AI-Assisted Islamic Post-Judgment Justice: A Framework for Ethical Digital Family Governance

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Abstract:

Although Indonesian Religious Courts have progressively strengthened the legal protection of women and children after divorce through judicial decisions, the effective realization of these rights remains limited after judgments become legally binding. This study examines the post-judgment enforcement gap in Islamic Family Law and its implications for sustainable family resilience. Employing an empirical socio-legal approach within a constructivist paradigm, the research analyzes thirty final Religious Court decisions in East Java and questionnaire responses from twenty-five divorced women using Grounded Socio-Legal Analysis supported by Access to Justice Theory, Feminist Legal Theory, Child Rights Perspective, and Maqāṣid al-Syarī'ah. The findings reveal that judicial recognition has significantly expanded through the inclusion of child support, iddah maintenance, and mut'ah in court decisions; however, ineffective enforcement, low voluntary compliance, procedural barriers, and limited legal awareness prevent these rights from being fully realized. This enforcement gap places a disproportionate economic burden on women, undermines children's welfare, and weakens sustainable family resilience. The study proposes the AI-Assisted Islamic Post-Judgment Justice Framework, positioning Artificial Intelligence as an ethical governance instrument to support legal assistance, compliance monitoring, and integrated digital public services without replacing judicial authority. This framework contributes to the future development of Islamic Family Law by shifting the focus from judicial recognition toward the effective realization of rights through ethical digital justice.

Keywords: Artificial Intelligence for Justice; Islamic Family Law Enforcement; Post-Judgment Access to Justice; Sustainable Family Resilience; Digital Justice Governance.

Introduction

The development of Islamic Family Law has increasingly shifted from regulating marital status toward ensuring the protection of women and children's

rights after divorce.[1] In Indonesia, this transformation is reflected in the progressive role of Religious Courts in recognizing post-divorce rights through judicial decisions, including child support, iddah maintenance, and mut'ah, often strengthened through judges' ex officio authority.[2] Such developments indicate that Islamic Family Law no longer merely resolves family disputes but also seeks to realize substantive justice consistent with the objectives of Maqāṣid al-Syarī'ah, particularly the protection of lineage (ḥifẓ al-nasl), property (ḥifẓ al-māl), and human dignity. Nevertheless, the effectiveness of these judicial protections remains questionable because the realization of rights frequently ends when court decisions become legally binding, leaving women and children without effective post-judgment protection. The development of Islamic Family Law has increasingly shifted from regulating marital status toward ensuring the protection of women and children's rights after divorce. In Indonesia, this transformation is reflected in the progressive role of Religious Courts in recognizing post-divorce rights through judicial decisions, including child support, iddah maintenance, and mut'ah.[3] Such developments are consistent with the normative foundation of Islamic law, which requires justice not only in adjudication but also in ensuring that rights are delivered to their rightful holders. Allah commands:

> "Indeed, Allah commands you to render trusts to whom they are due and when you judge between people, judge with justice." (Qur'an 4:58).

This Qur'anic principle demonstrates that justice in Islamic law is not exhausted by judicial determination alone; rather, it requires the effective delivery of legally recognized rights.[4] Consequently, the challenge of contemporary Islamic Family Law extends beyond adjudication toward ensuring the realization of rights after court judgments become final. This phenomenon reflects a broader challenge facing contemporary Islamic Family Law. Justice has traditionally been measured by the quality of judicial reasoning and legal certainty embodied in court judgments.[5] However, empirical realities demonstrate that judicial recognition does not automatically translate into the fulfilment of legal rights. Numerous post-divorce decisions concerning maintenance obligations remain unenforced due to low voluntary compliance, procedural barriers, limited legal awareness, and the high cost

[1] Syukrawati Syukrawati et al., 'Post-Divorce Rights of Women and Children in Pekalongan City, Central Java: Challenges in Islamic Law Analysis', *Al-Ahkam* 34, no. 1 (April 2024): 121–46, https://doi.org/10.21580/ahkam.2024.34.1.20624.

[2] Adi Nur Rohman, Sugeng Sugeng, and Hesti Widyaningrum, 'Instrumentation Of Ex-Officio Rights Of Religious Courts Judge Related To Fulfilling Children And Wife's Rights Due To Divorce', *Jurnal Hukum & Pembangunan* 50, no. 2 (May 2023), https://doi.org/10.21143/jhp.vol50.no2.1126.

[3] Tutik Hamidah et al., 'The Dynamics of Urban Muslim Families Post-Divorce: The Contribution of Islamic Law in Building Resilience of Indonesian and Malaysian Families', *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 2 (December 2024): 363–81, https://doi.org/10.18860/j-fsh.v16i2.27461.

[4] Sangkot Sirait, 'The Concept of Justice in Islam According to Majid Khadduri', *IJISH (International Journal of Islamic Studies and Humanities)* 5, no. 1 (October 2022): 42–62, https://doi.org/10.26555/ijish.v5i1.4896.

[5] Thomas Riesthuis, 'The Legitimacy of Judicial Decision-Making: Towards Empirical Scrutiny of Theories of Adjudication', *Utrecht Law Review* 19, no. 2 (May 2023), https://doi.org/10.36633/ulr.877.

of judicial execution. Consequently, legal protection often becomes symbolic rather than substantive, creating a persistent gap between law in books and law in action. This gap ultimately weakens family resilience after divorce, increases women's economic vulnerability, and jeopardizes children's welfare despite existing legal safeguards.

Previous studies have extensively discussed post-divorce protection in Islamic Family Law. Recent scholarship has examined judicial activism through ex officio authority, gender-responsive interpretation, child protection, and the integration of Maqāṣid al-Syarī'ah into Religious Court decisions.[6] Other socio-legal studies have emphasized access to justice, legal consciousness, and the implementation of women's and children's rights after divorce.[7] These studies consistently conclude that Religious Courts have made significant progress in strengthening normative legal protection. However, most of them concentrate on judicial reasoning, legal interpretation, or normative protection within court proceedings, while giving relatively little attention to whether judicially recognized rights are effectively realized after judgments become final. Likewise, research on access to justice generally focuses on procedural accessibility and litigation processes rather than post-judgment enforcement as an essential component of substantive justice.

At the same time, the rapid development of Artificial Intelligence (AI) has begun to transform legal systems worldwide through digital legal services, predictive legal analytics, intelligent case management, and online dispute resolution. Existing studies primarily discuss AI in judicial administration, legal research, and decision-support systems, emphasizing efficiency, transparency, and improved access to legal information. Nevertheless, the application of AI in Islamic Family Law remains largely limited to adjudication and court administration. Very limited attention has been devoted to the potential of AI as an ethical governance instrument for strengthening post-judgment enforcement, monitoring compliance with judicial decisions, or facilitating access to legal remedies after divorce. As a result, there remains no integrated framework connecting Islamic Family Law, post-judgment access to justice, sustainable family resilience, and AI-assisted legal governance .

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[6] Lilik Andar Yuni and Akhmad Haries, 'Protection of Women's Rights After Divorce in Religious Courts: What Makes This Mission Difficult to Achieve?', *Mazahib* 23, no. 2 (December 2024): 595–630, https://doi.org/10.21093/mj.v23i2.7958; Rahmawati Rahmawati et al., 'Dis-Implementation of the Islamic Family Law in Fulfilling the Rights of Ex-Wives After Divorce in Indonesia', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (March 2025): 538–59, https://doi.org/10.22373/sjhk.v9i1.27172; Endad Musaddad et al., 'Guaranteeing the Rights of Children and Women Post-Divorce: A Comparative Study Between Indonesia and Malaysia', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 18 April 2025, 1–14, https://doi.org/10.24090/volksgeist.v8i1.12214.

[7] Hotnidah Nasution, Windy Triana, and Ahmad Rifqi Muchtar, 'Ensuring Children's Rights after Divorce in Indonesia: Religious Court Decisions on Nafkah Madiyah', *Al-Ahwal: Jurnal Hukum Keluarga Islam* 17, no. 1 (June 2024): 41–57, https://doi.org/10.14421/ahwal.2024.17103; Wahyu Saputra, Muhammad Ali Murtadlo, and Aftab Haider, 'Challenges in Upholding Women's Post-Divorce Rights: Experiences From Legal Practitioners in the Mataraman Region, East Java', *Al-Hukama': The Indonesian Journal of Islamic Family Law* 14, no. 1 (June 2024): 46–73, https://doi.org/10.15642/alhukama.2024.14.1.46-73.

This study addresses these gaps through an empirical socio-legal investigation of post-divorce judicial enforcement in Indonesian Religious Courts. By analysing thirty final court decisions and questionnaire responses from twenty-five divorced women in East Java, the research examines how post-judgment enforcement affects the realization of women's and children's rights. Rather than positioning Artificial Intelligence as a substitute for judicial authority, this study conceptualizes AI as an ethical legal governance instrument capable of supporting legal assistance, compliance monitoring, digital case guidance, and interoperability among public institutions responsible for implementing court decisions. Such an approach remains consistent with the principles of Maqāṣid al-Syarī'ah, where technological innovation functions as a wasīlah (instrument) for achieving justice rather than replacing human legal reasoning.

Accordingly, this study seeks to answer two research questions: (1) How does ineffective post-judgment enforcement affect the realization of women's and children's rights and sustainable family resilience within Islamic Family Law? and (2) How can AI-assisted post-judgment justice ethically strengthen the realization of judicially recognized rights without replacing judicial authority? To address these questions, this article proposes the concept of AI-Assisted Islamic Post-Judgment Justice, a framework that integrates Islamic Family Law, Access to Justice Theory, Feminist Legal Theory, Child Rights Perspective, Maqāṣid al-Syarī'ah, and ethical digital governance. Unlike previous studies that primarily evaluate judicial decisions, this research shifts the analytical focus toward the realization of rights after judgment, arguing that the future of Islamic Family Law should be measured not only by the production of legally valid decisions but also by the effective implementation of those decisions in protecting women, children, and sustainable family resilience.

Result and Discussion

Judicial Protection Has Progressively Expanded in Islamic Family Law

The analysis of thirty final Religious Court judgments demonstrates a significant normative transformation in Indonesian Islamic Family Law toward strengthening the post-divorce rights of women and children. Beyond determining marital dissolution, the examined decisions increasingly incorporate child support, iddah maintenance, and mut'ah as integral components of judicial protection, frequently through judges' ex officio authority. This practice reflects a shift from a status-oriented approach to one emphasizing substantive justice by imposing financial obligations on former husbands even without explicit claims. Consistent with recent scholarship, these findings indicate that Religious Courts have adopted more gender-responsive and maqāṣid-oriented judicial reasoning, reinforcing legal certainty and protecting economically vulnerable family members after divorce.[8] Despite these normative advances, the present study argues that judicial protection cannot be evaluated solely through the content of court decisions. Previous research has primarily focused on judicial reasoning and the recognition of post-divorce rights, while paying limited attention to whether those rights are effectively realized after judgments become final. This study extends existing scholarship by shifting the

[8] Azima Amalia et al., 'Reconstructing the Role of the Marriage Guardian Based on Maqāṣid Al-Sharī'ah: Toward Substantive Justice for Women in Islamic Family Law in Indonesia', *Syarah: Jurnal Hukum Islam Dan Ekonomi* 15, no. 1 (June 2026): 20–43, https://doi.org/10.47766/syarah.v15i1.7517.

analytical focus from judicial recognition to rights realization, arguing that substantive justice in Islamic Family Law should be measured not only by legally sound decisions but also by their successful implementation in protecting women and children's economic rights.

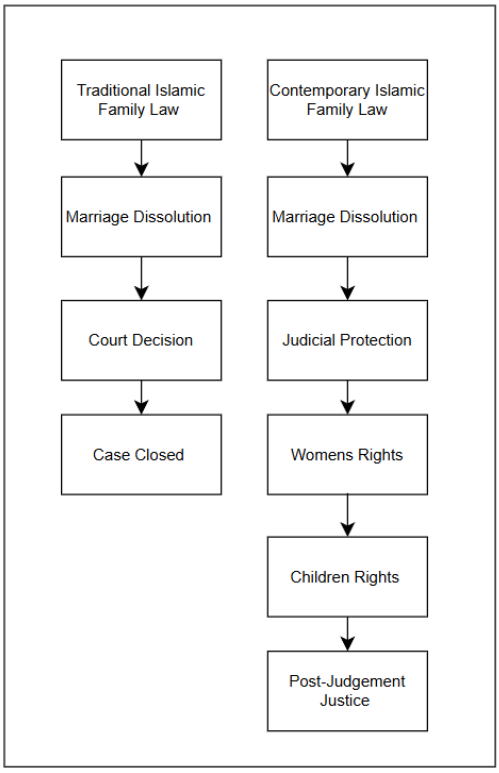


Figure 1. Evolution of Justice in Islamic Family Law

This perspective establishes post-judgment enforcement as a critical dimension of contemporary Islamic Family Law and provides the conceptual foundation for examining the persistent enforcement gap discussed in the following section.

The Persistence of the Post-Judgment Enforcement Gap

Despite the progressive expansion of judicial protection in Islamic Family Law, the empirical findings reveal a persistent gap between judicial recognition and the effective realization of post-divorce rights. The questionnaire data indicate that all respondents continued to bear the full financial responsibility for their children's daily needs despite court decisions imposing maintenance obligations on former husbands. Furthermore, voluntary compliance with judicial orders remained below 20%, while 84% of respondents did not receive iddah maintenance, 89% failed to obtain mut'ah in full, and 79% chose not to pursue judicial execution because of high enforcement costs, procedural complexity, and limited legal knowledge. These findings demonstrate that the principal challenge of contemporary Islamic Family Law no longer lies in recognizing rights through judicial decisions but in ensuring their effective implementation after judgments become legally binding .

From the perspective of Access to Justice Theory, justice cannot be considered fully achieved merely because litigants obtain favorable court decisions; rather,

justice requires the actual realization of legally protected rights in everyday life.[9] Consequently, the present findings expose a substantial post-judgment enforcement gap, illustrating that Religious Courts have successfully strengthened law in books through progressive judicial decisions, yet institutional mechanisms remain insufficient to translate those legal norms into law in action. This enforcement deficit ultimately weakens substantive justice and underscores the need to reconceptualize post-divorce legal protection beyond adjudication toward effective post-judgment governance.

Sustainable Family Resilience under Islamic Family Law

The empirical findings indicate that ineffective post-judgment enforcement extends beyond individual legal disputes and poses broader implications for sustainable family resilience. Although divorce legally terminates the marital relationship, Islamic Family Law maintains continuing obligations toward women and children, particularly concerning financial support and child welfare. Consequently, the fulfilment of child support, iddah maintenance, and mut'ah should not be understood merely as legal consequences of divorce but as essential mechanisms for preserving family stability during the post-divorce transition. The present study demonstrates that when judicially recognized rights remain unenforced, the economic burden shifts almost entirely to divorced mothers, creating financial insecurity that directly affects children's well-being and the long-term resilience of post-divorce families. Therefore, the effectiveness of post-judgment enforcement becomes an integral indicator of whether Islamic Family Law successfully protects vulnerable family members beyond the courtroom.

From the perspective of sustainable family resilience, the findings reveal that the failure to implement judicial decisions generates multidimensional vulnerabilities rather than isolated legal problems. The complete assumption of child-support responsibilities by mothers, coupled with the low level of voluntary compliance by former husbands, illustrates how ineffective enforcement weakens families' capacity to maintain economic security, fulfill children's developmental needs, and sustain social stability after divorce.[10] These findings suggest that family resilience should not be viewed solely as the responsibility of individual family members but also as the outcome of an effective legal system capable of ensuring the realization of judicially protected rights. In this regard, post-divorce justice becomes inseparable from the broader objective of building inclusive and sustainable family governance, where legal certainty is accompanied by effective institutional mechanisms for enforcing judicial obligations.

[9] Rebecca L. Sandefur, 'Access to Civil Justice and Race, Class, and Gender Inequality', *Annual Review of Sociology* 34 (2008): 339–58, https://doi.org/10.1146/annurev.soc.34.040507.134534.

[10] Fairuza 'Alima Fardindaputri and Fuat Hasanudin, 'Legal Protection of Children's Rights Post-Divorce: A Study of Single Mothers in Malang Regency', *Prophetic Law Review*, 9 July 2025, 70–94, https://doi.org/10.20885/PLR.vol7.iss1.art4; Gushairi Gushairi, 'Pelaksanaan Pemenuhan Nafkah Anak Pasca Perceraian Di Provinsi Riau', *Hukum Islam* 22, no. 1 (June 2022): 23–52, https://doi.org/10.24014/jhi.v22i1.17198; Hotnidah Nasution, Windy Triana, and Ahmad Rifqi Muchtar, 'Ensuring Children's Rights after Divorce in Indonesia: Religious Court Decisions on Nafkah Madiyah', *Al-Ahwal: Jurnal Hukum Keluarga Islam* 17, no. 1 (June 2024): 41–57, https://doi.org/10.14421/ahwal.2024.17103.

These findings are also consistent with the normative objectives of Maqāṣid al-Syarī'ah, particularly the protection of lineage (ḥifẓ al-nasl) and the protection of property (ḥifẓ al-māl). Islamic Family Law is fundamentally designed not only to regulate marital dissolution but also to preserve the welfare and dignity of family members after divorce. When maintenance obligations remain unfulfilled despite legally binding court decisions, the substantive objectives of the Sharī'ah cannot be fully realized because the legal rights of women and children exist only at the normative level. Accordingly, this study argues that sustainable family resilience requires a transformation of justice from a judgment-centred approach toward a post-judgment justice approach, in which the effectiveness of rights realization becomes the primary measure of legal protection. Such a transformation provides the conceptual foundation for developing ethical digital governance mechanisms capable of strengthening post-judgment enforcement within contemporary Islamic Family Law.

AI- Assisted Islamic Post-Judgment Justice : Ethical Governance Principles and Operational Framework‘ .

The findings of this study demonstrate that the principal barriers to realizing post-divorce rights arise after court judgments become legally binding. High enforcement costs, procedural complexity, limited legal literacy, and low voluntary compliance prevent women and children from obtaining rights already recognized by Religious Courts. These findings indicate that strengthening post-divorce justice requires institutional innovation beyond adjudication. Within this context, Artificial Intelligence (AI) should be positioned as an ethical governance instrument supporting post-judgment enforcement rather than replacing judicial authority.

From the perspective of Islamic legal theory, AI functions as a wasīlah (instrument) to facilitate the realization of justice without substituting judicial reasoning (ijtihād). The authority to determine rights remains exclusively with judges, while AI supports the implementation of legally binding judgments. This approach is consistent with the Qur'anic principle: "Indeed, Allah commands you to render trusts to whom they are due and when you judge between people, judge with justice" (Qur'an 4:58). Accordingly, AI serves as a technological means of ensuring that judicially recognized rights are effectively delivered to women and children after divorce.

Operationally, the framework is activated only after a judgment becomes final (inkracht). AI performs four complementary functions: (1) AI Legal Assistance, providing legal information and guidance for post-judgment procedures; (2) AI Compliance Monitoring, tracking maintenance payments, issuing reminders, and detecting prolonged non-compliance; (3) AI Decision Support, assisting court administrators in monitoring enforcement without influencing judicial discretion; and (4) Integrated Digital Governance, connecting Religious Courts with relevant public institutions to improve coordination during enforcement. These functions directly respond to the empirical findings of this study, particularly procedural barriers, limited legal awareness, and low compliance with maintenance obligations.

The implementation of AI-assisted post-judgment justice must remain consistent with ethical AI governance. Human oversight ensures that all legally significant decisions remain under judicial control, while transparency, accountability, and data privacy safeguard the integrity of digital legal services.

Furthermore, the best interests of the child, consistent with Maqāṣid al-Syarī'ah, should guide every stage of AI-supported governance. Therefore, the proposed framework represents not a replacement of judicial authority but an ethical mechanism for transforming judicial recognition into the effective realization of women's and children's rights, thereby strengthening sustainable family resilience.

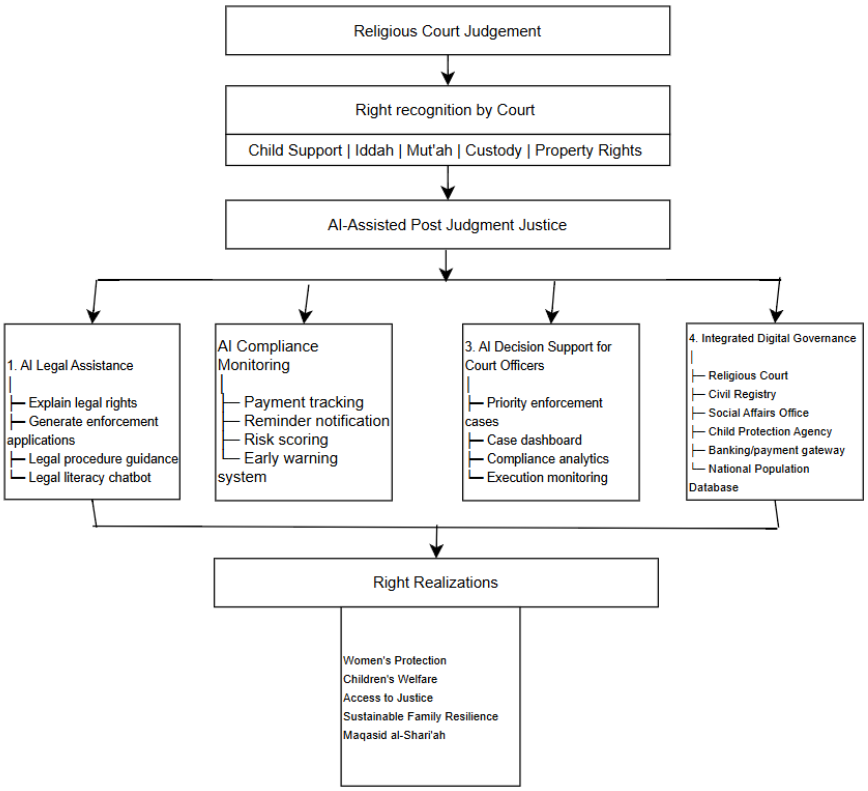


Figure 2. AI-Assisted Post-Judgment Justice Framework

Conclusion

This study demonstrates that the principal challenge of contemporary Islamic Family Law is no longer the judicial recognition of post-divorce rights but the effective realization of those rights after court decisions become legally binding. Although Religious Courts in Indonesia have progressively strengthened legal protection for women and children through judicial recognition of child support, iddah maintenance, and mut'ah, empirical findings reveal a persistent post-judgment enforcement gap characterized by low voluntary compliance, procedural barriers, and limited access to enforcement mechanisms. Consequently, judicial decisions frequently provide formal legal recognition without achieving substantive justice, thereby weakening the economic security of women, compromising children's welfare, and undermining sustainable family resilience.

The findings extend the discourse of Islamic Family Law by shifting the analytical focus from judgment-centred justice toward rights realization as the primary indicator of legal effectiveness. From the perspective of Maqāṣid al-Syarī'ah, post-divorce justice should not be evaluated solely by the validity of judicial decisions but by their ability to preserve the objectives of protecting lineage (ḥifẓ al-nasl), property (ḥifẓ al-māl), and human dignity through the effective fulfillment of legally recognized rights. Accordingly, post-judgment enforcement constitutes an

inseparable component of substantive justice and sustainable family governance within Islamic Family Law. Building upon these findings, this study proposes the AI-Assisted Islamic Post-Judgment Justice Framework, which positions Artificial Intelligence as an ethical governance instrument rather than a substitute for judicial authority. Within this framework, AI supports post-judgment justice through legal information services, compliance monitoring, early-warning mechanisms for non-compliance, automated procedural assistance, and interoperability among public institutions responsible for implementing court decisions. Such an approach enables judicial decisions to be translated into effective rights realization while maintaining judicial independence and adherence to the ethical principles of Islamic law.

This study contributes theoretically by integrating Access to Justice Theory, Feminist Legal Theory, Child Rights Perspective, and Maqāṣid al-Syarī'ah into a post-judgment justice paradigm, while contributing practically by offering a conceptual model for strengthening digital family governance in the era of ethical Artificial Intelligence. Future research should further examine the institutional feasibility, ethical governance standards, and regulatory framework necessary for implementing AI-assisted post-judgment enforcement within Religious Courts and related public service institutions.

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