

The Disclosure of a Spouse's Disgrace Before and After Divorce: A Maqasid al-Shariah-Based Legal Analysis of the 'Spill the Tea' and 'Exposing Ex' Phenomenon

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ABSTRACT

How humans communicate and interact with one another today has significantly evolved due to advancements in information and communication technologies, particularly affecting personal relationships. One adverse phenomenon arising from these changes is the trend of publicly exposing someone's flaws or private matters on social media, notably involving former spouses, commonly known as "*exposing ex*." This reflects shifts in social norms and brings various negative impacts from legal, ethical, and societal well-being perspectives. Thus, exposing a former partner's shortcomings on social media is neither suitable for conflict resolution nor beneficial, as it inadvertently fosters slander, incites hatred, and leads to fractures within familial and community institutions. Additionally, it may strip marriages of their blessings and trigger greater harms, such as the rise in uncontrollable divorce cases, a deeply concerning trend. This study employs a qualitative approach, primarily involving content analysis of scholarly literature, current news, and opinions from Islamic scholars concerning disclosing personal faults. Findings demonstrate that revealing someone's private issues, including those of former spouses, contradicts Islamic principles, emphasising dignity preservation, explicitly forbidding gossip (*ghibah*), and spying on personal shortcomings (*tajsis*). From a legal perspective in Malaysia, such actions constitute offences punishable under the Communications and Multimedia Act 1998 if found guilty of privacy infringement and defamation. Therefore, exposing former partners' private matters should be recognised as a critical issue requiring stricter enforcement of laws to curb "*spilling the tea*" openly in the digital space.

Keywords: Exposure of Flaws, Social Media, Privacy, Exposing Ex

INTRODUCTION

In the face of modernity, social media has become a primary platform for disseminating information. Social media has provided a new initiative for various business and enterprise functions. For example, it helps with networking, communication, gathering user feedback, seeking expertise, providing communication platforms, and collaborating with different communities (Cross, 2013; Lin, 2022). As stated by Nurul Afiza, Noor Hera, and Kamarul Azmi (2019) and Rosidi et al. (2022a), social media offers benefits such as expanding business through platforms like Facebook and Instagram. Additionally, social media helps bridge the gap in friendships and family relationships, even when they are geographically distant. Social media also serves as a platform that allows users to activate personal accounts for free and connect with friends on these platforms, which can be accessed anywhere. This means social media is not limited by distance when interacting and sharing information (Mustafa, 2013). Technological advancements allow individuals to communicate easily without worrying about distance (Purbatin & Soejanto, 2019). Information such as pictures, news, and videos can now be easily uploaded to the internet or social media. According to Gumilar (2017), information spreads like a virus through functions like 'like,' 'share,' and 'hashtag,' which allow various types of information to be disseminated quickly and without filtration.

Social media, which is now considered a necessity in life, has become something society favours. However, behind its positive effects, technology also has negative consequences within the community (Rosidi et al., 2022b; Parhan et al., 2021). Despite the advancements available, the Director of the Ethnic Studies Institute (KITA) at University Kebangsaan Malaysia (UKM), Professor Ulung Datuk Dr. Shamsul Amri Baharuddin,

stated that some users misuse social media as a tool to spread slander and false and inaccurate information (Asmahanim Amir, 2015). This is further supported by Budiman (2017), who pointed out that one of the challenges faced is the authenticity or validity of news or information read on social media. With information at the fingertips of society, especially teenagers, they are exposed to various forms of false news or information. If readers are not careful in determining the authenticity of the source of the news or information and then share this false news or information, it will cause it to go viral and potentially harm any parties involved in the news.

In addition to being a platform for spreading false news or information, social media has become a place for spreading slander and revealing someone's shame to bring down or embarrass specific individuals (Azmi, 2006; Rosidi et al., 2022a). This has become a norm today and is an unhealthy development for Malaysian society, representing a difficult challenge. It contradicts the concept of Islam, which has taught us proper conduct in all aspects of life, including etiquette in our actions and behaviours. This includes spontaneous behaviour as well as speech, whether verbal or written. Such actions have become a cancer in society and significantly negatively impact the slandered and embarrassed individuals, as the information can be spread easily. With the viral power of social media (Facebook), any form of slander or humiliation can be disseminated rapidly (SKMM, 2019, as cited in Intan Suria Hamzah, 2021). PDRM (2019), as cited in Intan Suria Hamzah (2021), also stated that individuals facing such situations may feel ashamed, stressed, depressed, and experience anxiety.

Lastly, the Prophet Muhammad SAW reminded us that the best among Muslims are those who protect their tongues and hands from harming others. This is as stated in a hadith narrated by al-Bukhari and Muslim:

عن أبي موسى رضي الله عنه قال: قُلْتُ: يَا رَسُولَ اللَّهِ أَيُّ الْمُسْلِمِينَ أَفْضَلُ؟ قَالَ: {مَنْ سَلِمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ} متفق عليه

Meaning: From Abu Musa al-Ash'ari r.a, he said, "I asked, 'O Messenger of Allah, which Muslim is the best?' He replied, 'The Muslim who is safe from the harm of his tongue and hands.'"

(Narrated by al-Bukhari and Muslim)

This hadith shows that Islam highly emphasises proper etiquette, especially in communication. Therefore, this study aims to analyse the trend of 'Exposing Ex' or 'Spill the Tea' from two main perspectives: the Shariah and civil law perspectives in Malaysia.

LITERATURE REVIEW

The Concept of Shame in Islam

Regarding language, shame refers to an individual's shortcomings, faults, or flaws. In Islam, exposing someone's shame is considered a form of ghibah (backbiting), which is forbidden (Al-Bakri, 2023). Spreading derogatory words or exposing someone's faults is prohibited in Islam, and as Muslims, we should avoid such behaviour because it invites the wrath of the Creator. According to Dr. Zulkifli al-Bakri (2023), the only person permitted to expose someone's faults is the one who has been wronged, and Imam Ibn Jarir al-Tabari mentions this in his tafsir. Allah does not like revealing others' flaws by spreading derogatory words. However, for someone who has been oppressed, it is allowed for them to inform others about the oppression they have faced or seek help to stop the wrongdoing (Federal Territory Mufti's Department, 2023).

Based on a sahih hadith narrated by Abu Hurairah RA, the Prophet Muhammad SAW said:

أَتَدْرُونَ مَا الْغَيْبَةُ؟ قَالُوا: اللَّهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: ذِكْرُكَ أَخَاكَ بِمَا يَكْرَهُ. قِيلَ: أَفَرَأَيْتَ إِنْ كَانَ فِي أَخِي مَا أَقُولُ؟ قَالَ: إِنْ كَانَ فِيهِ مَا تَقُولُ فَقَدْ اغْتَيْبْتَهُ، وَإِنْ لَمْ يَكُنْ فِيهِ فَقَدْ بَهَنْتَهُ

Meaning: "Do you know what al-Ghibah is?" The companions replied, "Only Allah and His Messenger know." He said, "It is when you mention something about your brother that he dislikes." The companions asked, "What if what we say about our brother is true?" The Prophet replied, "If what you said is true, then you have backbitten him. If what you said is false, then you have slandered him."

(Narrated by Muslim, 2589)

This hadith teaches us that exposing someone's faults or shortcomings is forbidden, called *ghibah* (backbiting). Additionally, Allah SWT says in Surah al-Hujurat, verse 12: "Would any of you like to eat the flesh of his dead brother? You would detest it." This verse illustrates Allah SWT's prohibition of backbiting (*ghibah*) and compares those who engage in it to someone consuming the flesh of their deceased brother. Ibn Kathir explains this verse by stating that just as humans inherently despise the act of eating their own brother's flesh, they should equally despise the act of *ghibah*, as it is forbidden by the Shariah (Bhari, 2023).

Social and Moral Implications

The act of exposing the faults of an ex-partner not only hurts the individual involved but also causes harm to society in general. According to Abu Yamin (2023), exposing someone's faults through social media contradicts Islamic teachings and societal values as it can invite slander, cause family divisions, and even lead to widespread hatred.

The phenomenon of 'exposing ex' can cause psychological trauma to the victim and also affect their emotional and mental stability. Furthermore, from a societal perspective, it can influence the public to adopt this hedonistic culture, where actions such as humiliating others or revealing private secrets become normalised. This contradicts Islam's principles of preserving honour and brotherhood (Annuar, 2023; Rosidi et al., 2022a). An example that can be observed is the case of a singer and entrepreneur who exposed the faults of their ex-partner on Instagram. This incident garnered widespread attention and sparked a heated social debate, eroding the value of mutual respect among the local community.

International Comparison on Online Privacy

In the global context, online privacy and digital defamation issues have increasingly become major concerns within the legal frameworks of various countries. For example, in the United Kingdom, Section 127 states that a person is considered guilty if they send false messages with the intent to annoy, inconvenience, or cause anxiety, and may be subjected to a maximum prison sentence of six months, a fine not exceeding level 5, or both (Communications Act, 2003). This Act prohibits offensive or harassing communications, including insulting a former partner online, and such actions can be prosecuted in court as they may cause psychological distress to the victim.

In addition, according to Article 44 of the Federal Decree-Law No. (34) of 2021, it is a criminal offence for an individual to use technology to intrude upon another person's privacy without consent. This includes recording or disseminating communications, photos, or personal information without permission, as well as tracking someone's location with the intent to damage their reputation. Such actions are considered criminal offences and are punishable by a minimum of six months' imprisonment or a fine ranging from AED 150,000 to AED 500,000.

This comparison highlights that the trend of exposing ex-partners is not merely a local or religious issue, but a challenge many countries face that requires a holistic approach encompassing legal, psychological, and information technology perspectives.

METHODOLOGY

This study adopts a qualitative approach with content analysis of social media data related to the 'Exposing Ex' trend. The data was collected from the TikTok and Facebook platforms over a specific period from October 10, 2024, to May 15, 2025. The analysis focuses on the messages, user reactions, and these disclosures' social and legal implications. These implications were highlighted and examined within the context of online privacy laws, digital shaming and ethical standards surrounding the public exposure of personal information.

Additionally, a *fiqh* (Islamic jurisprudence) approach is used as the theoretical framework by examining primary Islamic sources such as the Qur'an, hadith, *ijma'* (consensus), and fatwas, which discuss the legal rulings on exposing faults and the boundaries set by Shariah (Zahalan, 2023). Furthermore, contemporary fatwas and the opinions of muftis and scholars are consulted to provide a current context (Mohd Noor, 2016; Rosidi, 2024). Besides, incorporating comparative international perspectives on online privacy, digital shaming and family law, especially from other countries with contrasting legal approaches to privacy and online behaviour, would

strengthen the understanding of global implications, specifically from Islamic jurisprudence.

In conclusion, this study refers to Islamic family law and the Malaysian Multimedia and Communications Act to understand the legal aspects that govern divorce and the exposure of shame in cyberspace (Mokhtar, 2025). Therefore, the principles of maqasid syariah (the objectives of Shariah) serve as a proven foundation for evaluating how the 'Exposing Ex' actions align with or contradict the legal and regulatory goals Islam has set for the well-being of the ummah. The discussion also considers potential challenges in legal enforcement and the role of digital literacy campaigns in mitigating harm caused by such disclosures.

Finally, a thorough review of language and formatting will ensure the paper adheres to the highest publication standards, enhancing its accessibility to academic and professional audiences worldwide.

RESEARCH FINDINGS

The analysis found that publicly exposing the faults of an ex-partner on social media not only violates Islamic ethics but also has the potential to breach the laws of the country. The prohibition of exposing someone's shame is clearly stated in the words of Allah SWT:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا وَلَا يَغْتَبَ بََعْضُكُم بََعْضًا ؕ أَيُحِبُّ أَحَدُكُمْ أَن يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْنَاهُ ؕ وَأَتَّقُوا اللَّهَ ؕ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ

Meaning: "And do not spy or backbite each other. Would any of you like to eat the flesh of his dead brother? You would detest it. Moreover, fear Allah; indeed, Allah is Accepting repentance, the Merciful."

(Surah al-Hujurat, 49:12)

In addition, the act of 'Exposing Ex' also leads to psychological disturbances such as mental stress and social stigma for the victim, thereby affecting social harmony (Annuar, 2023). From the perspective of Islamic law, divorce through social media without going through the court process can result in fines and imprisonment as a preventive measure to ensure that the divorce process is carried out in an orderly and responsible manner (Mokhtar, 2025). While Islam allows the exposure of faults in some instances, such as domestic violence and oppression, it must be done through the proper channels with solid evidence, not publicly on digital platforms that can easily be misused (Al-Bakri, 2023).

DISCUSSION

The Ruling on Exposing a Partner's Faults

Marriage is a sacred bond based on love, trust, and responsibility (Hasliza Talib, 2024). Moreover, marriage is the foundation of a family, society, and nation, and it is also regarded as an act of worship in Islam (Wan Abdul Fattah et al., 2022). According to Wan Ismail et al. (2018), to honour the natural fitrah (creation) of human beings, Islam calls on its followers to marry and live in pairs. Marriage is a highly encouraged act of worship in Islam, as promoted by the Qur'an and hadith. The relationship between husband and wife is considered a blessing and a sign of the greatness of Allah SWT. Allah SWT says:

وَمِنْ آيَاتِهِ أَن خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ؕ

إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ يَتَفَكَّرُونَ

Meaning: "And among His signs is that He created for you from yourselves wives, that you may find tranquility in them; and He placed between you affection and mercy. Indeed, in that are signs for a people who give thought."

(Surah Ar-Rum, 30:21)

Although a marriage built on love and affection cannot avoid trials that test the strength of the relationship, differences in viewpoints will naturally arise in the husband-wife relationship, which can lead to conflicts (Hasliza Talib, 2024). Therefore, according to Abdullah (2024), neither the husband nor the wife should hurt their partner's feelings, whether by insulting the ex-husband or ex-wife or by exposing each other's faults, even

if their marriage is facing difficulties or has ended in divorce. Allah SWT describes the relationship between husband and wife as clothing that covers each other's flaws and protects one another from harm. This is further supported by the opinion of Al-Tobari, who stated that the husband and wife are like a house that brings tranquillity and comfort to each other. Suppose either exposes their partner's faults. In that case, it is as if they are leaving themselves without clothing because, as husband and wife, they should not reveal each other's flaws or personal matters to outsiders (Federal Territory Mufti's Department, 2023).

It can be concluded that the ruling on exposing a partner's faults is haram (forbidden) and sinful, and married couples must protect and cover each other's shortcomings, as it is a trust. This is as narrated in the hadith from Abu Sa'id al-Khudriy, who said that the Messenger of Allah SAW said:

إِنَّ مِنْ أَشْرِّ النَّاسِ عِنْدَ اللَّهِ مَنْزِلَةً يَوْمَ الْقِيَامَةِ الرَّجُلُ يَفْضِي إِلَى الْمَرْأَةِ وَتَفْضِي إِلَيْهِ، ثُمَّ يَنْشُرُ سِرَّهَا

Meaning: "Indeed, the most despicable people in the sight of Allah on the Day of Judgment are the man (husband) who has relations with his wife, then spreads her secrets."

(Narrated by Muslim)

This hadith states explicitly that the most despicable individuals in the sight of Allah reveal the secrets of their partners, including intimate or personal matters (Federal Territory Mufti's Department, 2023). This indicates that actions like 'exposing ex', which has become a trend on social media, where ex-partners disclose personal aspects and weaknesses of their former spouses, are strictly prohibited. A typical example is when a husband shares his wife's private matters on social media, which not only insults her dignity but also violates the marital ethics and manners taught in Islam. This action can destroy the marriage, damage the reputation and image of the individuals involved, and create negative social impacts on the surrounding community.

Exposing Faults Allowed in Certain Situations

In the field of Fiqh Munakahat (Islamic Family Law), preserving the honour and privacy of a spouse is a principle that cannot be disregarded or neglected. According to Shariah, exposing a partner's faults without a valid reason is considered a serious violation that can harm the welfare of the marriage and family. However, Islam allows exceptions when revealing faults to resolve conflicts through legitimate channels and with sincere intentions, such as reporting oppression to authorities or seeking a fatwa to help resolve the issue (Al-Bakri, 2023).

According to Federal Territory Mufti's Department (2023), the hadith narrated by Sayyidatina Aisyah RA, which means: "Hindun, the mother of Mu'awiyah, complained to the Prophet SAW that her husband, Abu Sufyan, was very miserly, and asked whether she could take some of his wealth secretly. The Prophet SAW replied, 'Take what is sufficient for you and your children in a good manner,'" demonstrates that a wife can disclose her husband's faults to resolve injustice and that such actions are permissible.

An example of this exception is when a wife experiences domestic violence and needs to report her husband's actions to the court or religious authorities for her protection and rights. In this case, exposing the husband's faults is allowed for justice and self-protection (Zahalan, 2023).

Application of the Communications and Multimedia Act 1998

In the rapidly advancing digital era, disseminating information through various media platforms has become increasingly easy and fast. In response, the Communications and Multimedia Act 1998 (Act 588) was introduced to address the rapid development of communication and multimedia technologies in the late 1990s. This law is crucial in our country as it monitors and regulates the digital industry (National Security Council, 2024).

Due to the numerous harms that may arise from exposing someone's faults, Islamic law has set guidelines to prevent revealing a partner's flaws, as such actions result in the unfair judgment of the partner by society instead of the authorities (Mukhriz, 2023). Therefore, exposing someone's faults is an offence under Section 233 (1) (a) of the Communications and Multimedia Act 1998 (Act 588).

Section 233 (1) (a) of the Communications and Multimedia Act 1998 (Act 588) states that a person who, using

any network facility or service or application service, knowingly makes, creates, requests, or initiates the transmission of any comment, request, suggestion, or other communication that is obscene, offensive, false, threatening, or disgusting with the intention to harm, abuse, threaten, or disturb others, commits an offense. Individuals found guilty under this act of publicly exposing the faults of their partners on social media or related platforms will face imprisonment of up to one year or a maximum fine of RM50,000 (Mukhriz, 2023).

CONCLUSION

In a nutshell, exposing a partner's faults on social media contradicts the principles of Shariah Islam, which highly values preserving an individual's dignity and honour. It violates the laws established under the Communications and Multimedia Act 1998. Therefore, every individual needs to be more ethical and responsible in using technology and available services to prevent the misuse of technology, which can lead to slander, humiliation, or the mistreatment of others. Society must recognise that protecting others' flaws reflects an individual's high moral character and integrity and aligns with Islamic teachings to preserve family institutions and foster harmony in the nation. Ultimately, unity in preventing wrongdoing will provide a stronger foundation in shaping individuals with excellent character while practising ethics (Azmi, 2021).

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