

Digital Intimacy and Marital Authority in Contemporary Muslim Families: Reconfiguring Consent and Obedience in the Age of Social Media

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Abstract

The disruption of information technology has deconstructed the boundaries of domestic privacy, giving rise to a virtual dimension that is prone to triggering trust crises when traditional expectations of obedience clash with the autonomy of cyberspace. In response to this condition, this research aims to reconfigure the concepts of consent, marital authority (*qawwamah*), and obedience (*ta'ah*) in contemporary Muslim families facing the challenges of digital intimacy. This study employs a qualitative method based on library research with a socio-legal approach, utilizing the analytical framework of *Maqāsid al-Sharī'ah*. The findings indicate that a rigid understanding of authority in the digital age has the potential to spawn domestic authoritarianism. Obedience no longer means the unilateral, total surrender of gadget privacy; rather, it must be negotiated through the principle of *mu'asyarah bil ma'ruf* (living together in kindness) to prevent the occurrence of digital *nushuz*—a new form of emotional neglect caused by screen addiction and phubbing behavior. In conclusion, household integrity in the era of disruption can only be maintained through a transformation from physical surveillance control to the establishment of a participatory digital marital agreement. This research provides a theoretical contribution by expanding the meaning of *nushuz* into the digital realm and offers practical guidance for marriage counseling institutions in responding to technology-based domestic disputes.

Keywords: Digital Intimacy, Digital Marital Agreement, Digital Nushuz, Islamic Family Law, *Maqāsid al-Sharī'ah*.

Abstrak

Disrupsi teknologi informasi telah mendekonstruksi batas privasi domestik, memunculkan dimensi virtual yang rentan memicu krisis kepercayaan ketika ekspektasi ketaatan tradisional berbenturan dengan otonomi ruang siber. Merespons kondisi tersebut, penelitian ini bertujuan untuk merekonfigurasi konsep persetujuan, otoritas perkawinan (*qawwamah*), dan ketaatan (*ta'ah*) dalam keluarga Muslim kontemporer yang tengah menghadapi tantangan intimitas digital. Studi ini menggunakan metode kualitatif berbasis kepustakaan (*library research*) dengan pendekatan sosio-legal, serta menggunakan kerangka analisis *Maqāsid al-Sharī'ah*. Temuan menunjukkan bahwa pemahaman otoritas yang kaku di era digital berpotensi melahirkan otoritarianisme domestik. Ketaatan tidak lagi bermakna penyerahan total privasi gawai secara sepihak, melainkan harus dinegosiasikan melalui prinsip *mu'asyarah bil ma'ruf* untuk mencegah terjadinya *nusyuz* digital—bentuk baru penelantaran emosional akibat adiksi layar gawai dan kebiasaan *phubbing*. Sebagai simpulan, keutuhan rumah tangga di era disrupsi hanya dapat dirawat melalui transformasi

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dari kontrol pengawasan fisik yang represif menuju pembentukan kesepakatan etika digital (*digital marital agreement*) secara partisipatif. Penelitian ini memberikan kontribusi teoretis dengan memperluas makna *nusyuz* ke ranah siber, sekaligus menawarkan panduan praktis bagi lembaga konseling perkawinan dalam merespons sengketa domestik berbasis teknologi.

Kata Kunci: Intimitas Digital, Hukum Keluarga Islam, Kesepakatan Etika Digital, *Maqāṣid al-Sharī'ah*, *Nusyuz* Digital

INTRODUCTION

The domestic landscape of contemporary Muslim family structures is currently facing a sociological disruption stemming from the penetration of information technology. Digital developments over the last decade have not only altered interpersonal communication patterns but have fundamentally transformed social media into a new space of interaction within marital relations.¹ Within this virtual space, the boundaries between the public and private spheres have become increasingly fluid, allowing personal identity and intimacy to be expressed freely beyond the physical confines of the household. An individual may be physically present in the living room, yet their cognitive and emotional orientation is entirely directed toward a screen reality that is invisible to their partner. This phenomenon carries profound implications for the cohesion of the husband-wife relationship. A harmonious family order relies heavily on transparency, trust, and reciprocal communication.² When one party builds a closed digital space of intimacy, the family's emotional foundation becomes vulnerable to an escalation of suspicion.

Historically and normatively, Islamic family law doctrine establishes its foundational roles through the concepts of *qawwamah* (husband's leadership and responsibility) and *ta'ah* (wife's obedience).³ In traditional fiqh literature, these two concepts are primarily defined and practiced within a measurable physical scope. The husband's authority as a protector, as well as the wife's obedience, is manifested tangibly in face-to-face interactions and the management of daily domestic affairs. However, the presence of mobile devices and instant messaging applications has created a parallel dimension of privacy. This dimension operates entirely outside the reach of a partner's

¹ Wahyudi Wahyudi et al., "Hukum Keluarga Islam Di Tengah Arus Globalisasi: Dampak Media Sosial Terhadap Pola Pernikahan Dan Relasi Keluarga Muslim: Islamic Family Law in the Midst of Globalization: The Impact of Social Media on Muslim Marriage Patterns and Family Relations," *Res Nullius Law Journal* 7, no. 2 (2025): 119–35, <https://doi.org/10.34010/rnlj.v7i2.18655>.

² Roberta Pinna et al., "Understanding Commitment to Change in Family and Non-Family Business: The Role of Psychological Ownership and Open and Transparent Communication," *Journal of Change Management* 25, no. 3 (2025): 200–228, <https://doi.org/10.1080/14697017.2025.2527287>; Ebohon Ebohon, "Building Trust through Transparent Communication in Conflict Management," *Unilorin Journal of Lifelong Education* 8, no. special (2024): 253–67.

³ Muhammad Siddieq Al'Amin et al., "Reinterpretasi Konsep Qawwamah Dalam Nafkah Keluarga Modern," *Al-Kindi* 2, no. 1 (2026): 567–75; Ahmad Syafruddin and Hidayatullah Ismail, "Relasi Suami–Istri Dalam Penafsiran Qs Al-Nisā' [4]:34 Dan [4]:128: Studi Komparatif Tafsir Klasik Dan Tafsir Kontemporer," *Tajdid: Jurnal Pemikiran Keislaman Dan Kemanusiaan* 9, no. 1 (2025): 518–34, <https://doi.org/10.52266/tajdid>.

physical supervision. Consequently, a deconstruction of domestic jurisdictional boundaries has occurred. Demands for transparency in digital activities often clash with individual privacy rights. When a husband demands full access to a wife's device under the guise of *qawwamah*, or vice versa, the dividing line between ethical leadership and authoritarian intervention becomes highly blurred.

Empirical reality shows that a couple's lack of preparedness in navigating digital intimacy has a destructive impact on the family institution. Based on trends recorded by various religious judicial institutions, the intensity of virtual communication and the dysfunctional use of cyberspace have emerged as dominant variables in divorce proceedings.⁴ Facts on the ground confirm an escalation of domestic disputes specifically originating from digital footprints, secret interactions with third parties, and the neglect of a partner's emotional rights due to device addiction (phubbing).⁵ The high rate of household breakdown rooted in virtual space issues indicates that the paradigm for mitigating marital conflict absolutely requires renewal. Textual and conventional approaches are proven to be no longer adequate for unraveling the tangled web of domestic disputes whose root causes are driven by digital algorithms.

Responding to this shifting landscape, academic discourse regarding the intersection of digital interaction, social norms, and law has begun to develop. A study by Diefenbach (2022)⁶ confirms that within digital spaces, the ambiguity of social norms, the absence of clear rules of the game, and a lack of meta-communication often lead to psychological and relational conflicts. Although this study was conducted in the context of teleworking, its essential findings regarding the violation of norms in cyberspace are highly rational for analyzing how the absence of a consensus on digital boundaries in the household can trigger a serious crisis of trust. Furthermore, technological mediums have effectively redefined the meaning of basic human interaction. Fauziyah and Azizah (2025)⁷ found in their study that technological penetration is gradually deconstructing the

⁴ Fatemeh Kiamarzi et al., "The Role of Virtual Space Addiction and Triangulation in Predicting Emotional Divorce: The Mediating Role of Marital Expectations," *Iranian Journal of Family Psychology* 12, no. 1 (2025): 63–79, <https://doi.org/10.22034/ijfp.2025.2041217.1355>.

⁵ Ihzatul Fadhilah Nur and Ibnu Radwan Siddik Turnip, "Berbagi Pesan Di Media Sosial Dan Keharmonisan Rumah Tangga Dalam Perspektif Hukum Keluarga Islam: Studi Empiris Di Bandar Khalifah," *Maqasid: Jurnal Studi Hukum Islam* 14, no. 3 (2025): 223–36, <https://doi.org/10.30651/mqsd.v14i3.28890>; Anya Degenshein, "Finding the Criminal within: The Use and Meaning of Digital Evidence at Trial," *Information, Communication & Society* 27, no. 14 (2024): 2514–29, <https://doi.org/10.1080/1369118X.2024.2352627>; Elizabeth White, "Closing Cases with Open-Source: Facilitating the Use of User-Generated Open-Source Evidence in International Criminal Investigations through the Creation of a Standing Investigative Mechanism," *Leiden Journal of International Law* 37, no. 1 (2024): 228–50, <https://doi.org/10.1017/S0922156523000444>; Ismail Adha and Abdul Mukhshin, "Pemenuhan Hak Istri Oleh Suami Pecandu Game Online: Studi Normatif-Empiris Menurut KHI Di Tanjungbalai: Wife's Rights Fulfillment by Husbands Addicted to Online Games: Normative-Empirical Study in Tanjungbalai," *BUSTANUL FUQAH: Jurnal Bidang Hukum Islam* 6, no. 2 (2025): 376–95, <https://doi.org/10.36701/bustanul.v6i2.2341>.

⁶ Sarah Diefenbach, "Social Norms in Digital Spaces: Conflict Reports and Implications for Technology Design in the Teleworking Context," *Zeitschrift Für Arbeitswissenschaft* 77, no. 1 (2023): 56–77, <https://doi.org/10.1007/s41449-022-00332-8>.

⁷ Ita Ma'rifatul Fauziyah and Nikmatul Azizah, "Transformasi Sakralitas Dan Intimitas Di Era Digital: Menimbang Pernikahan Virtual Dalam Perspektif Sosio-Yuridis: The Transformation of Sacrality and

meaning of "sacrality" and "presence" within the sacred bond of marriage. This dynamic demands the presence of an agile socio-legal framework; an order capable of facilitating the reality of digital intimacy while maintaining the *muruah* (dignity) of the family institution.

The main obstacle in pursuing this legal adaptation lies in the dominance of rigid traditional interpretation patterns. A study by Yahya and Mushthoza (2025)⁸ illustrates how the legal hermeneutics of the Qur'an in the modern era are still frequently utilized to preserve orthodoxy and strengthen conservative discourse authority, which systematically delegitimizes contextual readings. It is this kind of rigidity that causes the doctrine of *qawwamah* to stagnate when confronted with the reality of digital transparency. To break this deadlock, the engine of Islamic family law reform must be driven by the *Maqāṣid al-Sharī'ah* paradigm. Ipansyah and Hafidzi (2025)⁹ emphasize a crucial finding: that family regulation reform in the digital era must be justice-oriented and *maqāṣid*-driven. This epistemology of balance has also been validated in a broader spectrum; contemporary discourse on surveillance and Sharia proves that the *Maqāṣid al-Sharī'ah* framework is capable of reconciling the extreme tension between the pretext of security (control/supervision) and the protection of human rights regarding individual privacy.¹⁰ While the various literatures above have mapped the correlation between Islamic law, digital norms, and privacy values, there remains a gap at the theoretical level that requires answers. Most literature still relies on post-divorce sociological analysis or revolves around macro reviews of family law. To date, no study has been found that boldly formulates an operational framework for reconfiguring the concept of digital consent and redefining the boundaries of obedience as a conflict prevention mechanism. Based on this urgency, this paper is structured with the primary objective of reconstructing the foundations of consent and obedience in contemporary Muslim family units amidst the encirclement of social media. Without a redefinition based on the principles of *mu'asyarah bil ma'ruf* (kind treatment) and *Maqāṣid al-Sharī'ah*, the supremacy of marital authority risks devolving into a form of digital authoritarianism. Unilaterally forcing control over devices will instead divorce the family institution from the noble ideals of marriage, namely weaving a bond characterized by *sakinah*, *mawaddah*, and *warahmah*.

Intimacy in the Digital Era: Understanding Virtual Weddings from a Socio-Legal Perspective," *Besari: Journal of Social and Cultural Studies* 3, no. 1 (2025): 69–83, <https://doi.org/10.71155/besari.v3i1.119>.

⁸ Ahmad Yahya and Zidna Zuhdana Mushthoza, "The Conservative Turn in Qur'anic Legal Hermeneutics: Discourse and Authority in Tafsīr Āyāt Al-Ahkām," *Journal of Ushuluddin and Islamic Thought* 3, no. 1 (2025): 98–129, <https://doi.org/10.15642/juit.2025.3.1.98-129>.

⁹ Nor Ipansyah and Anwar Hafidzi, "Reform of Islamic Family Law in Indonesia: Integrating Maqāṣid al-Sharī'ah and the Principles of Justice in the Digital Era," *AL-SYAKHSHIYYAH Jurnal Hukum Keluarga Islam Dan Kemanusiaan* 7, no. 2 (2025): 285–302, <https://doi.org/10.30863/as-hki.v7i2.10637>.

¹⁰ Abdulsatar Shaker Salman, "Mass Surveillance and the Maqasid Al-Shari'ah: Balancing Security and Human Rights in Contemporary Islamic Discourse," *International Journal of Sharia and Law* 1, no. 1 (2025): 65–80, <https://doi.org/10.65211/pxw09065>.

RESEARCH METHOD

This research is designed as a qualitative study focusing on the library research method. The primary approach used to dissect the object of study is a socio-legal approach. The juridical lens is applied to conduct an in-depth investigation of the normative doctrines of Islamic family law, specifically the classical formulations of authority (*qawwamah*), obedience (*ta'ah*), and consent. Simultaneously, the sociological dimension is utilized to interpret the empirical realities regarding shifts in interaction, privacy, and domestic conflicts triggered by social media. The integration of these two approaches allows for a reading of legal texts that does not merely get trapped in textual dogma but can be directly contextualized with the phenomenon of technological disruption in the domestic sphere.¹¹

The data collection process is carried out through a systematic literature search across several reputable academic journal databases. The search focuses on articles indexed globally, such as Scopus, as well as national databases within the middle and upper tiers of Sinta (Sinta 1-3). The publication timeframe for the literature is set between 2020 and 2026. This period was chosen based on the drastic surge in the intensity of digital family interaction and the transition of community communication patterns toward a virtual reality. The search process utilizes a combination of specific keywords, including "digital intimacy," "marital authority," "Islamic family law," and the intersection of "qawwamah" with "social media." Through a rigorous screening process that excludes purely technical research, 25 key articles were identified as the primary data sources. This collection of selected articles is considered to have the highest substantial relevance in discussing the clash between cyberspace and marriage regulations.

The gathered literature data is subsequently processed using content analysis techniques supported by the perspective of Islamic legal protection (*Maqāṣid al-Sharī'ah*). This reasoning and analysis process is executed through three continuous stages of work. The first stage is descriptive analysis, which maps the patterns of social media infiltration as a "third space" and identifies forms of digital privacy violations between partners. The second stage is verificative in nature, aiming to test the reliability and operational relevance of classical fiqh text doctrines when applied to the reality of device transparency in the modern era. The final stage is constructive analysis. At this peak stage, the research synthesizes findings to reformulate the ethical boundaries of virtual space and build a theoretical prevention framework, represented through the idea of a digital marriage contract to safeguard family integrity from the threat of technology-based divorce.

¹¹ Dede Indraswara, "Rekonstruksi Metodologis Hukum: Diversifikasi Dan Integrasi Penelitian Hukum Normatif (Doktrinal), Empiris (Non-Doktrinal), Dan Studi Sosio-Legal: Legal Methodological Reconstruction: Diversification and Integration of Normative (Doctrinal), Empirical (Non-Doctrinal), and Socio-Legal Research," *IPMHI Law Journal* 5, no. 2 (2025): 205–46, <https://doi.org/10.15294/ipmhi.v5i2.41599>; M. Natsir Asnawi, *Dekonstruksi Hukum: Jejak-jejak Penafsiran dan Pembentukan Norma dalam Penegakan Hukum* (Prenada Media, 2022).

RESULTS AND DISCUSSION

"The Third Space": Emotional Estrangement Behind Physical Presence

The contemporary family landscape is currently undergoing a paradigm shift due to the massive use of information technology as a medium for intimacy. In sociological discourse, Singla (2024) conceptualizes cyberspace as an alternative romantic setting that operates beyond the physical boundaries of conventional interaction between partners.¹² This spatial concept is expanded by Cabalquinto and Hu (2023) through the idea of the transnationalization of intimacy,¹³ where communicative practices via digital media are proven capable of creating new forms of kinship relations that transcend spatial barriers, although they often rest on structurally unequal relational grounds. This transformation indicates that affection is no longer merely spoken but is virtually constructed. Alinejad (2021)¹⁴ confirms this reality with specific findings that the use of devices facilitates "techno-emotional mediation"; a condition where attention and emotional bonds are not only transmitted as messages but are felt and shaped directly by the technical characteristics of the digital devices used.

Despite offering the convenience of limitless connectivity, technological mediation gives birth to an interactional paradox that leads to household crises. Ahmmed and Khan (2024)¹⁵ found that digital communication features act like a double-edged sword; on one hand, they serve as instruments for expressing affection, yet on the other, they trigger tension due to text misinterpretation and the "illusion of physical availability," which actually results in emotional distance. This reality stretches the traditional boundaries of family interaction. According to Pratesi (2024),¹⁶ the routine of managing marital bonds from behind a screen demands a high level of emotional reflexivity, as failure to navigate virtual interactions will create distance, gaps of deception, and invisibility within the husband-wife relationship. This vulnerability is validated by a systematic review from Abel et al. (2021),¹⁷ which concludes that asynchronous communication features like text chat are relied upon to maintain family

¹² Rashmi Singla, "Exploring Intimacy and Distance—A Theoretical Framework," in *Living Apart Together Transnationally (LATT) Couples: Promoting Mental Health and Intimacy*, ed. Rashmi Singla (Springer International Publishing, 2024), https://doi.org/10.1007/978-3-031-52205-5_2.

¹³ Earvin Charles Cabalquinto and Yang Hu, "The Transnationalisation of Intimacy: Family Relations and Changes in an Age of Global Mobility and Digital Media," in *Handbook on Migration and the Family* (Edward Elgar Publishing, 2023), <https://www.elgaronline.com/edcollchap/book/9781789908732/book-part-9781789908732-11.xml>.

¹⁴ Donya Alinejad, "Techno-Emotional Mediations of Transnational Intimacy: Social Media and Care Relations in Long-Distance Romanian Families," *Media, Culture & Society* 43, no. 3 (2021): 444–59, <https://doi.org/10.1177/0163443720972313>.

¹⁵ Badhon Ahmmed and Ayesha Khan, "The Influence of Digital Communication Culture on Emotional Intimacy in Contemporary Marriages," *Research and Practice in Couple Therapy* 2, no. 3 (2024): 1–12.

¹⁶ Alessandro Pratesi, "Doing Family and Intimacy at a Distance: Implications for Theory and Social Change," in *Research Handbook on the Sociology of Emotion* (Edward Elgar Publishing, 2024), <https://www.elgaronline.com/edcollchap/book/9781803925653/book-part-9781803925653-20.xml>.

¹⁷ Susan Abel et al., "Social Media, Rituals, and Long-Distance Family Relationship Maintenance: A Mixed-Methods Systematic Review," *New Media & Society* 23, no. 3 (2021): 632–54, <https://doi.org/10.1177/1461444820958717>.

bonding routines but simultaneously operate as a primary arena for friction regarding privacy protection and relational conflict.

Accumulated privacy tensions and emotional distance eventually manifest visibly through daily behavioral dysfunctions, most commonly found in the form of phubbing. Through phenomenological analysis, Iqbal (2025) reveals that the habit of intentionally ignoring a partner in favor of attention absorbed by a device screen is a blatant violation of emotional expectations.¹⁸ This behavior slowly erodes the foundation of the inner connection and ignites cyber-jealousy within the household. When the satisfaction of digital interaction is considered more entertaining than real-world conversation, the partner's right to affection becomes neglected. This condition is reinforced by the analysis of Huda and Arwata (2024),¹⁹ who found a strong correlation between the disproportionate intensity of social media use and the declining level of harmony between husbands and wives, primarily due to the breakdown of internal communication patterns.

The escalation of emotional estrangement in this "third space" consistently leads to the collapse of the institution of marriage. Research by Maulina et al. (2025)²⁰ regarding the dynamics of family law emphasizes that application features allowing fluid interaction with individuals outside the marriage are highly susceptible to triggering suspicion and violations of privacy boundaries, leading to serious domestic disputes. Affirming this sequence of relational problems, Baidowi (2025)²¹ identifies the emergence of a new phenomenon termed "digital divorce." This type of divorce is the cumulative impact of online infidelity, virtual jealousy, and privacy invasion that originates entirely from device screens. These empirical findings collectively prove that infiltration into the third space is not merely a shift in communication style, but a structured threat that demands a reconfiguration of legal rules and domestic ethics to mitigate family destruction.

Negotiating Spousal Device Privacy Through the Principle of *Mu'asyarah bil Ma'ruf*

The rapid development of digital technology and massive information disruption have created structural tensions between established family law norms and evolving social realities. Examining this phenomenon, Nurafni et al. (2026)²² find in their socio-legal analysis that globalization and technology have triggered a shift in family values toward individualism and contributed significantly to the escalation of digitally mediated

¹⁸ Shadab Iqbal, "Digital Intimacy and the Transformative Trajectories of Contemporary Marital Relations: A Sociological Perspective," *Journal of Climate and Community Development* 4, no. 1 (2025): 337–46, N/A.

¹⁹ Muhammad Hasbulloh Huda and Danang Rahmat Arwata, "Pengaruh Media Sosial Terhadap Keharmonisan Pasangan Suami Istri : Desa Ganjaran Kec Gondanglegi," *MAQASHID* 7, no. 1 (2024): 64–74, <https://doi.org/10.35897/maqashid.v7i1.1543>.

²⁰ Nia Maulina et al., "Dinamika Pengaruh Media Sosial Terhadap Keharmonisan Rumah Tangga Dalam Perspektif Hukum Keluarga," *Sibatik Journal: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 4, no. 7 (2025): 1393–410, <https://doi.org/10.54443/sibatik.v4i7.3016>.

²¹ Ahmad Dahlan Baidowi, "Perceraian Digital: Peran Media Sosial Dalam Retaknya Rumah Tangga Di Era Teknologi," *Jurnal Ilmu Hukum* 3, no. 2 (2025): 26–33.

²² Nurafni et al., "The Impact of Globalization and Scientific and Technological Developments on Family Behavior and the Dynamics of Islamic Family Law," *Hayula: Indonesian Journal of Multidisciplinary Islamic Studies* 10, no. 1 (2026): 137–50, <https://doi.org/10.21009/hayula.010.01.07>.

family conflicts. This dynamic reveals a legal vacuum, demanding a reform of Islamic family law to be more responsive to socio-technological changes while maintaining its normative foundations. Aligning with these findings, Nafi et al. (2024)²³ identify that one of the most crucial challenges in today's domestic sphere is the issue of personal data protection and the validity of cyberspace privacy boundaries between partners.

In the framework of Islamic law, the right to digital data privacy fundamentally receives robust protection through the instrument of *Maqāṣid al-Sharī'ah*, specifically within the aspect of *Hifẓ al-'Irḍi* (protection of honor). An in-depth study by Nidhom and Murtadho (2025)²⁴ emphasizes that Islam views personal data protection not merely as a matter of individual freedom, but as an integral part of efforts to protect human dignity and honor. In the context of digital space, this protection of *Hifẓ al-'Irḍi* functions to prevent information exploitation, defamation, and data misuse that could disrupt the broader social order. Based on this juridical construction, both a wife and a husband principally possess autonomy and a fundamental right to the confidentiality of their devices and digital interactions. Forcing penetration into such digital spaces without a justified basis potentially violates privacy rights protected by religion.

However, the right to digital privacy within a marriage cannot be interpreted as an absolute, limitless freedom. A virtual private space that is tightly closed without an agreement on openness has proven to be a primary medium that accelerates the collapse of family resilience. Phenomenological research by Zaenurrosyid et al. (2025)²⁵ provides empirical evidence of this; they found that digital penetration hidden from a partner facilitates the growth of destructive addictive behaviors, particularly involvement in online gambling (*judol*) and online loan traps (*pinjol*). These practices, which directly intersect with elements of *gharar* (uncertainty) and *riba* (usury), have been shown to tangibly destroy family economic resilience, damage marital harmony, decrease the quality of childcare, and trigger severe psychological pressure and domestic conflict. This sociological fact confirms that misused privacy can turn into the greatest threat to the pillars of *Maqāṣid al-Sharī'ah* itself.

To bridge the tension between maintaining privacy and preventing digital harm, the management of devices within the household must be negotiated through the principle of *mu'asyarah bil ma'ruf* (treating one's spouse in a kind and dignified manner). Privacy negotiation can be built by adopting the concept of ethical accountability. Moving from

²³ Khaiyyil Faizunan Nurun Nafi et al., "Digitalization in Islamic Family Law: An Opportunity or a Threat?," *International Journal of Religion and Social Community* 2, no. 2 (2024): 34–48, <https://doi.org/10.30762/ijoresco.v2i2.3498>.

²⁴ Misbahun Nidhom and Ali Murtadho, "Does Islam Protect Digital Privacy? An Islamic Studies Approach to Personal Data Protection," *Al-Afham: Journal of Islamic Studies* 2, no. 2 (2025): 107–28, <https://doi.org/10.62509/ajis.v2i2.260>.

²⁵ A. Zaenurrosyid et al., "The Addictive Behavior of Judol, Pinjol, Loan Sharks and Their Impact on the Resilience of Muslim Families at Winong-Pati and Urban Genuk-Semarang, Central Java," *Hikmatuna : Journal for Integrative Islamic Studies* 11, no. 2 (2025): 271–99, <https://doi.org/10.28918/hikmatuna.v11i2.12538>.

the analysis of Nugraha et al. (2025)²⁶ regarding good faith in the electronic realm, parameters of agreement in the digital world demand a transformation from mere formal legality toward a form of substantive transparency and fairness in the consent process. If translated into marital relations, the demand for a husband or wife to grant mutual access to devices must not be based on exploitative power relations or blind suspicion. Instead, it must be grounded in fair bargaining equality and substantive transparency to maintain mutual trust.

Ultimately, the resolution of digital privacy boundaries absolutely requires comprehensive adaptation. Efforts to suppress technology-based domestic conflict are not enough if relied upon solely through formal-legal rules; they must be balanced with the development of social awareness. Nidhom and Murtadho (2025)²⁷ provide strategic recommendations regarding the urgency of integrating legal regulations with digital literacy rooted in Islamic ethics and noble values. Through the strengthening of Sharia literacy within the family, *mu'asyarah bil ma'ruf* will manifest tangibly—transforming repressive mutual surveillance into a voluntary agreement between partners to mutually safeguard and protect their digital spaces for the sake of household integrity.

Digital Nusyuz: When Partners Prefer the Virtual World

The failure of couples to negotiate privacy boundaries often leads to violations of fundamental rights in marriage, which in classical fiqh literature is termed *nusyuz*. Traditionally, *nusyuz* is understood as a form of physical defiance or neglect, such as a wife leaving the house without her husband's permission or a husband ceasing to provide financial or emotional support. However, alongside digital penetration, this concept has undergone a significant sociological reconceptualization. Research by Wijaya and Permatasari (2023)²⁸ formulates that in the social media era, the definition of *nusyuz* has expanded from mere physical absence to various forms of online behavior that challenge the authority or norms of household harmony. Intensive and uncontrolled device use has proven to be a primary trigger for disharmony, shifting conventional boundaries of defiance into the virtual realm.

The most tangible manifestation of this digital *nusyuz* is emotional neglect through screen addiction, specifically through the phenomenon of phubbing. In his phenomenological study, Iqbal (2025)²⁹ reveals that the habit of intentionally ignoring a partner to stare at a device is a clear violation of emotional expectations. This behavior of trivializing physical interaction slowly erodes the foundation of the inner connection and ignites sharp jealousy between spouses. These findings are reinforced by qualitative

²⁶ Sigit Nurhadi Nugraha et al., “From Formal Validity To Ethical Accountability: Good Faith In Sharia Electronic Contracts Under Indonesian Law,” *Hakam : Jurnal Kajian Hukum Islam Dan Hukum Ekonomi Islam* 9, no. 2 (2025), <https://doi.org/10.33650/jhi.v9i2.12690>.

²⁷ Nidhom and Murtadho, “Does Islam Protect Digital Privacy?”

²⁸ Hendra Wijaya and Intan Permatasari, “Nusyuz in the Era of Social Media: Reinterpreting Wife Behavior in a Modern Context,” *Indonesian Journal of Islamic Law* 6, no. 1 (2023): 67–79, <https://doi.org/10.35719/ijil.v6i1.2011>.

²⁹ Shadab Iqbal, “Digital Intimacy and the Transformative Trajectories of Contemporary Marital Relations: A Sociological Perspective,” *Journal of Climate and Community Development* 4, no. 1 (2025): 337–46, N/A.

analysis from Sultana and Bukhari (2024),³⁰ which highlights how modern couples are often more addicted to interacting with social media than engaging in face-to-face communication at home. This acute dependence on digital technology negatively impacts the sense of security, leads to a loss of relational control, and fades attachment within the marriage—essentially a form of neglecting the partner's right to affection.

Beyond emotional neglect caused by screens, digital *nusyuz* also expands into destructive actions such as airing domestic problems and building inappropriate relationships in cyberspace. Research by Rosli et al. (2025)³¹ maps out how unregulated social media use often leads to the neglect of quality family time, jealousy triggered by intense interaction with third parties, and the act of publishing private information to the public sphere. These actions damage marital stability and directly contradict the objectives of Islamic law (Maqāṣid al-Sharī'ah), particularly the obligation to maintain tranquility (*sakinah*) and protect the household's honor (*hifz al-'ird*).

Facing this shifting threat, domestic dispute resolution demands a more adaptive approach. Anticipating the dynamics of today's tech-bound generation, Fadhilah et al. (2025)³² emphasize the urgency of renegotiating Islamic marriage values through the lens of Maqashid al-Usrah (noble family goals). As a mitigation step, studies by Sultana and Bukhari (2024)³³ and Wijaya and Permatasari (2023)³⁴ both suggest the need for adaptive digital education and the implementation of remedial measures based on Islamic ethics. Through an understanding of digital literacy rooted in religious values, couples can reshape their understanding of obedience and authority, ensuring that virtual temptations do not snatch away their commitment to fulfilling each other's rights in the real world.

Fortifying the Digital Family with the *Maqāṣid al-Sharī'ah* Approach

The rapid growth of digital technology in the domestic sphere demands a robust ethical framework to navigate information disruption.³⁵ In this regard, the Maqāṣid al-Sharī'ah approach serves as a methodological instrument capable of strengthening the ethical dimension and social relevance of Islamic law amidst the transformation of virtual interactions.³⁶ Utilizing this framework allows the family institution to adaptively balance

³⁰ Munazza Sultana and Syed Abdul Ghaffar Bukhari, "Remedial Measures of Negative Effects of Digital Technology on Conjugal Relationship in Islamic Perspective," *Al Manhal Research Journal* 4, no. 2 (2024), <http://almanhal.org.pk/ojs3303/index.php/journal/article/view/141>.

³¹ Fatin Syahirah Rosli et al., "The Influence of Social Media on Marital Conflict: An Analytical Study Through the Lens of Maqasid Al-Shariah in Preserving Family Stability and Dignity," *International Journal of Research and Innovation in Social Science* IX, no. VII (2025): 598–608, <https://doi.org/10.47772/IJRISS.2025.90700049>.

³² Nur Fadhilah et al., "Negotiating Islamic Marriage Values in the Digital Age: An Analysis of Generation Z Muslims through the Lens of Maqashid al-Usrah," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 9, no. 1 (2025): 17–35, <https://doi.org/10.30659/jua.v9i1.48228>.

³³ Sultana and Bukhari, "Remedial Measures of Negative Effects of Digital Technology on Conjugal Relationship in Islamic Perspective."

³⁴ Wijaya and Permatasari, "Nusyuz in the Era of Social Media."

³⁵ Muharir Muharir and Sérgio António Neves Lousada, "Maqāṣid Al-Sharī'ah in the Digital Era: Challenges in Islamic Family Law and Halal Lifestyle in Indonesia," *Munakahat* 1, no. 1 (2024): 42–57.

³⁶ Safaruddin Harefa, "The Fundamental Principles of Islamic Law in the Digital Era: An Ushul Fiqh and Maqashid Sharia Approach," *Journal of Islamic Law on Digital Economy and Business*, August 23, 2025, 84–99, <https://doi.org/10.20885/JILDEB.vol1.iss1.art6>.

the ease of access offered by technological innovation with the protection of core Sharia values. Education regarding these protection principles is a crucial key to ensuring that digital lifestyles and the use of cyber platforms do not deviate from the primary goals of creating justice and public welfare.

In the context of intimacy management, unregulated social media interaction has been proven to frequently ignite jealousy due to closeness with third parties, leading to the publication of private issues in the public domain.³⁷ These destructive practices directly erode tranquility (*sakinah*) and injure the goal of protecting family honor (*hifz al-'ird*). Therefore, *Maqāshid al-Sharī'ah* mandates the importance of building awareness, self-regulation, and ethical digital etiquette to prevent miscommunication between partners. Maintaining honor in cyberspace is no longer just a moral suggestion but an absolute prerequisite for preserving the stability of the marital bond from potential destruction.³⁸

Furthermore, the protection of intellectual sanity (*hifz al-'aql*) and the soul (*hifz al-nafs*) is also being massively tested by the circulation of discourse on social media. The phenomenon of the "fear of marriage" voiced virally on platforms like TikTok proves how exposure to digital narratives can provide real psychological pressure for the younger generation.³⁹ Responding to such mental pressure, *Maqāshid al-Sharī'ah* provides guidance that readiness to enter or maintain a household requires substantive mental, intellectual, and emotional maturity to avoid greater harm (*madharat*). A holistic assessment of emotional maturity (*rusyd*) becomes an essential shield for couples in filtering virtual information exposure that has the potential to damage mental well-being.⁴⁰

Ultimately, all efforts to protect the intellect and honor are aimed at maintaining the continuity and quality of lineage (*hifz al-nasl*) within the framework of noble family goals or Maqashid al-Usrah.⁴¹ Ironically, moral protection efforts in the digital space are often hijacked by online religious discourse that reinforces patriarchal hegemony and legitimizes men's repressive control over women.⁴² Analysis based on *Maqāshid al-Sharī'ah* rejects such legalistic-repressive approaches and instead demands a social reinterpretation grounded in values of gender justice and compassion (*rahmah*). Family resilience in the era of disruption can only be realized if the household foundation is built

³⁷ Rosli et al., "The Influence of Social Media on Marital Conflict."

³⁸ Rosli et al., "The Influence of Social Media on Marital Conflict."

³⁹ Delia Atika Sari and Nur Lailatul Musyafaah, "'Marriage Is Scary' on TikTok: Maqāshid al-Sharī'ah's Analysis of the Fear of Marriage in the Digital Era," *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 6, no. 2 (2025): 132–64, <https://doi.org/10.15642/mal.v7i2.466>.

⁴⁰ Afrinald Rizhan et al., "The Ideal Age of Marriage in Indonesian Family Law: An Integrative Analysis of Islamic and Positive Law," *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 2 (2025): 474–92, <https://doi.org/10.32505/qadha.v12i2.12581>.

⁴¹ Fadhilah et al., "Negotiating Islamic Marriage Values in the Digital Age."

⁴² Nur Maulidya Wardatur Rohmah et al., "Constructing Digital Patriarchy: Framing the Hadith of Dayyūth and Gendered Morality in Online Islamic Discourse," *Journal of Ushuluddin and Islamic Thought* 3, no. 1 (2025): 1–36, <https://doi.org/10.15642/juit.2025.3.1.1-36>.

upon pillars of love, liberating religiosity, and equal respect for the human dignity of all family members.

Digital Ethics Agreement: A Proposed Solution for Preserving Harmony

As a conclusion to the threat of emotional alienation and the vulnerability of privacy violations, contemporary family institutions urgently need adaptive mitigation formulations. The widespread practice of digital *nusyuz* and the escalation of conflict due to social media show that the management of communication in cyberspace can no longer be left to run without clear rules. The absence of interaction boundaries in the virtual world demands the birth of domestic policies capable of bridging Islamic family law with modern technological realities.⁴³ Therefore, this research offers an operational instrument in the form of a digital marital agreement at the family level.

A digital ethics agreement is essentially an operationalization of the principles of good faith and ethical accountability, shifting a formal-legal approach toward transparency based on fair negotiation.⁴⁴ In its implementation, this agreement serves as a balance point that accommodates the right to autonomy and personal data protection in line with the value of *Hifz al-'Irđi*.⁴⁵ Simultaneously, however, the agreement ensures that privacy is not exploited to hide destructive and addictive behaviors—such as online gambling and virtual debt traps—which have been empirically proven to destroy economic resilience and the quality of family caregiving.

On a practical level, elements of this ethical agreement include regulating the intensity of device use, implementing digital-free zones during crucial hours, and a mutual commitment to prioritize reasonable face-to-face communication. This type of self-regulation has proven to be a primary defense in preventing miscommunication, jealousy, and the neglect of quality family time.⁴⁶ Through the practice of conscious remedial steps, couples can restore the affective attachment that was previously eroded by the illusion of emotional availability in cyberspace.

Furthermore, to ensure this agreement does not transform into a restrictive surveillance instrument full of suspicion, its foundation must absolutely be placed upon the principles of *Maqashid al-Ushrah*. An ideal digital agreement must steer clear of online religious discourse that often legitimizes patriarchal hegemony and repressive male surveillance over women's spaces.⁴⁷ Instead, this agreement must be negotiated through the spirit of *mu'asarah bil ma'ruf*, based on pillars of liberating religiosity, sincere love, and equal respect for the human dignity of all family members.⁴⁸ Through the integration of Sharia values and strong cyber literacy, this ethical agreement transforms into a rational

⁴³ Baidowi, "Perceraian Digital"; Nurafni et al., "The Impact of Globalization and Scientific and Technological Developments on Family Behavior and the Dynamics of Islamic Family Law"; Wijaya and Permatasari, "Nusyuz in the Era of Social Media"; Maulina et al., "Dinamika Pengaruh Media Sosial Terhadap Keharmonisan Rumah Tangga Dalam Perspektif Hukum Keluarga."

⁴⁴ Nugraha et al., "From Formal Validity To Ethical Accountability."

⁴⁵ Nidhom and Murtadho, "Does Islam Protect Digital Privacy?"

⁴⁶ Huda and Arwata, "Pengaruh Media Sosial Terhadap Keharmonisan Pasangan Suami Istri."

⁴⁷ Rohmah et al., "Constructing Digital Patriarchy."

⁴⁸ Awaliya Safithri and Hasbi Ash Shiddiqi, "Religiosity As Pillars Of Household Integrity," *Religi: Jurnal Studi Agama-Agama* 21, no. 02 (2025): 351–70, <https://doi.org/10.14421/rejusta.v21i02.6842>.

solution for nurturing the harmony of the institution of marriage against the waves of digital disruption.

CONCLUSION

Digital disruption has deconstructed the boundaries of domestic privacy and created a "third space" that tangibly triggers emotional alienation between husbands and wives. The uncontrolled penetration of device screens has given rise to the phenomenon of phubbing and excessive cyber autonomy, which, both sociologically and juridically, expands the spectrum of defiance within the marriage bond into what is termed digital *nusyuz*. This violation of affective expectations not only injures the principle of *mu'asyarah bil ma'ruf* in daily life but also directly threatens the pillars of family resilience, such as the protection of honor (*hifz al-'ird*) and intellectual sanity (*hifz al-'aql*), as outlined in *Maqāṣid al-Sharī'ah*. The absence of transparent privacy boundaries in the virtual world has been proven to facilitate destructive behaviors—ranging from online infidelity to virtual financial traps—culminating in a high escalation of digital divorce.

As a solution, the concepts of obedience and the division of authority in contemporary households absolutely require reconfiguration through the formation of a digital marital agreement. This agreement fundamentally shifts the paradigm of surveillance—driven by suspicion and patriarchal hegemony—into a commitment to substantive transparency based on relational justice. Through the integration of adaptive digital literacy and the preservation of the noble values of *Maqāṣid al-Usrah*, family institutions can independently mitigate the negative impacts of technology. Theoretically, this study contributes to expanding the discourse of Islamic family law by pulling the concepts of *nusyuz* and *mu'asyarah bil ma'ruf* into cyberspace. On a practical level, this proposed formulation of a digital ethics agreement can serve as a valid reference instrument for marriage counselors, family mediators, and religious courts in formulating preventive measures and resolving domestic disputes in the era of information disruption.

Although this study has offered a comprehensive conceptual framework and theoretical solutions, there are fundamental limitations due to its purely library research methodological approach. This research has not yet empirically validated how the digital ethics agreement model is operationalized or culturally received within the daily realities of Muslim families. Furthermore, the dynamics of evidence in court proceedings regarding cyber privacy violations have not been factually depicted. Therefore, future research is strongly encouraged to conduct field research to test the effectiveness of implementing digital ethics agreements among couples with diverse demographic and generational backgrounds. Further studies should also be directed toward a jurisprudential analysis of judges' decisions in Religious Courts regarding divorces purely predicated on digital *nusyuz*, so that the formulation of Islamic family law can continue to be refined based on a strong sociological foundation.

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