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## **The Protection of a Wife's Rights Against the Elements of Narcissism and Gaslighting in Domestic Violence: The Impact During COVID-19 Pandemic**

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**Abstract**---This study constructively focused on the polemic in a household regarding the impact of the COVID-19 pandemic that hits the world. For example, China experienced a high number of divorce cases during the emergency order period. In Malaysia, during the Movement Control Order (PKP), a number of wives lodged a significant number of complaints of conflict or domestic violence to the Malaysian Islamic Development Department (JAKIM). This indicates the existence of domestic conflict on a large scale. This study is timely to examine the causes of domestic violence conflict. The second objective is to identify the rights of wives in the household and the third, to propose a standard procedure of a nurturing household to the State Religious Affairs Department. This study used a qualitative methodology. The content analysis method was used with materials that were significantly library-sourced consisting of primary and secondary data. Primary data were collected from the book of fiqh to clarify the rights and responsibilities of the wife in the household. Secondary data is based on published material, such as textbooks,

journal articles, online databases and the Internet. For analysis, this study used a combination of data analysis methods, namely descriptive, critical and comparative approaches.

**Keywords**---COVID-19 Pandemic, domestic conflict, protection, wife's rights.

## **Introduction**

Malaysia was declared by the World Health Organization (WHO) as one of the best countries in tackling and controlling the COVID-19 pandemic. However, people cannot be complacent with the current situation and must always adhere to the standard operating procedures (SOP) enforced by the Malaysian government to ensure that they are spared from this disease. During the COVID-19 pandemic period that hit the world, China experienced a high number of divorce cases during the emergency order period. In Malaysia, during the Movement Control Order (PKP), a number of wives lodged a significant number of complaints of conflict or domestic violence to the Malaysian Islamic Development Department (JAKIM). This indicates the existence of domestic conflict on a large scale. Thus, this study is timely to examine the causes of domestic violence conflict ([Ardabilly et al., 2011](#); [Kilpatrick & Williams, 1998](#)).

The second objective is to identify the rights of wives in the household and the third, to propose a standard procedure of a nurturing household to the State Religious Affairs Department. This study used a qualitative methodology. The content analysis method was used with materials that were significantly library-sourced consisting of secondary data. Primary data were collected from the book of fiqh to explain the rights and responsibilities of the wife in the household. Secondary data is sourced from published materials such as textbooks, journal articles, online databases, and the Internet. For analysis, this study used a combination of data analysis methods, namely descriptive, critical and comparative approaches. The study findings show that there are elements of narcissism and gaslighting in the household crisis that affects the amicable household institution. The Movement Control Order also contributes as a strong factor in the conflict experienced by married couples. Therefore, a standard operating procedure mechanism for a nurturing household needs to be established at the level of the State Religious Affairs Department to protect the rights of wives and develop a thick and strong character to avoid the negative marriage institutions' shackles ([Dzaky et al., 2021](#); [Gede Budasi & Wayan Suryasa, 2021](#)).

## **Causes of problems in domestic conflict**

The Movement Control Order's (PKP) implementation should open the best opportunity for each couple to strengthen their relationship through attitude, behaviour changes, and affection towards their spouse. However, the community was somewhat troubled by the statistics analysed by the Ministry of Women, Family and Community Development that Talian Kasih 15999 and WhatsApp Talian Kasih received a total of 77,382 calls namely 32,660 phone calls and

44,722 via WhatsApp during the PKP period from 18 March 2020 to 12 May 2020. Calls continued to increase until 31 August 2020 with a total of 122,904 calls received on Talian Kasih. The Women's Aid Organisation (WAO) recorded a 14 percent increase in the number of calls and complaints via WhatsApp concerning domestic violence cases involving women. Ironically, domestic violence can occur in all walks of life irrespective of religion, race and colour, including economic status, whether low- (B40), medium- (M40) or high-income (T20).

The main reason for the increase in domestic violence cases during the PKP implementation is financial problems and future uncertainties which cause significant conflicts. One of the negative impacts of PKP is the constraint on economic activity. Most Malaysians who worked/ were employed before the implementation of the PKP experienced a change in employment status during the PKP period. The most affected by the implementation of PKP is the B40 and M40 who are self-employed and earn a daily salary. The majority of these groups have no savings or emergency savings when on the brink of an economic downturn. The pressure increases if this group has a large number of dependents. The loss of income and food supply depletion makes the husband as the family head certainly lose consideration because he cannot meet the daily needs of his family. The impact of changes in employment and financial status during the PKP period leads to quarrels and fights between husbands and wives that involved violence to wives and, physical and mental abuse of children (La Mattina, 2017; Evans et al., 2008; Zu, 2021).

Psychological studies of Severe Acute Respiratory Syndrome (SARS) found that the PKP or quarantine period during a pandemic had a significant relationship with psychological issues such as emotional stress. Negative thoughts that plague a person can affect his/her emotions throughout the PKP implementation. These negative emotions refer to a variety of negative thoughts about self, partner, children's moods, and feelings of isolation from family and friends. Besides, social isolation is also a factor that contributes to emotional stress. As a result of these constraints and the feeling of being confined at home as well as having no other channel to relieve stress, the perpetrator will vent his or her anger to his/her spouse and children. The home that is supposed to be a happy ground and a place of refuge during the PKP period which should be an opportunity to live with affection instead turned into a nightmare for some wives who continue to be victims of physical and mental abuse by their husbands.

In addition, since victims and perpetrators have more time being at home due to the PKP implementation, the chances for conflict to occur are higher. Victims will be confined with the abuser, making it difficult for them to try to get assistance because their movements are monitored at all times. Domestic violence is based on an imbalance of power between the perpetrator and the perpetrator's desire to control the victim. During the period of the PKP implementation, the victim could not escape the situation, there was no support from others and there was no place to complain because many services were not in operation. Similarly, victims who are unable to work throughout the PKP, need to depend financially on the abuser. The victim's dependence on the abuser may exacerbate this situation (Jewkes et al., 2002; Jaffee et al., 2002).

Statistics also show that drug addiction cases are increasing consistent with the increasing number of domestic violence cases. Prior to drug abuse, perpetrators were usually able to lead a normal life with their spouse, respectively. After drug abuse, there are changes in the behaviour and emotions of the perpetrator. Various ways were done by the perpetrators to obtain money to obtain drug supplies. The difficulty in obtaining drug supplies among drug addicts due to financial factors and the PKP implementation has led to domestic violence. This situation causes the spouse to feel insecure, worried and scared during their time with the perpetrator. This situation if continued can lead to the family institution breakdown which can lead to divorce.

The solution, since the risk of domestic violence, increased during the PKP implementation, neighbors should always be alert, increase awareness on the WAO and Talian Kasih helpline with victims and advise them to contact the WAO. Each individual is responsible for striving to maintain emotional stability by adopting a positive attitude in order to maintain mental, physical and social well-being. For financial resources needed to meet the family needs, those in need can seek assistance provided by various parties, either government agencies or non-governmental organisations. Various incentives are provided to assist affected groups. People can diversify their economic resources such as using online business methods that are becoming increasingly popular today, especially during PKP. Where there is a will, there is a way. The domestic conflict during the COVID-19 pandemic also affected women who have managed to escape from domestic violence. Efforts to rebuild life after abuse are particularly challenging under normal circumstances, even more in a pandemic situation, due to financial factors. All parties including the family, community and the government have an important role in providing help and motivation to the victims (Ho, 2007; Zampas, 2013; Zarkowsky, 1976).

### **Divorce and murder issues**

The divorce statistics in Malaysia shows a worrying trend. First, a study conducted by HELP University College researchers reported that the divorce rate in Malaysia increased by 105% from 16,013 cases in 2002 to 32,763 cases in 2009. Second, divorce statistics also show that the number of divorces among Muslim couples is higher than non-Muslims (JAKIM, 2009). Although this number is influenced by the number of marriages and racial composition in the country, this figure is disturbing. In addition, JAKIM reported that in 2009 there was one divorce every 15 minutes among Muslims. This rate is increasing annually. The JAKIM report also showed that 32.2% of marriages ended in divorce within the first five years and this rate dropped to 27.7% within six to 10 years of marriage.

There were cases when a wife who filed for divorce was eventually murdered. The public may be surprised to see wives surviving in conflict-ridden households as a result of cruel and toxic husbands. Among the reasons that cause the wives' survival is fear. In some situations, the best solution is divorce, to protect the wife's life, as there are cases involving the wife's murder by her husband. In this situation, the attitude of some people who are overly optimistic and encourage the wife to survive and pray for the husband to change does not help the wife who is a

domestic violence's victim. They may be unaware that the victim is hesitant to escape from the situation that plagues them since they live in fear and have no place to seek refuge.

Although some people disfavour divorce, it is allowed in Islam. Divorce may be the best way when the husband is a bully, unable to change and commits destructive acts that some even kill their wives. Emotional abuse, physical abuse and murder are prevalent in society. In Malaysia, there is still a lack of exposure to the issue of gaslighting and narcissism that occurs in household institutions. Society needs to be more alert and aware of what is happening around them in order to provide support and assistance to individuals in need.

Some parents maintain a neutral attitude and do not want to be involved in their child's domestic problems. They may not be aware that their responsibilities to married children are not completely abolished. Family members and parents are among the closest people to seek assistance when conflicts occur. Some husbands threaten to kill their wives either verbally or actions such as pointing a knife and committing other offence. Such treatment requires swift action to save the victim or at least by lodging a police report. In such a situation, the feelings of shame and disgrace that have thickened in society are irrelevant because the life and future of the victim must be given priority (Strauss & Thomas, 1995; Salem et al., 2021).

Malaysian law clearly states that a murderer will be sentenced to death by hanging if convicted. Similarly, for other offences that result in injury, the punishment is already provided for in the law. Therefore, husbands need to be aware of the consequences that await them if they continue to harbour anger and act violently toward their wives. Violence against spouses is not limited to married couples only, even unmarried couples also experience similar conflicts. Some victims may think and expect the perpetrator to change, but an act that has become a habit is difficult to abandon.

### **Narcissism**

Nowadays, the term narcissism is better known by the general public as a description of high self-confident individuals. The term narcissism in psychology can be classified as one of the personality disorders. Such individuals are inclined to isolate themselves from society and selfish (Widiyanti et al., 2017). They feel other people are not on par with them and they don't need to listen to other people's views. They think they are the only ones who are right and everyone else is all wrong. Such individuals are not merely arrogant or selfish, but they are narcissists. This type of person is not unusual among couples in Malaysia, only a few people know such a person is a narcissist. A narcissist refers to an individual who often shows excessive admiration for himself or his appearance, feels as always important, always needs attention and lacks empathy for others. Narcissism is often misunderstood as having a high ego and pretentiousness. These two words are embodied in narcissist individuals because they need both components to be proud of themselves.

In a nutshell, all things in the life of a narcissist are related to "I", "me" and "myself". They feel others are not important compared to them. A life with such an individual is a daunting experience. Everything that happens in the house has to go through him and the opinions or views of others do not matter to him. For him, only himself is right while his wife, child, or anyone else is all wrong. In a nutshell, a narcissist:

- Always feel proud of himself.
- Indulge in fantasies of success, power, excellence, beauty, or boundless love.
- Over-believing that he is special and unique and can only be understood by a great person like himself.
- Always want to be admired excessively.
- Always feel jealous of others and always think others are jealous or unhappy with him.
- Lack of empathy and do not know how to put himself in the place of others and do not care about others' feelings.
- Always show arrogant and pretentious behaviour or attitude.

Among the ways to identify a narcissist are by:

- In the first place, he looked like a charming person. His style and conversation can dazzle others. He will convince others that he will only be with prominent figures. However, as soon as the person does something he does not like or does not reach the level he wants, he will show his true self. Any offence or anything that the person does usually has nothing to do with the person's self but more with the things that the narcissist individual feels and thinks.
- He is always in control of the conversation and tells stories of his greatness. He will glorify his achievements. When other people tell their stories, he will always shift the conversation to himself, the things he has done, his accomplishments and others. He would be occupied telling stories about himself that there is no time to listen to others. Such a person can be tested by telling stories about others to him and observing his response. Will he ask about the other person or will he divert the conversation to similar things he once did? The response he gives will provide an answer as to whether he is a narcissist.
- He is very fond of praise. If he is a leader, his men become bootlickers. This scenario provides facts on a narcissist. He lives with praise, proud in himself and arrogant. He may seem like a great and confident person but in reality, he is the person who is most insecure about himself and desperately needs constant praise. This kind of person will rise by humiliating others. He will punish those who disagree with him.
- When someone talks to a narcissist, the narcissist does not concern about that person. If the person tells him he is tired, the narcissist will inform him that he is also tired and more tired than that person. If the person says that he or she has been through hardship, the narcissist individual will not feel pity, and may even say that he or she has experienced a hardship worse

than that. People who always feel themselves to be greater, harder, smarter and better in all aspects than others abound in society unnoticed.

- A narcissist does not have long-term close friends. If he has close friends, only those people who are easily deceived or lack self-confidence will always admire him. This is among the reasons; a narcissist looks down if their partner has a friend and always find faults with that friend even if the friend is of the same sex.
- The most tiring thing is that a narcissist will question all things about other people, like the things they perform, eat and wear, as well as their friends, their favourite shows on Netflix or YouTube, their interests and hobbies. Everything is wrong and incorrect and, everything is not good or not good enough. A narcissist uses crude language, gossip, swear, say something very hurtful and sometimes make bland jokes to cover up the cruelty they say or do.
- He craves feedback as a result of his actions toward others to feel more powerful. If others tell him, that they can't stand the narcissist's temperament, it gives him more strength because it shows his actions bring results.
- A narcissist deliberately pays attention to others, such as mocking them, because he feels more powerful. Sometimes, his marriage is only for the sake of companionship, to have children and, for sexual satisfaction only.
- A narcissist is less or never apologetic even when it is clear that he is either guilty or mistaken because, for him, he is always right. Even if someone else is right, someone else remains wrong in his eyes for not thinking about the things that he thinks. He does not listen, does not want to understand and is unwilling to tolerate.
- A narcissist will be confused if his partner wants to break up. He will change to be the most romantic, most loving and kindest person. He is willing to kneel, plead, purchase various gifts and takes his partner anywhere whenever he is asked to persuade his partner. However, a narcissist will remain unchanged. Eventually, he will return to his original temperament. He may persuade his partner in a year or two, a month or two, or a week or two, but eventually, he will return to foul-mouthing his partner.
- A narcissist likes to pretend in front of others. His family looks happy, friendly and romantic. His partner is hugged and kissed and hands always held everywhere but the act was just a show and full of hypocrisy.
- Usually, when the partner is determined to separate, the narcissist will be rude and act violently. If his partner manages to break up with him, he will always harass his partner because of his ego. He blames his partner for causing their relationship to break down. Most likely, he will always try to hurt his partner. For example, a person who is crazy about divorce, sometimes it is not due to remorse with the separation that took place but stems from ego and unacceptable failure.
- Boasting/arrogant/proud of himself. In almost all conversations, the narcissist will boast his greatness, his achievements, his knowledge, his abilities, his wealth and various advantages which he obtained. They do not consider this act wrong and assume that pretentious behaviour is acceptable. Partners who are stuck in life with such an individual will feel

tormented. Marriage will not change the narcissist; his partner will have a lifetime of regret. Most couples cannot afford to escape from this toxic life. Some of them are too weak, helpless and too dependent on the narcissist. Narcissism is not limited to men, even women can be narcissistic individuals and irrespective of age, whether young or old.

### **Gaslighting**

Gaslighting has been going in the society for a long period of time. However, most of the victims (gaslightee) do not know what they are going through and are unaware that they are living with a gaslighter (gaslighting perpetrator). In a nutshell, gaslighting is a situation in which a man or woman (gaslighter) manipulates the mind of his partner (gaslightee) so that they feel distrustful of themselves, believe in things that never happened, forget or disbelieve in things that have happened and harbour feelings that they cannot live independently or without perpetrators. It is akin to sowing the seeds of doubt in the victim so that the victim questions their memory, views, opinions, judgment and ability to make their decisions.

People may wonder why the victim does not escape from that life, he/she is unaware that oneself is a victim, and is willing to be deceived. When gaslighting is sown little by little, the real thing will seem to be untrue and vice versa. This describes the behaviour of a person who lives miserably with his partner but remains faithful to living together as if nothing had happened. For example, if every day, a partner is told that she is ugly and unattractive, sooner or later she will start looking at herself in the mirror and see “flaws” on her face. When this occurs, the gaslighter will then, make his partner believe that no one will love him except the gaslighter. In this situation, the gaslighter gains power over his partner himself. His partner will be more tolerant because she “loves” the gaslighter while in reality, her partner is afraid of losing her ([Maksymova et al., 2021](#); [Favier et al., 2021](#)).

Gaslighters behave cunningly to make his partner begin to doubt her memory by changing the position of the partner’s personal items such as combs, car keys or mobile phones. This act seems like a common joke, but throughout the time, it can sow self-doubt and if it continues to linger every day or happens consistently over and over again, eventually, the victim will start trusting the gaslighter over herself. This act is called the process of sowing self-doubt.

The purpose of the gaslighter doing so is to cover up his faults. If he cheated, he would probably make his partner doubt that the partner had ever seen a message between the gaslighter and another woman. The gaslighter denies his actions and uses excuses that his partner often forgets and likes to imagine things that never happened. His partner will feel confused. Although she felt that she had seen a message between her husband and another woman, she would be sceptical after the husband said so. She will start to think that she misunderstood and it is just her mind’s play. When the situation has reached this stage, the gaslighter will probably start accusing his partner of cheating. He would diligently create situations that show a couple’s cheating like magnifying small things, for example, his partner replying to another man’s comment on Facebook. Although



the purpose of the comment was merely to provide information, the gaslighter would exaggerate the matter as if his partner has an affair.

If this situation persists, the partner will feel tired and will eventually follow the gaslighter's rhythm. His partner will no longer question the gaslighter's online activities like spending time on Bigo Live, Tik Tok, Michat and others. His partner will submit obediently to the gaslighter as it is presented daily that heaven lies under the feet of the husband even under any circumstance. If his partner tries to ask for help, the gaslighter will cut that rope of hope by hurting the person who wants to help or severing his partner's relationship with the outside world. Eventually, the partner will no longer trust family members and close friends. Assistance from a close person would be considered a step to sever her relationship with the gaslighter. For example, even if every day he tells his partner that he is ugly, at the same time he will praise that his partner is beautiful enough for him. It looks like a compliment, thus often causing the victim to be deceived. The compliment is just to further reinforce his partner so that the partner feels that only the gaslighter can love her. Since the seeds of confusion take a long time to bear fruit, it takes a long time to convince the victim of the gaslighter's trick.

### **Awareness of domestic violence**

Domestic violence means violent or aggressive behaviour towards a partner. It includes acts against a partner that cause intense pain. For example, pinching may be common for some couples, but a pinch that causes bruises and cuts is considered violence. A partner should not take this lightly because if left unchecked, the situation can worsen. Although some men or husbands are also victims of domestic violence, worldwide, women experienced numerous domestic violence compared to men. Hence, this issue became the focus of this study. Perhaps most members of society assume that domestic violence stems from stress or pressure. However, researchers assume that it is based on a lack of respect for the wife. A husband who respects his wife will not let the wife be hurt/abuse, especially by himself. Even if the husband faces stress or other problems, it is not an excuse to make the wife a place for the husband to vent his anger. This writing will not discuss the reason a wife is beaten but instead will highlight things that can be done by a wife who is a domestic violence's victim.

### **First-time fight or incident**

A fight or a first-time incident is the most important moment. The next step taken by the victim will determine her future with her partner. The first time the victim is slapped, he or she has to tell their partner that the act is an offence. The partner needs to know that the victim hates the act of violence and he or she also needs to know that the act hurts the victim. The partner will probably realise that he or she has made a mistake and will regret it. In this situation, the victim has managed to control the situation. However, if the violence continues, there are some steps that the victims need to know and do, among them are:

- **Awareness**  
The victim needs to be aware that the spouse has no right to hurt and injure her. The victim should also be aware that domestic violence is an offence under the law. The victim needs to know that she can get assistance, she is not alone and needs to stop torturing herself and her loved ones, for example, her children. Children should not be used as an excuse to prevent victims from escaping domestic violence, children may be traumatised when they see their mother become a victim of domestic violence.
- **Sharing problems**  
A victim should share her problems with family members or close friends, such as mother, father, siblings or close friends. Through sharing especially with family members, victims can get advice as well as views from them. This should not be seen as a disgrace as it involves personal safety, family safety and the future.
- **Get help from women's protection bodies/organisations**  
Victims can seek help from bodies that offer help and protection to women, for example, the Women's Aid Organisation (WAO). WAO can be contacted by making a phone call or via SMS/WhatsApp. Among the services provided by WAO is to provide advice, explain options to victims and victims can also meet face to face with WAO representatives. In addition, victims can access WAO services such as protection and crisis support.
- **Get help from government hospitals**  
Government hospitals offer assistance to domestic violence's victims through the One Stop Crisis Centre (OSCC). The centre is open 24 hours a day and treats all cases related to abuse, violence and exploitation of adults and children. The main goal of the OSCC is to offer a safe place to protect victims from danger, inspect victims' injuries and provide appropriate treatment, as well as to assist police investigations and keep victims safe until victims receive assistance from the Department of Social Welfare if needed. Victims will also be assessed for mental and emotional crises.
- **Obtain an Emergency Protection Order (EPO) from the Department of Social Welfare**  
Emergency Protection Order (EPO) is an order issued by officers of the Social Welfare Department (JKM) to the perpetrator to stop committing acts of violence against the victim. EPO is available any time by calling the Nur Line (15999) which is available 24 hours a day or by visiting the nearest JKM office. The victim must bring her identity card and a child's birth certificate if applicable to JKM. The victim does not have to lodge a police report to get an EPO and it is valid for 7 days.
- **Lodge a police report and apply for an Interim Protection Order (IPO) at the police station**  
Victims can report any act or threat of violence by lodging a police report either by typing it by themselves at the police station or relating it orally to a police officer. Victims can also draft a report in advance. In the police report, the victim must write details of the abuse such as the violence that occurred, the date and estimated time it occurred, where it occurred, and the individuals involved. The victim should obtain a copy of the police report for personal storage and future reference. Victims can tell the police officer that the victim wants to apply for an Interim Protection Order or Interim

Protection Order (IPO). An IPO is a court document that prohibits the perpetrator from continuing to commit violence against the victim and it is valid throughout the police investigation. Spouses, ex-wives or family members of the perpetrator can apply for an IPO. However, IPOs do not cover unmarried couples. In the police report, the victim needs to state a request to obtain an IPO. The IPO can also include other family members, such as the victim's children. The victim should obtain a reference letter from the police stating that the police are investigating the case. Next, the victim needs to go to the nearest Social Welfare Office by bringing the police report, the reference letter and identity card and, inform the welfare officer that the victim wants an IPO. A welfare officer will accompany the victim to court to apply for an IPO. The IPO is valid during a police investigation. Once the police investigation is over and the case is mentioned in court, the victim has to apply for a Protection Order (PO).

- Flee  
In dire circumstances, the victim may need to flee. The victim needs to know that violence can worsen if the victim flees. Hence, the victim needs to consider several things before fleeing from home, among them are:
  - Keep evidence of injuries such as photos and videos' recoding.
  - Record details of violent behaviour such as date, place and degree of injury suffered.
  - Save emergency numbers such as 999, WAO hotline, WhatsApp and Talian Nur numbers. The victim can keep it using another name so that it cannot be detected by the perpetrator.
  - Inform immediate family members.
  - Plan for temporary accommodation.
  - Store all personal items such as clothes, money and personal documents in an emergency bag and hand the bag to a family member or a close friend temporarily.
  - Ensure the phone is always with the victim and is ready to use (can make calls/WhatsApp).

### **Domestic violence act**

The Domestic Violence Act 1994 (Amendment) 2017 has been in force since 1994 in Malaysia. Domestic violence is on the rise and now, it has become a social problem. These social issues can lead to the collapse of society if not curbed. The Domestic Violence Act 1994 is a law that pays special attention to matters of domestic violence by providing several means of resolution for such cases. Based on the act, the following individuals can lodge a domestic violence's complaint to a social welfare officer or a police officer who also acts as an enforcement officer:

- Husband and wife;
- Ex-husband/ Ex-wife;
- Son or daughter;
- A parent, brother, sister, brother, or any other relative who in the opinion of the court is a member of the family;
- The victim's lawyer; or

- In the case if the victim is a disabled child or adult, a guardian, relative or person responsible for the care of the disabled child or adult, or a social welfare officer other than an authorised social welfare officer.

An application for a protection order may be made in any district where:

- The victim lives;
- The person against whom the protection is requested to reside;
- The alleged domestic violence took place; or
- The place where the victim is temporarily placed.

Domestic violence is defined as any of the following acts:

- Intentionally or knowingly placing or attempting to place the victim in a state of fear and physical injury;
- Causing physical injury to the victim by an act that should have been known to result in physical injury;
- Forcing the victim by coercion or threat to commit any sexual or other conduct or act that the victim has the right not to commit;
- Imprisoning or detaining the victim without the victim's consent;
- Committing treachery or destruction or damage to property with the intent to cause or with the knowledge that it is likely to cause grief or annoyance to the victim in an unlawful manner, or in the case if the victim is a child, causing the victim to experience delusions by using any material;
- Causing psychological abuse including emotional injury to the victim;
- Causing the victim to experience delusions by using any intoxicating substance or any other substance without the victim's consent;
- Fraudulently, embezzling the victim's property causing the victim grief due to financial loss;
- Threatens the victim with intent to cause the victim to fear for his or her safety or the safety of his or her property, fear for the safety of a third party, or to experience grief; or
- Communicating with the victim or communicating with third parties about the victim with intent to disgrace the victim's honour through any means, electronic or otherwise.

The social welfare officer who acts as the enforcement officer under this act are required to perform the following duties:

- Assist victims of domestic violence in filing complaints regarding domestic violence;
- Providing or arranging transportation for the victim to an alternative residence or place of safety or shelter if necessary;
- Arranging for transportation or make it available for the victim to the nearest hospital or medical facility for the treatment of injuries if such treatment is required by the victim;
- Explain to the victim about the right to protection; and
- Accompany the victim to the victim's residence or previous residence to pick up his/her belongings.

### **Services provided by the department of social welfare**

- Application for a Safe Place
- Application for Emergency Protection Order (EPO)
- Application for Interim Protection Order (IPO)
- Application for Protection Order (PO)
- Counseling Services

### **How to lodge a domestic violence complaint online**

- Applicants/victims can lodge complaints/applications online. For that purpose, the applicant/victim needs to register as a user in the first place;
- Upon registration, the applicant/victim needs to enter personal information, information related to the complaint and relevant police report; and
- After applying, the applicant will be contacted by an officer from the Social Welfare Department based on the district/state information entered.

Alternatively, applicants can call Talian Kasih 15999 for immediate assistance.

### **Other related issues**

There is no term for rape in marriage. The definition of rape has been thoroughly explained in Section 375 of the Penal Code [Act 574], while Section 375A details the criminal offences of a husband against his wife related to sexual intercourse. The controversy arises when some parties portray as if Islam allows rape in marriage. This stems from misunderstandings and misinterpretations in evaluating the hadith on the text and not in the actual context. On average, these hadiths are recited on the tables of the speakers of mosques and suraus by people who are not qualified in the field of hadith and the principles of fiqh, while a verse in Surah al-Nisa (4:19) mentions “O believers! It is not permissible for you to inherit women against their will or mistreat them to make them return some of the dowry as a ransom for divorce; unless they are found guilty of adultery. Treat them fairly. If you happen to dislike them, you may hate something which Allah turns into a great blessing.”, even an authentic hadith of Saidatina ‘Aisyah r.a., in the Jami’al-Tirmidhi, Prophet Muhammad said, “Best among you is one who is best to his wife, and I am best among you in my dealings with my wives.”

Neither the scope of civil or Shariah law is adequate when Section 375A of the Penal Code is inserted and provides that if any man in a lawful marriage causes injury or fear of death to his wife or any other person to have sexual intercourse with his wife, then the man shall be sentenced to imprisonment for a term of up to five years. The Domestic Violence Act 1994 [Act 521] also applies to dealing with domestic violence conflicts. Furthermore, for Muslim couples, Injunction and Abatement Order Against Nuisance can also be obtained from the Syariah High Court, for example, through Section 200 of the State Syariah Court Civil Procedure Law Enactment. Non-Muslim couples can apply the Law Reform (Marriage and Divorce) Act 1976 [Act 164] which provides appropriate protection.

This polemic continues to worsen because society views the provision of the text one-sided, for example, the hadith related to the criteria of a spouse’s selection by

a bachelor. In a hadith narration of al-Bukhari and Muslim, Prophet Muhammad (Sallallahu Alayhi was Sallam) said, "A woman is normally sought as a wife for her wealth, beauty, nobility, or religiousness (adherence to Islam), but choose a religious woman and you will prosper." This selection guide is applicable to virgins who are trying to find a spouse.

In the context of the relationship between husband and wife, the famous hadith narrated by Zayd Ibn Arqam means "No woman can fulfil her duty towards Allah until she fulfils her duty towards her husband. If he asks her (for intimacy) even if she is on her camel saddle, she should not refuse." This hadith is often used as capital to legitimise the sexual demands of the husband in any situation, although the same hadith also applies to the husband in fulfilling the inner demands of the wife. In the fiqh debate, Sheikh Islam Ibn Taimiyyah said a husband needs to be sensitive to his wife's instincts and if not fulfilled, the husband will be punished for sin. This is what the hadith of the Prophet which must be read multiple faceted in a balanced and unbiased manner.

Next, Surah al-Ruum (30:21) states, "And one of 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 compassion and mercy. Surely in this are signs for people who reflect." Through this verse, then the hadith of Zayd Ibn Arqam is applicable because when there are love and compassion in sexual intercourse, cooking on camel rides, even anywhere the desire can be fulfilled as long as it does not affect the basic moral principles of Eastern society. Islam concerns on women thoroughly even the subject of *al-'azl* (a husband throwing his semen out of his wife's womb) is also discussed. *Al-'Azal* is a method of family planning and the husband's action needs to get the wife's permission because he is afraid that the action will affect the wife's pleasure.

In refuting the accusation of some parties who say that Islam celebrates rape in marriage, it is possible to review the life story of Prophet Muhammad SAW who had nine wives (some narrations mention 11 wives). In the hadith, there is no single narration related to the Prophet Muhammad SAW abusing wives let alone committing coercion in sexual intercourse. The National Fatwa Council of Malaysia has also discussed the law of husbands forcing sexual intercourse in which the *muzakarah* has decided that in Islam, the relationship between a man and a woman is halal after going through a valid agreement of *ijab* and *qabul*. Therefore, the *muzakarah* agreed to the rule that there is no term for rape or violation of human rights in a legal marriage and that the domestic violence that occurs is *dharar* in nature that can be taken action under the provisions of the existing law. " (Finkelhor et al., 1983).

### **A wife's rights in marriage**

Islam has outlined the rights of human beings to organise their lives. Women in the pre-Islamic era did not attain great positions. With the presence of Islam, a wife is appointed as the queen in the marital home by giving her a comprehensive system of rights covering rights in married life and Islam emphasises the virtue of domination between spouses as well as rights that must be fulfilled and not neglected by the husband, namely material rights and morals. The material rights

of a wife i.e. alimony, clothing and shelter are considered as financial rights that the wife is entitled to because alimony in the shariah means “what depends on the survival of something in the form of food, clothing, and shelter, so we deal with our slaves”. The husband must provide the wife’s needs, namely food, clothing, shelter, medicine and the like, according to his habits and abilities. Islam obliges a husband to spend for his wife to the best of his ability as Allah Almighty says:

(الْيُنْفِقُ ذُو سَعَةٍ مِنْ سَعَتِهِ وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا).<sup>1</sup>

Meaning:

*Let the man of wealth provide according to his means. As for the one with limited resources, let him provide according to whatever Allah has given him. Allah does not require of any soul beyond what He has given it. After hardship, Allah will bring about ease.*

The Prophet’s sunnah is shown in several hadiths that a husband is obliged to spend for his family. Nevertheless, it is explained that spending for them is the best business when the Almighty, as narrated from Abu Hurairah r.a. that the Prophet SAW said:

«دِينَارٌ أَنْفَقْتَهُ فِي سَبِيلِ اللَّهِ، وَدِينَارٌ أَنْفَقْتَهُ فِي رَقَبَةٍ، وَدِينَارٌ تَصَدَّقْتَهُ بِهِ عَلَى مِسْكِينٍ، وَدِينَارٌ أَنْفَقْتَهُ عَلَى أَهْلِكَ، أَعْظَمُهَا أَجْرًا الَّذِي أَنْفَقْتَهُ عَلَى أَهْلِكَ».

Meaning:

*A dinar you spend in the cause of Allah, a dinar you spend on (freeing) a slave, a dinar you give in charity to a needy person, and a dinar you spend on your family; the greatest in reward is the one you spend on your family.*

The wife has the right to her dowry after the validity of the marriage contract, as Allah Almighty says:

(وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً)<sup>2</sup>

Meaning:

*As long as you pay them their dowries in wedlock.*

Regarding the amount of dowry, there is no provision about it and it varies between countries. Besides, the husband is not allowed to take part of his dowry except with the consent of the wife and on her kindness. Allah SWT says:

(وَلَا يَجِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا)<sup>3</sup>

<sup>1</sup> al-Qur’an, al-Talaq, 65:7

<sup>2</sup> al-Qur’an, An-Nisa, 4:4

<sup>3</sup> al-Qur’an, Al-Baqarah, 2:229

Meaning:

*It is not lawful for husbands to take back anything of the dowry given to their wives.*

Al-Sharbini explains that there are seven rights of a wife in marriage, namely:

- Food;
- Ingredients such as spices (onion, cooking oil, salt, sugar, sour including side dishes and others);
- A helper for a wife who usually has a helper;
- Clothes;
- Body cleanser and laundry detergent, combs and others;
- Household appliances such as bathroom appliances, bedding and others. residence (house); and
- Clothing is one of the sustenance that must be provided by the husband continuously, as Allah SWT mentions:

( وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ )<sup>4</sup>

Meaning:

*The child's father will provide reasonable maintenance and clothing for the mother during that period.*

Clothing includes personal hygiene tools of the wife and all the needs of the wife for that purpose. The wife should be provided with adequate clothing and tools. This varies according to the physical characteristics of the wife such as height and body size. It also differs according to the country of residence. The clothes need to be in accordance with the husband's position with regards to price and characteristics, and since the clothes are needed to take care of the body at all times, then the husband must provide them as maintenance.

وعن عائشة رضي الله عنها قالت: قالت هند امرأة أبي سفيان للنبي صلى الله عليه وسلم: إن أبا سفيان رجل شحيح وليس يعطيني ما يكفيني وولدي إلا ما أخذت منه، وهو لا يعلم؟ قال: "خذي ما يكفيك وولدك بالمعروف" (متفق عليه)

Meaning:

*Narrated 'Aisha: Hind bint 'Utba came and said, "o Allah's Apostle! Abu Sufyan is a miser so is it sinful of me to feed our children from his property?" Allah's Apostle said, "no except if you take for your needs what is just and reasonable."*

Based on the above hadith, it is clear that alimony is a woman's right. A husband is obliged to provide for his wife. If the alimony is not given or is insufficient, then, the wife has the right to take some of the husband's money even if the husband does not know. Next, the moral right of the wife is more important than all other things because it is the main purpose of the marriage contract. The moral rights

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<sup>4</sup> al-Qur'an, Al-Baqarah, 2:233



of a wife include good sexual relationship, respected by her husband, being treated good interaction and bringing pleasure to her family so that love is linked, loyalty continues and intimacy increases between them, as Allah SWT says:

( وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا )<sup>5</sup>

Meaning:

*Perhaps you dislike something which is good for you and like something which is bad for you. Allah knows and you do not know.*

Islam emphasises the importance of a husband to respect his wife's opinion and appreciate it even if he is not agreeable with the wife's opinion. Husbands must also be tolerant of their families. It is necessary to distinguish between the responsibilities and the rights of a wife. The responsibility is when the wife is content in marriage and fulfils all her responsibilities as a wife such as obeying the husband's call and hiding her husband's shortfalls. The wife's rights, apart from those mentioned earlier, are the right to worship, the right to education, the right to receive alimony, the right to speak out and the right to go out to work with the husband's permission. Responsibilities and rights need to be balanced to obtain happiness, grace, happiness and peace. It needs to be supported by good communication in nurturing love between husband and wife. A daily nutritional diet should also be taken into consideration in keeping the body hormones functioning properly since a healthy mind starts from a healthy body.

### **Study findings**

The issue of happiness and marital breakdown is a complex issue that can only be addressed by looking at it holistically and addressed with comprehensive measures. Each factor if not handled properly has the potential to be a factor in the collapse of a household at any time (Ismail, 2016). Generally, a woman either married or unmarried is able to achieve high satisfaction in life if she has a positive perspective on life. Married women attribute life satisfaction to marital satisfaction and the emotional support that they receive from their partner. Women who have been separated (widowed) can also achieve life satisfaction if life after divorce is better than during marriage. Nevertheless, it depends on one's self-confidence, self-esteem and social support. For single ladies, socioeconomic status, education, social activities and social relationships play an important role. If these factors are fulfilled, they can also achieve optimal life satisfaction. Life satisfaction differs between men and women due to differences in terms of priorities in life, tenets and goals.

### **Conclusion**

Various external and internal factors can trigger conflict in a household. These conflicts need to be identified and addressed promptly to avoid the occurrence of more serious situations such as malfunctions in the household that could lead to the collapse of family institutions (Abd Majid et al., 2018). In Malay culture, any

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<sup>5</sup> al-Qur'an, An-Nisa, 4:19

dispute or conflict which involves family preferably resolved internally and thoroughly. This matter can be described as the Malay proverb “*seperti menarik rambut dalam tepung, rambut jangan putus, tepung jangan berserak*” which means “*handle with kid gloves*” dan “*memakan betul-betul habis, bersembunyi betul-betul hilang*” which means be conscious. Couples should avoid sharing the conflict with outsiders. Bickering with emotions will exacerbate existing conflicts and can lead to chaos. Therefore, each individual must use common sense and make rational decisions in ensuring every conflict can be resolved amicably. At the same time, the spirit of brotherhood among family members need to be maintained. Therefore, every individual needs to maintain a relationship with Allah (*hablumminnallah*), a human relationship with another human (*hablumminnannas*) and a human relationship with nature (*khalifatul ard*) in order to remain happy in this world and the hereafter (Kiram et al., 2017).

### Proposal

Since divorce can lead to serious implications for family institutions such as relationship breakdown between two families and contribute to the occurrence of social symptoms in society and neglected children, then a solution to the question of divorce needs to be sought. Scholarly research to obtain valid data and information that can be used to plan and make strategic actions for the short and long term should be implemented.

It is hoped that this study can be used as a reference by the community in improving knowledge of domestic violence law. This study can also lead to a trigger to stakeholders such as the Department of Social Welfare and the Department of Women Development in finding the best ways to enhance their knowledge. The results of this study are expected to trigger parties such as government agencies, non-governmental organizations, academicians and legal practitioners, the importance of knowledge and understanding of domestic violence legislation in the increasing challenging life of society.

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