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Post Divorce Disputes Among Influencers in Indonesia: Child Custody (Hadhanah), Marital Property, and Digital Assets from the Perspective of Islamic Family Law

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Abstract : Divorce involving social media influencers or public figures presents complex challenges in family law, particularly concerning child custody (Hadhanah), the division of marital property, children's digital privacy, and the evidentiary process involving digital assets and income. This phenomenon can be identified through media reports concerning several public figures, including Clara Shinta and Denny Goestaf, Julia Prastini and Na Daehoon, Sarwendah and Ruben Onsu, Asri Welas and Galiech Ridha Rahardja, and Audi Marissa and Anthony Xie. These reports serve as supporting materials for identifying legal issues rather than as substitutes for facts established by court judgments. This study aims to analyze post-divorce disputes involving influencers from the perspective of Islamic Family Law by integrating child protection, equitable property distribution, and the characteristics of the digital economy. It employs normative legal research based on library research, using statutory, conceptual, and case approaches. The legal materials are analyzed qualitatively through identification, classification, interpretation, and legal analysis. The findings indicate that decisions concerning Hadhanah must prioritize the best interests of the child, including safety, psychological development, and digital privacy. The division of marital property must consider ownership status, the time and source of acquisition, the contributions of the parties, and reliable supporting evidence. Income from endorsements, content monetization, royalties, and other digital economic activities requires separate examination to determine its legal status. This study proposes an Islamic Family Law analytical framework that integrates child protection and digital economic justice through the principles of maqāṣid al-sharīʻah, particularly Hifz Al-Nasl (protection of offspring), Hifz Al-Mal (protection of property), justice, public benefit, and the prevention of harm.
Keyword: Hadhanah, Marital Property, Divorce, Influencer, Islamic Family Law.
Abstrak: Perceraian yang melibatkan influencer atau figur publik di media sosial menghadirkan kompleksitas dalam penyelesaian sengketa hukum keluarga, khususnya terkait hak asuh anak (Hadhanah), pembagian harta bersama, perlindungan privasi anak, serta pembuktian aset dan pendapatan digital. Fenomena

tersebut dapat ditelusuri melalui pemberitaan mengenai perceraian sejumlah figur publik, antara lain Clara Shinta dan Denny Goestaf, Julia Prastini dan Na Daehoon, Sarwendah dan Ruben Onsu, Asri Welas dan Galiech Ridha Rahardja, serta Audi Marissa dan Anthony Xie. Pemberitaan tersebut digunakan sebagai sumber pendukung untuk mengidentifikasi persoalan, bukan sebagai pengganti fakta hukum yang telah ditetapkan melalui putusan pengadilan. Penelitian ini bertujuan menganalisis sengketa pascaperceraian influencer dalam perspektif Hukum Keluarga Islam dengan mengintegrasikan perlindungan anak, keadilan pembagian harta, dan karakteristik ekonomi digital. Penelitian menggunakan metode hukum normatif dengan jenis penelitian kepustakaan melalui pendekatan perundang-undangan, konseptual, dan kasus. Bahan hukum dianalisis secara kualitatif melalui identifikasi, klasifikasi, interpretasi, dan analisis hukum. Hasil penelitian menunjukkan bahwa penentuan Hadhanah harus mengutamakan kepentingan terbaik anak, termasuk keamanan, perkembangan psikologis, dan privasi digital. Pembagian harta bersama perlu mempertimbangkan status kepemilikan, waktu dan sumber perolehan, kontribusi para pihak, serta bukti yang dapat dipertanggungjawabkan. Pendapatan dari endorsement, monetisasi konten, royalti, dan aktivitas ekonomi digital lainnya memerlukan pemeriksaan tersendiri untuk menentukan status hukumnya. Penelitian ini menawarkan kerangka analisis Hukum Keluarga Islam yang mengintegrasikan perlindungan anak dan keadilan ekonomi digital melalui prinsip Maqasid Al-Syariah, khususnya Hifz Al-Nasl, Hifz Al-Mal, keadilan, kemaslahatan, dan pencegahan kemudaratan
Kata Kunci: Hadhanah, Harta Bersama, Perceraian, Influencer, Hukum Keluarga Islam.

A. Introduction

In Islam, marriage aims to establish a household characterized by sakinah (tranquility), mawaddah (affection), and rahmah (mercy). However, when a marriage ends in divorce, the legal dissolution of the marital bond does not automatically extinguish responsibilities toward children, nor does it resolve issues concerning assets acquired during the marriage. The evolution of information technology adds further complexity, particularly when a divorce involves an influencer whose personal and economic activities are exposed via social media. In such cases, matters regarding child custody, privacy protection, and the division of assets can escalate into disputes that unfold simultaneously within the courtroom and the digital public sphere.[1]

Post divorce disputes involving influencers entail two interconnected sets of issues. First, child custod yor hadhanah goes beyond merely determining which parent holds custodial responsibility; it also encompasses protecting the child from exposure to family conflict, the dissemination of private information, and the risk of

[1] Darwis, Muhammad. 2025. "Relasi Suami Istri Perspektif Maqashid Syari'ah Mewujudkan Keluarga Sakinah, Mawaddah, wa Rahmah." Al-Furqan 4(3): 560–69. https://doi.org/10.35931/alfurqan.v4i3.

psychological distress resulting from digital publication. Second, the growth of the digital economy has given rise to income streams and economic rights that differ in nature from conventional assets such as earnings from endorsements, content monetization, affiliate commissions, royalties, and brand partnership contracts. The status of such assets cannot be determined solely by the name of the account holder or the party who received the payment; rather, it must be assessed by examining the timing of acquisition, the source of funds, the nature of the rights involved, the contributions of each party, and the available evidence.[2]

Under current Indonesian law, child custody following a divorce is governed by, among other provisions, Article 41 of Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019 Articles 105 and 156 of the Compilation of Islamic Law (KHI), and various regulations pertaining to child protection. Meanwhile, the status of marital assets must be analyzed based on Articles 35-37 of the Marriage Law, as well as the provisions regarding marital property found in Articles 85–97 of the KHI. While these regulations provide a foundation for determining the rights and obligations of the parties involved, their application to digital economic activities necessitates a more detailed examination of the specific assets in question and the evidence of their ownership.[3]

Research on child custody (hadhanah) following divorce has been conducted by several researchers, employing a variety of focuses and approaches [4] "The Legality of Granting Custody Rights to Fathers After Divorce" examines the possibility of granting custody of minor children to fathers, even though Article 105 of the Compilation of Islamic Law essentially places children under 12 years of age in the care of their mothers. Meanwhile, [5] The study "Child Custody After Divorce in the Islamic Family Law System: A Comparative Study in Indonesia and Malaysia" compares the regulations regarding child custody in both countries and emphasizes the application of the "best interests of the child" principle in determining custody

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[2] Yantari, Ines Dwi, dan Zahra Aprilia Sofian. 2026. "Dimensi Hukum Perceraian di Indonesia: Analisis terhadap Harta Bersama, Hak Asuh Anak, dan Perspektif Perkawinan Lintas Agama dan Negara." Sinergi: Jurnal Ilmiah Multidisiplin 2: 240–55. https://publikasi.ahlalkamal.com/index.php/sinergi.

[3] Abdul, Muhammad, et al. (2025). "Peran Hakim dalam Penetapan Hak Asuh Anak Pasca Perceraian dalam Perspektif Hukum Keluarga Islam dan Hukum Positif." Jurnal Tana Mana, 6(2). https://doi.org/10.33648/jtm.v6i2.1357

[4] Sahara, Aini, dan Irfan Islami. 2019. "Legalitas Penguasaan Hak Asuh Anak di Bawah Umur (Hadhanah) kepada Bapak Pascaperceraian." ADIL: Jurnal Hukum 10(1): 181–94. https://doi.org/10.33476/ajl.v10i1.1070.

[5] Romi, Muhammad, Akbarizan, dan Akmal Abdul Munir. 2025. "Hak Asuh Anak Pascaperceraian dalam Sistem Hukum Keluarga Islam (Studi Perbandingan di Indonesia dan Malaysia)." SAMAWA: Jurnal Hukum Keluarga Islam 5(2): 63–81. https://doi.org/10.53948/samawa.v5i2.267.

arrangements. [6] entitled "The Application of the 'Best Interests of the Child' Principle to Child Custody Following Divorce (A Study of Supreme Court Decision Number 395 K/AG/2020)," also focuses on the application of the 'best interests of the child' principle in determining child custody after a divorce.

Meanwhile, a great deal of research has also been conducted regarding marital property (gono-gini) following divorce. [7] In the study "Implementation of the Division of Joint Assets After Divorce from an Islamic Law Perspective," the practice of dividing joint assets after divorce is discussed by reviewing the status of inherited and joint assets from an Islamic law perspective, as well as the practice of resolving them in the Religious Courts. Furthermore, the study [8] The study, titled "Analysis of Judgment No. 2231/Pdt.G/2021/PA.PLG Concerning the Division of Joint Marital Property (A Comparative Study of Islamic Law and Positive Law)," examines the legal reasoning behind the division of joint marital property as set forth in a judgment by the Palembang Religious Court, comparing perspectives from both Islamic law and positive law. [9] The research titled "A Juridical Analysis of Judicial Considerations in Cases Involving Joint Marital Property Following Divorce, Examined through the Lens of the Compilation of Islamic Law and the Marriage Law" investigates the reasoning employed by judges in determining the division of joint marital property, specifically by analyzing Court Decision Number 1726/Pdt.G/2020/PA.Bks. The study reveals an allocation of one third to the ex husband and two thirds to the ex wife, based on specific considerations demonstrating that the resolution of joint marital property can take into account the circumstances and contributions of each party. Furthermore, [10] The study "Legal Protection of Children's Rights in Disputes over Joint Marital Property" connects the issue of joint marital property with the protection of children's rights and the principle of the "best interests of the child," thereby demonstrating a

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[6] Kuspraningrum, Emilda, dan Erna Susant Sri Wahyuni. 2025. "Penerapan Prinsip Kepentingan Terbaik bagi Anak pada Hak Asuh Anak Pascaperceraian (Studi Putusan Mahkamah Agung Nomor 395 K/AG/2020)." Jurnal Hukum Lex Generalis 6(6): 1–28. https://doi.org/10.56370/jhlg.v6i6.1818.

[7] Iqbal, Muhammad. 2020. "Pelaksanaan Pembagian Harta Bersama Pascaperceraian Perspektif Hukum Islam." El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law 1(2). https://doi.org/10.24042/el-izdiwaj.v1i2.8489.

[8] Romadhon, Sahrul, et al. 2021. "Analisis Putusan Perkara tentang Pembagian Harta Bersama (Studi Komparatif Hukum Islam dan Hukum Positif)." At-Ta'aruf: Jurnal Hukum Keluarga Islam 3(1): 36–45. https://ojs.unsiq.ac.id/index.php/ath.

[9] Siti Alivia et al. (2025). "Analisis Yuridis terhadap Pertimbangan Hakim pada Perkara Harta Bersama Akibat Perceraian Ditinjau dari Kompilasi Hukum Islam dan Undang-Undang Perkawinan (Perkara Nomor 1726/Pdt.G/2020/PA.Bks.)." Al-Usroh, 5(1): 110–124. https://doi.org/10.24260/alusroh.v5i1.4716

[10] Yusup, Deni Kamaludin, Fahadil Amin, dan Al Hasan. 2023. "Legal Protection of Children's Rights in Marital Property Disputes." Jurnal Yudisial 15(3): 317–35. https://doi.org/10.29123/jy.v15i3.536.

link between the settlement of marital property following a divorce and the fulfillment of children's rights.

Existing research on post-divorce disputes tends to address various aspects such as child custody (Hadhanah), the division of joint marital property, the protection of children's privacy in the digital sphere, and the status of digital assets within a marriage as separate, disconnected topics. Studies on *Hadhanah* have primarily focused on determining which party is entitled to custody and applying the principle of the "best interests of the child."

The novelty of this research, therefore, lies not merely in its use of the Maqasid al-Shari'ah (objectives of Islamic law) perspective or its focus on cases involving public figures, but rather in how this perspective is operationalized to examine the interconnections between Hadhanah rulings, the risk of privacy violations for children in the digital space, and the classification and evidentiary requirements for digital assets in post-divorce disputes. This framework allows each case to be analyzed through a consistent set of questions: what children's rights require protection; how are the status and evidence of assets determined; and are the proposed settlements consistent with both positive law and the principle of public/general welfare (maslahah)? Through this approach, the study seeks to advance the analysis of Islamic family law moving beyond a simple explanation of the legal consequences of divorce to offer a more integrated method for evaluating issues concerning child protection and economic justice within families that are active in the digital sphere.

B. Research Methods

This study is a form of normative legal research specifically library research aimed at analyzing post-divorce disputes involving influencers from the perspective of Islamic family law, covering hadhanah (child custody), joint marital property, children’s privacy, and digital assets. The study employs a statute approach, a conceptual approach, and a case approach. Primary legal materials consist of relevant legislation and court rulings, while secondary legal materials include books, scholarly journals, and prior research. Mass media reports are utilized as non-legal material to identify phenomena and legal issues, rather than as a substitute for evidence or court judgments.

Five cases Clara Shinta and Denny Goestaf, Julia Prastini and Na Daehoon, Sarwendah and Ruben Onsu, Asri Welas and Galiech Ridha Rahardja, and Audi Marissa and Anthony Xie were selected purposively based on their relevance to issues such as child custody, claims over joint marital property, parental access, and the division of assets following a divorce. The selection also took into account the traceability of sources and the availability of information suitable for legal analysis. These five cases

are not assumed to share identical legal issues or statuses; rather, they serve to illustrate the diverse range of post-divorce challenges within the digital sphere.

The analysis is conducted based on five criteria: (1) hadhanah and the best interests of the child; (2) the status, timing, and origin of joint marital property; (3) the legal standing and substantiation of digital assets; (4) the protection of children's privacy; and (5) the alignment of dispute resolution with positive law and the principles of Maqasid al-Sharia (the objectives of Islamic law). Data collection was carried out through documentation review and literature research. The data were analyzed qualitatively through legal inventory, classification, interpretation, and evaluation, integrating the principles of Hifz al-Nasl (protection of progeny), Hifz al-Mal (protection of property), justice, public interest (maslahah), and the prevention of harm.

To ensure the accuracy of the analysis, information from media reports was verified to the extent possible against court rulings, official statements, or other accessible documents. Claims made by the parties involved and information presented in the media were distinguished from legal facts established by the court. In cases where official documents were unavailable, the analysis was limited to verifiable information, avoiding any conclusions regarding judicial rulings or reasoning that could not be substantiated. Consequently, this study evaluates post-divorce issues based on legal norms and the principles of Islamic family law, without treating media reports as proven legal facts.

C. Discussion and Research Results

Characteristics of Post-Divorce Disputes Involving Influencers in the Digital Era

Post divorce disputes involving influencers should be analyzed by distinguishing the legal status of a case from the narratives circulating in the public sphere. Media reports concerning claims over marital assets, child custody, or disputes regarding financial support do not, in themselves, validate the claims made by the parties involved. Consequently, any analysis of such cases must rely on court rulings or official documents where available while media coverage should serve only to provide insight into the social context and the nature of the issues in contention.

The case of Clara Shinta and Denny Goestaf illustrates the importance of this distinction. The Supreme Court's Directory of Rulings contains a decision from the South Jakarta Religious Court (Case No. 3896/Pdt.G/2025/PA.JS, dated May 20, 2026) regarding marital assets. The court's ruling dismissed both the plaintiff's claim and the countersuit (reconvenvention). Therefore, it is inaccurate to discuss this matter merely as an ongoing dispute over marital assets based solely on initial media reports. A proper legal analysis requires an examination of the full text of the court's decision

to understand the arguments presented, the evidence submitted, the judge's reasoning, and the grounds for the dismissal of the claims.

Normatively, Article 35, paragraph (1) of the Marriage Law stipulates that assets acquired during a marriage are considered marital property. However, the application of this provision does not mean that all income earned by an influencer is automatically subject to division. Determining the status of any asset requires an examination of when it was acquired, the source of the funds, the nature of the ownership rights, and whether any legally recognized exceptions apply. In cases involving digital income, evidence such as collaboration contracts, monetization reports, bank statements, and payment records can help identify the specific assets in dispute.[11]

The case of Julia Prastini and Na Daehoon highlights a distinct set of issues. Reports indicate that the divorce petition was granted by default (verstek) on December 3, 2025, with child custody awarded to the father, while the mother was granted continued access to the child. Analytically, this case demonstrates that the determination of hadhanah (custody) must be distinguished from the maintenance of the child's relationship with the other parent. However, without examining the full text of the court's ruling, it is impossible to ascertain the factual basis and legal reasoning employed by the judge in determining this custody arrangement.[12]

The case of Sarwendah and Ruben Onsu serves as a useful point of reference for discussing the distinction between claims regarding access to children and the obligation to provide child support. If one party asserts that they are being prevented from seeing their child, while the other party provides a conflicting account, both statements must be treated as claims requiring verification. Normatively, Article 41 of the Marriage Law affirms that parental obligations persist even after a divorce. Consequently, issues concerning access to a child do not automatically negate the obligation to provide financial support; conversely, the obligation to provide support cannot be used as a pretext to disregard a child's right to maintain a relationship with both parents. The status and progression of such legal matters must be verified through court documentation before any further conclusions are drawn.

Meanwhile, reports concerning Audi Marissa and Anthony Xie mention an agreement regarding child custody and the transfer of assets to their child. While this

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[11] Kudus, Nurzamzawiah, Safril Sofwan Sanib, dan Haris Yusuf. 2024. "Pembagian Harta Bersama Berupa Hak Royalti Hak Cipta dalam Hukum Perkawinan di Indonesia." Halu Oleo Law Review 8(1): 101–11. https://doi.org/10.33561/holrev.v8i1.111

[12] Effendi, Prihatin, dan Nur Yatim. 2022. "Bagian Hak Waris Janda Tanpa Anak terhadap Harta Peninggalan Suaminya Menurut Kompilasi Hukum Islam (Studi Kasus Putusan Nomor 0443/Pdt.G/2019/PA.Gs)." Jurnal Penelitian Bidang Hukum Universitas Gresik 11(1): 108–16. https://doi.org/10.55129/.v11i1.1713.

information points to a resolution reached by mutual agreement, it is insufficient to conclude that the legal transfer of all assets has been fully executed. The specific nature of the assets, their ownership, the method of transfer, and compliance with all legal requirements must be examined. An agreement intended to benefit a child should not be evaluated solely based on public statements; rather, it must be assessed in terms of legal certainty and the protection of the rights of all involved parties.

This comparison highlights three primary issues. First, the status of hadhanah (child custody/care) must be determined based on the best interests of the child and relevant facts, rather than the parents' public profile. Second, the division of assets requires the individual identification and substantiation of each specific asset. Third, the public airing of conflicts in the digital sphere necessitates caution, ensuring that unverified claims do not evolve into public judgments against the child or their parents. These three issues provide a foundation for developing an integrative analysis through the lens of Maqaṣid al-Syari'ah (the higher objectives of Islamic Law.[13]

Reconstructing the Best Interests and Privacy of Influencers' Children

The reconstruction of hadhanah (child custody) within Islamic family law becomes significant when divorce occurs in the families of influencers, whose private lives are frequently subject to public consumption. In Islam, hadhanah is not merely about determining which parent has the right to care for a child following a divorce; it also encompasses the ongoing responsibility to nurture, educate, protect, and provide for the child's needs.

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[13] Al-Mustaqim, Dede, et al. (2025). "Implementation of Hadanah by Single Parents as a Result of Divorce in Indonesia: Perspective of Maqashid Syariah and Qira'ah Mubadalah." Journal of Islamic Mubadalah, 2(1): 20–34. https://doi.org/10.70992/njf6bt59

[14] Putri, Viorizza Suciani, Sonny Dewi Judiasih, and Hazar Kusmayanti. (2026). "The Best Interest of the Child in Islamic Family Law: Declarative and Enforceable Custody Protection in Indonesia and Malaysia." International Journal of Nusantara Islam, 14(1): 273–290. https://doi.org/10.15575/ijni.v14i1.54393

should not merely weigh the interests of the father or the mother; rather, they must prioritize the child's growth and development, safety, psychological well-being, and future.

In the context of Indonesian positive law, Article 105 of the Compilation of Islamic Law (Kompilasi Hukum Islam or KHI) stipulates that the care of a child who has not yet reached the age of mumayyiz (the age of discernment) or is under 12 years old generally falls to the mother, while a child who has reached the age of mumayyiz is given the opportunity to choose between their father or mother as their primary caregiver. The article further mandates that the costs of child-rearing are to be borne by the father. This provision must be interpreted in conjunction with the principle of the "best interests of the child," as reflected in Law Number 35 of 2014, which amends Law Number 23 of 2002 concerning Child Protection. Consequently, custody provisions should not be applied in a purely formalistic manner ignoring the child's concrete circumstances, the quality of care, the safety of the environment, or the potential for abuse or neglect. Custody is not a reward for the "superior" parent; rather, it is a legal mechanism designed to ensure that the child's rights are upheld.

A reconstruction of the Hadhanah concept should prioritize the continuity of the child's relationship with both parents as a vital component of the child's best interests provided that such a relationship is safe and poses no harm to the child. While divorce terminates the marital bond between a husband and wife, it does not extinguish their shared responsibilities as parents. From the perspective of Islamic family law, the principles of maslahah (public interest/well being) and 'adl (justice) dictate that children should not be used as a tool to settle scores, pressure a former spouse, or gain an advantage in post-divorce disputes.[15] Therefore, parents must maintain communication and cooperation regarding a child's education, health, economic needs, and their relationships with extended family on both sides. Popularity, follower counts, social media earnings, or the ability to provide luxury amenities cannot serve as the sole benchmarks for parenting competence. More fundamental is a parent's capacity to meet a child's needs in a safe, consistent, and responsible manner.

A specific issue within influencer families is the exposure of children to the public disclosure of their parents' private lives including divorce conflicts, custody disputes, and public statements that disparage one another. Such exposure can lead to psychological distress, cyberbullying, negative labeling, and a loss of control over the child's own personal information. From the perspective of Maqasid al-Sharia (the

[15] Baxter, Katherine. 2025. "Sharing Images of Children on Social Media: British Motherhood Influencers and the Privacy Paradox." PLOS ONE [volume dan nomor perlu diperiksa]: 1–18. https://doi.org/10.1371/journal.pone.0314472.

objectives of Islamic law), child protection can be linked to hifz al-nafs (preservation of life/self) safeguarding a child's safety and psychological well being as well as hifz al-'aql (preservation of the intellect), which supports their mental and intellectual development. The principle of protecting one's honor (hifz al-'ird included in some formulations of maqasid) is also relevant when evaluating actions that excessively expose a child's private life. Consequently, parents who work as influencers must consider a child's consent and their age-appropriate capacity to understand such disclosures; they should limit the dissemination of sensitive information and refrain from using their children as tools to cultivate an image or attract public attention. A child's privacy must be treated as an essential component of their protection and well being, rather than merely a matter of social media strategy.

Joint Marital Property in the Influencer Economy: From Conventional to Digital Assets

From the perspective of Islamic family law, marital property consists of assets acquired during the course of a marriage that are linked to the household's economic life. The growth of the digital economy has expanded the forms of wealth that a couple can possess including those who work as influencers.[16] While "joint marital property" was traditionally associated with assets such as houses, land, vehicles, savings, and bank deposits, household wealth today may also stem from endorsements, content monetization, brand deals, affiliate marketing, royalties, and ventures based on digital platforms. Although these forms differ from conventional assets, digital income must still be analyzed based on its source, the timing of its acquisition, its ownership, and its legal relationship to the marriage. Consequently, the status of an asset cannot be determined solely by its digital form or the name of the account that received the income; rather, it must be traced through relevant facts and evidence.

Normatively, Article 35, paragraph (1) of Law Number 1 of 1974 concerning Marriage stipulates that property acquired during a marriage constitutes joint marital property. This provision must be read in conjunction with Article 36, which governs actions concerning joint marital property, and Article 37, which addresses the division of such property upon the dissolution of a marriage the implementation of which follows the applicable legal framework. Within Islamic family law, Articles 85 through 97 of the Compilation of Islamic Law (KHI) regulate marital property, including the provision in Article 97 regarding the respective shares of each party following a divorce, unless otherwise stipulated in a prenuptial or postnuptial agreement. Thus,

[16] Azizah, Fina Faiqotul, Hayattun Nufus, dan Citra Winona. 2025. "Kedudukan Hukum Aset Digital sebagai Harta Bersama dalam Perceraian di Pengadilan Agama." Journal Sovereignty Law and Diplomatic Politics 1(2): 50–60. https://doi.org/10.59066/jlsdp.v2i1.2002.

an analysis of an influencer's assets cannot merely stop at identifying who generated the income; it must also consider when the income was earned, whether it originated from activities conducted during the marriage, and whether any agreements or other legal circumstances exist that might influence its status.[17]

In the influencer economy, the core issue lies in distinguishing between income already received, ongoing economic rights, and income-generating digital assets.[18] For instance, endorsement payments received during a marriage must be distinguished from unpaid collaboration contracts, content royalties, monetization balances, and the economic value of a channel or account developed during the marriage. Each item carries different legal characteristics and evidentiary requirements. Social media accounts, for example, cannot always be treated the same as cash balances, as their access and transferability may be restricted by platform terms and conditions. Addressing digital assets within the context of marital property law highlights the necessity of identifying such assets, determining their economic value, and differentiating between business value which can be accounted for and account access rights, which may be non-transferable.[19] Thus, the analysis of marital assets must distinguish between account ownership, intellectual property rights, income already earned, and potential future income.

The Challenges of Proving and Resolving Disputes Over Digital Assets Following Divorce

Proving the existence of assets is a primary challenge in disputes over marital property specifically those derived from digital economic activities following a divorce. Unlike conventional assets, which are relatively easy to identify through land deeds, vehicle registration documents, or bank accounts, digital assets may be dispersed across various platforms and managed via accounts registered in the name of only one of the spouses.[20] In the household of an influencer, for instance, income may be derived from endorsements, content monetization, brand collaborations, affiliate marketing, royalties, and sales through online stores. The issue lies not only in

[17] Beuckels, Emma. (2026). "Institutionalized Sharenting: Industry Dynamics Shaping Children's Visibility in Influencer Content." Social Media + Society, 12(1). https://doi.org/10.1177/20563051261419394

[18] Musarrofa, Ita. 2022. "Sociological-Normative Analysis of the Provision of Joint Property in the Cyber Era." Indonesian Journal of Interdisciplinary Islamic Studies (IJIIS) 5(2). https://doi.org/10.20885/ijiis.vol.5.iss2.art3.

[19] Sundalangi, Yofriko. 2026. "Tinjauan Hukum Perdata Indonesia terhadap Pembagian Harta Bersama Berbentuk Aset Digital." Iqtishaduna: Jurnal Ilmiah Mahasiswa Hukum Ekonomi Syariah 7(2): 2314–26. https://doi.org/10.24252/iqtishaduna.v7i2.65184.

[20] Juhasz, Agnes. 2026. "Intersections of Technology and Family Law: Challenges of Digital Assets in the Matrimonial Property." Journal of Law and the Family 40(1): 1–19. https://doi.org/10.1093/lawfam/ebag033.

determining the total amount of income but also in establishing when it was earned, the specific activity from which it originated, the bank account into which the funds were deposited, and whether such income constitutes marital property or separate personal property. Consequently, tracing digital assets requires a comprehensive examination of transaction histories, collaboration contracts, platform revenue reports, and relevant ownership documentation. This matter aligns with research on digital assets as marital property, which highlights the challenges involved in the classification, substantiation, and economic valuation of digital assets within divorce proceedings.

From the perspective of prevailing Indonesian law, electronic information and electronic documents are recognized as valid legal evidence. Article 5 of the Law on Information and Electronic Transactions as most recently amended by Law Number 1 of 2024 acknowledges electronic information, electronic documents, and their printed versions as legitimate legal evidence, serving as an expansion of the forms of evidence admissible under applicable procedural law.[21]

In disputes concerning marital property, these provisions are relevant to transfer receipts, electronic bank statements, emails, endorsement contracts, monetization reports, payment proofs from platforms, and digital transaction records. Nevertheless, the mere existence of an electronic document does not, in itself, substantiate all the claims made by the party submitting it. Evidence must still be evaluated based on its relevance, authenticity, integrity of information, connection to the subject of the dispute, and the applicable procedural legal requirements. Research by Ahmad Fauzan Hermawan, Mustolih Siradj, and Nuril Khamida on electronic evidence in divorce cases further underscores the importance of data integrity, audit trails, competent handling, and legal compliance when assessing electronic evidence.[22]

Another issue concerns distinguishing between personal property and marital property when digital economic activities are carried out by one spouse but develop during the marriage. For instance, a social media account might be created before marriage, yet during the marriage, it is developed into a source of income through commercial partnerships and monetization. In such cases, the account, its content, intellectual property rights, income already received, and payment entitlements from ongoing contracts cannot simply be treated as a single, undifferentiated legal object. It is necessary to examine the timing of an asset's creation, the source of capital, the contributions made by each party, the terms of any contracts, and the specific nature

[21] Gras, Sara. 2026. "Equitable Distribution in the Influencer Age." SSRN Electronic .https://doi.org/10.2139/ssrn.7260462.

[22] Zahra, Arsya Yustisia, dan Kholis Roisah. 2024. "Pembagian Kekayaan Bersama Berupa Royalti Hak Cipta dalam Perceraian (Distribution of Copyright Royalties as Joint Assets in Divorce)." Jurnal USM Law Review 7(3): 1586–1600. https://doi.org/10.26623/julr.v7i3.8933.

of the rights in dispute. Research into the status of social media accounts as marital property indicates that accounts possessing economic value can give rise to complex issues regarding their division upon the dissolution of a marriage.[23]

From the perspective of Islamic family law, any resolution must reflect the principles of justice (*‘adl*), public interest (*maslahah*), and good faith, ensuring that no party is disadvantaged simply because the other party controls financial accounts or information. In cases involving children, the management of property disputes must also ensure that children are not used as leverage in parental conflict. Thus, a fair resolution is determined not merely by the final division of assets, but also by the transparency of information, the accuracy of asset valuation, and the responsible implementation of any agreement or court ruling.

Maqasid al-Syari'ah as a Framework for Child Protection and Economic Justice Post Influencer Divorce

The Maqasid Al-Syariah approach can be used as an analytical framework to assess whether the resolution of influencer post-divorce disputes has protected children's rights and achieved economic justice for both parties. In Islamic law, Maqasid Al-Syariah is oriented towards realizing benefits and preventing harm in human life.[24] In the context of divorce among influencer families, this approach is particularly relevant, as family conflicts are no longer confined to matters of child custody or the division of marital assets; they often spill over into the digital realm through social media posts, news coverage, and public reactions. Such situations necessitate an analysis that goes beyond mere adherence to legal procedures one that also considers the impact of dispute resolution on the child’s well being, the dignity of the parties involved, and their long-term economic stability post-divorce. Consequently, Maqasid al-Shari’ah (the objectives of Islamic law) can serve as a normative framework for bridging Islamic family law with the emerging challenges posed by the digital economy and the increased visibility of private life on social media.

The principle of Hifz al-Nasl the protection of progeny provides a foundation for analyzing the implementation of hadhanah (child custody) and the fulfillment of children's rights following a divorce. In this context, the protection of progeny is not merely understood as the continuation of a lineage; rather, within the framework of family law, it encompasses the provision of proper care, education, upbringing, and a

[23] Shinta, Putu, et al. 2024. “Keabsahan Akun Media Sosial sebagai Harta Bersama Perkawinan Bilamana Terjadi Perceraian.” Recital Review 6(2): 163–85. https://doi.org/10.22437/rr.v6i2.33313.

[24] Chaidir, Rifky Akhmad Maulana. 2026. “Keabsahan Alat Bukti Elektronik dalam Perkara Perceraian: Analisis Yuridis dan Praktik di Pengadilan Agama.” Ahkam: Jurnal Hukum Islam 5(3): 2711–26. https://doi.org/10.58578/ahkam.v5i3.10715.

safe environment for a child's development. A child should never be used as a tool to attack an ex-partner, garner sympathy from followers, or cultivate a specific image on social media. Excessive public exposure of such conflicts risks subjecting the child to social pressure and compromising their privacy.[25] Therefore, the determination of child custody must prioritize the best interests of the child, the stability of their living environment, their physical and psychological safety, and the continuity of their relationship with both parents—provided that such a relationship does not pose a risk to the child. This principle should be integrated with existing legal provisions regarding children's rights, ensuring that the application of *maqāṣid* (the objectives of Islamic law) extends beyond mere moral values to guide the analysis of how parental rights and obligations are exercised.

The principle of *ḥifẓ al-māl* (the protection of property) is used to analyze the status of ownership and the division of assets following a divorce. In the context of influencer families, assets may include not only tangible items like homes, vehicles, savings, and bank deposits, but also income from endorsements, content monetization, brand partnership contracts, royalties, and online business ventures. Such assets must be evaluated based on when they were acquired, their source, the contributions of each party, and available evidence of ownership. The principle of ḥifẓ al-māl does not imply that all digital income automatically becomes joint property; rather, it mandates the protection of each party's economic rights to prevent unilateral control, the concealment of assets, or a division that disregards the rights of one of the spouses.

Alongside ḥifẓ al-nasl (the protection of lineage/progeny) and ḥifẓ al-māl, the principles of al-'adl (justice), maṣlaḥah (public interest/well-being), and the prevention of harm (dar' al-mafāsid) serve as the foundation for evaluating how disputes are resolved. Justice requires that custody and economic rights be determined based on legal considerations and relevant evidence not on popularity, pressure from social media followers, or narratives constructed by one of the parties. Meanwhile, maṣlaḥah dictates that the resolution of a dispute should yield tangible benefits for life after divorce, particularly for the child, who should not have to bear the consequences of their parents' conflict. The principle of preventing harm is also relevant when disputants share personal information, open the conflict to the public sphere, or use access to digital assets as a tool of pressure.[26]

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[25] Jamaluddin, Siti Zaharah, et al. 2025. "Sharenting in Malaysia: Balancing Parental Rights and Children's Privacy in the Digital Age." Hasanuddin Law Review [volume dan nomor perlu diverifikasi] 161–82. https://doi.org/10.20956/halrev.v11i2.6285.

[26] Munir. 2026. "Digital Assets as Joint Property Objects in Muslim Marriages: Reconstruction of Islamic Civil Law Based on Maqasid Al-Syari'ah." Lan Tabur: Jurnal Ekonomi Syariah, 8(1). https://doi.org/10.53515/lt.v8i1.205

Based on this framework, the application of Maqasid al-Sharia (the objectives of Islamic law) to post-divorce disputes involving influencers can be developed through a three-stage analysis: identifying the rights that must be protected, examining the impact of the resolution on the parties involved, and evaluating the fairness of the outcome. In the first stage, the rights of the child such as those concerning upbringing, education, safety, and privacy are identified, alongside the economic rights of each spouse regarding assets that can be proven as their personal property or as marital property. In the second stage, an assessment is made as to whether the resolution might cause psychological harm to the child, deprive one party of their economic rights, or prolong the conflict through the dissemination of information on social media. In the third stage, the outcome of the resolution is evaluated based on its alignment with positive law, principles of justice, and the public interest (maslahah). Thus, the novelty of this analysis lies in integrating child protection and digital economic justice into a single evaluative framework for Islamic family law. The success of a dispute resolution should not be measured solely by who gains custody or how assets are divided, but also by the assurance of the child's well-being, the protection of the parties' dignity, the clarification of asset status, and the responsible exercise of rights.

D. Conclusion

This study demonstrates that post-divorce disputes involving influencers present interconnected family law issues, encompassing child custody (Hadhanah), the protection of children's privacy, the division of marital assets, and the substantiation of digital economic rights. First, determinations regarding Hadhanah must be oriented toward the best interests of the child, including the fulfillment of their living needs, psychological development, the maintenance of relationships with both parents, and the protection of their personal information. Second, the division of marital assets must be based on ownership status, the timing and source of acquisition, and verifiable evidence. Income derived from endorsements, content monetization, royalties, and other digital economic rights cannot be automatically classified as marital assets without an examination of their nature and origin.The primary

contribution of this study is an integrative analytical framework based on Maqāṣid al-Syarīʻah (the objectives of Islamic law), which links child protection with digital economic justice. The principle of ḥifẓ al-nasl (preservation of progeny) is applied to evaluate child custody and protection, while ḥifẓ al-māl (preservation of wealth) is used to assess the clarity of ownership and the substantiation of assets. The principles of al-ʻadl (justice), maṣlaḥah (public interest/welfare), and the prevention of harm (dar' al-mafāsid) further inform the evaluation of dispute resolution

outcomes. This framework yields recommendations such as separating custody matters from economic disputes, limiting the exposure of a child's sensitive information, identifying digital assets on an individual basis, and enhancing the transparency of evidence. Its application must remain consistent with positive law and available evidence. As some information regarding these cases is derived from media reports, conclusions concerning judicial reasoning and the legal status of each case are limited to verifiable documentation.

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