

Married but Apart: Silent Divorce in Muslim Households from the Perspective of Maqāṣid al-Sharī'ah and Indonesian Marriage Law

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Article Info	Abstract
Article history: <i>Received: 13 April 2025</i> <i>Revised: 17 October 2025</i> <i>Accepted: 18 October 2025</i> Keywords: Silent Divorce; Nushūz; Maqāṣid al-Sharī'ah; Indonesian Marriage Law; Family Resilience.	Silent divorce refers to a marital condition in which spouses remain legally married and continue to live under the same roof, while their emotional bond, communication, and family functions have broken down. This condition is increasingly reported in contemporary households, including Muslim families, yet it remains largely invisible in Islamic family law because the marriage is formally intact. This study aims to analyse silent divorce from the perspective of Islamic law by examining its characteristics and contributing factors, assessing it against maqāṣid al-sharī'ah and Indonesian marriage legislation, and proposing measures to prevent and resolve it. As the study relies on secondary doctrinal and empirical literature rather than primary fieldwork, these measures are presented as normative propositions for future empirical testing rather than as established findings. The study employs normative legal research with statute and conceptual approaches, drawing on the Qur'an, hadith, Law No. 1 of 1974 on Marriage as amended by Law No. 16 of 2019, the Compilation of Islamic Law, and recent peer-reviewed literature. The findings show that silent divorce develops gradually through declining communication, growing emotional distance, and prolonged estrangement, driven by communicative, socioeconomic, technological, and spiritual factors. Although it does not dissolve the marriage, silent divorce threatens all five essential objectives of the sharia, namely the protection of religion, life, intellect, progeny, and property, and it amounts to a persistent failure to fulfil the reciprocal rights and duties of spouses under the Marriage Law. The study proposes a maqāṣid-based family resilience model that integrates religious, communicative, legal, mediative, economic, and digital measures.
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INTRODUCTION

The family is the smallest social unit and plays a decisive role in shaping the wider structure of society. In Islam, the family is not merely a biological and social bond between a man and a woman but an institution built upon divine values, affection, responsibility, and public good. The Qur'an describes marriage as a solemn covenant (*mīthāqan ghalīẓan*, Q. 4:21) and directs it towards tranquillity (*sakīnah*), affection (*mawaddah*), and compassion (*rahmah*) (Q. 30:21). Indonesian law adopts the same orientation: Article 1 of Law No. 1 of 1974 on Marriage defines marriage as a physical and spiritual bond (*ikatan lahir batin*) between a man and a woman aimed at forming a happy and lasting family, while Article 3 of the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI) identifies *sakīnah*, *mawaddah*, and *rahmah* as the purposes of marriage. Islamic legal scholarship therefore measures the success of a marriage by its capacity to realise the objectives of the sharia, including the protection of religion, life, intellect, progeny, and property (Pertiwi & Herianingrum, 2024; Rasidin et al., 2023), and recent studies of Salafi families show that *mīthāqan ghalīẓan* continues to be understood as a moral-spiritual covenant that shapes everyday spousal relations among that community (Hidayati et al., 2026).

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Contemporary family life, however, faces mounting pressures that threaten household resilience. According to Statistics Indonesia (Badan Pusat Statistik, BPS), 463,654 divorces were recorded in 2023 (Badan Pusat Statistik, 2024a), and among 408,347 divorce cases classified by cause in the same year, 251,828 (about 61.7%) were attributed to continuous disputes and quarrels (Badan Pusat Statistik, 2024b). Studies of religious courts confirm that persistent disagreement, economic hardship, weak communication, and social media use are among the dominant drivers of marital breakdown (Asman & Muda, 2023; Hanafi et al., 2024; Mardhiah et al., 2025). Official statistics, nevertheless, capture only marriages that end in court. A considerable number of couples choose to remain married even though their relationship has deteriorated emotionally, so that the recorded divorce rate does not fully reflect the actual condition of Indonesian families.

This hidden form of breakdown is commonly described as silent divorce or emotional divorce, namely a condition in which spouses remain legally married and continue to live together but have become physically, psychologically, and spiritually separated (Al-Shahrani & Hammad, 2023b). The phenomenon has been documented in several Muslim-majority societies. A study of 305 married Saudi women found that 78.36% experienced moderate to severe emotional divorce (Al-Shahrani & Hammad, 2023a), a survey of 900 adults in Tehran identified emotional divorce as a social harm that often precedes legal divorce (Sadeghzadeh et al., 2023), and an analysis of Palestinian women's online narratives revealed silent suffering sustained by patriarchal norms and family pressure to remain silent (Hamamra & Uebel, 2026). In Indonesia, emotional divorce among millennial couples has been described as developing through declining emotional communication, growing distance, and prolonged estrangement (Hasby & Haris, 2026).

The consequences of silent divorce extend well beyond the couple. Depression, anxiety, and loneliness jointly explained 61% of the variance in emotional divorce among married Saudi women (Al-Shahrani & Hammad, 2023b). Research on ostracism shows that deliberately ignoring a partner is a form of maltreatment whose harm can be comparable to physical violence (Dvir et al., 2026), and targets of the silent treatment report heightened guilt, sadness, and fear (Scarci et al., 2026). Children are also affected, as interparental conflict is consistently associated with aggressive behaviour and psychopathology among children and adolescents (Li et al., 2023; Stern et al., 2025). In some cases, the psychological burden of a prolonged and unresolved silent divorce may be heavier than that of a formal divorce, precisely because the conflict continues without any clear resolution.

From the perspective of Islamic law, the quality of the marital relationship is as important as its legal validity. The Qur'an commands spouses to live together in kindness (*wa 'āshirūhunna bi al-ma'rūf*, Q. 4:19) and affirms that wives have rights similar to their obligations (Q. 2:228). The principle of *mu'āsharah bi al-ma'rūf* encompasses respect, affection, attention, and the fulfilment of reciprocal rights and duties (Muhammad, 2022). Indonesian law translates these principles into enforceable obligations: Article 33 of the Marriage Law and Article 77(2) of the KHI require husband and wife to love and respect each other, to remain faithful, and to provide each other with physical and spiritual support. Silent divorce, in which affection and communication have been replaced by emotional coldness, therefore contradicts the purposes of marriage even though no formal divorce has taken place.

Previous studies of divorce in Islamic family law have largely focused on formal dissolution, such as *ṭalāq*, judicial divorce, *khul'*, and *faskh*, as well as on judicial reasoning in religious courts and the effectiveness of mediation (Juliansyahzen et al., 2024; Sebyar et al., 2025; Syaikh et al., 2023; Ulfiana et al., 2025). A smaller body of recent work has begun to address the silent treatment as psychological violence (Irawati, 2025), to distinguish it from the Qur'anic concept of *al-hajr* (Pratista et al., 2025), and to evaluate it through selected objectives of the sharia (Hafidz et al., 2025; Hasby & Haris, 2026). These studies, however, either focus on a specific behaviour or link the phenomenon only to particular fiqh categories. International research treats emotional divorce mainly as a psychological problem, whereas Islamic legal research tends to reduce it to *nushūz* or *al-hajr*. No study has yet brought together an assessment of silent divorce against all five essential objectives (*al-daruriyyāt al-khams*) and the statutory scheme of spousal rights and duties while formulating an

integrated response, although the discussion that follows draws on a necessarily selective body of prior literature rather than an exhaustive systematic review.

Accordingly, this study addresses three research questions: (1) what silent divorce is and which factors contribute to it in Muslim households; (2) how silent divorce should be assessed according to *maqāṣid al-shariʿah* and Indonesian marriage legislation; and (3) which legal and non-legal measures can be formulated to prevent and resolve it. The study aims to analyse silent divorce from the perspective of Islamic law, to identify the forms of harm it produces in relation to the five essential objectives of the sharia and Law No. 1 of 1974, and to formulate solutions that strengthen the resilience of Muslim families. The study is situated in the Indonesian legal context, and its unit of analysis consists of the norms governing the objectives of marriage and the rights and duties of spouses, together with documented patterns of emotional divorce reported in recent literature. Because the Indonesian legal and social context is the primary focus of these questions, the Saudi, Iranian, and Palestinian evidence drawn on elsewhere in this article is used as comparative background rather than as direct evidence about Indonesian Muslim households.

The novelty of this study lies in positioning silent divorce as a substantive breakdown of marriage that persists behind a formally valid bond, and in proposing a *maqāṣid*-based family resilience model to address it. The remainder of the article is organised as follows. After the method, the results section presents the conceptual profile of silent divorce, its contributing factors, and its position under Indonesian marriage law. The discussion then evaluates silent divorce through the five essential objectives of the sharia, proposes a model for its prevention and resolution, and compares the findings with previous studies, followed by the conclusion.

METHOD

This study employed a normative (doctrinal) legal research design using statute and conceptual approaches. Normative legal research treats law as norms, principles, and doctrines and seeks to identify the legal rules and principles that answer a given legal issue (Marzuki, 2017). This design is appropriate because the central problem of the study is normative, namely how a condition that does not formally dissolve a marriage should be assessed under Islamic law and Indonesian marriage legislation. Following the law-in-context approach, the doctrinal analysis was enriched with findings from family psychology and the sociology of marriage so that the legal argument rests on an accurate understanding of the phenomenon (Taekema & van der Burg, 2024). In this study, that interdisciplinary enrichment is drawn on mainly to inform the conceptual profile of silent divorce presented in the Results section, while the normative evaluation itself follows established doctrinal method. The overall research procedure is summarised in Figure 1.

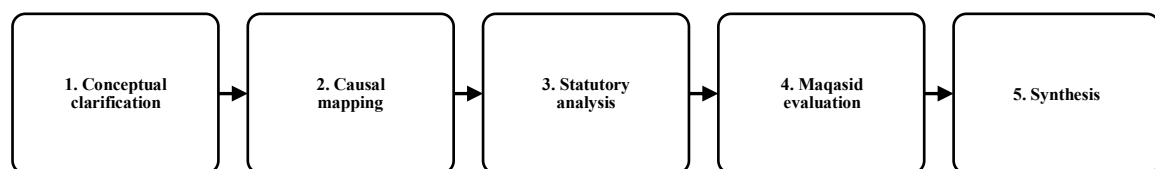


Figure 1. Stages of data analysis in this study.

Source: Author's elaboration (2025).

With regard to the presence of the researcher and the objects of the study, the author acted as the key research instrument, drawing on her background in Islamic family law to select, interpret, and evaluate legal materials. To limit interpretive bias, interpretive decisions were recorded in an analytical memo, and literature reporting both the causes and the consequences of emotional divorce from different cultural contexts was deliberately included. The objects of the study comprised the norms, concepts, and principles relating to the objectives of marriage, the rights and duties of spouses, the resolution of marital disputes, and the theory of *maqāṣid al-shariʿah*.

With respect to legal materials and research sources, the study relied on three categories of materials, as presented in Table 1. Primary legal materials consisted of the Qur'an, hadith, and Indonesian statutory provisions on marriage, divorce, and court-annexed mediation. Secondary materials consisted of books and peer-reviewed journal articles on Islamic family law, *maqāṣid al-*

shari'ah, emotional divorce, and family resilience. Tertiary materials, including official divorce statistics and dictionaries, were used to describe the social context and to clarify terminology.

Table 1. Legal materials and research sources.

Category	Materials	Function in the analysis
Primary legal materials	The Qur'an (Q. 2:228; Q. 4:19; Q. 4:21; Q. 4:34; Q. 4:35; Q. 4:128; Q. 30:21; Q. 42:38); hadith (Ibn Mājah, no. 2341); Law No. 1 of 1974 on Marriage as amended by Law No. 16 of 2019 (Arts. 1, 7, 30–34, 39); Government Regulation No. 9 of 1975 (Art. 19); Compilation of Islamic Law (Arts. 3, 77–84, 116); PERMA No. 1 of 2016; SEMA No. 1 of 2022	Normative basis for the objectives of marriage, spousal rights and duties, divorce grounds, and dispute resolution
Secondary legal materials	Peer-reviewed articles (2021–2026) in Scopus-indexed and Sinta-accredited journals on Islamic family law, <i>maqāṣid al-shari'ah</i> , emotional divorce, and family resilience; scholarly books (2016–2026) on <i>maqāṣid</i> , legal research, and couple therapy	Doctrinal interpretation and empirical description of silent divorce
Tertiary legal materials	Official divorce statistics (Statistics Indonesia), legal and Arabic dictionaries	Description of the social context and clarification of terminology

Concerning data collection, legal materials were gathered through library research. Secondary sources were searched in Scopus-indexed and Sinta-accredited journals through Google Scholar, Garuda, Crossref, and publishers' platforms using keywords such as “silent divorce”, “emotional divorce”, “silent treatment”, “al-hajr”, “nusyuz”, “syiqaq”, “maqashid syariah”, “ketahanan keluarga”, and “mediation in religious courts”. The inclusion criteria were peer-reviewed journal articles published between 2021 and 2026, scholarly books published between 2016 and 2026, and direct relevance to the research questions. The bibliographic data of every source were verified through their digital object identifiers or official journal pages and managed with a reference manager to ensure accurate citation in APA style.

As for the research instrument, the study used a document analysis protocol in the form of a coding matrix with four categories: the indicators of silent divorce, its contributing factors, the relevant statutory provisions, and the dimensions of *maqāṣid al-shari'ah* affected. Each source was read and coded against these categories, which allowed the analysis to move systematically from the description of the phenomenon to its normative evaluation.

In terms of data analysis, the materials were analysed descriptively and prescriptively through five stages. First, conceptual clarification distinguished silent divorce from legal divorce and from the Qur'anic concept of *al-hajr*. Second, causal mapping grouped the contributing factors identified in the literature. Third, a statutory analysis examined the relevant provisions of the Marriage Law, Government Regulation No. 9 of 1975, the KHI, and court regulations. Fourth, a *maqāṣid* evaluation assessed the harms of silent divorce against the five essential objectives of the sharia, using al-Shāṭibī's hierarchy of *ḍarūriyyāt*, *ḥājjiyyāt*, and *taḥsīniyyāt* together with the legal maxims *lā ḍarar wa lā ḍirār* and *al-ḍarar yuzāl*. Fifth, the results were synthesised into a model of prevention and resolution.

Regarding the trustworthiness of the findings, the study applied source triangulation by cross-checking Qur'anic exegesis, statutory provisions, fiqh literature, and empirical studies, and drew in a more limited way on family systems research and attachment-based couple therapy to inform the conceptual profile of silent divorce presented in the Results section, alongside the *maqāṣid* theory that structures the normative evaluation in the Discussion. Consistency was maintained by applying the same coding matrix to all sources, and an audit trail recorded the source, the coded category, and the interpretive conclusion for each argument, although the memo and audit trail themselves are retained by the author as a working research record rather than reproduced in full here. The study was carried out in 2026. Since it relies on secondary empirical evidence rather than primary fieldwork, its conclusions are presented as normative propositions that require further empirical testing.

RESULTS

1. The Conceptual Profile of Silent Divorce

The first finding concerns the nature of silent divorce. Literally, the term refers to a “divorce without divorce”, that is, a condition in which spouses remain formally bound by marriage but have experienced a deep emotional, psychological, and social rupture. The couple continues to share a home and to perform the administrative functions of the household, such as managing expenses and caring for children, yet they have lost emotional closeness, healthy communication, and the affection that forms the foundation of married life. For this reason, the phenomenon is also called emotional divorce, because what breaks down is not the legal status of the marriage but the quality of the relationship (Al-Shahrani & Hammad, 2023b).

The analysis shows that legal divorce is frequently preceded by emotional divorce. The bond between spouses fades gradually until the household is maintained only in form. Six indicators characterise this condition: minimal communication between husband and wife; the loss of attention and affection; the absence of deep emotional intimacy; reduced interaction among family members; a relationship sustained only by social or economic obligations; and a sense of loneliness despite living with one's spouse. These indicators describe how the condition presents itself at a given point in time; the processes that give rise to it over time are examined separately below. Couples remain in this situation for various reasons, including concern for their children, economic dependence, pressure from the extended family, and the social stigma attached to divorce. Similar reasons were reported by Palestinian women who described their marriages as “silent separation” sustained by family pressure and patriarchal norms (Hamamra & Uebel, 2026).

Silent divorce must be distinguished from the Qur'anic concept of *al-hajr*. Q. 4:34 permits a husband to separate from his wife's bed as a temporary and corrective measure in response to *nushūz*, namely a serious violation of marital obligations. *Al-hajr* has a clear legal basis, a specific purpose, and a limited duration, and it is intended to restore the relationship. By contrast, the silent treatment that characterises silent divorce has no legitimate reason, no clear purpose, and no time limit; it therefore constitutes an injustice that Islam does not permit (Pratista et al., 2025). An empirical study of ten Indonesian couples identified withdrawal from communication, refusal to speak, and emotional manipulation as the main forms of silent treatment and linked them to depression, anxiety, and loss of self-confidence, concluding that such behaviour may legally amount to psychological violence (Irawati, 2025), a conclusion drawn from a small qualitative sample that this study treats as suggestive rather than as settled. Table 2 summarises the differences between legal divorce, *al-hajr*, and silent divorce.

Table 2. Comparison of legal divorce, *al-hajr*, and silent divorce.

Aspect	Legal divorce	<i>Al-hajr</i> (Q. 4:34)	Silent divorce
Legal status of marriage	Dissolved by court decision or <i>ṭalaq</i>	Remains valid	Remains valid
Legal basis	Law No. 1/1974, PP 9/1975, KHI	Qur'anic text on <i>nushūz</i>	None; contrary to Q. 4:19 and Art. 33 of the Marriage Law
Purpose	Ending an irretrievably broken marriage	Corrective; restoring the relationship	No legitimate purpose
Duration	Final (subject to <i>'iddah</i> and <i>rījū'</i>)	Temporary and limited	Prolonged and indefinite
Rights and duties	Terminated and replaced by post-divorce obligations	Suspended only to the extent required	Formally continuing but substantively neglected
Protection of parties	Legal certainty and post-divorce rights	Bounded by <i>ma'rūf</i>	No formal protection

As Table 2 shows, silent divorce occupies an ambiguous position: it leaves the marriage legally intact but empties it of the substance that the law intends to protect. Unlike *al-hajr*, it has no corrective function, and unlike legal divorce, it offers no legal certainty or protection for the parties. This

ambiguity explains why silent divorce is rarely addressed by Islamic family law, even though its effects on the spouses and their children are real and often prolonged.

2. Contributing Factors of Silent Divorce

The second finding indicates that silent divorce does not occur suddenly but results from the accumulation of problems over a long period. The eleven factors identified in the literature can be grouped into four clusters. The first cluster is communicative and relational, comprising weak communication, the inability to resolve conflict, fading emotional warmth between spouses (closely related to, but analytically distinct from, the loss of attention and affection described among the indicators above), and declining marital commitment. Couples who are unable to express their needs, expectations, and feelings gradually develop emotional distance. Dyadic research shows that avoidant spouses tend to respond to conflict through withdrawal rather than engagement, and that the resulting withdrawal–demand pattern lowers relationship satisfaction for both partners (Bretaña et al., 2022). Longitudinal evidence further indicates that periods of more negative communication coincide with lower satisfaction (Johnson et al., 2022). In Indonesia, spousal communication has been identified as a key factor in building family resilience and preventing divorce (Mulyo et al., 2023).

The second cluster is socioeconomic, consisting of economic problems and work demands. Economic hardship rarely acts as the sole cause of divorce but repeatedly triggers conflict that leads to the breakdown of the marriage (Khoirurrizalina & Oktaviani, 2025). Socioeconomic conditions shape the capacity of couples to maintain their relationships (Karney, 2021), and a study of 751 couples in West Java found that dyadic coping weakens the negative association between financial strain and marital satisfaction (Novianti et al., 2024). Longitudinal research also shows that economic adversity in midlife predicts loneliness within enduring marriages through poorer marital functioning (Wickrama & O'Neal, 2021). At the same time, the demands of modern employment leave many couples with very limited time for meaningful interaction.

The third cluster is technological, involving excessive use of gadgets and social media as well as emotional infidelity. Many spouses now interact more with their devices than with their families. A meta-analysis of 52 studies found that partner phubbing is associated with lower relationship and marital satisfaction, lower intimacy, and more conflict (Ni et al., 2025), and daily diary studies show that perceived phubbing lowers relationship quality and provokes resentment (Carnelley et al., 2023; Thomas et al., 2022). In the Indonesian Muslim context, habit has been found to be the strongest predictor of digital media adoption (Fatmawati et al., 2026), and social media has been identified as a main factor of divorce in religious courts (Hanafi et al., 2024). The same platform features that facilitate religious outreach can also spread harmful content (Manaf, Rokimin, et al., 2026). Furthermore, emotional closeness with another person through social media or the workplace can replace intimacy with one's spouse, and online infidelity has been classified as a violation of spousal rights even without physical contact (Azkiyah et al., 2025; Sinaga, 2023).

The fourth cluster is spiritual and normative, comprising a crisis of family spirituality, limited understanding of spousal rights and duties, and excessive interference by third parties such as the extended family. Religiosity functions as a mechanism of self-control and patience and has been shown to support marital commitment (Aman et al., 2021). Many couples with marital problems do not seek professional help, and a religious perspective is regarded as important for resolving their difficulties (Bustan et al., 2024). Figure 2 illustrates how these four clusters lead to silent divorce through progressive stages.

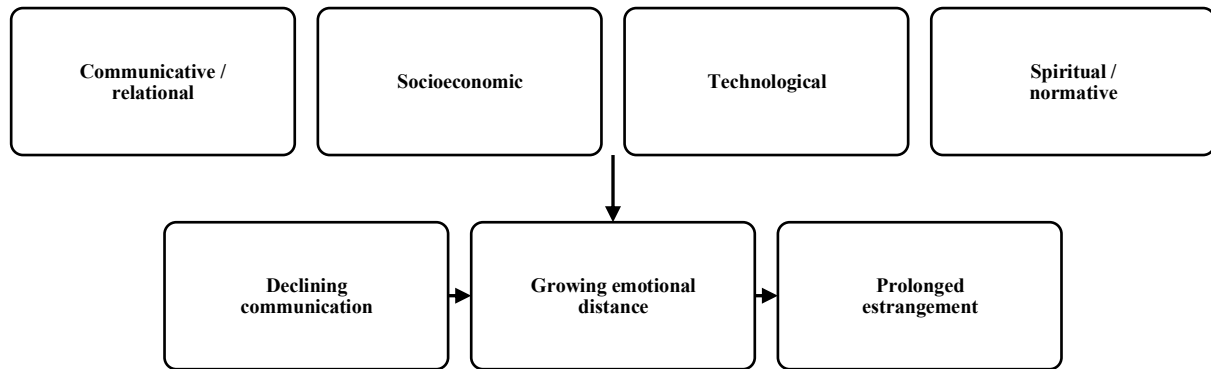


Figure 2. Progression from contributing factors to silent divorce.

Source: Author's elaboration (2025).

Figure 2 shows that the four clusters of factors operate cumulatively. They first weaken emotional communication, then widen the emotional distance between spouses, and finally produce prolonged estrangement, which corresponds to the stages of emotional divorce described in recent Indonesian research (Hasby & Haris, 2026). Once silent divorce is established, it may either remain as chronic disharmony within a formally intact marriage or develop into legal divorce when the conflict surfaces. This finding confirms that silent divorce is a process rather than an event, which means that it can be interrupted at each stage.

3. Silent Divorce under Indonesian Marriage Law

The third finding concerns the position of silent divorce in Indonesian marriage legislation. Article 1 of Law No. 1 of 1974 defines marriage as a physical and spiritual bond aimed at forming a happy and lasting family based on belief in God. This definition shows that marriage has both an outward (*labiriah*) and an inward (*batiniah*) dimension. A marriage that preserves only its outward form while losing its inward bond, as occurs in silent divorce, therefore fails to realise the purpose that the law itself establishes (Anwar, 2021).

The Marriage Law sets out the rights and duties of spouses in Articles 30 to 34. Article 30 assigns husband and wife the noble duty of upholding the household as the foundation of society; Article 31 declares that their rights and positions are balanced, so that family matters should be discussed and decided together; and Article 33 obliges them to love, respect, and remain faithful to each other and to provide each other with physical and spiritual support. Article 34 further regulates the husband's duty to protect and provide for the family and the wife's duty to manage the household, and paragraph (3) allows either spouse to file a claim in court if the other neglects these duties. The KHI reinforces this framework in Articles 77 to 84, including Article 77(5), which likewise provides a legal remedy for neglect. Previous studies emphasise that these provisions are consistent with Islamic teaching on reciprocal spousal rights (Anwar, 2021; Taufik et al., 2021). Silent divorce violates these duties in a continuous but subtle manner, since spouses remain together without communicating, deliberating, or supporting each other emotionally.

The Marriage Law further requires that prospective spouses be mature in body and mind so that the objectives of marriage can be realised without ending in divorce. To this end, Law No. 16 of 2019 amended Article 7 and set the minimum age of marriage at 19 years for both men and women. This principle is relevant to silent divorce, because spouses who enter marriage without emotional maturity often lack the communication and conflict-resolution skills needed to sustain the relationship; studies of rising divorce in Indonesia have identified immaturity resulting from early marriage as one of its main causes (Asman & Muda, 2023). That evidence concerns legally recorded divorce rather than the unrecorded, silent form of breakdown that is this study's focus, so the link to silent divorce specifically is extended here as a plausible inference rather than one directly evidenced in the cited literature.

The Marriage Law also adopts the principle of making divorce difficult. Article 39 requires that divorce be carried out before a court and only on specific grounds, one of which is continuous

disputes and quarrels with no hope of reconciliation, as stated in Article 19(f) of Government Regulation No. 9 of 1975 and Article 116(f) of the KHI. Before deciding such cases, courts must attempt mediation under Supreme Court Regulation (PERMA) No. 1 of 2016. Moreover, Supreme Court Circular (SEMA) No. 1 of 2022 provides that divorce on the ground of continuous disputes may be granted when the spouses have also lived separately for at least six months, although judges apply this requirement flexibly when reconciliation is clearly impossible (Ulfiana et al., 2025). This flexibility shows that courts are willing to look beyond a formal statutory threshold when the substantive reality of a marriage warrants it, which raises the question whether a similarly purposive reading could, in principle, extend to recognising a cohabiting but substantively estranged couple as experiencing a continuous dispute under these same provisions; the present study does not resolve this question but flags it as a direction for doctrinal development. These provisions reveal a gap: a couple in silent divorce continues to share a residence and often avoids open quarrels, so their condition is neither recognised as a dispute nor addressed through any formal mechanism. Silent divorce is therefore not a form of *ṭalāq*, *khul'*, or *faskh*, and the marriage remains legally valid, but it represents a sustained failure to fulfil the objectives and obligations that the law attaches to marriage.

DISCUSSION

1. Silent Divorce and the Five Essential Objectives of the Sharia

The results demonstrate that silent divorce must be evaluated not only by its legal form but also by its effects on the objectives of the sharia. *Maqāṣid al-sharī'ah* refers to the meanings and purposes that the sharia preserves in all or most of its rulings. Al-Shāṭibī classified the public good (*maṣlaḥah*) into three levels: *ḍarūriyyāt* (essential needs whose neglect causes serious harm), *ḥajjiyyāt* (needs that remove hardship), and *tahsīniyyāt* (complementary refinements) (Islam, 2024; Sutisna et al., 2021). The essential level comprises the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), progeny (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). Contemporary scholars argue that questions of family law should be assessed against these essential objectives (Taufiqurohman & Fauziah, 2023), and that the maqāṣid serve as the basic paradigm for reinterpreting Islamic law in contemporary contexts (Kamali, 2020; Zuhdi & Nasir, 2024). Table 3 presents the assessment of silent divorce against the five essential objectives.

Table 3. Assessment of silent divorce against the five essential objectives of the sharia.

Objective	Protected value	Threat posed by silent divorce	Corrective measure
<i>Ḥifẓ al-dīn</i>	Religious life and spiritual formation of the family	Loss of shared worship and religious guidance in the household	Shared worship; study of family fiqh
<i>Ḥifẓ al-nafs</i>	Physical and psychological well-being	Loneliness, stress, anxiety, depression, emotional abuse	Counselling; <i>mu'āsharah bi al-ma'rūf</i>
<i>Ḥifẓ al-'aql</i>	Sound thinking and intellectual development	Chronic stress of spouses; impaired learning and emotional stability of children	Constructive conflict resolution; <i>mushāwarah</i>
<i>Ḥifẓ al-nasl</i>	Upbringing of children and continuity of the family	Insecure emotional environment; neglected conjugal bond	Parenting cooperation; restoring intimacy
<i>Ḥifẓ al-māl</i>	Economic cooperation and family welfare	Poor financial cooperation; costs of eventual divorce	Financial planning and transparency; dyadic coping

With respect to *ḥifẓ al-dīn*, marriage in Islam is a means of worship and of strengthening religious values in the family. When spouses no longer communicate or share spiritual activities, the family loses its function as a site of religious formation, so silent divorce hinders the realisation of *ḥifẓ al-dīn*. With respect to *ḥifẓ al-nafs*, the protection of life includes physical and psychological health. Silent divorce generates loneliness, stress, anxiety, and depression (Al-Shahrani & Hammad, 2023b), and the silent treatment has been described as emotional abuse that violates *ḥifẓ al-nafs* and *ḥifẓ al-'aql* (Hafidz et al., 2025). Islamic family rulings are themselves designed to support mental health in its

spiritual, psychological, social, and physical dimensions (Allafi, 2023). With respect to *ḥifẓ al-'aql*, prolonged conflict without resolution impairs the capacity of spouses to think clearly, while children who grow up in such an environment are at risk of emotional instability, low self-confidence, and difficulties in learning and social relations, as indicated by research on interparental conflict (Li et al., 2023; Stern et al., 2025). Hidden conflict may even be more confusing for children than formal divorce, because they observe parents who remain together without harmony.

With respect to *ḥifẓ al-nasl*, the protection of progeny encompasses not only procreation but also the proper upbringing of children in an emotionally secure environment. Silent divorce deprives children of a model of healthy spousal relations and undermines their sense of security, consistent with evidence that children's exposure to sustained interparental conflict is linked to poorer emotional and developmental outcomes (Li et al., 2023; Stern et al., 2025), while the neglect of conjugal intimacy weakens the bond through which the family is sustained. With respect to *ḥifẓ al-māl*, couples in silent divorce often fail to cooperate economically, which may lead to unbalanced financial management and financial conflict; if silent divorce eventually ends in legal divorce, the economic consequences for the family become even greater (Khoirurrizalina & Oktaviani, 2025). Because silent divorce threatens all five essential objectives at once, and because the harm described above under each objective is serious rather than marginal, these two considerations together, breadth across the objectives and depth of harm within each one, support placing it at the level of *ḍarūriyyāt*: if it continues, the household will suffer serious harm. This conclusion is consistent with the maxim *lā ḍarar wa lā ḍirār* (no harm and no reciprocal harm; Ibn Mājah, no. 2341) and its derivative *al-ḍarar yuzāl* (harm must be removed), which require that the harm of silent divorce be addressed rather than tolerated.

The *maqāṣid* analysis also clarifies the fiqh category of silent divorce. Since the Qur'an recognises that either spouse may commit *nushūẓ* (Q. 4:34 and Q. 4:128), the prolonged neglect of emotional and communicative duties can be understood as a form of mutual *nushūẓ* or *i'rād* (turning away). This reading supports recent arguments that *nushūẓ* applies to both husbands and wives and should be resolved through communication and the fulfilment of mutual rights (Apriyanti & Hasanah, 2025), a reading that remains a minority position within contemporary fiqh scholarship and is adopted here as the more persuasive view for the purposes of this analysis rather than as settled doctrine, and it corrects the tendency of some judges to frame *nushūẓ* only as a wife's offence (Fitriyani et al., 2023). When silent divorce develops into open and unresolved conflict, it enters the domain of *shiqāq*, for which the Qur'an prescribes arbitration by representatives of both families (Q. 4:35).

The analysis further suggests that the psychological harm produced by silent divorce should be recognised as a form of *ḍarar* in Islamic family law. Comparative research on harm (*ḍarar*) claims in polygamy disputes shows that the concept of *ḍarar shar'ī* is applied in both Malaysia and Indonesia, yet courts in that context still lack clear guidelines for assessing harm, particularly harm that is not physical (Abdul Aziz et al., 2025); whether the same gap exists for non-physical harm claims outside the polygamy context, including silent divorce, has not been directly studied and is treated here as a plausible extension rather than an established finding. A systems-oriented reading of the *maqāṣid*, which treats the objectives of the sharia as interrelated and purposeful rather than as isolated rules (Auda, 2021), supports a more comprehensive assessment in which emotional, communicative, and spiritual harms within marriage are weighed together with material harms.

2. A Maqāṣid-Based Model for Preventing and Resolving Silent Divorce

The findings indicate that silent divorce does not terminate the marriage but signals the failure of the objectives of marriage (*maqāṣid al-nikāḥ*). It should therefore be treated as a form of family disharmony that requires deliberate intervention. Family resilience research emphasises that families withstand adversity through shared belief systems, flexible organisational patterns, and clear and open communication (Walsh, 2016). Drawing on these insights, the five essential objectives, and Indonesian law, this study proposes a maqāṣid-based family resilience model consisting of six pillars, as illustrated in Figure 3. The first, third, and fifth pillars correspond most directly to *ḥifẓ al-dīn*, the objectives served jointly by spousal rights and duties, and *ḥifẓ al-māl* respectively, as set out in the corrective-measure column of Table 3; the second pillar operationalises the *mushāwarah*-based response associated

with *hijz al-'aql*; the fourth pillar (family mediation) responds most directly to the risk of escalation into *shiqāq*; and the sixth pillar addresses the technological factor-cluster identified in the Results section rather than a single *maqāṣid* dimension. The six pillars are therefore grounded jointly in the five objectives and the four contributing-factor clusters identified earlier, rather than mapping onto either set alone.

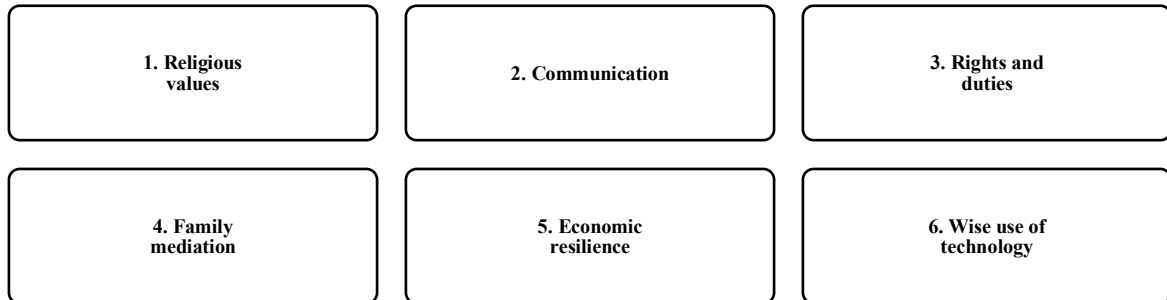


Figure 3. A *maqāṣid*-based family resilience model for preventing and resolving silent divorce.

Source: Author's elaboration (2025).

The first pillar is the strengthening of religious values. Couples need to study family fiqh, the rights and duties of spouses, and household ethics in Islam, and to practise shared worship such as congregational prayer, Qur'an recitation, and supplication. Integrating the five *maqāṣid* into Muslim family therapy has been shown to improve family relationships as well as spiritual and mental well-being (Tsalitsah, 2024). The second pillar is the improvement of communication through honesty and deliberation (*mushāwarah*, Q. 42:38). Effective communication involves not only speaking but also listening and understanding the partner's perspective. The principle of *mubadalah* (reciprocity), which grounds household justice in partnership, mutual consultation, and shared decision-making (Kodir et al., 2024; Nurjanah et al., 2022), provides a normative basis for this pillar, while attachment-based couple therapy offers practical techniques for restoring emotional connection (Gottman & Gottman, 2018; Johnson, 2019, 2020).

The third pillar is the fulfilment of reciprocal rights and duties in accordance with Articles 30 to 34 of the Marriage Law and Articles 77 to 84 of the KHI. Separating rights from duties creates injustice within the household (Anwar, 2021), and a *maqāṣid*-based marriage agreement has been proposed as a means of clarifying these obligations and strengthening family resilience (Rasidin et al., 2023). The fourth pillar is family mediation. In line with Q. 4:35, the families of both spouses should take the initiative to appoint trusted and neutral arbiters (*ḥakam*), supported by psychological counselling or marriage guidance. Islamic and positive law offer converging routes of dispute resolution, including *ṣulḥ*, *taḥkīm*, negotiation, and mediation (Khaliluddin, 2023), and contemporary readings of Q. 4:35 suggest that the *ḥakam* model remains relevant when adapted through collaboration between the state and the community (Ishak et al., 2025). Since court-annexed mediation rarely succeeds when couples arrive after their conflict has escalated (Syaiikh et al., 2023), whereas mediation that draws on local cultural values can transform the desire for divorce into reconciliation (Sebyar et al., 2025), family-based mediation should begin at the early stages of silent divorce. Of the six pillars, this fourth one carries most of the model's resolution function for couples already experiencing silent divorce, while the remaining five pillars are oriented mainly towards prevention; strengthening the resolution side of the model further is identified as a direction for future development in the concluding section.

The fifth pillar is the strengthening of household economic resilience through family financial planning, prudent spending, financial transparency, and the development of productive skills (Khoirurrizalina & Oktaviani, 2025). Dyadic coping, in which spouses face financial strain together, protects marital satisfaction under economic pressure (Novianti et al., 2024). The sixth pillar is the wise use of technology. Couples should limit excessive social media use, set aside device-free family time, avoid interactions that may lead to emotional infidelity, and use technology as a means of family education. Such digital literacy cannot be reduced to technical skills: evidence from technology-

training contexts more broadly suggests that digital training tends to build procedural competence more readily than reflective and affective engagement (Sinaga et al., 2026, discussing a teacher-training learning-management-system context), a pattern extended here by analogy to couples' digital literacy rather than one demonstrated directly in a marital setting.

These six pillars rest on the foundation of the five essential objectives of the sharia and are supported by the legal framework of the Marriage Law, the KHI, and PERMA No. 1 of 2016. From the standpoint of *sadd al-dhari'ah*, which prohibits actions that may lead to greater harm and has been indirectly adopted in Indonesian family law (Rachmadhani et al., 2024), preventive measures should be prioritised. Pre-marital guidance (*bimbingan perkawinan*) is particularly important, but evaluations show that it has not yet significantly improved family resilience and should be continued after marriage (Djawas et al., 2022); studies of older couples whose affection faded likewise recommend mandatory and well-funded marriage courses (Husin, 2023). Evaluations of the Tepuk Sakinah programme further suggest that marriage guidance should test practical readiness rather than memorisation (Baidhowi et al., 2026). At the adjudicative level, judges should integrate *maqāṣid* principles into their decisions on family disputes so that the outcomes protect spouses and children more fairly (Ashari, 2024; Miftahuddin & Nafi'ah, 2024).

3. Theoretical Contribution and Comparison with Previous Studies

Compared with previous studies, this research makes three contributions. First, it confirms international findings that emotional divorce is associated with poor mental health and is sustained by social and familial pressures (Al-Shahrani & Hammad, 2023a, 2023b; Hamamra & Uebel, 2026), but it moves beyond a psychological description by locating the phenomenon within the statutory scheme of spousal rights and duties. Second, it extends Indonesian studies that examine the silent treatment as psychological violence or as an illegitimate form of *al-hajr* (Irawati, 2025; Pratista et al., 2025) and studies that link emotional divorce to selected *maqasid* (Hafidz et al., 2025; Hasby & Haris, 2026). Whereas those studies focus on a particular behaviour or on selected objectives, this study argues that silent divorce threatens all five essential objectives to varying degrees but simultaneously, and therefore belongs to the level of *ḍaruriyyāt*. Third, it complements *maqāṣid*-based models of family resilience (Baidhowi et al., 2026; Qomaro, 2026; Wahid et al., 2025) by identifying a hidden form of breakdown that such models must address, and by highlighting a regulatory gap in which co-resident couples without open disputes fall outside existing legal mechanisms.

These findings carry theoretical implications for Islamic family law. The classical framework assesses the marital bond mainly through the validity of the contract and the formal mechanisms of its dissolution. The present study suggests that the realisation of *maqāṣid al-nikāḥ* should be treated as an equally important criterion, so that a marriage that is formally valid but substantively empty is recognised as a legal concern rather than a private matter. Nonetheless, the study has limitations. It relies on secondary empirical evidence, much of which comes from contexts outside Indonesia, and it does not measure the prevalence of silent divorce among Indonesian Muslim couples. Its doctrinal engagement with the Indonesian Marriage Law and the KHI is also comparatively narrower than its *maqāṣid* assessment; a fuller statutory treatment is left for future work. These limitations open space for empirical research that can test the proposed model.

CONCLUSION

This study concludes, first, that silent divorce is a condition in which spouses remain legally married and continue to live together while their emotional bond, communication, and family functions have broken down; it develops gradually through declining communication, growing distance, and prolonged estrangement, and it is driven by communicative, socioeconomic, technological, and spiritual factors. Second, although silent divorce does not dissolve the marriage, it contradicts the purposes of marriage in Islam, namely *sakīnah*, *mawaddah*, and *rahmah*, threatens all five essential objectives of the sharia (the protection of religion, life, intellect, progeny, and property), and constitutes a sustained failure to fulfil the reciprocal rights and duties of spouses under Law No. 1 of 1974 and the KHI. Third, silent divorce can be prevented and resolved through a *maqāṣid*-based family resilience model that integrates the strengthening of religious values, the improvement of

communication, the balanced fulfilment of rights and duties, family mediation, economic resilience, and the wise use of technology; from the perspective of Islamic law, these measures implement *maqāṣid al-shari'ah* by preserving the integrity of the family and securing the welfare of husbands, wives, and children, while Islam encourages the resolution of conflict through communication, mediation, and family guidance before divorce is considered as a last resort.

Future research is recommended to measure the prevalence and forms of silent divorce among Indonesian Muslim couples through empirical studies involving spouses, children, marriage counsellors, and religious court judges. Further studies may also test the effectiveness of the proposed model in pre-marital and post-marital guidance programmes, strengthen its comparatively thinner resolution-oriented component relative to its preventive measures, and examine whether legal reform is needed to provide early intervention mechanisms for co-resident couples whose marriages have broken down emotionally.

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