

Augmented Reality Evidence: A Study of The Validity of Virtual Evidence in Islamic Courts

Fuad Luthfi

Faculty of Sharia, Sharia Economic Law, Universitas Islam Negeri Antasari, Indonesia E-mail: fuadluthfi@uin-antasari.ac.id

Abstract. *This study examines the validity of Augmented Reality (AR) Evidence as a new form of evidence in the Islamic judicial system. The development of digital technology, particularly AR and Virtual Reality (VR), has presented new challenges and opportunities in the practice of evidence in court. The main objective of this study is to analyze whether AR-based virtual reconstructions can be recognized as valid evidence under Islamic law, and how their application is in line with the principles of fiqh al-qadha and maqashid al-syari'ah. The method used is normative-legal research (doctrinal legal research) with three main approaches: (1) the fiqh al-qadha approach to examine the procedural norms of Islamic courts; (2) the maqashid al-syari'ah approach with a focus on justice, protection of rights, and prevention of harm; and (3) a comparative approach, namely comparing modern regulations on e-litigation and electronic evidence with the perspective of classical Islamic law. Primary sources include the Qur'an, Hadith, and the works of classical scholars such as al-Mawardi, Ibn al-Qayyim, and al-Sarakhsi, in addition to contemporary religious court decisions. Secondary sources include Islamic law journals, AR/VR literature, and regulations related to electronic evidence. The results of the study show that AR Evidence cannot be positioned as bayyinah (primary evidence), but rather as qarīnah (supporting evidence) that strengthens other evidence. The acceptance of AR Evidence requires strict regulations and authentication mechanisms to prevent technological manipulation, including the potential for deepfakes. Furthermore, placing AR Evidence within the framework of maqashid al-syari'ah will ensure that its use supports justice and protects the rights of the parties. The contribution of this research lies in the novelty of the idea of positioning AR technology in the discourse of Islamic judicial evidence, thus opening up space for the development of fiqh al-qadha that is responsive to digital disruption.*

Keywords: *Augmented; Islamic; Reality; Validity.*

1. Introduction

The rapid advancement of information and communication technology has transformed multiple facets of human life, including the legal and judicial domains. One major shift is the rise of digital evidence, which has evolved from simple electronic documents, photographs, and audio recordings to more immersive and interactive forms such as Augmented Reality (AR) and Virtual Reality (VR). These technologies challenge conventional evidentiary frameworks that traditionally rely on physical, directly perceivable proof such as written deeds and witness testimony (Zaman, 2025). In

Indonesia, the recognition of digital evidence has been formally established through the Electronic Information and Transactions Law (Law No. 11 of 2008, amended by Law No. 19 of 2016) and the Supreme Court's Regulation on E-Litigation, which grant electronic documents the same legal status as written evidence (Mokosolang, Korah, & Mamengko, 2023). However, the emergence of AR and VR introduces new complexities, especially for Islamic courts, as these technologies generate reconstructed visualizations rather than direct, factual recordings. While static forms of digital evidence—such as photos, videos, and audio—are accepted, AR-based immersive evidence remains normatively ambiguous and lacks procedural regulation.

Globally, AR and VR have been tested in European and Anglo-Saxon jurisdictions for reconstructing crime scenes and improving courtroom comprehension (Virtual Reality in the Courtroom, n.d.; Schroeder, Tokanel, Qian, & Le, 2023). Although beneficial for visualizing complex cases, they also raise serious concerns about authenticity, manipulation (deepfakes), and interpretive bias. These concerns demand balanced legal responses grounded in Law and Technology Theory. Within Islamic jurisprudence, evidentiary instruments are divided into bayyinah (direct proof), shahadah (testimony), iqrar (confession), and qarīnah (indication), all aimed at achieving justice (al-'adl) and protecting rights (hifz al-huquq) (Febriani, n.d.; Abd Rahim, 2024). Yet, AR evidence resists clear classification within these categories, as it represents reconstructed rather than original data.

Consequently, several research problems emerge. First, the epistemological and legal position of AR evidence remains unclear: should it be classified as bayyinah (primary evidence) or merely qarīnah (supporting indication)? Second, the validity and authenticity of AR reconstructions are questionable—what mechanisms can guarantee that AR representations are free from manipulation, algorithmic bias, or deepfake interference that could distort justice? Third, the compatibility of AR evidence with maqasid al-syari'ah must be examined, particularly whether its use upholds justice (al-'adl), safeguards rights (hifz al-huquq), and prevents harm (sadd al-dhara'i). Fourth, there is a need to explore the comparative alignment between Indonesian positive law (KUHP, ITE Law, and Supreme Court Regulations) and the principles of Islamic judicial systems in recognizing AR-based evidence. Finally, the practical prospects for implementation in Indonesian religious courts require assessment, including regulatory, technical, and human resource readiness to ensure legitimate and effective use of AR evidence in proceedings.

This study, therefore, seeks to fill these gaps by formulating a conceptual and normative framework for evaluating the validity and application of AR evidence within Islamic judicial contexts. By integrating fiqh al-qadha, maqasid al-syari'ah, and comparative law analysis, this research aims to modernize Islamic legal thought while maintaining fidelity to its ethical foundations and ensuring that the justice system remains adaptive, credible, and equitable in the era of digital transformation.

2. Research Methods

This research uses a normative-juridical approach (doctrinal legal research) (Saebani, 2021) to analyze the legal validity of Augmented Reality (AR) Evidence as evidence from the perspective of Islamic judicial law. This normative-juridical research was chosen because its primary focus is on the study of literature, legal norms, and classical and contemporary Islamic jurisprudence doctrines related to the concept of evidence. With

this approach, the research not only seeks to examine the positive regulations applicable in Indonesia but also connects them to the treasury of Islamic law through the methodology of *fiqh al-qadha*.

This research employs several approaches. First, the *fiqh al-qadha* approach, which emphasizes the principles of Islamic judicial law, particularly regarding the status of *bayyinah* (the proof of faith), *shahadah* (the proof of faith), *qarinah* (the proof of faith), and other forms of evidence. Second, the *maqasid al-syari'ah* approach, which examines whether the use of AR as evidence aligns with the objectives of Islamic law, namely maintaining justice, protecting the rights of the parties, and providing legal certainty. Third, a comparative approach, comparing the development of modern regulations, such as the Criminal Procedure Code (KUHP), the ITE Law, and the Supreme Court Regulation on e-litigation, with Islamic legal provisions, to identify common ground and potential differences.

The research data sources consist of primary and secondary data. Primary sources include authoritative texts in Islamic law such as the Qur'an, *hadith*, and classical *fiqh* works by prominent scholars, including al-Mawardi's *Al-Ahkam al-Sultaniyyah*, Ibn al-Qayyim's *I'lam al-Muwaqqi'in*, and al-Sarakhsi's *Al-Mabsuth*, as well as decisions by religious courts in Indonesia relevant to the use of digital evidence. Secondary sources include Islamic law journals, literature on AR/VR technology developments, regulations on e-litigation, and previous research related to digital evidence.

The analytical techniques used are descriptive-analytical and content analysis. The descriptive-analytical approach is used to systematically describe the phenomenon of digital evidence use, which is then analyzed within the framework of Islamic law. Meanwhile, content analysis is used to interpret classical *fiqh* doctrine and modern regulations within the context of the validity of AR evidence, thus obtaining a comprehensive conceptual framework. This method is expected to produce objective, in-depth analysis that is relevant to the needs of Islamic justice in the digital age.

3. Results and Discussion

3.1. The Concept of AR Evidence

In the modern legal context, evidence is an instrument used to prove an argument or claim before a judge. Advances in digital technology have given rise to new forms of immersive evidence, one of which is Augmented Reality Evidence (AR Evidence). Conceptually, AR Evidence can be defined as an interactive reconstruction based on Augmented Reality technology used to recreate an event, object, or situation during a trial. Augmented Reality (AR) itself is a technology that combines the real world with virtual elements so that users can interact with visual data in three dimensions. Unlike conventional digital evidence such as static photos, videos, or audio recordings, AR Evidence offers a more immersive evidentiary experience because judges, prosecutors, and lawyers can witness and even interact with the reconstruction of the events being heard. For example, in traffic accidents, evidence in the form of photos or videos only provides a two-dimensional image (Sanjaya et al., 2016). With AR Evidence, a three-dimensional reconstruction can be displayed in the courtroom, allowing the judge to see the vehicle's position, the angle of the collision, and even simulate its speed. In this way, AR Evidence presents a new dimension to evidence: interactive visualization that is closer to reality.

From a legal theory perspective, AR Evidence can be positioned as part of the evolution of digital evidence. While early digital evidence was limited to electronic documents, it later evolved to include photographs, videos, and audio recordings. AR Evidence represents a more advanced stage where evidence is presented in the form of mixed reality evidence. Thus, the definition of AR Evidence extends beyond digital data to encompass aspects of interactivity, immersion, and reality reconstruction. From an Islamic legal perspective, the concept of AR Evidence can be associated with the category of qarīnah (indications or indirect evidence) because it helps strengthen a judge's conviction. However, the superiority of AR Evidence in presenting a realistic experience closer to the facts on the ground has the potential to stimulate new discourse: can it be categorized as bayyinah equivalent to direct testimony? This is the crucial point that makes this research significant.

1) Examples of Application in International Justice

Globally, the use of AR and VR in courtrooms is beginning to be piloted in several international jurisdictions, although this remains limited and experimental. This demonstrates the trend that modern justice is moving toward the digitization of evidence based on immersive technology.

a. International Criminal Court (ICC)

One frequently cited example is the use of VR/AR technology in war crimes reconstructions before the International Criminal Court (SITU - Digital Evidence Platform Developed by SITU Used at International Criminal Court Trial to Help Secure Historic Conviction, n.d.). In certain cases, VR is used to visualize the sites of massacres or crimes against humanity, allowing judges and prosecutors to gain a better spatial understanding of the events. For example, digital reconstructions of refugee camps or villages destroyed by military attacks are visualized using 3D technology to allow judges to experience the situation firsthand.

b. Anglo-Saxon Justice (United States and United Kingdom)

In Anglo-Saxon justice systems, particularly in the United States, AR and VR are beginning to be used in traffic accident and criminal reconstructions (The Hague Convicts a Tomb-Destroying Extremist with Smart Design | WIRED, n.d.). Prosecutors present interactive simulations in the courtroom, where judges and juries can view the course of events from multiple perspectives. Cases such as plane crashes and road accidents are areas where this type of evidence is frequently used.

c. Courts in the European Union

Several European countries have also tested the use of AR/VR in civil cases, particularly in construction and architectural disputes (VIRTUAL REALITY DEBUTS IN FLORIDA COURTROOM - Fort Lauderdale Criminal Defense Attorney, n.d.). For example, in building disputes, AR is used to visualize the original design and actual conditions, allowing judges to more accurately compare the parties' claims. This use of AR/VR raises two points of view. On the one hand, this technology is seen as helping judges achieve material truth by presenting facts more clearly. However, on the other hand, concerns have arisen that AR evidence could be manipulated or fabricated, potentially misleading judges. Therefore, the international judicial system emphasizes the importance of digital

verification and authentication standards before AR evidence can be accepted as evidence.

In academic studies, several legal theories can be used to understand the position of AR evidence. First, the Theory of Legal Adaptation explains that the law is constantly adapting to technological developments, so the presence of AR evidence requires the legal system to expand the definition of valid evidence. Second, from the perspective of Maqasid al-Shari'ah, the primary objective of Islamic law is to uphold justice, protect rights, and maintain legal certainty; therefore, AR evidence can play a role in supporting the achievement of these maqasid as long as its use is carried out with the principles of prudence and strict verification. Third, Fiqh al-Qadha, as a branch of judicial jurisprudence, regulates the mechanism for evaluating evidence before a judge, where AR evidence can be positioned as a qarīnah (relief) that strengthens the shahada or other bayyinah (proofs of proof). Fourth, through Law and Technology Theory, it is understood that law and technology have a dialectical relationship: technology drives innovation in evidentiary systems, while law serves to establish normative boundaries so that the use of technology does not undermine the principles of justice.

Therefore, AR Evidence cannot be rejected outright, but it also must not be accepted without a normative filter. It must be positioned as additional evidence that can strengthen the judge's conviction, while still adhering to the principles of justice in both Islamic and positive law. The description of the definition of AR Evidence and examples of its application in international courts demonstrate that immersive technology-based evidence is no longer merely a futuristic discourse but a reality that is beginning to be adopted in global legal practice. However, from the perspective of Islamic law, particularly fiqh al-qadha, discussion of the position of AR Evidence is still very limited, or even barely touched upon.

This is the novelty of this research: it offers a conceptual and normative analysis of how AR Evidence can be positioned within Islamic judicial law. By combining the theories of fiqh al-qadha, maqashid al-syari'ah, and modern legal studies, this research seeks to provide a conceptual framework that can be used as a basis for the development of Islamic judicial regulations and practices in the future, particularly in Indonesia.

2) Validity of Evidence in Islamic Law

a. Shahadah (Testimony)

In Islamic law, shahadah or testimony is the main pillar in proving a case. The Qur'an mentions the importance of testimony in various verses, such as QS. Al-Baqarah [2]: 282 concerning testimony in debt and receivable transactions, and QS. An-Nisa' [4]: 135 which emphasizes justice in giving testimony. Testimony must be given by witnesses who are fair, honest and have no personal interest in the case in question. The fuqaha agree that testimony has high legal force, even in criminal cases of hudud and qishash, the shahadah is often the main evidence (Abd Rahim, 2024). However, the shahada has strict requirements: the witness must be mature, rational, Muslim, honest, and free from major sins that could damage integrity.

From a methodological perspective, the theory of Fiqh al-Qadha places the shahadah as the most authoritative formal means of establishing legal truth (Rapini & Noor, n.d.). However, in modern developments, the shahadah is often supplemented by other supporting evidence, including digital evidence.

b. Bayyinah (All Types of Evidence that Reveal the Truth)

The concept of al-bayyinat is broader than the shahadah (Shaliha et al., 2023). Imam Ibn Qayyim, in *I'lam al-Muwaqqi'in*, explains that bayyinah encompasses anything that can explain the truth, whether in the form of testimony, documents, confessions, or convincing signs (Suparnyo, 2022). This demonstrates the flexibility of Islamic law in accepting new forms of evidence as time goes by.

Bayyinah is not limited to oral traditions (testimony) or written traditions (documents), but can also take the form of factual indications that can lead a judge to material truth. Within this framework, digital evidence, including AR Evidence, can be categorized as evidence as long as it meets the requirements of authenticity, validity, and relevance.

c. Qarīnah (Indication/Presumption)

Qarīnah is an indication or sign that strengthens a party's claim. Scholars differ on the status of qarīnah (Abdjul, 2022). Most classical jurists consider qarīnah only as supplementary evidence, not primary evidence. However, developments in contemporary fiqh tend to be more accommodating, even recognizing digital qarīnah as important evidence. For example, CCTV footage or photographs are often viewed as qarīnah that can strengthen testimony. In certain cases, qarīnah can even stand alone as strong evidence, especially if supported by maqasid al-Shari'ah (objectives of sharia), such as the protection of rights and substantive justice. Thus, AR Evidence, within the framework of Islamic law, can be positioned as a more advanced form of qarīnah, as it presents facts in an interactive and realistic manner.

3) Criteria for Valid Evidence According to Classical and Contemporary Scholars

Classical scholars have formulated several important criteria for admissibility of evidence in court. One of these is the witness's moral integrity. This principle holds that testimony is only valid if delivered by someone who is honest, just, and free from immoral behavior. The witness's honesty and fairness are the primary foundations, as without them, the evidence presented could potentially mislead the judge and undermine justice.

The next criterion is al-muwafaqah, or conformity to the facts. This means that the evidence presented in court must be completely consistent with the reality of the situation. If there is any discrepancy or contradiction with the facts, the evidence has no valid value. Therefore, the conformity of the evidence to reality is an absolute requirement for maintaining validity and credibility in the judicial process.

There is the principle of al-yaqin, or the judge's conviction. In this regard, the evidence presented must not merely raise suspicions but must be able to instill strong conviction in the judge's heart. This conviction is crucial because the judge's decision in rendering a verdict must be based on solid and convincing evidence, not assumptions or doubts. The fourth criterion is al-maslahah, which emphasizes public benefit. The evidence presented must contribute to upholding justice, protect the rights of the parties to the case, and not cause legal harm. Therefore, the primary purpose of using evidence is not merely to strengthen one party's position, but also to safeguard justice and the public good in general.

Imam al-Mawardi, in his book *"al-Ahkam al-Sultaniyyah,"* emphasized that a judge may not render a verdict without clear and convincing evidence (Aqly, n.d.). This principle is highly relevant in the modern context, particularly regarding the validity of digital

evidence. Similar to testimony in classical times, digital evidence such as electronic documents or technology-based reconstructions must undergo an authentication and verification process before being used in court. This demonstrates the continuity between classical principles and contemporary legal requirements.

The principle of al-'adalah (the moral integrity of witnesses) in classical law emphasizes witness honesty as a prerequisite for valid testimony (Faris & Taun, 2024). In the context of AR Evidence, this principle transforms into a demand for data integrity. AR data must be free from fabrication and manipulation, just as witnesses must be free from deception. Therefore, technical authentication and verification are necessary to replace the function of al-'adalah in digital evidence.

The principle of al-muwafaqah (conformity to fact) in classical tradition demands that testimony conform to reality (Wafi et al., 2023). This aligns with AR evidence, which must reflect the actual facts. AR is only acceptable if the resulting visualization is consistent with the original data, not a misleading simulation. Therefore, AR evidence must be tested for input validity to ensure it does not conflict with the principle of conformity to fact.

The principle of al-yaqin (judicial conviction) in classical fiqh emphasizes that evidence must provide conviction, not mere conjecture (Arlan, 2025). This is relevant to AR evidence, which can help judges build a clearer and more convincing understanding through visual reconstruction. However, AR serves only as an aid, not a primary source of conviction, so judges must still verify other supporting data. The principle of al-maslahah (public benefit) demands that evidence contribute to the upholding of justice and avoid legal harm (Handayani, 2024). From a modern perspective, AR evidence can provide significant benefits by facilitating case understanding, protecting the rights of the parties, and minimizing errors in decision-making. However, if AR is used without strict standards, it has the potential to cause dhirar (legal harm) for one of the parties.

Imam al-Mawardi's view on the prohibition of judges from deciding cases without clear evidence is highly relevant in the digital era. AR evidence must undergo an authentic validation process to be worthy of being used as a basis for legal considerations. Just as classical judges should not rely on weak testimony, modern judges should not rely on unverified AR. Thus, classical principles remain the normative foundation for the use of contemporary evidence technology.

a. Contemporary Scholars' Perspective

Contemporary scholars are more open to technological developments. Yusuf al-Qaradawi, Wahbah al-Zuhaili, and Ali Jum'ah, for example, emphasize that Islamic law is flexible in accepting new forms of evidence, as long as they comply with the maqasid al-Shari'ah.

In this context, the theory of Maqasid al-Shari'ah serves as an important foundation. If the goal of sharia is to uphold justice, then digital evidence that can clarify facts and prevent injustice should be accepted.

4) Previous Position of Digital Evidence (Photos/Videos) as a Basis for AR

a. Photographic Evidence

Photos are visual evidence that has long been accepted in modern legal systems. In Islamic law, some classical scholars initially rejected them because they were considered easily manipulated. However, with the development of digital verification technology, photographs are now viewed as valid evidence.

b. Video Evidence

Videos are stronger than photographs because they present a continuous sequence of events. In contemporary Islamic law, videos are accepted as evidence that supports the bayyinah. Religious courts in Indonesia, for example, have accepted videos as evidence in divorce cases or custody disputes.

c. Audio Evidence

Voice recordings are also used in many cases, although their authenticity is often debated. Contemporary scholars accept audio as evidence if it can be verified by forensic experts.

d. Foundation for AR Evidence

From the experience of accepting photographic, video, and audio evidence, it can be concluded that Islamic law already has a framework for accepting digital evidence. AR Evidence is an evolution of this visual evidence, providing an interactive and more immersive experience.

If photos and videos are acceptable as evidence, then AR Evidence has a greater chance of being accepted, provided that:

- a. Its authentication is guaranteed (not fabricated).
- b. It is relevant to the disputed matter.
- c. It contributes to the achievement of truth and justice.

5) Normative Analysis of AR Evidence in Islamic Courts

In Islamic law, there are two main categories of evidentiary instruments: bayyinah and qarīnah.

- a. Bayyinah terminologically means anything that can reveal the truth. Imam Ibn Qayyim al-Jawziyyah in *I'lam al-Muwaqqi'in* stated, "Al-bayyinat kullu ma yubayyin al-haqq wa yudhill 'alayh" (everything that explains the truth and indicates it) (Handayani, 2024). With this broad definition, evidence is not limited to witness testimony, but can include documents, recordings, or relevant signs.
- b. Qarīnah means an indication or sign that strengthens an allegation. Imam al-Sarakhsi in *al-Mabsuth* explains that qarīnah is not as strong as bayyinah, but serves to strengthen the judge's conviction (Tari, 2023). In classical judicial practice, qarīnah is typically used in ta'zir (discretionary sanctions) and civil cases.

6) The Position of AR Evidence

AR Evidence, or augmented reality-based evidence, is a form of innovation in the world of legal evidence with unique characteristics. Through this technology, events can be reconstructed in detail with realistic spatial and temporal visualizations (M. C. Wibowo, 2025). Judges and litigants can revisit events from various perspectives, thereby gaining a deeper understanding of the case. Unlike conventional, static evidence, AR provides

an interactive experience that can strengthen factual analysis in court. AR Evidence works beyond simply displaying footage; it reconstructs events using available digital data. This demonstrates that AR is not a "bayyinah" in the traditional sense, but rather a "qarīnah" (indicative evidence), or a strong indication that supports other evidence. This is because AR does not directly record the original event; rather, it is a data-based reconstruction that can be affected by the accuracy of input and modeling algorithms.

The position of AR Evidence is not absolute. If the data integrity, authentication system, and reconstruction methodology meet widely recognized scientific standards, it is possible for AR to be recognized as a contemporary "bayyinah" (indicative evidence). This means that AR could rise from mere "qarīnah" to legitimate primary evidence. Thus, AR evidence remains a hybrid legal entity. In its early stages, it was more appropriately positioned as supporting evidence to strengthen a judge's conviction. However, with the development of regulations, digital forensic standards, and the acceptance of legal practices, AR has the potential to be fully recognized as primary evidence in modern evidentiary systems. Conventional evidence such as witness testimony, photographs, and videos has a more established position in procedural law. Witnesses are considered primary evidence because they provide direct testimony about an event, while photographs and videos are recognized as electronic evidence that actually record the event. This characteristic makes conventional evidence more easily admissible in court because it has a clear legal basis, both in positive law and in Islamic jurisprudence (fiqh al-qadha).

On the other hand, AR evidence presents a different approach. AR does not directly record the original event, but rather reconstructs it through digital reconstruction. This makes AR more like qarīnah, which functions to support primary evidence. The validity of AR depends heavily on the accuracy of the input data, modeling algorithms, and authentication systems used. In other words, AR requires strict digital forensic standards to be credible. In terms of evidentiary strength, conventional evidence offers greater legitimacy because it is explicitly regulated in law and classical fiqh texts. Conversely, AR remains in a gray area, requiring progressive interpretation by judges and specific regulations. Nevertheless, AR has advantages over conventional evidence, namely its ability to provide more detailed interactive visualizations, allowing judges to obtain a more comprehensive picture of events.

Thus, it can be concluded that conventional evidence is superior in terms of legal certainty, while AR evidence is superior in terms of illustrative power and factual understanding. If AR is supported by clear regulations, technical standards, and proven scientific authentication, it has the potential to elevate its status to that of conventional evidence as a contemporary source of evidence in the modern justice system.

7) Potential Misuse of AR Evidence

a. Technological Manipulation

Technological developments present both opportunities and threats. AR evidence can be manipulated through modification of input data, changes to algorithms, or the addition of details that are not factual (Crispin, 2024). This poses a serious risk to the integrity of the evidence. This concept aligns with the warnings of classical scholars that evidence must be free from tazyif (falsification) and tadril (misdirection). Imam al-Ghazali, in his book *Al-Mustashfa*, emphasized that the primary requirement for evidence is truth (shidq). Without truthfulness, evidence becomes a means of oppression.

b. AR Deepfake

The phenomenon of deepfake, namely identity forgery through artificial intelligence, can be extended to the context of AR. AR reconstructions can be manipulated to depict someone as having committed a certain act when it never occurred. In Islamic jurisprudence, this contradicts the principle of "al-hudud tudra' bi al-shubuhah" (a hudud punishment must be rejected if there is doubt). If AR has the potential to raise significant doubts due to manipulation, it cannot be used as the basis for a serious criminal sentence.

c. Epistemological Risk

Another danger is over-reliance on technology (A. Wibowo et al., 2023). Judges may place too much faith in AR visualizations without verifying the validity of the data. This can create an illusion of truth that deviates from the principles of justice.

Modern legal theory refers to this phenomenon as technological determinism, where technology is considered authoritative without epistemological criticism. In Islamic law, this attitude contradicts the principle of tahqiq al-manat (context verification), which is mandatory before rendering a verdict.

d. Relevance to Maqasid al-Shari'ah

a) Justice (al-'Adl)

The primary objective of Islamic law is to uphold justice. QS. Al-Hadid [57]: 25 affirms, "wa anzalna al-hadid fihi ba'sun syadid wa manafi' li al-nas wa liya'lama Allah man yansuruhi wa rusulahu bil-ghayb" (The Law of the Prophet), indicating that the law and its supporting instruments must lead to justice. AR Evidence can strengthen the aspect of justice by presenting a clearer picture of events than conventional evidence. For example, in cases of land disputes, AR can reconstruct territorial boundaries more accurately.

b) Protection of Rights (Hifz al-Huquq)

Maqasid al-Shari'ah encompasses the protection of individual and collective rights, including hifz al-nafs (protection of life), hifz al-mal (protection of property), and hifz al-'ird (protection of honor). AR Evidence can protect the victim's rights by providing strong evidence to support their claims. Conversely, it can also protect the defendant from false accusations if the AR reconstruction shows discrepancies with the opposing party's claims.

c) Avoiding Dharar (Harm)

The Islamic jurisprudence principle "la dharar wa la dhirar" (there should be no harm or mutual harm) is relevant in assessing the use of AR. If AR brings significant benefits in the form of evidence, then its use is in accordance with sharia. However, if it causes greater harm, such as being susceptible to manipulation or damaging a reputation without basis, then its use should be rejected.

In the Maslahah Mursalah theory, new evidence is admissible as long as it brings real benefits and does not conflict with sharia texts. AR Evidence can be categorized within this framework.

Theoretical analysis can serve as an analytical tool to strengthen normative studies regarding the use of AR Evidence in Islamic courts. First, from the perspective of Fiqh al-Qadha (Islamic Procedural Law), this principle allows judges to use any means of proof that can reveal the truth, including AR Evidence. However, judges are still required to conduct *tahqiq al-manat* (verification) to ensure the authenticity of the submitted data. Second, from the perspective of Qawaid Fiqhiyyah (Islamic Legal Principles), there is the principle of "*al-umur bi maqashidiha*," which emphasizes that each case depends on its purpose. If the purpose of using AR is to uphold justice, then its use is valid. However, based on the principle of "*al-yaqin la yazulu bi al-syakk*," if AR raises significant doubt due to the potential for manipulation, it cannot override other, more convincing evidence. Third, within the Maqashid al-Shari'ah framework, AR evidence must be tested to the extent to which it can uphold justice, protect rights, and prevent harm. This makes it a primary analytical tool for determining normative acceptance. Fourth, based on Law and Technology Theory, technology is not always neutral but can shape legal perceptions (Wau et al., 2020). Therefore, the use of AR evidence must be under regulatory oversight and fatwas to avoid bias in justice. Normatively, AR Evidence can be positioned as a *qarīnah* (intelligible evidence) that serves to strengthen other evidence, and even has the potential to develop into a *bayyinah* (intelligible evidence) if it meets strict authentication standards. However, the potential for misuse through technological manipulation and deepfakes demands a forensic verification mechanism that combines sharia and technological aspects. Judges should not rely entirely on AR, but must continue to test its truth using the principles of *fiqh al-qadha* and *qawaid fiqhiyyah*. Therefore, from the perspective of *maqasid al-shari'ah*, the use of AR Evidence is justified as long as it is able to uphold justice, protect rights, and prevent harm. However, if it opens up opportunities for injustice, it must be rejected. In conclusion, AR Evidence can be an important instrument in the modern Islamic justice system, provided it is placed within the framework of *maqasid al-shari'ah* and supervised by strict regulations to avoid bias and manipulation.

3.2. Prospects for Implementing AR Evidence in Indonesia

1) The Context of Religious Courts in Indonesia

Religious courts in Indonesia have broad authority as stipulated in Law No. 7 of 1989 concerning Religious Courts, which was later amended by Law No. 3 of 2006 and Law No. 50 of 2009 (Firdawaty, 2011). The scope of cases handled includes matters of marriage, inheritance, *waqf*, gifts, *zakat*, *infaq*, *sedekah*, and sharia economics. In this context, the evidentiary aspect is crucial, particularly in marital cases such as proving marriage contracts or divorces, inheritance cases related to the distribution of inherited assets, and *waqf* cases in determining the boundaries of land or *waqf* assets. To date, the dominant forms of evidence used have been official documents (e.g., marriage certificates or *waqf* certificates), witness statements, and simple electronic evidence in the form of photos and videos.

However, developments in legal technology have provided new opportunities with the advent of Augmented Reality (AR) Evidence. For example, in land *waqf* disputes, AR can visualize *waqf* land boundaries based on certificates, digital maps, and satellite imagery, providing judges with a clearer spatial picture. In divorce cases due to domestic violence, AR can reconstruct the chronology of events from CCTV footage, medical reports, and witness testimony. Meanwhile, in inheritance cases, AR can display the distribution of inherited assets in digital visualizations that are easier for the parties to understand.

Thus, the use of AR Evidence has the potential to strengthen the accuracy and transparency of the evidentiary process in religious courts. Its presence not only assists judges in finding material truth but also supports the realization of the principle of "simple, fast, and low-cost justice" as affirmed in Article 2 paragraph (4) of Law No. 48 of 2009 concerning Judicial Power.

2) Readiness of E-Litigation and Electronic Evidence Regulations

The Supreme Court (MA) in Indonesia has pioneered the e-court and e-litigation system through Supreme Court Regulation (Perma) No. 3 of 2018, which was later strengthened by Perma No. 1 of 2019. This system allows various stages of the trial, from case registration and payment of fees, summons, to the trial, to be conducted electronically (Tuyadiah et al., 2020). Although the implementation of e-litigation is more focused on the administrative aspects of trials, this development opens up broader opportunities for the acceptance of digital evidence. In practice, courts have begun to accept electronic evidence, such as CCTV recordings, WhatsApp conversations, and electronic documents in accordance with the provisions of the ITE Law (Law No. 11 of 2008 in conjunction with Law No. 19 of 2016).

In the context of the status of electronic evidence, Article 5 paragraph (1) of the ITE Law emphasizes that electronic information and electronic documents constitute valid legal evidence, thus holding an equal position with other forms of evidence in procedural law. Based on this, AR Evidence has the potential to be recognized as part of electronic evidence, as it is essentially a visual representation of electronic data projected interactively. However, recognition of its legal status still requires progressive interpretation by judges and specific regulations that explicitly govern its use. The biggest challenge in implementing AR Evidence is the legal vacuum. Currently, there are no specific regulations governing the validity of AR-based evidence. Unlike established photographs or videos, AR is more complex because it is a digital reconstruction, not a live recording. Furthermore, standardization issues arise, such as how to ensure that AR reconstructions align with the original data, who is authorized to perform authentication, and how to prevent digital manipulation. Therefore, clear normative and technical regulations are needed to ensure that AR evidence can be accepted as valid evidence while maintaining integrity and fairness in the judicial process.

3) Prospects for Implementing AR Evidence in Islamic Courts in Indonesia

Within the framework of Islamic jurisprudence (*fiqh al-qadha*), judges have the authority to use any instrument capable of revealing the truth, as long as it does not contradict the Islamic texts. Therefore, AR evidence can be accepted as *qarīnah* (strong indication) that serves to support other evidence. In civil cases such as *waqf* and inheritance, AR plays a crucial role as *qarīnah mu'ayyidah* (confirming indication) that helps judges reach a level of certainty (*al-qat'iyah*). This view aligns with the opinion of Imam Ibn al-Qayyim, who emphasized that *bayyinah* in Islam is not limited to witness testimony but encompasses all forms of evidence capable of revealing the truth (Shaliha et al., 2023).

From the perspective of *maqasid al-shari'ah* (the principle of justice), the application of AR evidence can fulfill three main pillars: justice (*al-'adl*), as AR helps judges assess cases more objectively; Rights protection (*hifz al-huquq*) because AR can protect both victims and defendants from misjudgment of evidence; and avoidance of harm because the use of AR prevents the creation of erroneous decisions that could harm either party.

Thus, the use of AR Evidence has normative legitimacy as long as it is directed towards achieving public interest.

Meanwhile, from a legal and technological theory perspective, technology is not only viewed as a tool but can also shape a new paradigm in law enforcement. If religious courts in Indonesia are able to adopt AR Evidence, this has the potential to set a global precedent, given that no other religious court jurisdiction has implemented it. However, the implementation of this technology must be accompanied by a principle of caution to prevent over-reliance, which is when judges rely too heavily on AR visualizations without verifying the validity of the data that forms the basis of the input.

4) Recommendations for Future Regulations

For the effective implementation of AR Evidence in the judicial system, a number of comprehensive strategic steps are required. First, specific regulations in the form of Supreme Court Regulations governing advanced digital evidence, including AR and VR. These regulations must establish authentication standards, forensic methods, and procedures for presenting AR Evidence in court. Second, technical standardization through an independent institution or digital forensic expert authorized to verify the authenticity of AR data is necessary, along with clear formats, procedures, and audits to ensure the evidence is accountable. Third, education and training for religious court judges is absolutely necessary, both in technical and epistemological aspects, to prevent unconscious bias or manipulation in assessing AR evidence. Fourth, multidisciplinary collaboration between experts in Islamic law, digital forensics, and information technology is needed so that the development of AR Evidence can be carried out comprehensively and securely. Fifth, a phased approach to its implementation is necessary, with AR Evidence initially positioned as a *qarīnah* (reliable evidence) that strengthens other evidence. Then, once regulations and validation standards are established, AR can be elevated to a contemporary *bayyinah* (evidence) that is both normatively and technically valid.

The prospects for implementing AR Evidence in religious courts in Indonesia are very promising. From a positive legal perspective, AR can be included as electronic evidence within the framework of the ITE Law and the Supreme Court Regulation on e-litigation, although it requires special regulations. From an Islamic legal perspective, AR is legally accepted as *qarīnah* and even has the potential to be a *bayyinah*, in accordance with *fiqh al-qadha* and *maqasid al-shari'ah*.

The main challenges lie in regulatory aspects, standardization, and human resource capacity. Therefore, clear regulations, judge training, and multidisciplinary synergy are essential to ensure that the use of AR Evidence becomes not only a technological innovation but also a tangible instrument for upholding justice, protecting the rights of litigants, and preventing harm. Indonesia has the opportunity to become a pioneer in the application of AR Evidence in religious courts, while also making a significant contribution to the development of contemporary Islamic law in the digital era.

4. Conclusion

The implementation of Augmented Reality (AR) Evidence in Islamic justice holds significant potential, but epistemologically, it must be positioned primarily as *qarīnah* (supporting indication), not primary evidence. This aligns with the principle of Islamic jurisprudence (*fiqh al-qadha*) that judges can utilize various technological instruments to

uncover the truth, as long as they do not violate Islamic texts. Thus, AR Evidence can strengthen judges' convictions without replacing the function of conventional evidence such as witnesses and documents. Normatively, specific regulations and Sharia guidelines are needed to ensure that the use of AR Evidence aligns with the maqasid al-shari'ah (objectives of justice), namely, maintaining justice, protecting the rights of litigants, and preventing harm. These regulations must address data authenticity, digital forensic procedures, and authentication mechanisms to prevent manipulation. With clear guidelines, AR Evidence can become a legitimate instrument in the e-litigation system, while also providing Sharia legitimacy as a tool to support legal decisions. This research opens up space for the development of contemporary Islamic jurisprudence (fiqh al-qadha) in response to digital technology disruption. AR Evidence is not merely a technical issue of proof, but also reflects a paradigm shift in Islamic law toward the digital era. By integrating classical fiqh, maqasid al-syari'ah, and legal-technology theory, religious courts in Indonesia have the opportunity to become global pioneers in the application of modern evidentiary technology, while simultaneously maintaining the authority of sharia in the judicial sphere.

5. References

Journals:

- Abd Rahim, F. S. (2024). Penggunaan Syahadah (Kesaksian) Dalam Perbicaraan Kes-Kes Mal Di Mahkamah Syariah. *Journal of Law and Governance*, 4(1), 38–45. <http://unimel.edu.my/journal/index.php/jlg/article/view/1645>
- Abdjul, Z. (2022). Al-Qarīnah Yang Menunjukkan Hukum Al-Ibāhah Dan Implementasinya Dalam Sunah Qauliyyah [Phd Thesis, Institut Agama Islam Stiba Makassar]. <http://eprints.stiba.ac.id/id/eprint/145/>
- Aditia, R. (2024). Peran Dan Tantangan Teknologi Augmented Reality Dalam Meningkatkan Pengalaman Pengguna Media. *Amerta Jurnal Ilmu Sosial Dan Humaniora*, 4(1), 35–43. <https://ejournal.amertamedia.co.id/index.php/amerta/article/view/197>
- Arlan, A. (2025). Kaidah-Kaidah Fikih Yang Berkaitan Dengan Keyakinan. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 3(1). <https://ojs.daarulhuda.or.id/index.php/socius/article/view/1971>
- Crispin, A. R. (2024). *Virtual/Augmented Reality: Konsep, Implementasi Dan Pengujian*. Penerbit Unpri Press, 1(2). <https://jurnal.unprimdn.ac.id/index.php/isbn/article/download/6246/3557>
- Faris, R. N., & Taun, T. (2024). Keterangan Saksi Dalam Proses Peradilan Pidana: Analisis Objektivitas Dan Perlindungan Hukum. *Nalar: Journal of Law and Sharia*, 2(3), 235–241. [10.61461/nlr.v2i3.85](https://doi.org/10.61461/nlr.v2i3.85)
- Firdawaty, L. (2011). Analisis Terhadap Uu No 3 Tahun 2006 Dan Uu No. 50 Tahun 2009 Tentang Kekuasaan Peradilan Agama. *Al-'Adalah*, 8(2), 213–220. <https://doi.org/10.24042/adalah.v10i2.262>
- Handayani, W. (2024). Implementasi Retoratif Justice Dalam Perkara Lalu Lintas Berbasis Kemanfaatan (Studi Kasus Polsek Genuk Semarang) [Phd Thesis,

- Mokosolang, A. A., Korah, R. S. M., & Mamengko, R. S. (2023). Kekuatan Hukum Surat Elektronik Sebagai Alat Bukti Perkara Perdata (Berdasarkan Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik). *Lex Administratum*, 11(4).
<https://ejournal.unsrat.ac.id/index.php/administratum/article/view/48647>
- Saebani, B. A. (2021). *Metode Penelitian Hukum Pendekatan Yuridis Normatif*. Cv Pustaka Setia.
https://digilib.uinsgd.ac.id/107726/1/11.%20beni_metpen%20hukum%20pendekatan%20yuridis%20normatif.pdf
- Sanjaya, I. M. A., Lumenta, A. S., & Sugiarso, B. A. (2016). Rancang Bangun Animasi 3 Dimensi Penyebab Kecelakaan Lalu Lintas (Studi Kasus: Polres Bolaang Mongondow). *Jurnal Teknik Informatika*, 9(1). [10.35793/jti.9.1.2016.14642](https://doi.org/10.35793/jti.9.1.2016.14642)
- Schroeder, H., Tokanel, R., Qian, K., & Le, K. (2023). Location-Based ar for Social Justice: Case Studies, Lessons, And Open Challenges (No. Arxiv:2302.02050). *Arxiv*.
<https://doi.org/10.48550/arxiv.2302.02050>
- Shaliha, N., Rosmita, R., & Sam, Z. (2023). Persaksian Non-Muslim Dalam Tinjauan Fikih Peradilan. *Al-Qiblah: Jurnal Studi Islam Dan Bahasa Arab*, 2(5), 579–601.
<https://doi.org/10.36701/qiblah.v2i5.1163>
- Suparno, S. (2022). Analisis Putusan Berdasarkan Atas Keterangan Satu Orang Saksi Dalam Perspektif Ibn Qayyim Al-Jauziyah. *An-Nawa: Jurnal Studi Islam*, 4(1), 89–100. <https://doi.org/10.37758/fq881686>
- Tari, M. M. (2023). Iqrār Sebagai Alat Bukti Tindak Pidana Zina (Studi Pendapat Imām Al-Juwainī Dan Imām Al-Sarakhsī) [Phd Thesis, Universitas Islam Negeri Ar-Raniry]. <https://repository.ar-raniry.ac.id/id/eprint/35339/>
- Tuyadiah, A., Albani, M. S., & Ginting, E. D. (2020). Realisasi Persidangan Melalui Media Elektronik (Elitigation) Di Pengadilan Agama (Studi Tentang Perma No. 1 Tahun 2019 Dan Pelaksanaannya Di Pengadilan Agama Rantauprapat). *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial*, 8(02), 357–376.
<https://doi.org/10.30868/am.v8i02.946>
- Virtual Reality Debuts in Florida Courtroom - Fort Lauderdale Criminal Defense Attorney. (T.T.). Diambil 13 September 2025, Dari <https://www.fortlauderdalecriminaldefense.com/virtual-reality-debuts-in-florida-courtroom>
- Wafi, A., Wijaya, A. A., Ridani, M. N., Hakim, B. R., & Haris, M. (2023). Reaktualisasi Persyaratan Perempuan Menjadi Saksi Perkara Perdata Dalam Fikih Klasik Dan Korelasinya Pada Hukum Modern. *Journal of Islamic and Law Studies*, 7(2), 186–206. <https://jurnal.uin-antasari.ac.id/index.php/jils/article/view/11550>
- Wau, C. M., Hutajulu, M. J., & Dwiyatmi, S. H. (2020). Implikasi Positivisme Hukum Terkait Pengaturan Teknologi Finansial Di Indonesia. *Jurnal Ilmu Hukum: Alethea*, 3(2), 77–98. <https://doi.org/10.18592/jils.v7i2.11550>

Zaman, A. A. P. (2025). Keabsahan Pembuktian Digital Forensik Terhadap Tindak Pidana Pencucian Uang Melalui Mata Uang Virtual (Cryptocurrency) (Studi Komparatif Di Beberapa Negara). <https://digilib.uns.ac.id/dokumen/detail/122074/>

Books:

Wibowo, A., Wangsajaya, Y., & Surahmat, A. (2023). *Pemolisian Digital Dengan Artificial Intelligence*. Pt. Rajagrafindo Persada-Rajawali Pers.

Wibowo, M. C. (2025). *Kekuatan Ar (Augmented Reality) Dan Vr (Virtual Reality) Dalam Bisnis*. Penerbit Yayasan Prima Agus Teknik.

Internet:

Aqly, A. R. (T.T.). Analisis Yuridis Pertimbangan Hakim Dalam Menjatuhkan Sanksi Pidana Perjudian Ludo King (Putusan Nomor. 581/Pid. B/2020/Pn/Jkt. Utr) [B.S. Thesis, Fakultas Syariah Dan Hukum Uin Syarif Hidayatullah Jakarta]. accessed on 13 September 2025, From: <https://repository.uinjkt.ac.id/dspace/handle/123456789/78665>

Febriani, C. R. (T.T.). Eksistensi Rekaman Cctv Sebagai Alat Bukti Pendukung Menurut Hukum Positif Dan Hukum Pidana Islam [B.S. Thesis, Fakultas Syariah Dan Hukum Uin Syarif Hidayatullah Jakarta]. Accessed on 13 September 2025, From: <https://repository.uinjkt.ac.id/dspace/handle/123456789/87413>

Rapini, A. M., & Noor, R. B. M. (T.T.). *Syahadah Dalam Statut Keterangan Mahkamah Syariah di Malaysia: Asas Dan Sumber Perundangan*. Accessed on 13 September 2025, From: <https://www.academia.edu/download/111732590/23.pdf>

Situ – Digital Evidence Platform Developed by Situ Used at International Criminal Court Trial to Help Secure Historic Conviction. (T.T.). Accessed on 13 September 2025, From: <https://Situ.Nyc/News/Digital-Evidence-Platform-Developed-By-Situ-Used-At-International-Criminal-Court-Trial-To-Help-Secure-Historic-Conviction>

The Hague Convicts a Tomb-Destroying Extremist with Smart Design | Wired. (T.T.). Accessed on 13 September 2025, From <https://www.wired.com/story/hague-convicts-tomb-destroying-terrorist-smart-design>

Virtual Reality in The Courtroom. (T.T.). accessed on 13 September 2025, From: https://www.americanbar.org/groups/law_practice/resources/law-practice-magazine/2025/march-april-2025/virtual-reality-in-the-courtroom.