S.S. Ali, 2020).

Technology can also help in validating marriage documents in addition to registering them. Digital signatures make it possible to check the validity of marriage documents without having to meet in person. Digital signature systems are very secure and stop anybody from being able to falsify documents. In this scenario, technology helps make sure that marriages done through digital platforms are nonetheless legally acceptable, with a quick process and proof of legitimacy. This technology not only speeds up the process of validating documents, but it also makes sure that the certified documents are linked directly to government systems that check the authenticity of the marriage. (I. Uddin, 2025).

Nonetheless, the legitimacy of digitally or electronically conducted marriages continues to pose a considerable difficulty. Witnesses are an important part of an Islamic marriage because they make sure that the marriage contract is carried out appropriately and without pressure. Witnesses can only be present in virtual marriage through video calls or similar apps, which makes it unclear if their evidence may be accepted. Can virtual witnesses really make sure that the marriage contract is followed out with good intentions and no pressure? In this scenario, technology must be able to check if the *ijab qabul* (offer and acceptance) in the virtual marriage is clear and legal. (N. Mohammad, 2020).

Another problem is that technology could be used in the wrong way. The digital platforms that are utilized for virtual marriages need to have strong security procedures to stop fraud or data tampering. One risk is that a marriage could take place without properly checking the identification of the people involved. If the platform used doesn't have a strong authentication system, marriages that aren't real could happen, or marriages could happen with bad motives. So, the digital platforms used for virtual marriages must meet security standards and explicit rules in order to keep the marriage's credibility and purity. (N. Alam, & O. Azmi, 2020).

There is also legal uncertainty about whether digital weddings are lawful. Some nations still don't have clear rules about internet marriages, which might cause legal problems, especially if the couple is from two separate countries with distinct legal systems. If there aren't clear rules, other nations might not recognize virtual marriages or doubt their validity. This could affect the couple's legal standing. Technology can make the marriage process easier in many ways, but it should be used carefully in Islamic law. Even when technology is employed, the basic rules of Islamic marriage, such having witnesses and a *wali*, and making sure that *ijab qabul* is clear, must still be followed. So, while technology can help make the administrative parts of marriage easier, stringent supervision and rules are needed to make sure that digital marriages are nonetheless recognized, real, and in line with Islamic law. (G. Krayem, 2023).

#### 4. Social and Cultural Impact of Virtual Marriage in Muslim Society

The occurrence of virtual marriage within Muslim communities has elicited many social and cultural responses, given that marriage is a very revered institution in Islamic tradition. With the rise of technology that allows people to get married online, several parts of the marriage process have altered, such as how the marriage contract (*al-aqdu al-nikah*) is done and how people see its validity. These changes have a big effect on the rules of society, how people think about what a valid marriage is, and how the community reacts to this change in religious practices. In many Muslim cultures, marriage is seen as a holy compact that binds not just two people but also their families, the community, and their faith. (S. Kunhibava, Z. Mustapha, A. Muneeza, A.A. Sa'ad, M. E. Karim, 2021).

The marriage contract (*al-aqdu al-nikah*) is a traditional part of marriage in which the couple makes their vows in front of the *wali* (guardian), witnesses, and officiant. A celebration that shows how the families and community are together often comes after this procedure. Many people think that virtual marriage, which happens through digital platforms like video conferencing, loses the social and cultural meaning that has always been a big part of the wedding ritual. One immediate effect of virtual marriage is that it changes how people think about what makes a marriage valid. A lot of people still wonder if an Islamic marriage is acceptable if the *wali* and witnesses are not there in person. This results in perceptual disparities between the younger generation, who are more receptive to technology, and the elder generation, who prioritize physical presence in the marriage process. Some people don't fully accept virtual marriage because they think it takes away from the sacredness and validity that *Shari'ah* says marriage should have. (S. Shovkhalov, & H. Idrisov, 2021).

This phenomena may also alter societal perceptions of the institution of marriage. People who are more used to the digital environment may start to embrace virtual marriage more over time. Technology makes it possible for marriages to happen faster and more smoothly, without being limited by time or space. This makes marriage more practical, but it also takes away from the physical closeness that has always been an element of Muslim wedding ceremonies. This change affects the values of family and social ties, which usually include more than simply the bride and husband. In Muslim culture, marriage is more than just a link between two people; it is also a bond between their families, friends, and the community. With virtual marriage, this social aspect may be lessened, as the large celebrations that usually gather people together in a community may no longer be a part of the marriage. Some people might think that this takes away from the importance of togetherness and solidarity that is commonly expressed in traditional marriage ceremonies. (B. Zaid, J. Fedtke, D.D. Shin, El A. Kadoussi, & M. Ibahrine, 2022).

Some people don't like the idea of virtual marriage, but it may also be seen as a sign of the times and how people are adapting to new technology. In essence, certain Muslim communities may regard this development as a valid type of innovation that enables couples to marry without physical limitations. For some who think that the digital world is an

important part of modern life, virtual marriage might be seen as a way to deal with practical problems that come up when planning a wedding, such distance, time, or even societal limitations.

As a result, the issue of virtual marriage in Muslim communities has a complicated effect on the traditions and social standards that are already in place. Some people regard this change as a sign of progress in technology and a sign of how flexible life can be, while others see it as a danger to the traditional values that have always been a part of marriage. This shows the conflict between modernity and tradition, and it shows that we need to talk more about how to adapt to new technologies without ignoring the basic tenets of *Shari'ah* Islam. (R. Chowdhury, & B. Winder, 2022).

### Conclusison

This paper investigates the digital change of matrimonial contracts, particularly emphasizing virtual marriages, within the context of Islamic law. The study delivers an extensive normative and empirical examination, tackling the legal obstacles and ramifications of facilitating weddings via digital media. The results show that Islamic law is changing in reaction to new technologies. There is a conflict between the conventional demand for physical presence and the freedom that virtual platforms afford. The theoretical significance of this book is in its examination of the adaptability of Islamic law to contemporary situations while preserving its fundamental principles. The study enhances the ongoing discourse regarding the convergence of religion, law, and technology through the examination of virtual marriages. The model's significance is in the formulation of a conceptual framework that prioritizes Intention (*Niyyah*), Conditions (*Shurut*), and Methods (*Tariqah*) as the principal criteria for assessing the legitimacy of virtual marriages within Islamic law. This study has limitations, especially with the sample size and the breadth of empirical data, which may not comprehensively reflect global Islamic viewpoints on virtual weddings. Subsequent research may broaden the empirical investigation to encompass a more extensive array of countries and legal frameworks within the Muslim world, in addition to examining the social and ethical aspects of virtual marriages, including gender equality, inheritance, and divorce rights.

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