

Proposed Solutions to Marital Crises During the Covid-19 Era According to Islamic Methods and the Islamic Family Law Enactment (State of Johor) 2003: A Study in the State of Johor

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ABSTRACT

The COVID-19 pandemic, which occurred between 2019 and 2022, has brought various pressures to people's lives globally. The new normal lifestyle restricted daily activities, further triggering global stress. One of the major consequences of this pandemic is the issue of domestic violence, which, more worryingly, often ends in divorce. China is among the countries with a high divorce rate during the COVID-19 era. In Malaysia, a total of 66,440 divorce cases were registered during the COVID-19 pandemic. This figure is quite significant and concerning. This study aims to examine the causes of domestic violence during the COVID-19 era and propose solutions based on Islamic methods and the Johor State Islamic Family Law Enactment 2003. A doctrinal legal analysis was adopted, focusing on the evaluation of relevant statutory provisions, case law, and Islamic sources. The rationale for selecting these materials lies in their legal authority, relevance to Malaysia's Syariah legal system, and their compatibility with Islamic jurisprudential principles that emphasize justice and compassion in family matters. This includes integrating contemporary Islamic scholarly interpretations to ensure a more holistic understanding of gender equity and domestic rights within Islam. The findings of this study indicate that Islamic methods and existing legal mechanisms, particularly through the Johor State Islamic Family Law Enactment 2003, offer practical and principled approaches to addressing the issue of domestic violence, especially during times of societal crisis such as the COVID-19 pandemic.

Keywords: Proposals, Domestic Crisis, COVID-19 Era, Islamic Methods, Johor State Islamic Family Law Enactment 2003

INTRODUCTION

Living as a couple is a natural part of human life. Therefore, Allah created the relationship between husband and wife to bring peace and tranquility to the heart, as mentioned in Surah Ar-Rum, verse 21.

Meaning: "And among His Signs is this, that He created for you wives from among yourselves, that you may find repose in them, and He has placed between you affection and mercy. Verily, in that are indeed signs for a people who reflect." (Surah Ar-Rum: 21)

When love and harmony flourish in a household, it gives rise to a family environment marked by *sakinah* (tranquility), *mawaddah* (affection), and *rahmah* (mercy) (Abdul Kholik, 2019). According to Nur Faezah and Bahiyah (2022), love and affection between spouses are the core elements of a *sakinah* family, as they bring inner peace. This sense of tranquility forms the foundation of a strong household, giving couples the strength to face life's challenges.

However, under certain circumstances, especially during times of tension and crisis, disagreements may arise, potentially disrupting the harmony of the household. A study by Nik Amni Sajidah (2023) found that factors contributing to domestic violence include financial problems, substance abuse, the perpetrator's personality, jealousy, and a lack of religious knowledge. These findings are supported by Sukriah Ismail (2021), Nurul Farhana Sukiman (2021), Muhammad Adam Abd Azid (2022), and Noor Azizah Ahmad (2022). According to the Berita Harian newspaper dated 9 March 2022, statistics on domestic violence in Malaysia have shown a steady increase. The Royal Malaysia Police reported 5,657 cases in 2019, 5,260 cases in 2020, and this rate further increased by 42% when the Ministry of Women, Family and Community Development recorded 7,468 reported cases in 2021. Additionally, a total of 3,028 calls related to domestic violence were made to the Talian Kasih 15999 hotline in the same year. This significant rise in numbers was a direct consequence of the chaos brought by the COVID-19 pandemic. The pandemic led to various social problems, particularly due to the immense stress experienced by almost every individual at the time.

The World Health Organization (WHO) has declared that domestic violence between partners is a global issue. This phenomenon can happen to anyone, anywhere, and under any circumstances. It has been documented in Mozambique (Tura H, Licoze A, 2019), Australia (Ghafournia & Easteal, 2021), Afghanistan (Mannell, J et al., 2021), Malawi (Chikhungu et al., 2019), Greece (Antoniou & Evangelia, 2020), Maluku (Tubalawony et al., 2019), Bangladesh, and Nigeria (Nik Amni Sajidah, 2023).

Domestic violence refers to acts of cruelty that violate basic human rights, such as threats, physical assault, intimidation, and other forms of abuse. These acts are inflicted on family members, whether on spouses, children, or parents (Mohamed Daud, Hussin & Hafiz Jamaludin, 2021). Yusof et al. (2022) define domestic violence as uncontrolled behaviour or abuse committed against victims, especially wives, and may involve emotional, physical, or financial harm. Meanwhile, Nuruaslizawati et al. (2022) state that domestic violence refers to abuse, violence, and threats used to control or maintain power over one's partner, either during marriage or after divorce.

Many studies have been conducted to debate and elaborate on the various forms of domestic violence that occur. Zanariah (2019) clearly states that domestic violence can take the form of physical abuse. Mohd Norhusairi & Mohd Hafiz (2021) explain that violent behavior includes controlling, coercing, threatening, insulting, and sexually abusing the victim. Nadiah, Mohd Norhusairi & Mohd Hafiz (2021) state that domestic violence may also take the form of financial control, such as seizing assets, restricting access to money, and financial threats. A study by Isaacs et al. (2019) found that domestic violence can also be mental or psychological. Acts such as threatening, coercion, and even separating a wife from her children are considered forms of psychological abuse.

In response to this rising concern, this study adopts a doctrinal legal research methodology, focusing on the critical analysis of primary and secondary legal sources. These include statutory provisions such as the Islamic Family Law Enactment of Johor 2003 and the Domestic Violence Act 1994, supported by case law and academic literature from both legal and Islamic perspectives. The rationale for selecting these sources lies in their legal authority, relevance to the Malaysian context, and their integration of Shariah principles, making them suitable references for understanding and resolving domestic violence during the COVID-19 pandemic.

The COVID-19 Pandemic in Malaysia: Chronology and Implications

The COVID-19 pandemic became a global phenomenon that affected nearly every aspect of life, and Malaysia was no exception. In this essay, we will explore the chronological development of the COVID-19 pandemic in Malaysia from its early days up to mid-2021, as well as its impacts on society and the national economy.

Background

On 24 January 2020, Malaysia reported its first confirmed case of COVID-19, involving three Chinese nationals who were visiting the country. This marked the beginning of what would become a challenging journey for Malaysia. In the years that followed, Malaysia faced a series of health, economic, and social challenges in dealing with the pandemic.

Chronology of the COVID-19 Pandemic in Malaysia

Date	Event
January 2020 – February 2020:	At the beginning of 2020, Malaysia announced several initial measures to control the outbreak. These included a ban on Chinese nationals from the Hubei Province entering Malaysia and a ban on direct flights to and from China.
March 2020 – April 2020:	In March, Malaysia implemented the Movement Control Order (MCO), which involved strict nationwide movement restrictions, including business closures and intercity travel bans.
April 2020 – July 2020:	The Tabligh cluster outbreak, originating from a religious gathering at Masjid Jamek Sri Petaling, Selangor, led to a sharp increase in COVID-19 cases in Malaysia. This prompted massive efforts in case tracing and containment related to the cluster.
July 2020 – August 2020:	Malaysia launched the Recovery Movement Control Order (RMCO) phase, allowing more businesses to reopen and intercity travel to resume. This marked a major shift in efforts to revive the economy.
August 2020 – June 2021:	Malaysia continued to face a surge in new cases, and selective lockdowns were imposed in certain areas in response. Strict pandemic management measures remained in place.
June 2021 – September 2021:	Malaysia launched a nationwide COVID-19 vaccination campaign aiming for herd immunity. The vaccine rollout progressed well, with a large portion of the population receiving at least one dose of the vaccine.

Implications of the COVID-19 Pandemic

Implication	Details
Mental Health	The pandemic exerted significant pressure on the mental health of Malaysians. There were increases in depression, anxiety, and sleep disorders (Rajkumar, 2020).
Supply Chain Management:	The national supply chain was disrupted, and mitigation measures were implemented (Zahari & Zakuan, 2022).
Art in Health Communication:	Art was used to communicate health messages and promote well-being (Ong & Deanna, 2022).
Employee Performance and Personality Traits:	Studies focusing on the relationship between personality traits and employee performance gained attention (Yusof et al., 2022).
Telemedicine:	Telemedicine became a crucial tool in providing mental health care (Deris, 2023).
Effective Communication:	Malaysia adopted a positive approach in managing the crisis through effective communication (Wu, 2023).
Economic Impact:	The pandemic had significant economic implications, including changes in palm oil prices and disruptions in the maritime sector (Nathan et al., 2023; Onyechege et al., 2022).
Post-Pandemic Recovery:	A collaborative model for zakat fund distribution was proposed to support post-pandemic recovery (Yamaludin & Alwi, 2023).

Islam's Stance on Domestic Violence

In addressing domestic crises that may lead to domestic violence, Islam permits certain individuals, namely the head of the household, to take stern actions with the intention of education and discipline. The Qur'an outlines that a husband, as the leader of the family, holds the right to educate the members of his household. In this regard, a husband is permitted to strike his disobedient wife (nusyuz) as a form of discipline with the aim of restoring her obedience.

Allah SWT states:

"As to those women on whose part you fear disobedience (nusyuz), admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly, if necessary); but if they return to obedience, seek not against them means (of annoyance): for Allah is Most High, Great (above you all)."

(Surah an-Nisa, verse 34)

This verse is typically believed to suggest three steps in dealing with a wife who is disobedient: advice, then separation to a bed, and finally physical punishment (so long as it does not leave marks). As traditional scholars have expressed, the word *daraba* (translated usually as "strike") is bound to a very severe Shariah condition that it should not position the stricken in any condition of injury and humiliation, but that it be used only as an symbolic discipline and as a distant last resort.

Yet contemporary exegetes including Wadud (1999) and Abou (2003), contest this interpretation in the light of other Qu'ranic rulings which prioritize the principles of justice ('adl), mercy (rahmah) and human dignity (karamah) (Liaquat & Yousuf 2025). Wadud (1999) contends that *daraba* should not be translated as a physical act of striking at all; she then offers other possible interpretations, such as "separation" or "turning away," and concludes that the verse is supporting non-violence and moral instruction, not physical punishment. Khaled Abou El Fadl also criticizes patriarchal re-readings of the text that fail to consider the spirit of ethical justice enshrined in the Qur'an, and argues that any kind of harm or compulsion is contrary to the Qur'anic goal of showing mutual respect and compassion between spouses.

Consistent with these modern day interpretations, many modern Islamic scholars and rights activists emphasize that An-Nisa:34 must be understood in its overall context and within the broader morality of the Qur'an which is unequivocally rooted in compassion and gender justice. Physical, emotional and psychological violence in the home is the antithesis of Islamic teachings to treat one's spouse with *ihsan* (kindness) and to desist from *zulm* (oppression).

Traditional jurisprudence offers disciplinary structures and assumptions, but modern studies promote a move to interpretive perspectives that prioritize ethical justice and equity seeking, protection (especially given their citation in "legal" arenas justifying abusive behavior) instead.

Action Plan for Handling Domestic Violence Cases in Malaysia

In Malaysia, the Ministry of Women, Family and Community Development (KPWKM) is the lead government agency responsible for societal development towards shared prosperity. The ministry's objectives include strengthening the institution of marriage and family to ensure social stability, and empowering women in the mainstream to attain collective well-being.

Initially established as the Ministry of Women's Affairs, it was announced by the Prime Minister on 17 January 2001. The ministry's role was later expanded and renamed the Ministry of Women and Family Development (KPWK) on 15 February 2001. The formation of this ministry was a manifestation of Malaysia's national commitment made during the Fourth World Conference on Women in Beijing in 1995, as detailed in the Platform for Action to advance women by the year 2000. Under the administration of KPWKM, there are five (5) agencies, namely:

1. Social Welfare Department Malaysia (JKMM) – established in 1946;
2. National Population and Family Development Board (LPPKN) – established in 1966;
3. Department of Women's Development (JPW) – established in 2001;
4. Malaysian Social Institute (ISM) – established in 2002; and
5. National Welfare Foundation (YKN) – established in 1981.

KPWKM's Initiative in Addressing Domestic Violence

Taking proactive steps to address the issue of domestic violence, the Ministry of Women, Family and Community Development (KPWKM) has introduced the Guidelines for the Handling of Domestic Violence

Cases. These guidelines cover key elements such as objectives, strategies, roles and responsibilities of individuals and agencies involved in programme implementation, procedures, frameworks, laws, participating agencies, as well as workflow and case resolution processes.

According to Shukor, Hashim, & Khan (2012), the following are several recommended steps for victims of domestic violence:

Awareness Stage

Victims must first realise that their partners have no right to harm or injure them. They must also recognise that domestic violence is a crime under the law. Under the amended Domestic Violence Act 1994 (Act 521), victims are entitled to additional protection, such as restraining orders that prevent the perpetrator from approaching them within at least 50 metres, or any other reasonable distance determined by the court. The process of obtaining a protection order is simplified. Victims may apply for either an Interim Protection Order (IPO) or Protection Order (PO) at the Magistrate's Court located:

1. where the complainant resides;
2. where the alleged perpetrator resides;
3. where the act of violence occurred; or
4. where the complainant is temporarily residing.

Victims may lodge a police report and apply for an IPO at any police station where they can report the act or threat of violence they have experienced.

Sharing the Problem

Victims are encouraged to share their problems with trusted family members or close friends, such as parents, siblings, or close companions. By confiding in others, especially family, victims may receive advice, emotional support, and perspectives that help them take further action. This also creates a protective environment where others can be vigilant and observe any signs of abusive behaviour.

Seeking Help from Women's Protection Organisations

Victims can seek assistance from organisations that provide support and shelter to women. According to the Guidelines, police officers or social welfare officers are responsible for arranging transportation for victims to alternative residences, safe houses, or shelters if such transportation is required. In rural areas, victims in need of protection may request temporary placement at approved shelters managed by NGOs registered under KPWKM via the District Social Welfare Office.

Getting Help from Government Hospitals

Government hospitals have established One Stop Crisis Centres (OSCCs) to handle domestic violence cases. These centres operate 24 hours a day and handle cases involving abuse, violence, and exploitation of both adults and children. The main objectives of OSCCs are:

1. To provide safe temporary protection for victims;
2. To medically examine injuries;
3. To refer cases to the Social Welfare Department; and
4. To initiate a police investigation file.

Efforts to Escape and Distance Oneself from the Perpetrator

If necessary, victims should attempt to escape from the abusive environment. However, before doing so, several important steps should be considered:

1. Preserve evidence of physical harm, such as photographs or videos.

2. Document violent behaviour, including dates, locations, and details of injuries.
3. Inform trusted family members about the situation.
4. Ensure they have sufficient financial resources and a clear destination for protection.
5. Always keep a mobile phone readily available for emergency calls.

Resolution According to the Islamic Family Law Enactment of the State of Johor 2003

Appointment of the Conciliatory Committee

Section 47 of the *Islamic Family Law Enactment of the State of Johor 2003* outlines the procedure for divorce by *talaq* or by court order, which can be initiated by either the husband or the wife. However, Section 47(5) offers an opportunity for reconciliation if one party does not consent to the divorce. In such cases, the court must promptly appoint a Conciliatory Committee consisting of a religious officer as chairman, one representative from the husband's side, and one from the wife's.

According to Section 47(6), preference is given to close relatives who are familiar with the couple's situation. Section 47(7) gives the court authority to issue directives to the committee, which must comply. If the committee fails to perform satisfactorily, Section 47(8) allows the court to dismiss and replace the members.

The committee is given a period of six months to attempt reconciliation. Section 47(9) grants each member the right to hear and be heard and to conduct any necessary investigations. During this process, no *syaarie* lawyer is permitted to represent either party (Section 47(12)).

If reconciliation is successful, the couple resumes marital life and the court must reject the initial divorce application. If reconciliation fails, the committee must issue a report and recommendations regarding matters such as maintenance (*nafkah*), custody (*hadanah*), division of assets, and other related issues.

Arbitration Council (*Hakam*)

Section 48 of the enactment states that if the court finds ongoing conflict (*shiqaq*) in the marriage, it may appoint two arbitrators (*Hakam*), one representing each spouse. *Hakam* is a Shariah-based mechanism given authority to decide whether the dispute should be resolved through reconciliation or divorce (Mumtazah N., 2021). Similar to the Conciliatory Committee, the Arbitration Council must follow court and Shariah directives. The court may dismiss or replace the *Hakam* if their conduct is deemed unsatisfactory.

However, appointment of *Hakam* is not required in every case, only when *shiqaq* clearly exists but the root cause of the conflict is unclear (Haliza, 2018). The *Hakam* holds a significant responsibility, as divorce through *Hakam* is classified as *talaq ba'in sughra*, which is irrevocable and final, and its decision cannot be appealed (NZ, A. Salam, 2021).

Divorce by Talaq or Court Order

In Islam, divorce is considered a last resort after all reconciliation efforts have failed (Shukor H. et al., 2012). According to *Kamus Dewan* (5th Edition, 1991), divorce means separation, a breakdown of marital ties where the couple no longer lives together and must reach mutual agreements on child custody, financial support (*nafkah*), and asset division.

Section 47 of the Johor Enactment provides the legal framework for divorce via *talaq* or court order. Subsection (1) allows either spouse to apply for divorce by submitting the necessary documents and statutory declarations. The court will then issue a summons to the other party, requiring their presence at a hearing.

Section 47(3) states that if the other party agrees to the divorce and the court is satisfied that the marriage is irretrievable, the court will advise the husband to pronounce one *talaq* before the court. If there is no agreement or if the court believes reconciliation is still possible, the court will proceed to appoint the Conciliatory Committee as explained earlier.

Divorce by Ta'liq

If the husband refuses to pronounce a *talaq* (divorce), the wife may file for divorce through the method of *ta'liq* or *fasakh* (Shukor H, et al., 2012). Section 50 of the Islamic Family Law Enactment of the State of Johor 2003 provides for divorce by *ta'liq*. It states that a married woman has the right to demand a divorce if the conditions stated in the *ta'liq* certificate issued after marriage have been breached. The court will then investigate the validity of the divorce, and if satisfied that the divorce is valid according to *Shariah*, the court shall record the divorce.

According to Liana (2021), the *ta'liq* pronouncements in Malaysia that are not included in the marriage certificate are referred to as informal *ta'liq* or oral *ta'liq*. These pronouncements are usually not recorded in the *ta'liq* notes made by the Registrar during the wedding ceremony. *Ta'liq* pronouncements are typically in the form of a warning from the husband to the wife that may lead to the occurrence of a *talaq*. For example, a husband may declare, "If you return to your mother's house, a *talaq* will take effect."

Section 22 of the Islamic Family Law Enactment of the State of Johor 2003 states:

"Immediately after the solemnization of a marriage, the Registrar shall record the prescribed particulars and the prescribed *ta'liq*, or any other *ta'liq* agreed upon by both parties, in the Marriage Register."

This section allows couples to add any additional *ta'liq* pronouncements agreed upon by both parties, provided they do not contradict the official *ta'liq* wording.

Divorce by Fasakh

Divorce by *fasakh* is a right granted to both husband and wife that can be exercised against their spouse. *Fasakh* is recognized as one of the legitimate means of dissolving a marriage, based on a hadith of the Prophet (PBUH) and the principle of *usul fiqh* — *La darar wa la dirar* (Raihanah, 1997).

The dissolution of marriage through *fasakh* typically involves judicial intervention, often initiated by the wife (Zanariah, 2019). Section 53 of the Islamic Family Law Enactment of the State of Johor 2003 outlines 18 circumstances under which one may petition for divorce through *fasakh*. These circumstances include:

- a. the whereabouts of the husband or wife have been unknown for more than one year;
- b. the husband has neglected or failed to provide maintenance for a period of three months;
- c. the husband or wife has been sentenced to imprisonment for a period of three years or more;
- d. the husband or wife has failed, without reasonable cause, to perform marital obligations (*nafkah batin*) for a period of one year;
- e. the husband was impotent at the time of marriage and remains so, and the wife was unaware of this at the time of marriage;
- f. the husband or wife has been insane for a period of two years, or is suffering from leprosy, vitiligo, or a venereal disease that is communicable;
- g. the wife, having been married by her wali mujbir before reaching puberty, rejects the marriage before reaching the age of eighteen and has not been consummated;
- h. the husband or wife has inflicted harm upon the other, including but not limited to:
 - i. habitual cruelty or making life miserable through abusive behavior;
 - ii. associating with immoral men or women, or engaging in behavior deemed disgraceful under *Shariah*;
 - iii. attempting to force the wife to live immorally;
 - iv. disposing of the spouse's property or preventing the spouse from exercising legal rights over their property;
 - v. preventing the spouse from fulfilling religious obligations;
 - vi. treating co-wives unjustly if the husband has more than one wife, contrary to *Shariah*.
- i. although four months have passed, the wife has not been consummated due to the husband's deliberate refusal;
- j. the wife did not consent to the marriage, or her consent was invalid due to coercion, error, mental incapacity, or any other condition recognized under *Shariah*;

- k. at the time of marriage, although the wife was legally capable of giving valid consent, she was mentally ill (either continuously or intermittently) as defined under the Mental Disorders Ordinance 1952 [Ord. 31/52], and the illness was of a nature or degree that rendered her unfit for marriage;
- l. any other grounds recognized as valid for the dissolution of marriage or *fasakh* under Shariah.

Among the 18 grounds listed in this Enactment, several specific situations clearly relate to domestic crisis elements, particularly those found in sub-clauses (h)(i) to (vi). These six circumstances point directly to issues likely to cause conflict and strife within the household. Additionally, sub-clauses (b), (d), and (i) may also be regarded as justifiable grounds for seeking *fasakh* on the basis of a household crisis.

CONCLUSION AND RECOMMENDATIONS

Marital conflict within the institution of marriage is one of the greatest challenges frequently faced and often unavoidable. However, such conflicts must be handled wisely to preserve harmony within the household. Several approaches can be taken to manage these conflicts, including open discussions, acceptance of each other's weaknesses, mutual compromise, careful speech and emotional sensitivity, valuing time together, patience in times of hardship, and most importantly, accepting the divine will (*qada'* and *qadar*) of Allah SWT.

In addition, both husband and wife must be aware of, understand, and appreciate the conditions and purposes of marriage, and carry out the responsibilities entrusted to them sincerely and wholeheartedly.

Divorce should be considered only as a last resort in resolving marital crises, as it can have a significant impact on every family member, particularly the children. Numerous studies have shown that a failed family institution can lead to poor outcomes in a child's life. Divorced parents often experience life challenges and may directly or indirectly drag their children into their problems. These children may suffer from lack of attention and affection, causing them to seek solace with peers outside the home, sometimes becoming involved in unproductive or harmful activities.

In reality, marriages can still be saved by adhering to the recommendations put forward by Islam. As a complete way of life, Islam offers several solutions to resolve domestic crises in any situation, including during times of collective stress such as the COVID-19 pandemic. In Malaysia, the rights of Muslim individuals are protected under state enactments, which serve as key reference policies in family-related matters. For residents of Johor, the Islamic Family Law Enactment of Johor 2003 provides a comprehensive guide on procedures and actions to be taken in the event of marital problems.

In conclusion, Islam has outlined clear solutions to face crises within marriage. Returning to Allah SWT remains the ultimate key to overcoming all forms of hardship.

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