



The Validity of *Ṭalāq* via Avatars as Representations of Digital Identity in Islamic Law

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Abstract

The evolution of digital identity representation through avatars presents new challenges for Islamic law when these avatars serve as a medium for executing family law actions. Key issues include attributing actions to a legal subject, authenticating identity, expressing intent, the form of the *ṭalāq* (divorce) declaration, and substantiating legal consequences. In contrast, existing *fiqh* (Islamic jurisprudence) regarding *ṭalāq* has not specifically defined the status of avatars as digital representations. This study aims to analyze the status of avatars as mediums for identity representation, examine whether the elements of *ṭalāq* are met in virtual communication, and formulate normative parameters for the validity of *ṭalāq* via avatars by distinguishing between *shar'ī* validity, the attribution of intent, and legal evidentiary weight. This normative legal study is based on library research and employs conceptual, Islamic legal, and comparative approaches. The analysis draws upon classical *fiqh* sources, contemporary Islamic legal works, *fatwās* (legal opinions), family law literature, and studies on digital identity and authentication, comparing *fiqh* constructs of *ṭalāq* with technology-based legal developments. The findings indicate that avatars lack independent legal capacity and function merely as representation media that acquire legal attribution through an authentic connection to a real-world subject. The validity of *ṭalāq* requires that the initiator's identity be verifiable, the intent to pronounce *ṭalāq* be directly attributable, the declaration carry a clear meaning, and no identity manipulation or uncertainty undermine legal certainty. Digital authentication reinforces attribution and evidentiary proof rather than serving as the sole determinant of *shar'ī* validity. *Ṭalāq* via avatar may be deemed normatively valid if the requisite elements of *ṭalāq* and intent are satisfied. In contrast, the formal recognition of legal consequences remains contingent upon evidentiary mechanisms and applicable legal provisions.

Keywords: Digital Divorce; Virtual Avatar; Digital Identity; Islamic Family Law; Electronic Authentication

Abstrak

Perkembangan representasi identitas digital melalui *avatar* menghadirkan persoalan baru bagi hukum Islam ketika digunakan sebagai medium penyampaian tindakan hukum keluarga. Persoalan utamanya terletak pada atribusi tindakan kepada subjek hukum, autentikasi identitas, ekspresi kehendak, bentuk pernyataan *ṭalāq*, serta pembuktian akibat hukumnya, sementara konstruksi fikih *ṭalāq* belum secara spesifik merumuskan status *avatar* sebagai representasi digital. Penelitian ini bertujuan untuk menganalisis kedudukan *avatar* sebagai medium representasi identitas, menguji keterpenuhan unsur *ṭalāq* dalam komunikasi virtual, serta merumuskan parameter normatif keabsahan *ṭalāq* melalui *avatar* dengan membedakan validitas *syar'ī*, atribusi kehendak, dan kekuatan pembuktian hukum. Penelitian ini merupakan penelitian hukum normatif berbasis studi kepustakaan dengan pendekatan konseptual, hukum Islam, dan komparatif. Analisis dilakukan terhadap sumber fikih klasik, karya hukum Islam kontemporer, *fatwā* (pendapat hukum), literatur hukum keluarga, serta kajian mengenai identitas dan autentikasi digital dengan membandingkan konstruksi fikih *ṭalāq* dan perkembangan tindakan hukum berbasis teknologi. Hasil penelitian menunjukkan bahwa *avatar* tidak memiliki kapasitas hukum mandiri dan hanya berfungsi sebagai medium representasi yang memperoleh atribusi hukum melalui keterhubungan autentik dengan subjek nyata. Keabsahan *ṭalāq* mensyaratkan identitas pelaku dapat diverifikasi, kehendak menjatuhkan *ṭalāq* dapat diatribusikan secara langsung, pernyataan *ṭalāq* memiliki makna yang jelas, serta tidak terdapat manipulasi identitas atau ketidakpastian yang merusak kepastian hukum. Autentikasi digital berfungsi untuk memperkuat atribusi dan pembuktian, bukan sebagai satu-satunya penentu keabsahan *syar'ī*. *Ṭalāq* melalui *avatar* dapat dinilai sah secara normatif apabila unsur *ṭalāq* dan kehendak terpenuhi, sedangkan pengakuan akibat hukum secara formal tetap bergantung pada mekanisme pembuktian dan ketentuan hukum yang berlaku.

Kata Kunci: *Ṭalāq*; *Avatar*; Identitas Digital; Hukum Keluarga Islam; Autentikasi Elektronik

Introduction

The evolution of the metaverse, artificial intelligence (AI), virtual reality, and digital identity technologies has transformed how humans present themselves, communicate, and act within virtual spaces. One emerging form of representation is the avatar—a digital visual entity that represents a user and can be controlled directly, assisted by AI systems, or operated semi-autonomously (Miao et al., 2022). Avatars must be distinguished from ordinary digital accounts because they can simulate a body, voice, expressions, and personal interactions in real time (Zheng et al., 2023). This distinction becomes significant when avatars are utilized as a medium for Islamic family law actions, specifically *ṭalāq* (divorce). *Ṭalāq* is a legal act directly linked to the subject's capacity, intent, the attribution of the statement, and the certainty of the speaker's identity. Islamic jurisprudence already recognizes the pronouncement of *ṭalāq* through speech, writing, gestures (in specific circumstances), and intermediaries, each carrying distinct legal consequences (Nafisah et al., 2024). The rise of avatars introduces a new configuration, as digital representations can function simultaneously as a communication medium and an embodiment of personal identity (Zimmermann, Wehler, & Kaspar, 2023). The legal issue lies in establishing a demonstrable connection between the husband (as the

legal subject), the avatar (as the digital representation), the act of control or system automation, the intent to pronounce *ṭalāq*, and the wife's receipt of the statement.

The empirical phenomenon underlying this issue has evolved alongside the increasing use of digital identities, avatars, virtual spaces, and generative technologies capable of replicating personal characteristics. The Digital 2024 Global Overview report highlights the scale of global internet and social media usage—reaching billions of users—while the development of virtual platforms and generative technologies expands the application of digital representations across social, economic, educational, and professional interactions (Kemp, 2024). Deepfake and voice-cloning technologies show the capacity of digital systems to generate visual and auditory representations that closely resemble real individuals, making identity authentication and the authenticity of expressions increasingly serious legal issues (Öhman, 2022). This situation is particularly relevant to family law, as actions appearing to originate from a digital identity owner do not necessarily stem from that owner's direct involvement or actual intent. Risks such as impersonation, account hijacking, avatar manipulation, and the automated generation of expressions can produce statements that appear visually or audibly authentic but cannot necessarily be legally attributed to the subject.

Studies on digital *ṭalāq* reveal similar emerging issues. Mukharom et al. (2025) identify electronic messaging as a medium for conveying *ṭalāq*, emphasizing the clarity of the pronouncement and the verification of the statement's origin from the husband; however, this framework does not address scenarios where digital representations generate expressions without the identity owner's direct involvement. Wasser (2021) discusses divorce via video call, highlighting the nature of direct, audiovisual communication, yet this model still presupposes a human subject who can be directly identified. Rosli et al. (2025) examine *ṭalāq* via social media and prioritize identity certainty. However, their focus remains on personal accounts as communication channels rather than on avatars as interactive representations distinct from the user's physical identity. Hamsin et al. (2023) demonstrate acceptance of electronic authentication in Islamic legal transactions, provided security and certainty principles are met; however, their study has not examined applying authentication standards to family law actions involving virtual representations.

Malik et al. (2024) identified issues regarding the attribution of intent and responsibility for AI-driven actions. However, they did not link them to the doctrine of *ṭalāq* or the status of avatars as identity representations. Similarly, Mengual (2024) focused more on representational functions and the experience of digital interaction than on the *fiqh* implications for personal legal acts. This body of research reveals fragmentation in studies of digital *ṭalāq*, electronic identity authentication, artificial intelligence, and avatars. There is currently no integrative framework explaining when an expression made via an avatar can be attributed to

the husband, how legal intent is proven when an avatar is controlled directly versus AI-assisted, or how the relationship between digital and physical identities affects the fulfillment of the *ṣīghat* (the verbal formula) and the elements of *ṭalāq*'s validity. The research gap lies in normative attribution, rather than a mere absence of studies on avatars. This study positions the avatar as an object of analysis that bridges *fiqh* regarding *ṭalāq*, digital identity theory, authentication, the attribution of intent, and actions driven by digital agents.

This research formulates four key questions: how the avatar is positioned—as a medium, an identity representation, a proxy, or an agent—within the perspective of Islamic law; how parameters of identity, intent, attribution, and authentication apply to *ṭalāq* conveyed via an avatar; how the *ṣīghat* and validity elements of *ṭalāq* are assessed when a legal statement is delivered through a digital representation involving varying levels of human control and automation; and how the legal status of *ṭalāq* via an avatar is determined based on technological configurations and evidence of the connection between the husband, the digital identity, and the *ṭalāq* statement. This research aims to establish the normative status of avatars within Islamic legal acts, identify parameters for verifying identity and intent, examine the compatibility of avatar-based communication with the validity requirements of *ṭalāq*, and formulate legal classifications and criteria for assessing avatar-based *ṭalāq*. The study's initial argument is grounded in the principle of *taḥqīq al-manāṭ*—applying legal provisions to new realities by identifying relevant legal characteristics (Jalili et al., 2024). Avatars do not possess *ahliyyah* (legal capacity) as independent legal subjects; legal capacity remains vested in the human controlling or authorizing the digital action. Consequently, this research is expected to provide authentication and attribution parameters for assessing the validity of avatar-based legal acts, while also offering an analytical foundation for developing *fatwās*, religious court studies, digital identity regulations, and further Islamic legal research on other legal acts involving virtual representations.

Method

This study is a normative legal inquiry employing conceptual, comparative-jurisprudential, and analytical approaches to examine the attribution of intent and legal identity within digital representations. The analysis focuses on the validity of *ṭalāq* (divorce) pronounced via avatars, distinguishing between avatars directly controlled by the husband, those with unverified identities, those used by third parties, and those operated by—or generating expressions through—artificial intelligence. Primary data sources include the Qur'an, Hadith, cross-school *fiqh* texts, *uṣūl al-fiqh* (principles of jurisprudence) maxims, and contemporary Islamic legal doctrines regarding *ṭalāq*, *kitābah* (written declaration), *ishārah* (gestural declaration), *niyyah* (intention), *ṣarīḥ* (explicit declaration), *kināyah* (metaphorical or implicit declaration), *ahliyyah* (legal capacity), *wakālah* (delegation of authority), and digital communication media; secondary sources comprise scholarly articles

and literature on digital identity, authentication, avatars, the metaverse, artificial intelligence, and Indonesian regulations concerning marriage, Islamic family law, electronic systems, and digital identity. Data collection was conducted through a literature review, with sources selected for relevance, authority, and their connection to *ṭalāq*, identity representation, and digital authentication, then mapped onto an analysis matrix. The data were analyzed using normative-analytical and comparative methods by identifying *ṭalāq* elements; mapping avatar characteristics; examining intent, legal capacity, act attribution, identity authentication, communication media, and evidentiary aspects; and distinguishing between *fiqh* validity, positive law recognition, and evidentiary weight to formulate a typology of *ṭalāq* validity via avatars.

Results and Discussion

The Status of Avatars as Representations of Digital Identity in Islamic Law

In Islamic law, identity must be distinguished from legal capacity, as they address different normative issues. Identity refers to the recognition of a subject as a specific individual, whereas *ahliyyah* relates to a person's capacity to hold rights and obligations and to perform legal acts. *Ahliyyah al-wujūb* (receptive capacity) defines a human being's eligibility to hold rights and obligations. In contrast, *ahliyyah al-adā'* (active capacity) refers to the ability to perform actions that entail legal consequences, commensurate with the level of competence recognized in *fiqh* (Al-Zuhaylī, 2006). This distinction is crucial when human identity is represented through digital media. An avatar lacks *ahliyyah* because it possesses neither consciousness, volition, nor the moral capacity of a *mukallaf* (a sane adult subject to Sharia legal obligations). Its status is best analyzed as a representational layer connecting the human subject to the virtual environment.

The distinction between digital identity and avatars carries significant theoretical implications for Islamic legal analysis. An account serves as an administrative and technical repository for user data (Kedrin & Rodyukov, 2021); credentials function as a means of authentication (Sedlmeir et al., 2021); digital identity refers to the set of attributes linking a system to an individual (Robles-Carrillo, 2024); whereas an avatar presents a visual or interactive persona used in virtual communication (Teng, Dennis, & Dennis, 2023). These four elements may be interrelated but are not identical categories. An individual can possess a digital identity without an avatar, use multiple avatars within a single environment, or employ an avatar that does not represent their physical characteristics (Zimmermann et al., 2023). Furthermore, visual representation does not automatically verify a user's legal identity, as the link between the appearance and the subject can be falsified, transferred, or controlled by third parties (Moran, 2021). Thus, the issue in Islamic law is not the migration of human identity from the physical to the virtual realm, but rather the mechanism of attribution linking a digital representation to the human subject who possesses legal capacity.

The *fiqh* tradition offers a starting point for examining the attribution of actions by distinguishing between the actor, the will, and the means employed. The concept of *isnād al-fi'l* (attribution of an act) requires a connection between an action and a party capable of bearing legal consequences (Ash-Shāṭibī, 1997), while the concepts of *irādah* (will) and *niyyah* elucidate the volitional dimension underlying human action (Al-Zuḥaylī, 2006). This framework highlights a fundamental distinction between the legal subject and the instrument the subject uses to act. An avatar can be analogized—albeit in a limited sense—to a representational instrument, given that its existence depends on human action; however, this analogy is insufficient to equate it with a *wakīl* (agent) in *fiqh*. *Wakālah* (agency) entails a legal relationship between the *muwakkil* (principal) and the *wakīl*, the granting of authority, the object of the action, and the boundaries of the mandate for which accountability exists. An avatar possesses neither independent will, legal capacity, nor autonomous authority. Its status is more accurately understood as a *wasīlah* (intermediary) or an interface layer that facilitates the manifestation of the user's identity and actions. At the same time, legal attribution remains directed at the human being who controls or authorizes its use.

The distinction between visual representation and legal representation becomes central when avatars are used in interactions with normative consequences. Visual representation merely depicts the persona appearing in virtual space (Hepperle et al., 2022). In contrast, legal representation requires an accountable attributional link between an action and a subject possessing legal capacity (Habbig & Robeyns, 2022). Such a link cannot be inferred solely from account ownership or an avatar's resemblance to a specific person. Four layers require analytical distinction: the identity claimed by the user, the identity successfully authenticated by the system, the identity actually controlling the avatar, and the identity legally attributable to the actions. While these four layers may coincide under ideal conditions, they can also diverge due to hijacking, shared usage, credential theft, identity manipulation, or the fabrication of representations.

The issue of attribution presents an epistemological dimension that cannot be resolved through technological assumptions alone. Authentication systems—such as biometrics, multi-factor authentication, activity logs, electronic signatures, and device footprints—can strengthen the link between user and avatar; however, each remains an indicator that must be evaluated within the context of evidentiary proof. Account ownership is not synonymous with the execution of an action, just as the presence of an avatar does not always prove actual control over the digital representation. Concepts such as *bayyinah* (clear evidence), *iqrār* (acknowledgment/confession), and *qarīnah* (circumstantial indication) provide a framework for assessing indicators that link an act to a specific subject. However, their application to digital evidence requires careful conceptual reconstruction. Digital *qarīnah*, provided it meets standards of relevance and reliability, may be

considered an indicator of attribution without being conflated with classical forms of evidence.

The advancement of artificial intelligence complicates the relationship between avatars and human subjects, as representations can be generated through systems operating automatically or semi-automatically. Avatars directly controlled by users have an attribute structure distinct from avatars that respond based on programmed instructions, machine learning models, or artificial intelligence agents (Garcia, 2026). This difference in control necessitates a distinction between human-operated representations, representations automated based on prior authorization, and representations that generate output without specific instructions during an interaction. These three categories cannot be treated as identical forms of attribution. Principles of attribution in Islamic law require tracing the relationship between an act and an actor who can be held accountable (Barqawi & Baker, 2025). Algorithmic systems do not transform an avatar into a legal subject; however, they can weaken or complicate the link between the human and the actions emerging through the digital representation.

The framework of derivative digital representation offers a conceptual basis for defining the status of avatars with greater precision. Avatars are termed derivative because their legal relevance stems entirely from their relationship with a human—a subject possessing identity and legal capacity; avatars do not acquire personhood, *ahliyyah*, or independent liability merely by existing in virtual space. This derivative relationship is formed through a combination of identity, authorization, control, authentication, and action tracking. The stronger the connection among these five elements, the more robust the basis for attributing the digital representation to the human subject. Conversely, anonymity, account hijacking, identity manipulation, and unauthorized automation weaken the attributional link. Consequently, an avatar cannot be positioned as a *wakīl*, a virtual human, or a new legal subject, but rather as a digital representation whose legal relevance is derivative and contingent upon successful attribution.

Fulfillment of the Elements of Ṭalāq in Avatar-Based Communication

Fulfilling the elements of *ṭalāq* via an avatar requires first establishing the subject and object of the legal act. The husband, as the *muṭalliq* (the party pronouncing the divorce), holds the authority to issue the *ṭalāq*. In contrast, the wife, as the *muṭallaqah* (the party being divorced), is the one subject to the legal consequences of the divorce (Hamid et al., 2024). This structure necessitates a connection between the actor, the intent, and the *ṣighah* (the formula or expression of divorce). An avatar does not replace the status of the *muṭalliq* or *muṭallaqah*, as it serves merely as a medium of representation; thus, the central issue is whether the act displayed through that representation can be normatively attributed to the husband. The Ḥanafī school recognizes the validity of *ṭalāq* conveyed via a messenger (*Rasūl*) or a letter (*kitābah*) provided it is proven to originate from the

husband (Al-Sarakhsī, 1993); the Mālikī school also accepts conveyance through an intermediary, provided the husband's intent can be ascertained (Al-Dardīr, 1997); the Shāfi'ī school asserts that a letter or messenger is merely a medium for conveying intent, meaning the *ṭalāq* hinges on the validity of attributing the act to the husband (Al-Nawawī, 1991). The Ḥanbalī school holds that *ṭalāq* effected through writing or representation is valid if it demonstrates a definite intent to divorce (Al-Buhūtī, 1997).

The *ṣighah* constitutes an element requiring separate examination, as the form of expression determines how the intent to divorce is recognized within *fiqh*. *Ṭalāq ṣarīḥ* (explicit divorce) and *kināyah* (implicit divorce) cannot be treated uniformly, as the consequences of intent regarding *kināyah* expressions differ from those of expressions that explicitly denote divorce (Mahdiana, Alamsyah, & Pradikta, 2025). Differences in *madhhab* (school of thought) formulations must also be considered when determining which words or phrases fall into the *ṣarīḥ* category, as well as when evaluating written text, gestures, or other means of communication. Direct verbal *ṭalāq* differs from written text, voice calls, video conferencing, real-time avatars, and avatars that generate synthetic speech. Similarity in communicative function is insufficient grounds for equating their legal status. Equivalence can only be established through *qiyās* (Islamic legal analogy) if the '*illah* (legal cause) found in the original form is also present in the new form. If the rationale for recognizing written text lies in the legibility of intent and convincing attribution to the author, both elements must be proven before an avatar can be analogized to written text.

Avatar-based communication requires differentiation based on the mechanism of *ṣighah* production, as the source of the utterance determines the quality of legal attribution. An avatar controlled directly by the husband via audiovisual devices positions the human as the source of expression, whereas an avatar instructed to utter a phrase at a particular time involves a temporal gap between intent and execution. A different scenario arises when an automated system selects and utters sentences based on pre-programmed rules—and even more so when an artificial intelligence model generates a response without specific user instructions. An avatar utilizing synthetic speech does not automatically negate attribution if the husband consciously controls the content and timing of the utterance, as a change in voice characteristics is not synonymous with a change in the source of intent. Conversely, algorithmic output that was never commanded to constitute *ṭalāq* cannot be directly attributed to the husband simply because the system is linked to his account.

Niyyah and *irādah* require careful analysis, as they do not always serve identical legal functions across different forms of *ṣighah*. Explicit (*ṣarīḥ*) and implicit (*kināyah*) utterances entail different evidentiary requirements regarding intent; thus, the issue of avatars cannot be resolved merely by asserting the necessity of *niyyah*. A husband's volition must be linked to the act that actually produces the *ṭalāq*

utterance, whereas *niyyah* becomes relevant depending on the nature of the expression employed. An explicit instruction to a system to articulate the *ṭalāq* formula indicates a volition attributable to the user, even if the technical execution occurs moments later. A different situation arises when AI independently generates a *ṭalāq* statement based on conversational prediction without a specific command. Such output raises the issue of *‘adam al-qaṣd* (absence of intent), as there is no volition directed toward the act of *ṭalāq*. *Fiqh* analysis must also distinguish between system errors, input errors, unintentional acts, and conscious decisions executed automatically, as each carries distinct conceptual foundations and legal consequences.

The nexus between volition and utterance becomes increasingly complex in scenarios involving account hijacking, impersonation, spoofing, or audiovisual manipulation. The husband—as the account owner—is not necessarily the party controlling the avatar when the utterance is generated; conversely, the person controlling the avatar does not necessarily intend to pronounce *ṭalāq*. These issues must be treated separately from the matter of verifying the identity of the recipient of the utterance (*muṭallaqah*). Account hijacking by a third party severs the link between the husband and the act; consequently, the core issue is one of non-attribution rather than a mere failure to satisfy the formal requirements of the *ṣiḡhah*. Similarly, voice or facial manipulation via deepfakes does not effectuate a *ṭalāq* simply because the recording convincingly depicts the husband. Conversely, an avatar with a fictional appearance can still serve as a valid medium of expression, provided it can be proven that the source of the volition and control over the action originated with the husband.

The evidentiary framework must be distinguished from the substantive requirements for the occurrence of *ṭalāq* so that the analysis does not conflate *wuqū‘ al-ṭalāq* (the legal effectuation of *ṭalāq*) with *ithbāt al-ṭalāq* (the legal proof of *ṭalāq*). Biometric authentication, activity logs, electronic signatures, metadata, and device traces do not constitute essential elements (*rukūn*) of *ṭalāq* in the sense of *fiqh*; rather, they serve as means to substantiate attribution when the act is disputed. The principle of *yaqīn* (certainty)—and the prohibition against establishing a legal ruling based on doubt—can be applied to assess the epistemic weight of evidence, whereas *bayyinah*, *iqrār*, and *qarīnah* assist in determining whether the link between the husband and the pronouncement can be established. This distinction prevents the overreaching conclusion that any weakness in authentication automatically invalidates the *ṭalāq* on substantive grounds. Cases involving unverified avatars must be distinguished from instances where the husband’s identity has been acknowledged and his intent confirmed. However, a dispute subsequently arises regarding the authenticity of the recording. Standards of proof must be analyzed in light of the specific context of the dispute and must not be equated with the constitutive elements of *ṭalāq*.

The wife's status as the *muṭallaqah* also requires attention, as avatar-based communication can create uncertainty about the intended party. The *ṣighah ṭalāq* must bear a sufficiently clear relationship to the marriage and the subject of the action, particularly when communication occurs in virtual spaces that allow for the use of multiple personas (Hidayah et al., 2024). An anonymous avatar receiving the pronouncement does not automatically imply a clearly defined object of the divorce, whereas an authentically identified avatar representing the wife entails a different attributional relationship. This issue becomes increasingly critical when a husband interacts with multiple avatars or when an AI system redirects the conversation to another virtual persona. Analysis must determine whether the identity of the *muṭallaqah* can be established through context, explicit designation, interaction history, or other relevant evidence. A distinction between ambiguity regarding the object and ambiguity regarding the actor must also be maintained, as each touches upon different legal aspects.

The typology of avatar communication yields varying normative consequences for fulfilling the elements of *ṭalāq*. An avatar controlled directly by the husband to convey an explicit pronouncement shares an attribution structure most similar to technology-mediated audiovisual communication, as the human remains the source of intent and expression. An avatar executing pre-set instructions requires analysis of the continuity of intent between when the instruction was given and when the pronouncement was executed. An avatar generating a pronouncement based on general automation requires stricter scrutiny, as not every system output reflects an intent to divorce. An avatar generating statements via generative AI without specific instructions presents the most serious attribution challenge, as the link between human intent and the pronouncement is severed at the stage of expression production. These distinctions lead to a key conceptual proposition: the avatar medium does not inherently preclude the fulfillment of the elements of *ṭalāq*; rather, the extent of fulfillment depends on the continuity among the *muṭalliq*, the intent, the production of the *ṣighah*, the intended object, and the ability to attribute the action to the actor convincingly.

The Validity of Digital Legal Declarations from the Perspective of Islamic Law

The expression of intent holds a central position in Islamic law because legal consequences arise from an accountable relationship between the actor, the intent, and the form of its expression. Al-Kāsānī (1986) accepts verbal utterance as the primary form of expressing intent due to its most direct communicative power, whereas writing (*kitābah*) and gestures (*ishārah*) are accepted through distinct argumentative constructions. Writing acquires legal relevance when it can clearly convey meaning to another party and be attributed to its author. At the same time, gestures are recognized when they substitute for speech for a subject with speech impairments. Speech, writing, and gestures are forms of expressing intent, whereas electronic media serve merely as transmission channels that enable these forms of

expression to reach the recipient. Avatars exist on yet another level, as they merely represent the user's visual identity. This conceptual distinction serves as a methodological prerequisite before drawing analogies to digital communication. Such analogies must be grounded in the shared *'illah* (effective cause) that renders an expression legally consequential under *fiqh*.

Constructing an analogy applicable to digital media requires explaining the normative elements preserved when the mode of communication changes. *Uṣūl al-fiqh* literature demonstrates an acceptance of new media based not on their technological characteristics, but on their capacity to maintain continuity among the actor's identity, the intended will, the understood meaning, and the potential to attribute the action to a legal subject (Atallah, 2026). Consequently, synchronous communication via video conferencing, asynchronous communication via email, digitally signed electronic documents, instant messaging, and audiovisual representations cannot be treated as a single legal category. Each presents a different level of certainty regarding attribution and therefore requires a distinct evaluation. Furthermore, an avatar's status is not identical to that of online communication media, as an avatar is merely a visual representation usable across various types of communication (Teng et al., 2023). The validity of digital legal declarations is thus assessed by examining whether an expression of intent conveyed through various media satisfies the attribution criteria recognized in Islamic law.

Epistemological issues arise when legal expressions are transposed into a digital environment that separates biological identity, digital identity, and communicative activity. The legal maxim *al-yaqīn lā yazūlu bi-al-shakk* (certainty cannot be dispelled by doubt) (Al-Dimashqī, 1991) serves as an epistemic standard requiring judges or legal authorities to distinguish between levels of certainty regarding the actor's identity, the authenticity of the expression, and the substantiation of the link between the two. Successfully authenticated identity does not automatically prove the formation of legal intent, just as a recognized expression of intent does not always confirm the actual actor when digital systems are subject to manipulation. Legal acts are evaluated based on the fulfillment of normative requirements: the presence of a competent actor, deliberate intent, and a legally meaningful expression.

The distinction between identity authentication and the authentication of intent is an often-overlooked aspect of Islamic legal studies regarding digital communication. While identity can be verified through electronic security systems, intent requires proof of *qasd* (specific intent) and *irādah* genuinely directed toward a particular legal act. Al-Qarāfī (1994) distinguishes between *niyyah*, *qasd*, and *irādah*; these three do not always serve identical functions across all legal acts. This distinction becomes crucial when communication occurs via automated systems. Programs sending scheduled messages, applications executing pre-set instructions,

and artificial intelligence agents generating responses all possess distinct attribution structures. A conscious instruction to execute a legal expression at a specific time still allows for attribution to the user, provided the link between the instructor and the action can be proven. Conversely, algorithmic output resulting from generative processes—absent specific commands—raises serious questions regarding the existence of *qasd*, as the expression emerges without a direct connection between human volition and the production of the legal statement.

Analyzing artificial intelligence also requires a more detailed classification to avoid treating all forms of automation uniformly. Rule-based systems that merely execute user instructions differ in character from adaptive systems that select responses based on machine learning (Akbulut et al., 2024). Varying levels of autonomy influence the attribution relationship between humans and digital actions. A *fiqh* perspective more accurately positions technology as an instrument situated on a spectrum ranging from a passive tool to a mechanism that independently generates consequences through computational processes. This categorization allows for the application of the concept of *tasabbub* (indirect causation) to explain the causal link between the user and the system's output without designating artificial intelligence itself as a legal subject. Furthermore, phenomena such as deepfakes, impersonation, identity forgery, and audiovisual manipulation cannot be viewed merely as technical risks. The entire phenomenon must be analyzed through severed action attribution, the loss of the link between the actor and the expression, and the diminished evidentiary value of digital formats.

The *maṣlahah* (public interest) approach cannot serve as the basis for accepting digital media without a methodological explanation regarding the conditions for its validity. The tradition of *uṣūl al-fiqh* requires that a benefit align with the objectives of Sharia, demonstrate clear relevance to the protection of rights, and not conflict with *naṣṣ* (explicit texts of the Qur'an and Hadith) or established legal principles (Al-Ghazālī, 1993). Evaluations of digital media must balance communication efficiency with legal certainty. Risks such as identity forgery, audiovisual manipulation, account hijacking, and algorithmic manipulation inevitably influence assessments of evidentiary quality and the requisite level of caution. Similarly, the framework of *sadd al-dharī'ah* (blocking the means to harm) does not serve as a basis for a blanket rejection of digital technology. Consequently, the validity of digital legal statements must be analyzed through four interconnected layers: the validity of the medium as a means of communication; the validity of the expression of intent as a form of legal act; the validity of the attribution linking the expression to the actor; and the validity of the evidence in the event of a dispute.

The Validity of Ṭalāq via Avatar from the Perspective of Contemporary Islamic Law

An analysis of the validity of *ṭalāq* via an avatar must begin by determining the method of *istidlāl* (legal reasoning) that underpins the legal assessment, rather than

starting with assumptions regarding the acceptance of digital technology. An avatar's status cannot be equated to that of a *wakīl*, a *Rasūl*, or a new legal subject, as all legal consequences remain attributable to the husband as the *muṭalliq*. A more appropriate point of analogy lies in the avatar's function as a *wasīlah* (medium) for conveying a legal expression—much like written text or a messenger is accepted in *fiqh* when capable of establishing a convincing link between the actor, their intent, and the *sīghah*. An analogy (*qiyās*) to *kitābah* (writing) is justified only if the '*illah*' for recognizing writing—namely, the assurance of intent attribution and the clarity of legal meaning—is genuinely present in avatar-based communication. The mere fact that digital media shares characteristics with writing is insufficient grounds for analogy, as a change in communication medium is not synonymous with equivalent evidentiary quality or identity certainty. Therefore, the legal ruling hinges on successfully upholding the original '*illah*', not on the similarity of the technological form employed.

This framework yields a normative consequence that sharply distinguishes between the conditions for the occurrence of *ṭalāq* and the mechanisms for proving it. Deliberate intent, the presence of a *muṭalliq* possessing the requisite authority, and a *sīghah* signifying divorce constitute the substantive elements that determine the emergence of legal consequences. Biometric verification, electronic signatures, metadata, activity logs, or device identification do not constitute essential pillars or conditions for the validity of *ṭalāq*; rather, they serve as evidentiary instruments when the link between the actor and the act is disputed. This distinction avoids the error of treating digital security standards as new conditions within *fiqh*. Such an approach also aligns with the established constructs of *bayyinah*, *iqrār*, and *qarīnah*, which have long distinguished the existence of a legal act from the method of proving it before an authority. An avatar lacking robust authentication does not automatically invalidate a *ṭalāq* if the husband acknowledges the act; conversely, even highly reliable digital authentication is insufficient to trigger legal consequences if the intent to divorce was absent.

Determining the legal status of avatar-based communication requires a more detailed technological classification so that each form of representation carries normative consequences aligned with its specific mode of attribution. Avatars controlled directly via real-time communication position the husband as both the source of the utterance and the controller of the expression, thereby bearing the closest resemblance to technology-mediated oral communication. Avatars executing specific instructions at designated times allow for legal attribution, provided that the instructions, timing, and continuity of intent can be convincingly proven. A different scenario arises with artificial intelligence systems that generate sentences through generative mechanisms without specific commands regarding *ṭalāq*. In this latter category, the link between the actor and the expression is severed because the utterance emerges from a computational process not specifically directed toward

the act of divorce. This absence of *qasd* as the basis for attributing the act renders analogies to *kitābah* or communication via a messenger untenable.

A similar classification is required for the various forms of attribution issues that have emerged alongside the advancement of digital technology. Account takeovers, impersonation, deepfakes, audiovisual manipulation, and the use of anonymous virtual identities possess distinct legal characteristics, making it inappropriate to group them into a single category. Account hijacking severs the link between the identity owner and the perpetrator (Madarie et al., 2019); thus, the core issue is the loss of *isnād al-fi'l*. Deepfakes present images and voices resembling a specific person without reflecting the original subject's intent (A. Malik et al., 2022), meaning the legal failure stems from the disconnection between the expression and the authorized actor. Similarly, an anonymous avatar cannot serve as the basis for pronouncing *ṭalāq* if the *muṭalliq*'s identity cannot be verified through relevant evidence. Conversely, using an avatar with a fictional appearance still carries legal consequences if the user's identity, intent to divorce, and link to the action can be proven through a combination of *iqrār*, *bayyinah*, and reliable digital *qarīnah*.

Legal reasoning methods cannot rely solely on *qiyās*; the complexity of digital technology also necessitates examination through the lenses of *maqāṣid al-Sharī'ah* (objectives of Sharia) and *sadd al-Dharī'ah*. The *maqāṣid* approach assesses whether accepting avatars as a medium of communication upholds the protection of religion, family, honor, and the certainty of marital status. This approach cannot be used to justify accepting every digital innovation, as public interest (*maṣlaḥah*) gains legitimacy only when it does not conflict with established legal principles and effectively safeguards the objectives of Sharia (Muttaqin et al., 2026). Likewise, *sadd al-Dharī'ah* cannot serve as grounds for a blanket rejection of avatars, as the principle applies only where a means carries a high probability of generating uncontrollable harm (*mafsadah*). The use of a verified avatar—controlled directly by the husband and supported by robust verification mechanisms—differs fundamentally from anonymous avatars, automated systems lacking human control, or media platforms that facilitate widespread identity manipulation.

The legal stance regarding this matter can be formulated more operationally by distinguishing between various technological scenarios. A *ṭalāq* may be deemed valid if the avatar serves merely as a medium of representation, the husband directly controls the communication or issues explicit, verified instructions, the verbal formula meets *fiqh* requirements, the actor's identity is convincingly established, and there is no indication of manipulation severing the link between intent and expression. Conversely, a *ṭalāq* cannot be considered valid if the formula is generated by artificial intelligence without specific intent (*qasd*) directed toward divorce, if another party takes control of the avatar, or if the actor's identity cannot be proven according to adequate evidentiary standards. Disputes that leave lingering doubts about the attribution of actions do not automatically rule out the occurrence of a

ṭalāq; rather, they require the judge to evaluate all evidence in accordance with the hierarchy of proof recognized in Islamic law and applicable procedural law.

The entire analysis leads to a normative conclusion that goes beyond a mere acceptance or rejection of digital technology. Avatars possess no independent legal relevance, do not acquire legal personhood, and bear no liability as legal subjects. All legal consequences remain attributable to the human being who possesses the requisite legal capacity (*ahliyyah*), intent (*qasd*), and authority to pronounce *ṭalāq*. The validity of a *ṭalāq* via avatar hinges on maintaining a continuous link between the actor's identity, deliberate intent, the production of the divorce formula (*sīghah*), and the intended object, as well as the ability to substantiate the connection among these elements through legitimate evidentiary mechanisms. A break in any link of this chain of attribution at the substantive stage renders it impossible to attribute the *ṭalāq* to the husband.

Conclusion

The transformation of digital identity gives rise to a new legal framework regarding the validity of *ṭalāq* pronounced via an avatar—acting as a representation of the legal subject—provided that identity authentication establishes a direct link between the avatar and the legal actor, the *sīghat ṭalāq* is clearly articulated, the legal intent arises from full awareness without coercion, the digital communication is verifiable, and the integrity of the electronic evidence aligns with Islamic legal certainty principles. This formulation asserts that the validity of *ṭalāq* is not determined by the virtual medium itself, but rather by the fulfillment of essential elements, conditions, and evidentiary validity consistent with principles protecting against digital identity misuse. These findings advance Islamic family jurisprudence by reinterpreting concepts of legal representation and electronic evidence. Practically, the study offers a normative foundation for formulating standards regarding digital identity authentication and electronic evidence verification, as well as guidelines for religious courts adjudicating virtual *ṭalāq* cases. The study is limited by its juridical-normative approach—based on an analysis of contemporary *fiqh* literature—without empirical testing of judicial practices or technical evaluations of digital authentication technologies. Future research should focus on comparative studies across legal schools (*madhhabs*), analyses of religious court rulings, socio-legal approaches, and examinations of how biometric authentication and artificial intelligence impact the validity of virtual-based Islamic family legal actions.

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Author Contribution Statement

YCTI contributed to conceptualizing the research, formulating the methodology, data collection and analysis, interpreting results, drafting the

manuscript, and coordinating and finalizing of the manuscript. MH contributed to developing the theoretical framework, collecting research materials, analyzing data, interpreting findings, and reviewing and refining the manuscript. BA contributed to data collection and verification, analysis and interpretation of results, critical review of the manuscript's content, and final editing. All authors approved the final version of the manuscript and are responsible for the integrity and accuracy of the research content.

Conflict of Interest

This manuscript presents no conflicts of interest—whether financial or non-financial—that could influence the research process, analysis, interpretation of results, or the drafting and publication of the manuscript. The entire research process was conducted independently, free from any personal, institutional, or commercial interests, or other relationships that could potentially compromise the objectivity and scientific integrity of the manuscript.

AI Usage Statement

The author has used artificial intelligence (AI) technology to a limited extent to help improve language quality, correct grammar, and format the manuscript. AI was not used to generate the scientific substance of the research. All results, findings, concepts, analyses, arguments, ideas, interpretations, and conclusions are the product of the author's own thought and work. The author bears full responsibility for the accuracy, originality, integrity, and overall content of the manuscript, including any sections that underwent AI-assisted editing.

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