

## Mental Instability in the Household: Schizophrenia as a Reason for Dissolution of Marriage in Syariah Court

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**Abstract:** Schizophrenia is a mental disorder. If it becomes chronic, it can be used as a reason for fasakh (marriage dissolution) claims based on Section 53(1)(h)(i) of the Perak Islamic Family Enactment 2004. Fasakh claims can be filed for two main reasons: physical neglect and mental neglect. One of the mental disorder grounds for fasakh is schizophrenia. Therefore, this study explores whether schizophrenia can be a valid reason for fasakh in court. The study aims to analyze schizophrenia as a legal basis for fasakh claims in the Syariah Court. A qualitative descriptive approach was used, with data collected through literature review and semi-structured interviews with two expert informants. Thematic analysis was applied to examine the data. The findings show that schizophrenia significantly affects marriage, leading to behavioral changes, inability to fulfill responsibilities, and emotional disturbances. Therefore, schizophrenia can be considered a valid reason for fasakh in the Syariah Court. However, strong evidence, such as medical reports, witness statements, and police reports (if abuse is involved), is required for proof. This study suggests further research on the impact of schizophrenia on marriage and the role of social support and psychiatric treatment in reducing its negative effects on families.

**Keywords:** Delusion, emotional exhaustion, Islamic Family Enactment;, Fasakh; Schizophrenia.

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**Abstrak:** Skizofrenia adalah gangguan mental, jika gangguan ini kronik maka ia boleh dijadikan sebagai alasan untuk tuntutan fasakh berdasarkan Seksyen 53(1)(h)(i) Enakmen Keluarga Islam Perak 2004. Tuntutan fasakh boleh difailkan atas dua alasan utama iaitu pengabaian fizikal dan pengabaian mental. Terdapat pelbagai alasan untuk fasakh bagi gangguan mental, salah satunya ialah skizofrenia. Justeru, persoalan yang timbul adalah sama ada penyakit skizofrenia boleh dijadikan sebagai alasan untuk tuntutan fasakh di mahkamah. Sehubungan itu, kajian ini dijalankan bertujuan untuk menganalisis penyakit skizofrenia sebagai suatu alasan yang sah untuk menuntut fasakh di Mahkamah Syariah. Bagi mencapai tujuan tersebut, maka pendekatan kualitatif deskriptif digunakan dalam kajian ini di mana data diperoleh melalui kajian kepustakaan dan temu bual separa berstruktur bersama dua informan pakar. Seterusnya, data yang diperoleh dianalisis menggunakan analisis tematik. Hasil kajian mendapati bahawa skizofrenia memberi kesan mendalam terhadap perkahwinan termasuk perubahan tingkah laku, ketidakmampuan menjalankan tanggungjawab dan gangguan emosi. Oleh itu, skizofrenia boleh dijadikan sebagai alasan yang sah untuk tuntutan fasakh di Mahkamah Syariah. Walau bagaimanapun, proses pembuktian perlu dilaksanakan dengan mengemukakan bukti yang kukuh seperti laporan perubatan, keterangan saksi dan laporan polis sekiranya terdapat unsur penganiayaan. Kajian ini mencadangkan agar penyelidikan lanjutan dapat meneliti impak skizofrenia terhadap hubungan perkahwinan dan peranan sokongan sosial serta rawatan psikiatri dalam mengurangkan kesan negatif terhadap keluarga.

**Kata kunci:** Delusi, Emotional exhaustion; Enakmen Keluarga Islam, Fasakh; Skizofrenia.

## Introduction

Marriage in Islam is a sacred bond that makes the relationship between a man and a woman lawful and helps build a family based on Islamic teachings. It is an agreement or contract that gives both husband and wife certain responsibilities and rights.<sup>1</sup> The purpose of marriage in Islam is to fulfill human needs, have children, bring peace to the heart, and strengthen the family institution.

As mentioned in the Quran, Surah Ar-Rum, verse 21:

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<sup>1</sup> Buckley LA, Maayan N, Soares-Weiser K & Adams CE. *Terapi sokongan untuk skizofrenia*. (Noorliza Masura, Editor) (2015, April 14). From Cochrane.org: [https://www.cochrane.org/ms/CD004716/SCHIZ\\_terapi-sokongan-untuk-skizofrenia#:~:text=Satu%20terapi%20yang%20sering%20diberi,tingkah%20laku%20kognitif%20\(CBT\)](https://www.cochrane.org/ms/CD004716/SCHIZ_terapi-sokongan-untuk-skizofrenia#:~:text=Satu%20terapi%20yang%20sering%20diberi,tingkah%20laku%20kognitif%20(CBT).).

*"And among His signs is that He created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you love and mercy. Surely in this are signs for people who reflect."*

The Prophet Muhammad (PBUH) also said:

*"O young people! Whoever among you is able to marry should marry because it will help lower the gaze and protect chastity. But whoever is not able should fast, as fasting will be a shield for him." (Hadith narrated by Bukhari, Hadith No. 1905)*

This shows that Allah has created men and women as partners so that they can support and complete each other in life. The Quran and Hadith explain that marriage not only fulfills natural human needs but also protects a person's dignity and prevents actions that go against Islamic teachings. A marriage is built on love and care, as mentioned in Surah Ar-Rum, which should be the foundation of a happy family. Therefore, responsibility and commitment from both husband and wife are important to achieve this goal.

However, every marriage comes with challenges. These challenges can happen to newlyweds or even couples who have been married for more than ten years. No one wants to live in a stressful relationship. If a spouse faces oppression that harms their well-being, Islam allows for a divorce known as fasakh.

Fasakh means the cancellation of a marriage by the court due to specific reasons based on Islamic law.<sup>2</sup> This happens when a wife requests to end the marriage because her husband fails to fulfill his responsibilities or if there are serious problems affecting her well-being.<sup>3</sup> In Surah Al-Baqarah, verse 231, Allah says:

*"And when you divorce women and they have reached the end of their waiting period, either keep them in a good way or release them in a good way. But do not keep them to cause harm."*

The concept of fasakh is accepted in all major Islamic schools of thought, but there are differences in opinion regarding the conditions that allow a wife

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<sup>2</sup> Nadiah Mohd Zin & Syazwana Aziz. Hak suami dan nafkah isteri dalam tempoh perkahwinan bagi pasangan yang mengalami kecelaruan psikosis. *Journal of Law & Governance*, 3, no 1 (2020), 59-73.

<sup>3</sup> Zaidi Zain and Raihanah Abdullah, "Tuntutan fasakh: Kajian dari perspektif undang-undang tatacara mal," *Journal of Shariah Law Research* 3, no. 1 (2018): 1-34.

to request fasakh.<sup>4</sup> These differences are found in the Hanafi, Maliki, Shafi'i, and Hanbali schools.<sup>5</sup>

In the Hanafi school, fasakh is only allowed in certain cases, such as if the husband leaves Islam (apostasy), is unable to provide marital intimacy, or has been missing for a long time. However, a husband's inability to provide financial support or mental illness such as schizophrenia is not considered a strong reason for fasakh.

Mazhab Maliki on the other hand, states that wives can claim fasakh if they are unable to provide financial or emotional support, suffers from an infectious disease, or has a mental illness that negatively affects the marriage. On the side of Mazhab Syafi'e fasakh is allowed if the husband has a serious physical disability or mental illness that prevents him from fulfilling his responsibilities as a husband.

Mazhab Hanbali allows wives to claim fasakh if her husband is unable to provide financial or emotional support, has a serious illness, or suffers from a disease that makes living together harmful.

Based on the views of the four madhhabs above, it is clear that mental illness allows a person to claim fasakh in the sharia court. Islamic family law in Indonesia regulates various aspects of domestic life, including marriage, divorce, husband and wife rights, and children's rights.<sup>6</sup> Likewise in the state of Perak, Malaysia. The Perak Islamic Family Enactment 2004 also regulates the right for wives to apply for fasakh.

According to Section 53 (1)(h)(i) of the Islamic Family Enactment of Perak 2004, a wife can request fasakh if her husband frequently harms or causes suffering to her through abusive behavior. The designation states:

“(h) That the husband or wife abuses the other, including:

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<sup>4</sup> Nilpa Safitri Daulay. Konsep fasakh dalam nikah karena ada cacat perspektif hukum Islam. *Jurnal Budi Pekerti Agama Islam*, 2, no 1 (2024), 146-156.

<sup>5</sup> Normadiyah Daud, Noorul Madihah Husin, and Fatimah Muliana Muda, *Fiqhah kekeluargaan Islam* (Terengganu: Penerbit Universiti Sultan Zainal Abidin, 2021).

<sup>6</sup> Nurhikmah and Hanim Yumna, “Gender Issues in Islamic Family Law: Perspectives from History, Philosophy, and Sociology of Law,” *Ahlika: Jurnal Hukum Keluarga Dan Hukum Islam* 1, no. 2 (2024): 111–27, <https://doi.org/10.70742/ahlika.v1i2.76>.

- (i) Frequently causing harm or making life miserable due to abusive behavior.”

Schizophrenia is a serious and chronic mental disorder that affects a person's behavior. It can cause a person to lose control, act unpredictably, and potentially harm those around them, including their spouse. People with schizophrenia may experience hallucinations, delusions, or disorganized thinking, which can lead to aggressive actions or unpredictable behavior. This can create fear and emotional distress for their partner.<sup>7</sup>

The term "schizophrenia" comes from Greek, meaning "split mind." In the past, it was often linked to spiritual disturbances or possession. In 1896, a German psychiatrist, Emil Kraepelin, described schizophrenia as "dementia praecox." Later, in 1911, a Swiss psychiatrist, Eugen Bleuler, changed the name to "schizophrenia." He believed that schizophrenia was not just a personality disorder but was caused by psychological stress experienced by the patient.<sup>8</sup>

According to Nur Fida'iy, schizophrenia can be divided into four main types based on its clinical symptoms. These types include paranoid schizophrenia, hebephrenic schizophrenia (also known as disorganized schizophrenia), catatonic schizophrenia, and delusional schizophrenia. Each type has unique characteristics that affect a patient's thinking, emotions, and behavior.

Paranoid schizophrenia is characterized by delusions (false beliefs that do not match reality) and auditory hallucinations (hearing voices that are not real). Patients often feel suspicious of others, show excessive anger, and tend to argue frequently.<sup>9</sup> Despite these delusions, their physical appearance usually seems normal. This type is also known as paraphrenic schizophrenia.<sup>10</sup>

Hebephrenic schizophrenia usually affects young people and is considered one of the most severe forms of schizophrenia. Patients display

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<sup>7</sup> National Institute of Mental Health (NIMH), "Schizophrenia," 2024, <https://www.nimh.nih.gov/health/topics/schizophrenia>.

<sup>8</sup> Nur Fida'iy, "Skizofrenia & Kaedah Rawatannya," 2013, <https://separaparanoid.blogspot.com/2013/05/>.

<sup>9</sup> Cecilia Effa, "Schizophrenia and Hallucinations," 2023, <https://www.medicalnewstoday.com/articles/schizophrenia-hallucinations>.

<sup>10</sup> National Institute of Mental Health. *Schizophrenia*. From National Institute of Mental Health, (2024, December)

disorganized behavior, hallucinations, and delusions. However, unlike paranoid schizophrenia, the delusions in this type are unstructured and unclear. Patients may behave strangely, such as wearing messy clothes, eating inappropriate or dirty food, and acting in a childish or unpredictable manner.

Catatonic schizophrenia affects a person's movement control. Patients may show extreme immobility, staying completely still like a statue for hours. On the other hand, some patients experience uncontrolled repetitive movements or hyperactive behavior, including talking non-stop.

In this type, patients experience strong, illogical delusions but do not have hallucinations. Their delusions often involve false beliefs about their identity, such as thinking they are someone else or having abilities that are not real. This type is harder to identify because it does not include the common hallucinations seen in other types of schizophrenia.

This study was conducted to examine whether schizophrenia can serve as a legitimate grounds for seeking fasakh (divorce) in the Syariah Court. Currently, there is no specific provision within the Islamic Family Enactments of Malaysian states that explicitly addresses schizophrenia. However, cases involving emotional abuse or emotional disturbances often reference Section 53(1)(h)(i), which pertains to acts that cause "commonly hurt."

Bushra Jusoh's<sup>11</sup> research explored interviews with sharia judges and concluded that acts considered "commonly hurtful" are only recognized if they occur repeatedly. Since the term implies frequency, a single act is typically insufficient; instead, the court looks for patterns of behavior over time—usually more than twice—to establish emotional harm.

An illustrative case is case number (08008-014-0040-20200) at the Sri Iskandar Syariah Lower Court, Perak Malaysia where the plaintiff was diagnosed with major depressive disorder. The marriage between the plaintiff and defendant began on December 25, 2016. The plaintiff filed a fasakh claim against the defendant on April 8, 2018, with the statement of claim fully submitted by April 10, 2018. The trial commenced on April 23, 2018, featuring

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<sup>11</sup> Bushra Jusoh, "Kerangka Parameter Penderaan Emosi: Analisis Penghakiman 'Lazim Menyakiti' Dalam Seksyen 53(1)(h)(i) Enakmen Keluarga Islam Perak 2004 (Disertasi Sarjana, Tidak Diterbitkan)" (Disertasi, Kuala Kangsar, Perak Malaysia, Universiti Sultan Azan Shah., 2022).

testimonies from the plaintiff and two witnesses. Evidence included a medical report from Hospital Bahagia Ulu Kinta, Tanjung Rambutan, Perak, indicating the plaintiff had been receiving treatment since October 24, 2017. The Medical Officer confirmed that the plaintiff suffered from major depressive disorder and was prescribed 100mg of T. fluvoxamine nightly to manage emotional stability. Based on this evidence, the court allowed the fasakh claim.

This case demonstrates that a sharia court may consider psychiatric testimony to substantiate claims of emotional abuse or mental health issues. Consequently, the current discussion raises the question of whether schizophrenia can similarly be regarded as a valid reason for a wife to seek fasakh in court.

## Method

This study employs a descriptive qualitative approach aimed at exploring and explaining the phenomenon in depth based on collected data.<sup>12</sup> This approach that aims to summarize the various social conditions and phenomena that occur in the social reality of society.<sup>13</sup> Additionally, this research design is well-suited for generating a comprehensive explanation by integrating various perspectives and data sources.

The data collection methods include literature review and semi-structured interviews. The literature review involves analyzing sources such as journals, academic articles, documents, theses, and digital materials to identify relevant references for the study. In addition, semi-structured interviews were conducted, with each session lasting 15 to 30 minutes, involving two key informants—a psychiatrist and a Syariah judge. These interviews aimed to gather insights into the implications of schizophrenia and cases related to mental disorders, aligning with the study's objectives.

Furthermore, the collected data were analyzed using content analysis and thematic analysis. Content analysis was applied to review documents and

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<sup>12</sup> Anugerah Ayu Sendari, "Mengenal jenis penelitian deskriptif kualitatif pada sebuah tulisan ilmiah," February 1, 2021, <https://www.liputan6.com/hot/read/4032771/mengenal-jenis-penelitian-deskriptif-kualitatif-pada-sebuah-tulisan-ilmiah?page=2>;

<sup>13</sup> Najmah, Namirah Adelliani, Citra Afny Sucirahayu & Azmiya Rahma Zanjabila *Analisis tematik pada penelitian kualitatif*. Indonesia: Penerbit Salemba, 2023.

literature to identify key concepts and relevant information. Meanwhile, thematic analysis was used to examine interview transcripts, identifying major themes. Both methods ensure a systematic and thorough analysis, contributing to a deeper and more structured understanding of the issue <sup>14</sup>(Najmah et al., 2023).

Interview findings were then analyzed and categorized into themes. Each theme was assigned a code, such as (IN1/241105/B1-12). Here, IN1 refers to the psychiatrist, Dr. Azmir bin Shaari, while IN2 represents the Syariah judge, Tuan Haji Mohd Ridzuan bin Yusof. The code 241105 indicates the interview date, whereas B1-12 denotes the line number from the transcript.

## Result and Discussion

This section presents the key findings of the study on schizophrenia as a basis for fasakh claims. The findings were obtained through semi-structured interviews conducted with two key expert informants—Dr. Azmir bin Shaari, a psychiatrist, and Tuan Haji Mohd Ridzuan bin Yusof, a Syariah judge. The informants were selected using purposive sampling to ensure they possess expertise and direct experience related to fasakh claims involving schizophrenia<sup>15</sup>.

## Definition and Characteristics of Schizophrenia

Psychiatrists define schizophrenia as a chronic mental disorder characterized by hallucinations, delusions, behavioral disturbances, and emotional instability. Informant 1, Dr. Azmir Shaari,<sup>16</sup> explains:

*“Schizophrenia is caused by an imbalance of neurotransmitters or chemicals in the brain, which leads to disturbances that affect a person’s actions in an uncontrolled manner.” [IN1/241105/B14-18]*

According to IN1, schizophrenia can cause individuals to act unconsciously, affecting emotional responses and behavior towards those

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<sup>14</sup> Najmah et al., Analisis tematik pada penelitian kualitatif (Indonesia: Penerbit Salemba, 2023); Ike Asana Putri, Amnan & B Fitia Maharani. Skizofrenia: Suatu studi literatur. *Journal of Public Health and Medical Issues*, 1. no. 1(2024), 1-12.

<sup>15</sup>Rosmawati, “Persampelan Kajian,” November 15, 2011, <https://rosma212.wordpress.com/2011/11/15/persampelan-kajian-i/>.

<sup>16</sup> interview with Azmir Shaari, 2024



around them, including their spouse. These symptoms may lead to irrational actions, creating situations where the partner feels threatened. This condition has a significant impact on marital relationships, especially when the affected individual exhibits aggressive behavior or poses a risk of harm to their spouse.

### **Impact of Schizophrenia on Marital Relationships**

Dr. Azmir highlights that schizophrenia can have a negative impact on marriage, particularly when the patient does not receive adequate treatment. Informant 1 further explains:

*“Schizophrenia patients may experience delusions, believing that their partner is having an affair or intending to harm them. In some cases, they may even try to find and confront the alleged third party. Additionally, they may suffer from hallucinations, such as hearing voices instructing them to harm their spouse.”*  
[IN1/241105/B3640]

Such conditions can lead to domestic conflict, which may sometimes escalate into domestic violence. The delusions and hallucinations experienced by schizophrenia patients can cause uncontrolled behavior, resulting in their partners living in constant stress and fear.<sup>17</sup> This aligns with paranoid schizophrenia, where individuals often experience auditory hallucinations or false beliefs that push them to act violently as a self-defense mechanism when they feel threatened.<sup>18</sup>

Furthermore, the psychiatrist emphasizes that schizophrenia patients who do not receive consistent treatment often struggle to manage daily life effectively. Without proper treatment, they may lose the ability to make rational decisions, leading to complete dependence on their spouse. Consequently, their partner is burdened with significant emotional and financial responsibilities. Financially, the spouse must cover treatment and caregiving costs, which can be overwhelming. This burden becomes even greater if the spouse also serves as

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<sup>17</sup> Marie E. Rueve and Randon S. Welton, “Violence and Mental Illness - PubMed,” 2008, <https://pubmed.ncbi.nlm.nih.gov/19727251/>.

<sup>18</sup> Nor Zuraida Zainal & Jesjeet Singh Gill. *Skizofrenia penyakit mental*. Malaysia: Penerbit Univerisiti Malaya, 2009

the primary caregiver, reducing their ability to engage in formal employment opportunities.

Moreover, the spouse may experience psychological stress due to the need to manage the unstable and unpredictable behavior of the patient. This often happens when they have to balance their role as both caregiver and financial provider for the family. In some cases, the spouse may have to take unpaid leave or even resign from their job to care for the patient. Such a situation not only affects the financial stability of the household but also has a significant impact on the spouse's emotional well-being and mental health. It is evident that schizophrenia has a profound effect on the spouse's life, affecting them physically, emotionally, and financially. Over time, these challenges may lead some individuals to file for fasakh (marital dissolution) as a means of escaping the emotional and psychological burden associated with the condition.

### **Proving Schizophrenia as a Valid Reason for Fasakh**

One of the main challenges in filing for fasakh (marital dissolution) due to schizophrenia is the burden of proof that the spouse must provide.<sup>19</sup> Informant 2 emphasized:

*"The court will not simply accept claims at face value and usually requires evidence in the form of a medical report." [IN2/241115/B31-32]*

This requirement ensures that the patient has been officially diagnosed with schizophrenia and that the severity of the illness is properly assessed. The medical report plays a crucial role in determining whether the spouse has suffered harm due to the patient's condition. Informant 2 Ridzuan Yusof,<sup>20</sup> further explained:

*"If the person has been diagnosed with schizophrenia, the court will usually allow a period of six months or a year to monitor their progress. If there is no improvement, the court will grant the request." [IN2/241115/B13-15]*

This observation period is intended to give the patient an opportunity to receive appropriate treatment and to assess whether there are any positive

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<sup>19</sup> Muhammad Syaifuddin. *Hukum penceraian*. Indonesia: Sinar Grafika, 2013

<sup>20</sup> Interview with Ridzuan Yusof, 2024.

changes in their behavior or mental state.<sup>21</sup> The duration of the waiting period varies, typically ranging from six months to one or even two years, depending on the severity of the illness. If the patient's condition does not improve after the given period, the court may approve the fasakh request. This process ensures fairness to both parties, as it allows the patient time for recovery while also giving the spouse the opportunity to make an informed decision regarding their future.

Additionally, the Syariah judge clarified that other forms of evidence, such as police reports and witness testimonies, can further support the fasakh claim—especially in cases where the patient's behavior has resulted in physical harm or serious threats towards their spouse.<sup>22</sup> This demonstrates that medical reports alone are not the sole determining factor; rather, strong supporting evidence from third parties, such as family members, neighbors, or siblings who have witnessed the patient's behavior, can reinforce the case.

### **Challenges in Proving Schizophrenia and the Court Process**

Tuan Ridzuan emphasized that although schizophrenia is not explicitly stated in the legal provisions for fasakh, elements of abuse or harm can be considered under Section 53(1)(h)(i) of the Islamic Family Enactment of Perak 2004. Informant 2 explained:

*"Fasakh is granted not because the spouse has schizophrenia, but due to their actions, such as harming their partner, failing to provide financial support, or having no income." [IN2/241115/B10-12]*

Therefore, evidence must demonstrate that schizophrenia has led to behavior that causes suffering to the spouse. The burden of proof requires strong supporting documents and credible testimony. The primary evidence is a medical report from a psychiatrist, confirming the diagnosis of schizophrenia

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<sup>21</sup> Muyassarrah Hamid, Gunawan Sayuti & Mida Alvia. Pelit sebagai alasan fasakh: Kajian terhadap putusan pengadilan agama bangko. *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga*, 6, no.1 (2021), 543-557.

<sup>22</sup> Muhammad Iswan Ismail & Mohd Yusof Yaziz. Tahap tekanan psikologikal dalam kalangan mahasiswa: Satu tinjauan di kolej komuniti Temerloh. *Global Journal of Educational Research and Management*, 3, no. 1 (2023), 27-43.

and assessing its severity. Additionally, the report should indicate whether the patient experiences hallucinations or delusions that cause uncontrolled behavior, endangering the spouse. Informant 2 further clarified:

*"A psychiatric report is a crucial instrument in proving the patient's behavior and its direct impact on the spouse." [IN2/241115/B8-9]*

Beyond psychiatric reports, other supporting evidence may include police reports in cases of domestic violence, witness testimonies from individuals who have observed extreme behavior, and medical records of the patient's treatment history. However, a significant challenge arises when schizophrenic patients refuse treatment or fail to adhere to their prescribed medical plan. This complicates the process since the absence of medical records weakens the case in court.<sup>23</sup>

In such situations, spouses seeking fasakh may need third-party support, such as police officers or close family members, to provide witness statements as alternative proof. Informant 2 Ridzuan Yusof,<sup>24</sup> emphasized the importance of such testimony in cases where formal medical documentation is lacking.

*"If the patient does not receive treatment and no medical report is available, witness testimony and police reports can serve as crucial evidence in this case." [IN2/241115/B32-33]*

### **Economic and Psychological Impact on the Spouse**

Schizophrenia has a significant impact on both the economic and psychological well-being of the spouse.<sup>25</sup> Financially, the spouse often bears the cost of treatment, medication, and hospital admissions. If the patient is unable to work, the spouse is forced to take full financial responsibility for the household, leading to economic instability. This financial strain becomes more severe when the spouse has to borrow money or seek financial assistance from family members or welfare institutions, particularly in the absence of external support.

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<sup>23</sup> William Surya Atmadja, Tri Kumoroyekti & Musinggih Djarot Roujani. *Skizofrenia Paranoid*, 2022, (September 26). From Alodokter: <https://www.alodokter.com/skizofrenia-paranoid>

<sup>24</sup> Interview with Ridzuan Yusof, 2024.

<sup>25</sup> Puspita Sari. Dinamika psikologi penderita skizofrenia paranoid yang sering mengalami relapse. *Psikoislamedia Jurnal Psikologi*, 4, no 2(2019), 2548-4044.

Beyond financial burdens, schizophrenia also affects the spouse psychologically. Informant 1 highlighted:

*"Their spouse may experience emotional exhaustion and prolonged psychological distress." [IN1/241105/B38-39]*

This occurs because the spouse must constantly manage the unpredictable behavior of the patient, which is often triggered by hallucinations and delusions. As a result, they may live in a constant state of anxiety and fear, especially if the patient exhibits aggressive behavior that threatens family safety. Additionally, the psychological burden increases when the spouse assumes the role of both caregiver and financial provider. In some cases, they must simultaneously juggle caregiving, employment, and household responsibilities. This overwhelming pressure can lead to emotional exhaustion and, in severe cases, caregiver burnout. If this situation persists, the spouse may lose their emotional resilience, ultimately leading them to consider filing for fasakh due to financial hardship, emotional fatigue, and psychological distress. Therefore, seeking a fasakh divorce is often regarded as a last resort for spouses in such circumstances.

Schizophrenia is a chronic mental disorder that causes serious problems with thinking, emotions, and behavior. This illness makes a person's thoughts disorganized and separates them from reality, making it difficult for them to think logically and make rational decisions. As a result, schizophrenia affects the patient's ability to live a normal daily life.<sup>26</sup>

In addition to affecting thoughts and behavior, schizophrenia reduces a person's ability to function normally in everyday activities. It is a long-term condition that requires continuous treatment throughout life. Treatment for schizophrenia includes taking antipsychotic medication, attending psychosocial therapy, and receiving support from family and the community. With the right treatment, patients can have a better quality of life and reduce the chances of experiencing severe schizophrenia episodes.

In marriage, schizophrenia in a husband can affect financial and emotional support, as well as his role as the leader of the family. This situation

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<sup>26</sup> Rueve, & Welton, Violence and mental illness. *Psychiatry*(Edgmont (Pa.: Township)), 5, no 5(2008), 34-48.

may cause the wife to feel unsafe, experience emotional stress, and suffer mental health problems.<sup>27</sup> Because of this, Islamic law allows fasakh (marriage annulment) in such cases to protect the wife's well-being and ensure fairness in marriage. This follows Islamic principles, which aim to protect those who are suffering and maintain justice in the family.

**Table 1.** Patterns of Claims, Impacts, and Evidentiary Support in Domestic Disputes

Claim	Impact	Evidence	Frequency	Likelihood of Neglect
Hallucinations and delusions	Believes spouse is having an affair	Medical report	Frequent	Frequent
Physical violence	Injuries and wounds	Police report	Frequent	Sometimes
Conflicts	Spouse bears full household responsibilities	Witness testimony	Frequent	Frequent

Source: Adapted from interviews

Based on the discussion and the data presented, it can be concluded that schizophrenia can be a valid reason for fasakh (marriage annulment) if there is clear evidence showing that the illness causes harm or mistreatment towards the spouse and negatively affects the well-being of the marriage. Additionally, the case must meet the required elements of proof, including the frequency of incidents and the likelihood of neglect towards the spouse. Therefore, a systematic proof process and stronger legal enforcement are recommended to protect the rights and well-being of affected spouses.

### Formulation to Problem Solving

In the case of schizophrenia, the wife should not make decisions rashly including not being influenced by incitement or pressure from outsiders. The

<sup>27</sup> Zanariah Dimon. Tekanan mental dalam perkahwinan dan penyelesaiannya menurut undang-undang keluarga Islam. *4th Muzakarah Fiqh & International Fiqh Conference*, Kuala Lumpur: UIS Conference, 2018

wife should make an effort to seek appropriate treatment if she finds that her husband has schizophrenic symptoms.<sup>28</sup> However, if there is no option or no signs of recovery after efforts have been made, then the wife must present concrete evidence to support the claim of fasakh on the grounds of schizophrenia such as authoritative witnesses in the field of psychiatry, ascertaining what are the critical effects experienced by her as a result of her husband's schizophrenia. In addition, a medical report from an authoritative expert is also required along with a police report can also be an important supporting document in the event of physical abuse against the wife. These measures are important aimed at ensuring that claims filed are based on clear facts and not based on mere perceptions or emotional distress.

## Conclusion

This article concludes that schizophrenia can be a valid reason for fasakh (marriage annulment) under Section 53(1)(h)(i) of the Islamic Family Enactment of Perak 2004, which allows divorce if one spouse suffers from a mental disorder that causes harm to the other and prevents them from fulfilling their marital responsibilities. Schizophrenia can lead to severe behavioral changes, an inability to function normally, and communication and emotional issues that disrupt marital well-being. As a result, affected spouses may no longer be able to carry out their roles in the marriage, making fasakh a last-resort solution. Future research could explore the impact of schizophrenia on marital relationships and the role of social support and psychiatric treatment in reducing its negative effects on families.

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<sup>28</sup> Umar Mukhtar Mohd Noor, "Al-Kafi #559: Hukum Minta Cerai Kerana Sakit Mental," 2017, [https://www.muftiwp.gov.my/ar/artikel/al-kafi-li-al-fatawi/973-al-kafi-559-hukum-minta-cerai-kerana-sakit-mental?utm\\_source=chatgpt.com](https://www.muftiwp.gov.my/ar/artikel/al-kafi-li-al-fatawi/973-al-kafi-559-hukum-minta-cerai-kerana-sakit-mental?utm_source=chatgpt.com).

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