

The Concept of Emotional Abuse in Marriage from an Islamic Perspective

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Abstract

Emotional abuse in marriage is a critical yet often overlooked issue within Islamic jurisprudence, affecting the emotional and psychological well-being of individuals. This conceptual paper, utilizing a qualitative methodology through library research, aims to explore the position of emotional harm (*darar emosi*) from an Islamic perspective and discuss its implications in Muslim societies. Emotional abuse, encompassing non-physical actions such as psychological manipulation, humiliation and coercive control, is recognized as a form of *darar* that can justify *fasakh* (annulment of marriage) under Islamic law. However, findings highlight significant gaps, including limitations in proving emotional abuse within Syariah courts and a lack of awareness among women about its recognition and impact. By synthesizing classical Islamic principles with contemporary challenges, this study advocates for improved legal frameworks and community education to address emotional abuse effectively.

Keywords: Emotional Abuse, Darar Emosi, Fasakh, Islamic Family Law, Muslim Marriages.

Introduction

Marriage in Islam is not merely a contractual agreement; it is a sacred union founded on principles of love, compassion and tranquility. The Qur'an highlights these ideals in the verse:

"And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy"
(Surah Ar-Rum 30:21)

This verse reflects the divine wisdom in the creation of spouses who complement and resemble one another, establishing a bond where both partners find comfort and tranquility

(Al-Sa'di, 2000). These principles underline the ideal relationship in a marital union, where both partners contribute to an environment of emotional and spiritual harmony. However, the reality of many marriages deviates from these principles, with emotional abuse emerging as a critical issue that undermines the sanctity and purpose of the marital bond (Sharifnia et al., 2024; Mushtaq et al., 2024). Emotional abuse, often subtle and insidious, includes verbal aggression, humiliation, manipulation and coercive control, all of which profoundly impact an individual's mental and emotional well-being (Bhanu, 2021).

Despite its severity, Daud et al. (2023) highlighted that emotional abuse is often trivialized or overlooked, especially in societies where maintaining family unity takes precedence over addressing individual suffering. This lack of acknowledgment is particularly evident in the framework of Islamic law, where physical abuse and financial neglect are well-recognized grounds for *fasakh* (annulment of marriage), but emotional abuse remains underexplored. Islamic jurisprudence comprehensively defines harm (*darar*) to include physical, psychological and financial dimensions. However, classical interpretations and legal systems have historically focused on more tangible forms of harm, leaving emotional abuse insufficiently addressed (Supi et al., 2017). Factors such as the difficulty of proving emotional abuse in court, cultural stigmas and limited integration of modern psychological insights into Islamic legal discourse exacerbate this gap. These challenges highlight the need for a nuanced exploration of *darar emos*i within Islamic perspective.

This conceptual paper, employing a qualitative methodology through library research, seeks to address these challenges by exploring the recognition of emotional harm within Islamic law. The study aims to clarify the position of *darar emos*i as a legitimate basis for *fasakh* and to discuss the broader issues of emotional abuse within Muslim societies, including the lack of awareness and legal support for victims. By synthesizing classical Islamic principles with contemporary perspectives, this paper contributes to the evolving discourse on how Islamic law can adapt to address the realities of emotional abuse. Ultimately, it offers insights that aim to enhance legal frameworks and community awareness, safeguarding human dignity and marital harmony in line with Islamic values.

Methodology

This study employs a qualitative approach with an exploratory design, focusing on the conceptual exploration of emotional abuse (*darar emos*i) within Islamic law. The research utilizes the documentation method to collect data from classical Islamic texts, journal articles and other secondary sources (Walliman, 2006). Content analysis is used as the primary method for analyzing qualitative data, allowing for systematic and objective interpretation of the collected materials (Schreier, 2012). This method facilitates a detailed examination of definitions, interpretations and applications of *darar emos*i within the Islamic legal framework. By integrating insights from classical Islamic jurisprudence with contemporary scholarship, this study provides a nuanced understanding of emotional harm and its implications in Muslim marriages. The qualitative nature of this methodology ensures a comprehensive and analytical approach to addressing gaps in existing Islamic legal discourse.

Findings and Discussions

This study provides insights into the recognition and challenges of addressing emotional abuse (*darar emos*i) within the framework of Islamic law. The discussion is organized

thematically based on the objectives of the research, focusing on two main aspects: the theoretical recognition of emotional harm in Islamic jurisprudence and the practical challenges in addressing it within Muslim societies. The findings aim to bridge the gap between the theoretical underpinnings of *darar* and its application in contemporary legal and social contexts.

Recognition of Emotional Abuse (Darar Emosi) in Islamic Law

The term *darar* refers to anything that is contrary to benefit, encompassing harmful conditions that negatively affect an individual's well-being (Muwāfi, 1997).. It includes situations that lack benefit and cause harm or distress, thereby disrupting a person's overall state of welfare. Emotional abuse (*darar emosi*), encompassing psychological manipulation, humiliation, and coercive control, is recognized within Islamic jurisprudence as a legitimate form of harm (*darar*) that can justify *fasakh* (annulment of marriage) (Dimon, 2019). According to Muda and Hashim (2017), *darar* extends to anything that causes injury or distress, including emotional and psychological harm or places an individual in danger or jeopardy. The concept of harm (*darar*) serves as a pivotal principle in governing marital relationships. The Prophet Muhammad (PBUH) emphasized this principle in his statement,

“There should be neither harming nor reciprocating harm”
(Sunan Ibn Majah)

This hadith underscores the obligation to protect individuals from all forms of harm within marriage (Harun & Ismail, 2023). This aligns with the holistic nature of Islamic law, which aims to preserve human dignity and ensure marital harmony. However, despite its theoretical recognition, emotional abuse remains underexplored in practical applications of Islamic law, especially in Syariah courts, due to the lack of clear guidelines and evidentiary mechanisms to substantiate such claims (Shaari et al., 2019).

The study also highlights how emotional harm caused by a husband through persistent psychological abuse directly impacts the wife's mental and emotional well-being (Arief & Abdul, 2020). Sediri et al. (2020) stated that prolonged exposure to such abuse can lead to conditions such as depression, anxiety, post-traumatic stress disorder (PTSD) and low self-esteem. While such instances are acknowledged as *darar* in Islamic texts, the limited ability to present concrete evidence often restricts victims from seeking legal redress. This finding demonstrates a critical gap between the theoretical recognition of *darar emosi* and its practical enforcement in legal frameworks, which necessitates a more nuanced understanding and application of Islamic jurisprudence.

Challenges and Gaps in Addressing Emotional Abuse

Despite the recognition of emotional abuse as a form of *darar*, significant challenges hinder its application within legal and social contexts. One of the primary challenges is the difficulty in substantiating emotional abuse in court. Unlike physical harm, which can be evidenced through medical reports or eyewitness testimonies, emotional harm often relies on subjective evaluations and psychological assessments (Supi et al., 2017). This lack of tangible evidence complicates judicial processes and limits the ability of Syariah courts to address emotional abuse effectively. The absence of explicit legal guidelines for assessing emotional abuse

further exacerbates this issue, creating inconsistencies in court rulings and leaving many victims without adequate protection (Dimon, 2018).

Another major challenge identified in this study is the lack of awareness among women in Muslim societies about their rights under Islamic law. Women are unaware that emotional abuse is recognized as *darar* and therefore, constitutes valid grounds for *fasakh* (Dimon, 2019). According to Wazir et al. (2023), cultural stigmas surrounding divorce and societal prioritization of family unity further discourage victims from reporting abuse or seeking legal remedies. These factors perpetuate cycles of emotional harm, leaving women vulnerable and unsupported. This finding underscores the urgent need for educational initiatives and community awareness campaigns to empower women and reduce societal stigmas associated with emotional abuse and divorce.

Bridging Islamic Law and Contemporary Challenges

The findings of this study highlight the adaptability of Islamic jurisprudence in addressing modern issues like emotional abuse. Islamic legal principles, rooted in the *maqasid al-shariah* (objectives of Islamic law), emphasize the preservation of life, intellect, family, dignity and religion (Ibn-ʿĀsyūr, 2004). Emotional abuse directly undermines these objectives, particularly by harming an individual's mental and emotional well-being (Yusoff et al., 2021). Islamic law can provide a more comprehensive approach to addressing emotional harm by integrating modern psychological insights and expert testimonies into Syariah court proceedings. For instance, including psychological evaluations as evidence in court can help bridge the evidentiary gap and ensure fair and consistent rulings.

Furthermore, public education and community-based initiatives are critical for addressing the lack of awareness and reducing societal stigmas. Religious authorities, community leaders, and legal practitioners must collaborate to develop programs that educate women about their rights under Islamic law, including the recognition of emotional abuse as *darar*. Counseling and support services should also be made accessible to victims to facilitate their recovery and empowerment (Jones et al., 2024). These efforts would not only enhance legal and social support for victims but also contribute to a broader cultural shift toward recognizing and addressing emotional abuse as a serious issue.

Contribution to Islamic Legal Discourse

This study contributes to the evolving discourse on emotional abuse by bridging classical Islamic jurisprudence with contemporary challenges. By emphasizing the compatibility of Islamic legal principles with modern psychological and sociological insights, the study provides a framework for addressing emotional harm in Muslim marriages. The recognition of emotional abuse as *darar* reinforces the relevance and resilience of Islamic law in safeguarding human dignity and marital harmony. Additionally, this research highlights the need for legal reforms and community awareness to ensure that Islamic law continues to uphold its commitment to justice and compassion in the face of evolving societal realities. While this study focuses on conceptual analysis, future research could include empirical studies to explore the lived experiences of victims, the perspectives of legal practitioners and the effectiveness of existing legal frameworks in addressing emotional abuse. Comparative studies across different Muslim-majority countries may also provide valuable insights into best practices for integrating modern tools and methodologies into Islamic legal systems.

Through these contributions, this study not only advances the academic discourse on emotional abuse but also provides practical insights for improving the protection and empowerment of victims within the framework of Islamic law.

Conclusion

This study highlights the recognition of emotional abuse (*darar emosi*) as a legitimate form of harm in Islamic jurisprudence, emphasizing its role as a basis for *fasakh* (annulment of marriage). By addressing emotional abuse within the framework of justice and compassion, this study bridges classical Islamic principles with contemporary challenges. The findings underscore the need for reforms in legal frameworks and community awareness initiatives to empower victims and promote justice, particularly in overcoming evidentiary challenges and societal stigmas.

The implications of this research are significant for ensuring that Islamic family law adapts to address emotional abuse effectively. Integrating modern psychological tools into judicial processes and fostering awareness about *darar emosi* can improve legal and social support for victims. Future studies should explore empirical perspectives and comparative analyses to further enhance the discourse and refine legal applications in diverse Muslim contexts.

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