



RESOLVING MARITAL DISPUTES THROUGH ISLAMIC MEDIATION (*SULH*)

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INTRODUCTION

Marital disputes are a universal human experience, cutting across cultures, societies, and spiritual belief systems. Differences in lifestyles, personalities, expectations, communication, and individual pressures or struggles often lead to serious disputes. While there are various forms and expressions of these disputes, the reality remains the same: every married couple wants to maintain a harmonious relationship. However, achieving this requires considerable effort, reflection, patience, understanding, and effective solutions from both parties to resolve their disagreements. Fortunately, Islam is a religion that provides comprehensive guidance based on its two primary sources, the Qur'an and the Sunnah. Islam teaches that marriage is a sacred bond rooted in tranquility (*sakinah*), love (*mawaddah*), and mercy (*rahmah*), rather than merely a contractual relationship based on love. It also demonstrates that marital disputes can be resolved through Islamic guidance, including Islamic mediation (*sulh*). In resolving marital disputes, Islam emphasises that they should be approached with wisdom and sincere intentions in order to preserve the marriage. Consequently, Islamic mediation is an important mechanism for resolving conflicts between spouses.

CONCEPTUAL FRAMEWORK OF *SULH* IN ISLAM

Islamic mediation (*sulh*) plays a significant and structured role in addressing marital disputes, offering a balanced approach that combines legal principles with moral and spiritual guidance. Rather than treating conflict as a purely private matter between the couple, Islam recognizes that unresolved disputes can affect not only the couple but also the wider family and community. As such, *sulh* provides a framework for resolving disputes in a manner that is fair, respectful, and aligned with Islamic teachings. From a conceptual perspective, *sulh* can be understood as both a process and an objective. As a process, it involves negotiation, dialogue, and the possible involvement of a neutral third party who facilitates discussions between disputing spouses. As an objective, *sulh* seeks to restore harmony and tranquility while ensuring that justice is upheld for both parties. According to Che Adnan (2024), *sulh* refers to a conflict resolution mechanism employed to address disputes and functions as a platform where a neutral third party facilitates dispute resolution between conflicting parties under the supervision of a *sulh* officer. This highlights the importance of *sulh*, particularly in contemporary settings where it is organised within legal and religious institutions.

The foundation of this framework is deeply embedded in the Qur'an, which offers clear guidance on resolving marital conflicts. One of the key verses frequently cited is where Allah SWT states:

“If a woman fears indifference or neglect from her husband, there is no blame on either of them if they seek a fair settlement, for settlement is best. Human souls are ever inclined to selfishness. But if you are gracious and mindful ‘of Allah’, surely Allah is All-Aware of what you do.”
(Surah al-Nisa’, 4:128)

This verse specifically highlights the importance of *sulh* and establishes several fundamental principles underlying it.

1. IT SHOWS THAT ISLAM DOES NOT RESTRICT INDIVIDUALS FROM SEEKING HELP FROM OTHERS WHEN MARITAL PROBLEMS ARISE.

2. IT EMPHASISES THAT MAKING PEACE IS BETTER THAN ALLOWING CONFLICTS TO CONTINUE FOR A PROLONGED PERIOD WITHOUT REACHING MUTUAL AGREEMENT.

3. IT DEMONSTRATES THE IMPORTANCE OF PATIENCE, CONSCIOUS EFFORT, AND REMAINING MINDFUL OF ALLAH WHEN RESOLVING DISPUTES. A MARRIAGE IS MORE LIKELY TO ENDURE WHEN BOTH SPOUSES SUBMIT THEIR AFFAIRS TO ALLAH AND SINCERELY SEEK HIS GUIDANCE AND ASSISTANCE.

Ultimately, the concept of *sulh* in Islam provides comprehensive guidance on resolving disputes between conflicting parties, especially when conflicts become prolonged. It combines divine guidance, ethical values, and practical wisdom to address marital disputes effectively. By emphasising reconciliation, involving neutral mediators, and following the guidance of Allah, *sulh* upholds justice, tranquility, and harmony. Therefore, it remains an important mechanism for married couples seeking to resolve disputes in accordance with Islamic principles.

STRENGTHENING ISLAMIC MEDIATION THROUGH *FIQH* PRINCIPLES AND *MAQASID AL-SHARIAH*

APPLYING THE PRINCIPLE OF REMOVING HARM (*AL-DARAR YUZAL*)

Several practical solutions and recommendations based on Shariah principles are proposed to resolve modern marital disputes more effectively. Specifically, implementing the *fiqh* principle of removing harm, *al-darar yuzal*, offers a practical approach to reforming the way family disputes are handled. According to Ashraf (2024), in his study on Prophetic methods and modern applications, this principle serves as a vital foundation for protecting families from the emotional and financial exhaustion caused by prolonged court proceedings. By making pre-trial mediation a mandatory first step in resolving marital disputes, Shariah courts can move away from adversarial litigation. This shift directly supports the *Maqasid al-Shariah* objective of preserving the family unit (*hifz al-nasl*), encouraging couples to find common ground before their relationship reaches a point of total breakdown.

STRENGTHENING SPECIALIZED MEDIATION AND NEUTRAL FACILITATION

To address the real-life challenges of power imbalances and emotional obstacles that often hinder agreement, a more specialised and strategic form of mediation is needed. This approach involves appointing mediators who act as neutral yet proactive facilitators. According to Nabila et al. (2024), in their study on the strategic role of mediators in preventing divorce, such facilitators are essential in bridging the communication gap between disputing parties.

By integrating these specialised skills into the *sulh* process, mediation is transformed from a procedural requirement into a genuine support system. This ensures that the *Maqasid al-Shariah* objective of protecting human dignity is upheld, providing vulnerable individuals with a safe and fair environment in which to negotiate their rights without feeling pressured or unheard.

EMBEDDING MAQASID SHARIAH IN MARITAL CONFLICT RESOLUTION

A more profound approach to resolving marital disputes involves embedding the *Maqasid al-Shariah* framework directly into the mediation process to ensure that legal outcomes are firmly rooted in human welfare. By shifting the focus towards the five essential objectives of *Shariah*, mediators can help families navigate conflicts with a more balanced perspective. In practice, this means preserving religion (*din*) through adherence to Islamic ethics during negotiations and protecting life (*nafs*) by minimising the emotional trauma and stress often caused by prolonged court proceedings.

Furthermore, the framework safeguards intellect (*'aql*) by encouraging rational dialogue over emotional outbursts and prioritises lineage (*nasl*) by ensuring that any settlement primarily serves the future stability of the children. Finally, it protects wealth (*mal*) through fair distribution, preventing the financial hardship that often follows prolonged legal disputes. Integrating these five essential objectives transforms mediation from a rigid legal procedure into a comprehensive healing process, aligning with modern calls for legal reform that prioritise the collective well-being of the family unit over mere technical compliance.

CONCLUSION

In conclusion, domestic disputes often occur within society. However, Islam provides a comprehensive approach to resolving domestic conflicts through Islamic mediation (*sulh*). Through *sulh*, Islam emphasises the values of patience, calmness, peace, justice, and mutual understanding between spouses.

Moreover, *sulh* plays an important role in reducing prolonged domestic conflicts and encouraging timely reconciliation between spouses. Although there are several challenges in the implementation of *sulh*, such as limitations of authority, procedural weaknesses, lack of cooperation from disputing parties, and emotional obstacles during the mediation process, these challenges should not diminish the importance of *sulh* in resolving domestic disputes.

Therefore, to make the *sulh* process more effective in Malaysia, the Islamic mediation system needs to be strengthened by applying Islamic principles and the main objectives of Shariah, namely *al-darar yuzal*, which means that harm must be eliminated, and *Maqasid al-Shariah*, which refers to the objectives or purposes of Islamic law. With proper improvements in legal frameworks, trained mediators, and greater public awareness, *sulh* can continue to function as an effective system for protecting family relationships, ensuring justice, and creating households based on *sakinah*, *mawaddah*, and *rahmah* within Muslim families.

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RESOLVING MARITAL DISPUTES BY ISLAMIC MEDIATION



1 | OVERVIEW OF SULH IN ISLAM



According to Che Adnan (2024), sulh refers to a conflict resolution mechanism employed to address disputes and sulh functions as a platform where a neutral third party facilitates dispute resolution between conflicting parties moderated by a sulh officer

2 | DALIL ON SULH IN QURAN



{وَإِنْ أَمْرَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ }.

"If a woman fears indifference or neglect from her husband, there is no blame on either of them if they seek 'fair' settlement, which is best. Humans are ever inclined to selfishness. But if you are gracious and mindful 'of Allah', surely Allah is All-Aware of what you do". [An-Nisa:128]

3 | FIQH PRINCIPLE ON SULH



The principle of **الضرر يزال** (*al-darar yuzal*) meaning harm must be eliminated is a key foundation of Islamic mediation (sulh). It emphasizes removing harm in marital disputes by promoting peaceful resolution, fairness, and mutual understanding. Through sulh, conflicts are managed in a way that prevents further damage and helps preserve family harmony.

4 | MAQASID OF SULH IN ISLAM

Integrating Maqasid al-Shariah transforms mediation into a holistic process of protection and well-being. It preserves Faith (Din) by encouraging ethical conduct, Life (Nafs) by reducing emotional harm, Intellect (Aql) by promoting rational decision-making, Lineage (Nasl) by protecting family unity and preventing divorce, and Wealth (Mal) by avoiding unnecessary financial loss. This ensures that marital disputes are resolved in a way that safeguards both individual dignity and family stability.



5 | SOLUTIONS FOR MARITAL DISPUTES



- open communication, where the couple discusses honestly, calmly, and listens to each other.
- understanding and patience are important by understanding the partner's feelings and practicing patience in facing conflicts.
- compromise and problem-solving are done by compromising with each other and making decisions agreed upon together to solve problems.
- external help such as counseling or mediation if the problems cannot be resolved on their own.

6 | SUMMARIZATION OF ISLAMIC MEDIATION



Islamic mediation (sulh) is a comprehensive understanding and guidance on how to resolve disputes between husband and wife, especially when they are in a prolonged conflict. It combines divine guidance, ethical values, and practical wisdom to address marital disputes effectively.

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