

Balancing Jealousy and Privacy in Islamic Marital Jurisprudence: Insights through the Lens of Maqasid al-Shariah

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ABSTRACT

This study explores the interplay between jealousy, privacy, and marital harmony through the lens of Islamic jurisprudence, guided by the higher objectives of Islamic law (*Maqasid al-Shariah*). Jealousy is recognised as a natural and potentially constructive emotion in intimate relationships, but its excessive forms, such as one spouse spying on the other, raise significant privacy concerns and undermine the sanctity of marriage. Using an in-depth *fiqh* analysis of classical legal rulings on spying (*tajassus*) versus permissible inquiry (*tahassus*), the study confirms that intrusive spousal surveillance is generally prohibited, as it erodes trust and marital stability. Nevertheless, allowances are acknowledged in extraordinary circumstances where discreet investigation might prevent greater harm or preserve the marriage, consistent with *Maqasid al-Shariah*'s family preservation. The findings further highlight the detrimental consequences of spying, including psychological distress, communication breakdown, and an increased risk of divorce. Based on these insights, the study proposes Islamic jurisprudence-based strategies to rebuild trust, enhance communication, regulate emotional responses, and employ Islamic family law mechanisms for conflict resolution. By integrating ethical and legal principles rooted in *Maqasid al-Shariah*, this research offers practical guidance to strengthen marital bonds and promote Islam's overarching values of justice, dignity, and social harmony.

Keywords: Jealousy, privacy, Islamic marriage, *fiqh*, *Maqasid al-Shariah*

INTRODUCTION

In the modern urban world, the question of marital privacy in the Islamic marriage has gained a new relevance in our times, particularly in times of facing emotions such as jealousy, a divine institution within Islam, is supposed to bring the spheres of peace (*sakinah*), love (*mawaddah*) and mercy (*rahmah*) between marital partners. However, such complex emotions often lead to significant marital strain. We must address these underlying issues, especially when looking at the rising trend of marital dissolution; in Malaysia alone, 44,322 divorce cases among Muslims were recorded in 2023 (Department of Statistics Malaysia, 2023). Among the causes contributing to divorces is communication breakdown, which collectively weakens marital bonds (Dewan Rakyat, 2024). Undeniably, uncontrolled jealousy often makes communication issues worse, creating a cycle of suspicion and silence that damages marital trust.

Indeed, within these complex dynamics, jealousy stands out as a powerful emotion. Usually, a person feels jealous, which is God's endowment (Arios, 2019). Although natural, uncontrolled jealousy may lead to traumatic behaviours that affect marital harmony. There is one area of concern where intense jealousy can propel a spouse to infringe on their mate's privacy to the point of resorting to spying.

Such privacy violations are also available today through the convenience of digital surveillance tools. This brings critical issues concerning individual rights, trust, and limits on behaviour in an Islamic marriage. Islam has a significant sense of privacy and expressly discourages the sin of *tattling*, which means to hunt other people for their faults. However, there can be situations when one of the marriage partners has fair grievances. This puts the proposed court into a dilemma: will they respect privacy or rectify serious problems within the marital relationship?

The paper aims to elaborate on Islamic views on jealousy and privacy in marriage. It shall examine the decisions

of the fiqh concerning a wife spying on her husband. The research question queries the implications of such actions on marital harmony. Lastly, it suggests a fiqh-driven approach to handling jealousy and the protection of privacy within Muslim marriages. In addition, this research will add to the current literature because it will give a concrete Islamic legislation-driven perspective on this part of marriage that is largely ignored, which will be of practical help to couples sailing in such unfavourable waters.

LITERATURE REVIEW

This part discusses fundamental Islamic and psychological concepts concerning jealousy, privacy, and their interconnection in marriage, which paves the way to the purpose of this study.

Jealousy is a natural human feeling (Gustamal, 2023). Everyone feels it sometimes. This feeling may arise when a person perceives a threat to a valued relationship, especially one that involves affection, loyalty, or attention. In psychology, jealousy is often studied in romantic relationships and is described as a complex of emotions involving fear, insecurity, and anger. Such emotions can lead to constructive behaviours or destructive actions such as spying, controlling the partner, or harming. Some researchers, such as Adz-Dzahabi (2007), divided jealousy into praiseworthy and blameworthy categories. Righteous jealousy guards respectability, whereas wrongful jealousy is fuelled by unsound aversion and is prohibited (Mursalin & Murdifina, 2023). This classification aligns with Islamic moral teachings, which advocate moderation in emotions and warn against unfounded suspicion (*su' al-zann*). This difference is essential because it enables an evaluation of the factors that make jealousy relevant in spying on a husband. The boundary between appropriate and inappropriate jealousy becomes important in determining the permissibility of actions taken out of jealousy, especially in the sacred bond of marriage.

In Islam, special attention is paid to the right to privacy because it is one of the human rights (Soediro, 2017). Privacy encompasses information an individual wishes to keep confidential, free from unauthorised interference (Chavoshi, 2020; Eskandari, 2010). In other words, privacy means keeping your information to yourself, and no one should look at your private things without your permission. Privacy in Islam is not simply a social or emotional concern, but a legal and ethical right protected by Sharia. Al-Qur'an (49:12) clearly warns against suspicion and spying, as these acts lead to social disharmony and violation of dignity.

Meanwhile, Islamic texts, including verses 12 in Surah Al-Hujurat (Al-Qur'an, 49:12) and Hadith, strictly prohibit *tajassus* (spying or seeking hidden faults). The Prophet Muhammad (PBUH) was reported to have said:

“Do not spy on one another, do not envy one another...”

(Sahih al-Bukhari and Muslim)

This principle applies even within marriage. Spouses are not exempt from this prohibition. While marriage provides certain rights and openness, it does not eliminate individual boundaries. This context explains a husband's right to privacy in Islamic fiqh. It highlights Muslim couples' challenges in balancing transparency with respect for individual space.

Islamic principles strongly affirm privacy as a fundamental human right (Mahad Musa, 2013). This author argues that privacy is intrinsically linked to dignity (*karamah insaniyah*) and must be preserved to ensure the individual's psychological well-being and spiritual peace. Islamic marriage aims for peace (*sakinah*), love (*mawaddah*), and mercy (*rahmah*). Trust and open communication are essential for its health. However, excessive jealousy directly threatens this harmony (Tyas, 2022; Gustamal, 2023; Baharits, 2015). Uncontrolled jealousy often breeds suspicion, creates emotional rifts, and undermines respect for each other. Spying, driven by jealousy, weakens trust and damages communication, often leading to conflict and divorce (Shobihah & Fathoni, 2022). This is in line with current findings in family counselling, which show that surveillance or spying on a partner, even through mobile devices or social media, causes deep emotions and reduces the chances of reconciliation. This background is key to determining Shariah boundaries for spying and assessing its impact on privacy issues. It helps scholars and practitioners distinguish between what is considered protective behaviour and what is dangerous aggression based on anxiety or jealousy.

While prior studies touch on jealousy and marital conflict, a specific fiqh analysis on spying on a spouse in an Islamic context, especially given modern technology, remains a gap. This study addresses this gap by providing an Islamic legal perspective and proposing solutions, thus fulfilling its stated objectives.

METHODOLOGY

This study adopts a qualitative methodology grounded in doctrinal (library-based) research, which is well-suited for normative inquiry in Islamic legal studies. The primary sources analysed include the Qur'an, classical and contemporary tafsir (exegesis) works, authoritative fiqh (jurisprudence) manuals from various madhāhib, scholarly fatwas, and peer-reviewed academic publications related to jealousy, privacy, and marital ethics in Islam. A content analysis method is employed to extract, categorise, and interpret relevant textual data, enabling a systematic evaluation of legal rulings, ethical principles, and juristic reasoning. Special attention is given to the hermeneutical approaches scholars use in deriving rulings on *tajassus* (spying), *tahassus* (discreet inquiry), and emotional regulation within marriage. This method comprehensively synthesises traditional Islamic legal thought with contemporary social concerns, particularly aligned with Maqasid al-Shariah's objectives.

FINDINGS

The Concept of Jealousy in Islam and its Shariah Boundaries

Jealousy is an inherent emotion Allah SWT bestows upon all humans, regardless of their faith (Arios, 2019). This profound emotional response is a natural part of the human experience, deeply rooted in our affections and attachments. It is also considered a natural aspect of relationships, as Yulianto (2009) and Gustamal (2023) discussed. Based on the writer's statement, jealousy is normal, especially in close relationships like husband and wife. It shows care, but it must be controlled. If not managed well, it can cause harm. This shows that jealousy is not just a fleeting emotion but an essential component of human connection, particularly in intimate relationships like marriage.

The term jealousy originates from the Greek word *zelos*, signifying rivalry and intensity of feeling. The etymological root already indicates the emotion's intense and often competitive nature. In Arabic, *al-ghīrah* (الغيرة) refers to a change of heart or intense anger due to competition or a perceived threat to something cherished. We can see here that in Islam, jealousy is not just an emotion, but also involves a person's instinct to protect what they love, especially their partner or family. The Arabic term for jealousy encompasses the protective and sometimes aggressive nature that arises when something loved is perceived as threatened. The Kamus Dewan Bahasa dan Pustaka further defines jealousy as envy, distrust, or suspicion, emphasising the cognitive and emotional aspects, which frequently involve a lack of trust or a fear of danger. This suggests that jealousy also involves thought patterns - a person may begin to imagine or suspect something even without clear evidence. These are a collective definition of the multifaceted nature of jealousy, which encompasses both deep affection and potential negative sentiments.

The emergence of jealousy is often rooted in love. The stronger a wife's love for her husband, the more intense her jealousy (Arios, 2019). This means that jealousy often grows out of love, not hate. However, love must be guided by knowledge and patience. If love becomes obsessive, it may turn into forbidden jealousy. The depth of affection and the potential for jealousy are directly correlated, suggesting that jealousy results from care and possessiveness over a cherished relationship. Understanding this connection is vital for managing jealousy constructively. Adz-Dzahabi (2007) categorises jealousy into two types based on the Prophet Muhammad's (PBUH) Hadith:

“There is a type of jealousy that Allah SWT loves, and a type that He dislikes. The beloved type is jealousy arising from suspicion or accusation. The disliked type is not based on any doubt”.

(Narrated by Al-Tirmizi and Ahmad)

Based on this Hadith, jealousy is classified as either praiseworthy or blameworthy. Mursalin & Murdifina (2023) clarify that Islam permits jealousy as long as it remains within reasonable bounds. However, jealousy becomes

blameworthy when it leads to spying, unsubstantiated accusations, or emotional harm. This kind of jealousy is unacceptable and discouraged in Islam. This contrasts with blind jealousy, which stems from unfounded suspicion or slander, and is forbidden in Islam as it can harm marital relationships. Therefore, excessive jealousy from a wife towards her husband or vice versa falls under blameworthy jealousy, as it leads to negative impacts and is considered a reprehensible trait. This is why Muslims need to recognise their emotional boundaries and refer to Islamic guidelines when dealing with feelings of jealousy.

The Right to Privacy in Islamic Family Law

Privacy encompasses information and non-information that an individual prefers not to be known by others (Chavoshi, 2020). This means that, even in marriage, each partner has a certain amount of personal space and freedom. This definition demonstrates that privacy is not only about secrets, but also about personal space and choices one wishes to keep to oneself. Chavoshi (2020) defines privacy as a part of human life free from interrogation and unauthorised interference. This shows that Islam respects a person's right to have a private life, and no one, including a spouse, should cross that boundary without permission.

Soediro (2018) highlights that Islam explicitly regulates the importance of safeguarding individual privacy and upholding the concept of privacy as a fundamental human right. This ruling is not based solely on custom, but is embedded in Islamic teachings, thus showing that privacy is part of the dignity of a Muslim. The emphasis on protecting one's honour and that of others, along with the prohibition of *tajassus* (spying) and spreading personal faults (*aib*), is clearly outlined in the Quran and Hadith, even within the context of marital relations. The prohibitions provide a solid framework for ethical behaviour, guaranteeing respect and dignity among individuals. For instance, Surah An-Nur, verse 27 states:

"O you who have believed, do not enter houses other than your own until you ask permission and greet their people. That is better for you, so that you may be reminded."

The foundational guideline of this verse is to teach Muslims to respect the boundaries of other people's private spaces and seek explicit consent before entering, thus fostering mutual respect.

Furthermore, in a Hadith narrated by Abu Hurairah, the Messenger of Allah (PBUH) said:

"If anyone peeps into your house without your permission and you throw a pebble at him and put out his eye, there is no sin on you."

(Narrated by Al-Bukhari and Muslim).

This hadith shows that Islam strongly prohibits any form of spying or snooping on someone's private affairs, especially within the household. Based on these Quranic verses and Hadith, it is evident that Islam places great importance on the individual's right to privacy, even within husband and wife. The prohibition against invading privacy without permission, including acts of spying, is a fundamental principle in Shariah. This aims to preserve honour, trust, and harmony within the family unit.

The Ruling on Spying on One's Husband: Fiqh Analysis

The original ruling on spying on one's husband is *haram* (forbidden). This prohibition is firmly established based on the general principles of fiqh that highly emphasise the preservation of honour and respect for individual privacy. Fundamentally, spying or scrutinising a spouse's faults is a form of privacy invasion strictly prohibited in Islam. This act is also widely known as *tajassus*. The most serious aspect of *tajassus* is its violation of trust and sanctity granted to every individual. The Quran explicitly forbids this act, as stated in Allah SWT's words in Surah Al-Hujurat, verse 12:

"O you who have believed, avoid many negative assumptions. Indeed, some assumptions are wrong. Moreover, they should not spy on or backbite each other. Would one of you like to eat the flesh of his brother when dead? You would abhor it. Moreover, fear Allah; Allah is Accepting of repentance and Most Merciful."

This verse not only prohibits spying but also negative assumptions and backbiting. Comparing it to the repulsive act of eating a dead brother's flesh, emphasising its severe moral and spiritual consequences.

According to Shihab (2010), *tajassus* is derived from the word *jassa*, signifying an attempt to discover something in a hidden manner. In the same commentary, Imam Ghazali interprets this as meaning that everyone has the right to conceal matters they do not wish to be known by others. Therefore, one should not attempt to uncover or investigate what is hidden. Such acts of scrutinising others' faults often stem from negative assumptions. Hence, the prohibition of *tajassus* is mentioned immediately after the prohibition of negative assumption, highlighting the causal link where baseless suspicion often leads to the forbidden act of spying.

The prohibition of spying is not merely a general principle in Islam; it is particularly emphasised in maintaining marital relationships. *Tajassus* directly undermines the mutual trust and transparency essential to the marital bond in society. Spying between spouses without a valid basis erodes trust and damages marital harmony, which is built upon tranquillity (*sakinah*), affection (*mawaddah*), and mercy (*rahmah*). This makes it a crucial issue to discuss, especially in determining the permissible limits for a wife to investigate her husband to preserve the family's welfare. Understanding these boundaries is crucial to upholding Islamic values within the household while addressing legitimate concerns responsibly.

Permissible Limits of Spying

While Islam generally forbids spying on one's spouse, there are exceptions allowed under specific circumstances. Such permission only arises when strong evidence or clear initial indicators (*qara'in*) generate reasonable suspicion, such as drastic changes in behaviour, reliable information from credible sources, or clear physical evidence. Such an investigation aims to prevent greater harm (*mafsadah akbar*) (Adnan, 2017), such as involvement in sinful acts or criminal activities. However, this exception is not absolute; it is subject to the *fiqh* maxim: 'necessity is measured by its extent' (*al-darurah tuqaddar bi qadariha*). Any investigation must be proportionate to the perceived threat and stop after the necessary information is obtained or the doubt is resolved.

Therefore, the permission to investigate in certain situations comes with strict limitations and guidelines that must be adhered to. The investigation must not exceed necessary bounds and must be conducted correctly to seek the truth for the sake of welfare, not out of blind jealousy or malice. The focus is protecting the marriage and preventing further harm, not satisfying destructive curiosity or fueling baseless suspicion (Rosidi et al., 2025). Even if faults are discovered, they must be handled with wisdom and propriety, avoiding the spread of *aib* (shame/disgrace). This aligns with Shihab's (2010) view that spouses should complement each other, covering each other's faults and shortcomings rather than exposing them.

The British Fatwa Council (2021) states that scholars permit investigation of a spouse under certain conditions. This is based on the principle in *Usul al-Fiqh*: "*al-ḥukmu yadūru ma'a 'illatihi wujūdan wa 'adaman*", which means the ruling revolves around its cause, in existence and non-existence. This means that the permissibility to investigate only exists if the cause for it is present. Among the stipulated conditions are that the purpose of the investigation must be to save the marriage, not for malicious intent or revenge, and to uphold the *Maqasid al-Shari'ah*, namely preserving religion, life, progeny, intellect, and property (Rosidi et al., 2022; Ismail et al., 2024). If these conditions are not met, the original ruling of prohibition applies, underscoring Islam's strong emphasis on privacy and trust within marriage.

DISCUSSION

Between Privacy and Jealousy

In the context of marriage, the issue between a husband's right to privacy and a wife's feelings of jealousy frequently arises. According to Mahad Musa (2013), Islam acknowledges privacy as a fundamental human right, even within marital relationships. Alghifari (2024) believes that privacy must exist between husband and wife for a healthy marital life. Furthermore, Islam teaches us to prioritise trust and avoid unfounded suspicion that can damage hearts and relationships. In Islamic marriage, couples should ideally have no secrets from each other, emphasising transparency as a cornerstone of a sound Muslim relationship.

While some scholars argue that jealousy is a natural emotion in a relationship, poorly managed or excessive jealousy can devolve into harmful suspicion, leading to actions that violate a spouse's privacy. Excessive jealousy can ruin relationships and create suspicion and anxiety (Tyas, 2022; Gustamal, 2023). Baharits (2015) also notes that jealousy in women has the potential to cause profound sadness and anger, making it difficult for them to respond rationally and wisely. If left unchecked, this emotion erodes trust and causes marital tension, directly challenging the right to privacy emphasised in Islam.

British Fatwa Council (2021) explains that spying on one's spouse is generally not permitted as it undermines trust. However, he distinguishes between *tajassus* (spying) and *tahassus* (investigation). The fatwa states that *tahassus* is permissible to save a marriage from breakdown or preserve the *Maqasid al-Shari'ah*. This implies that jealousy leading to suspicion must be managed wisely, and privacy violations are only permitted in extreme situations with the right intention for the welfare of the marriage.

Implications of Spying on One's Husband on Marital Harmony

As discussed previously, the act of spying on one's husband, whether physically or digitally, carries numerous negative implications. These intrusive actions directly oppose the fundamental principles of trust and respect essential for a healthy marriage. Abd. Majid & Saleh Hudin (2017) found that excessive partner jealousy significantly contributes to divorce. The frequent disagreements and misunderstandings between husband and wife contribute to arguments and conflicts (Abdullah, 2013). If not handled effectively, the rapid escalation of these unresolved disputes can lead to marital dissolution and profound distress for all involved.

The primary implication for a marriage resulting from spying is its impact on the psychology and emotions of both parties. For the husband, discovering that his privacy has been violated can trigger deep feelings of betrayal, followed by anger and disappointment. This breach of trust can shatter his sense of security within the relationship. Consequently, this may make him more reserved or defensive. For the wife, she can become trapped in a burdensome cycle of increasing emotional distress, anxiety, and obsession, thereby worsening her mental well-being. Fueled by unmanaged jealousy, her actions often lead to a self-fulfilling prophecy of unhappiness and insecurity. This aligns with Tyas's (2022) view that excessive jealousy can damage relationships, create suspicion and anxiety, and undermine self-confidence, potentially leading to stress and depression.

A further implication is the erosion of trust and effective communication. Spying, driven by jealousy, can destroy healthy communication (Attridge, 2013; David, 2023). When one spouse feels watched or investigated, open and honest dialogue becomes impossible, replaced by guardedness and resentment. More severely, spying without solid evidence can lead to slander (*fitnah*), triggering even more serious marital conflicts. Therefore, trust is a crucial factor in the continuity of marital relations. Its absence can breed suspicion, disrupt communication, and ultimately lead to marital breakdown (Suryani, 2017; Shobihah & Fathoni, 2022). Losing trust is often the most difficult consequence to recover from, making proactive management of jealousy and commitment to privacy paramount.

Fiqh-Based Solutions for Managing Jealousy and Privacy in Light of Maqasid al-Shariah

From the perspective of Islamic jurisprudence, the management of jealousy and protection of marital privacy must be approached through principles that uphold the overarching aims of the Shariah (Maqasid al-Shariah), particularly the preservation of al-din (religion), al-nafs (life), al-'aql (intellect), al-nasl (lineage), and al-'ird (honour/dignity) (Rosidi et al., 2022). When jealousy is left unregulated, it threatens multiple dimensions of these objectives, particularly al-nasl through marital breakdown, and al-'ird through slander and violation of privacy.

A key solution is reinforcing mutual trust and transparent communication, which directly supports *hifz al-'aql* (preservation of sound reasoning) by reducing emotional irrationality and fostering rational discourse between spouses. Dimon (2018), citing expert psychological assessments, underscores the importance of dedicated interpersonal communication in maintaining emotional security. When couples prioritise face-to-face dialogue and avoid reliance on gadgets or indirect surveillance, it safeguards the marriage from suspicion and emotional harm, thus preventing *mudarat* (harm) that contravenes Shariah ethics.

Secondly, emotional regulation is essential to achieving *hifz al-nafs* and *hifz al-din*. Islam does not negate

jealousy as a natural emotion but warns against its excesses. Mursalin and Murdifina (2023) distinguish between praiseworthy jealousy, which is protective, and blameworthy jealousy, which fosters suspicion without proof. The latter may lead to *tajassus* (spying), which is explicitly prohibited in the Qur'an (al-Hujurat: 12). The Shariah thus obligates Muslims to practice *sabr* (patience), *tawakkul* (reliance on Allah), and *husn al-zann* (optimistic assumptions), values that serve to protect both individual psychological health (*nafs*) and the moral fabric of the family (*nasl* and *'ird*).

Where conflicts become unmanageable, structured interventions through Shariah-compliant dispute resolution, such as *tahkim* (arbitration) and *islah* (reconciliation), become necessary. These mechanisms are explicitly recommended in the Qur'an (al-Nisa': 35) and are intended to preserve *al-nasl* and *al-'ird* by preventing the escalation of conflict into divorce or slander. Involving qualified third parties such as family elders or religious counsellors to ensure that solutions are derived with wisdom (*hikmah*) and justice (*'adl*), both of which are central to the objectives of the Shariah.

Thus, managing jealousy and privacy-related challenges in marriage must not only be addressed through legal rulings but must also be rooted in the values and aims of *Maqasid al-Shariah*. By doing so, marital relations are regulated according to *fiqh* and elevated towards a framework that ensures compassion, dignity, and societal well-being.

CONCLUSION

The study achieved its objectives by successfully exploring how jealousy, privacy, and marriage connect in Islam. It has analysed the concept of jealousy in Islam and its relation to spying on one's husband, confirming that jealousy, though a natural emotion, requires careful management to prevent it from becoming a destructive force. This study has explained the position of a husband's right to privacy in marriage according to *Islamic Fiqh*, emphasising that Islamic principles strongly uphold individual privacy, condemning *tajassus* (spying) as a violation of trust and an act detrimental to the marital bond.

Furthermore, this research has determined the Shariah boundaries for a wife's actions in spying on her husband and assessed its impact on privacy issues. While spying is generally prohibited, *fiqh* allows minimal exceptions when strong evidence suggests that a greater harm might be averted. Investigations must be conducted under strict Shariah guidelines to preserve the marriage. Our analysis of the implications reveals that spying within marriage causes significant psychological distress, erodes fundamental trust, breaks down vital communication channels, and can ultimately lead to marital dissolution.

Finally, this study has suggested *fiqh*-based solutions for handling conflicts between privacy and suspicion in Muslim marriage. These include actively building mutual trust and practising effective, open communication. Spouses must also develop strong emotional management skills, particularly in handling jealousy, to prevent it from escalating into forbidden actions. When conflicts prove intractable, seeking guidance through established Islamic family law channels, such as counselling or third-party mediation, is crucial.

This research contributes to the body of knowledge by providing a focused *fiqh* analysis on the sensitive issue of spying in Islamic marriage. It offers valuable insights and practical guidance for couples striving to uphold Islamic values while navigating the complexities of marital emotions and privacy in the modern era. Future research could explore the specific impact of digital technologies on marital privacy from an Islamic legal standpoint or investigate the effectiveness of various counselling approaches in managing spousal jealousy.

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