

Privacy in Islam as a Guide to Housing Development

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Abstract

The dwelling house is part of the basic needs of human life. In Islam, the designation of a place as a dwelling house has its importance. The dwelling house is not only seen as a sanctuary for oneself and his property, but it is also significant in providing space for privacy. This paper aims to discuss privacy related to a dwelling house in Islamic jurisprudence. The discussion will focus on the importance of the privacy rules for a dwelling house to guide the parties involved in housing development. The type of research is qualitative with a socio-historical approach. The results indicate that Islam provides a balance between social life and the need to be alone. The principles of privacy for a dwelling house not only show the security of shariah objectives, but they also guide the construction industry with divine guidance in sustainable human development.

Keywords: Islam, Privacy, Dwelling House, Development

INTRODUCTION

The dwelling house is a fundamental institution in human life (Dekkers, 2011). Every human being needs a personal protective area with resting and relaxing elements to protect from external disturbance and the environment (Quran, Surah al-Nahl [16] verses 80 & 81). These verses explain some of the favors given by Allah for the survival of human beings, including home, jewelry, and clothing. The variety of forms and sources of building materials make the home proof of the power of Allah the all-knowing on the different conditions of the human environment.

Two words in the Arabic language typically indicate dwelling houses are *bayt* and *maskan* (Pérez, 2016). Both are symbolic of the function of the house itself, the rest area is taken from the word '*ba-ta, yabitu baytan*, which means a place for overnight, and peace areas taken from the word '*sakan, yaskunu sakinah*, showing peacefulness. Moreover, Islamic law also uses some other words that describe a home, including a lodge (*manzil*), a place for a variety of activities (*dar*), and a place to stay (*mawa*). The difference of every word is only from the point of use between the general and the specific (Omer, 2008).

Privacy issue related to dwelling house is essential for individuals, families, and communities to understand, and they are part of the human agenda in daily life. Mohamad Rasdi (2007) explained that those involved in the housing development need to know that a dwelling house is not as far as to be built solely on land. It is a family and a community. He (Ibid.) added that the current construction of a house should not violate the privacy rules that have been applied to the traditional dwelling house. Elements such as mother's house, porch, front porch and back porch, and other interior designs need to be explained because those align with local culture and religious demands. According to Musa (2013) the privacy law

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in Islam is part of the right granted exclusively to every house occupant. In addition, the law is part of the rule that prevents any form of domestic violence through dress code etiquette when alone, personal time restrictions, and the right to request permission.

For the Muslim community, the question of dwelling houses privacy has a solid foundation. It needs to rely upon the primary source of reference, the Quran and the hadith in dealing with various developmental or social issues. In Malaysia, a dwelling house is a prerequisite to establishing one policy by the government to plan and develop the housing sector at the federal, state, and local levels. The policy is known as the National Housing Policy (DRN), which aims to provide ample, comfortable, quality, and affordable space to improve the livelihood of the people (National Housing Policy). Based on that, the quality of the dwelling houses' environment impacts the quality of life (Yahya, 1998). One of the quality aspects of a dwelling house in Islam is fixing the privacy demands of its occupants. Ata (1994) explained that the dwelling house in Islam must meet the three main requirements, safety (*al-amn*), privacy (*al-khususiyah*), and health (*al-sihhah*).

Hashim and Rahim (2010) found that privacy is closely linked to local cultural norms and religious beliefs. However, this matter has undergone changes in low-cost housing that have become one factor for renovating the dwelling houses. However, Rahim (2008) described privacy as one of the characteristics of a home in Islam that is considered a domestic area, especially for women. A study conducted in four residential areas, i.e., Putrajaya, DBKL, Shah Alam, and Subang Jaya, in Malaysia, found more privacy aspects at the bungalow and detached houses than other residential types. Residents also play an essential role in applying privacy features in their own dwelling house.

This article aims to explain the privacy status of a dwelling house in Islamic law (Shariah) and its implications for housing development. The importance of knowing the Islamic standards in establishing privacy laws for a dwelling house is to allow developers to get an injection of Islamic values in the planning, building up to decorating the interior of a dwelling house. This is because most homeowners only know the location of the building and buy from the developer whether the ownership status is in the lease or freehold condition. Most designs and floor plans are standard and are subject to the current rules of law. Therefore, the input of Islamic values is very important for a sustainable human life.

RESEARCH METHOD

This article applied a qualitative research method oriented towards understanding meanings and experiences. Therefore, this method is potentially very useful in the topic of this article context because it can provide new insights and knowledge in poorly understood and complex areas (Crowe, Inder, & Porter, 2015). Also, the form of library research that uses data analysis methods as the main approach is provided. The focus of the discussion was on the Islamic law, i.e., Quran and the hadith of the Prophet Muhammad (pbuh) as the legal references regarding the privacy of a dwelling house. Among the materials or documents and records referred to are the reading materials relating to privacy in Islam, quotes from Quran and hadith, contemporary Islamic scholarly works, etc.

In analyzing the data, the authors generally use inductive methods. This method analyzes the data generated by existing theories and assumptions to draw a definitive conclusion (Eisenhardt, Graebner, & Sonenshein, 2016). This can be seen in the implications of the privacy law in Islam on the proposed form of housing development. This analysis is vital to serving as a guide to those involved in housing development.

RESULT AND DISCUSSION

Recommendations on privacy regarding housing are not foreign to Islamic jurisprudence but rather an essential requirement for a home (Suk, 2009). Privacy is an exclusive right given to everyone in the house, whether the owner of the dwelling house is comprehensive or not. Privacy is an integral part of the privacy of every individual (Adul, 1997). The need to feel alone is essential to human life. Everyone has the right to choose the situation to deal with any private or confidential matter without any interference from outsiders. In this matter, the dwelling house is an ideal space for individuals to do personal activities. Indirectly, privacy is a manifestation of an individual's right to freedom of life (Adam, 2000).

Islamic law establishes a firm principle on privacy issues related to dwelling houses. This principle links three connection elements: man's relationship with Allah, a man with man, and the man with nature. In actuality, these elements are closely related to the teaching of Islam itself as a way of living that contains the details of faith, practice, and morals. *Tawhid* is the backbone of human life, whether outside or inside the dwelling house, that builds the relationship between man and its creator. On the other hand, practice and morality are the rules that govern the filling and functioning of a blessed dwelling house in the world and hereafter. Humans are responsible for preserving, protecting, and appreciating the dwelling house as one of the environment's favors of life and sustainability (Omer, 2010).

The privacy law of the dwelling house is closely related to the *'awrah* concept in Islam. It refers to something shameful that is illegal to stand out and, at the same time, illegal to look at. This concept is usually aimed at the human physical, whether man or woman, involving the dressing etiquette (Krisjanous, Allayarova, & Kadirov, 2021). Every lender has its limits of *'awrah* in Islam, which is between the center and the knee for men and the whole body except the face and palm for women (al-Khin, al-Bugha, & al-Sharbajiy, 1991). This limitation of the body reflects the physical privacy status of Muslim individuals in daily life.

Islamic scholars use several terminologies to indicate privacy or solitary situation. The term *al-hayat al-khassah* is used to describe personal or specific life. The use of the term *al-khususiyah* in Arabic is used to denote something special, personal, and contrary to general. The definition of *al-khususiyah* given by al-Jundiyy (1993) is protection for one's personal and family life from exposure or harassment by outsiders without their will. While al-Sa'ad (2004) used the closing phrase *'awrah (sitr al-'awrah)* to describe dwelling house building features by the Islamic standard to meet privacy demands. As Nurizan (1998) defines privacy as controlling private activities without interference from external elements or individuals. Two essential elements in a private situation are solitary and no existence of disturbance. The solitary element indicates that a person can carry out a private activity in secret and confidential. At the same time, no disturbance shows the advantages of such an atmosphere that restrain any form of tranquility, whether by external or environmental factors.

Some rules set in Islam to protect the privacy of the dwelling house include the obligation to ask for permission to enter the house (Vom Bruck, 1997). For the residents in the same dwelling house, there are three private times as mentioned in the Qur'an that have to be respected, namely before dawn (early morning), afternoon time (normally break time), and after *isyak* (sleeping time) (Hayat 2007). Besides that, every individual in a dwelling house can defend himself and is given the right to uphold five *shariah* goals to protect religion, life, intellect, wealth, and dignity from any interruption or intrusion.

The reason to choose this personal situation is based on the principle to isolate oneself (*'uzlah*). The original meaning of *'uzlah* in terms of language is omitting or isolating (Abu Jayb, 1988). Al-Khatabiyy (1990) stated that *'uzlah* in facing the slanderous times was the practice of the prophets, protection of the saints and every knowledgeable person's journey especially in times of disadvantage. This is based on

Prophet Muhammad's hadith: *When we were around the Prophet Muhammad (pbuh), he mentioned the period of commotion and said: When you see the people that their covenants have been impaired, (the fulfilling of) the guarantees become rare, and they become thus intertwining his fingers. So, face it. I asked: What should I do at that time, may Allah make me ransom for you. The Prophet Muhammad (pbuh) said: Keep to your house, control your tongue, accept what you approve, abandon what you disapprove, attend to your affairs, and leave alone the affairs of the generality* [Abu Dawud. Kitab *al-Malahim*, Bab *al-Amr wa al-Nahy*, No: 4343].

This hadith shows society's deficiencies or is known for the slanderous times that Muslims will face, among others, characterized by promises that have never been fulfilled and the loss of trust among humans. At the same time, the Prophet Muhammad (pbuh) suggested as a guideline to Muslims to face the said era. All the suggestions show the act in the form of *'uzlah*, which is to prioritize personal matters compared to general affairs. One of the acts that should be given attention was the Prophet Muhammad (pbuh) suggestion to always be at one's own dwelling house as the safer step to avoid external party's interruption.

Although a privacy situation is synonymous with isolation, it is not absolute in its anti-social nature. The permission to be alone should not neglect responsibilities or other daily tasks. Besides that, the principle of *'uzlah* is an exception from the original rules, instruction to live in a congregation that involves social interaction. This can be observed in almost all matters such as performing congregated prayer, *zakat*, and pilgrimage. Hence, *'uzlah* is only allowed according to the factors of the situation and the ability of the individual to handle the various demands in life (al-Ghamidiyy, 2006). The Prophet Muhammad (pbuh) praised individuals that can maintain patience with trials or behavior when interacting with other human beings compared to individuals who choose to be alone. He said: *"Muslims who associate with people and are patient with their disadvantages are better than Muslims who do not associate with other people and are not patient with their disadvantages.* (Al-Tirmidhiyy, Book: *Abwab sifat al-Qiyamah*, No: 2507)

Therefore, Islam establishes a balance in daily life between the demands of privacy and community life. Human beings are endowed with a sense of purpose, not missing out on managing this natural life as part of the task of the caliph. According to their respective roles in pursuing the life and liberty given to governing the world, they are given rights and privileges. However, humans still need adequate space and time as part of their solution to be living in a society. The privilege right to privacy or the privacy provided in Islam is clear to guarantee the security and protection of five elements in the purpose of shariah: religion, life, intellect, wealth, and dignity (al-Dughmiyy, 1985).

In the care of religion, one can perform personal worship such as the *sunnah* prayer or praying in a congregation with the family members at your own dwelling house. But, to protect life, it is undeniable that the dwelling house is personal protection against any form of climate change and various challenging social interactions in society. Every human being has the right to undergo private activity to unwind to rest his mind after work. Protection of property can be seen from the point of storage of belongings, and a personal necessity in addition to the house itself is a trustworthy property to be cherished. The dwelling house is also the best place to safeguard one's dignity through *'awrah* care from being exposed to outsiders' view.

Discussions, Implications, and Suggestions

Islam is a complete religion with a unified rule of a balanced living system. Dwelling house privacy laws are comprehensive and complement each other in terms of the dwelling house's time, place, and

structure (al-Jundiyy, 1993). The main objective of the laws and regulations is to protect the privileges of dwelling houses in the community and provide protection for each occupant.

The physical structure of a dwelling house has an impact on social life and vice versa. Every dwelling-house has basic space such as a kitchen, lounge, dining, bedroom, and bathroom to carry out domestic activities and daily interactions. Changes in the size and structure of the dwelling house depend on the socio-economic position of the occupants and the location (Abdullah, 2009). In this regard, Islam provides specific guidance for each activity in the dwelling house, especially gender, age, and domestic activities.

The best physical space of the dwelling house should provide privacy to its occupants by providing protection to two main categories of privacy, i.e., visual privacy and acoustical privacy (Abdul Rahim, 2008). As an example, the revelation of one of the surahs in the Quran, known as surah *al-hujurat* is also closely related to the privacy division of dwelling house (see Fig. 1). Some scholars have named it as moral surah because it brings together some of humanity's ethics and social morals in Islam (al-Sabuniyy, nd.). The surah *al-hujurat* means rooms, referring to the dwelling house of Prophet Muhammad (pbuh) at that time. Several ethics are outlined in the surah, which protects the residents' privacy in a dwelling house from any external interference. Allah describes those who disturb Prophet Muhammad (pbuh) by raising their voices outside his house as that of those who are ignorant (Qur'an, Surah al-Hujurat [49] verse 4).

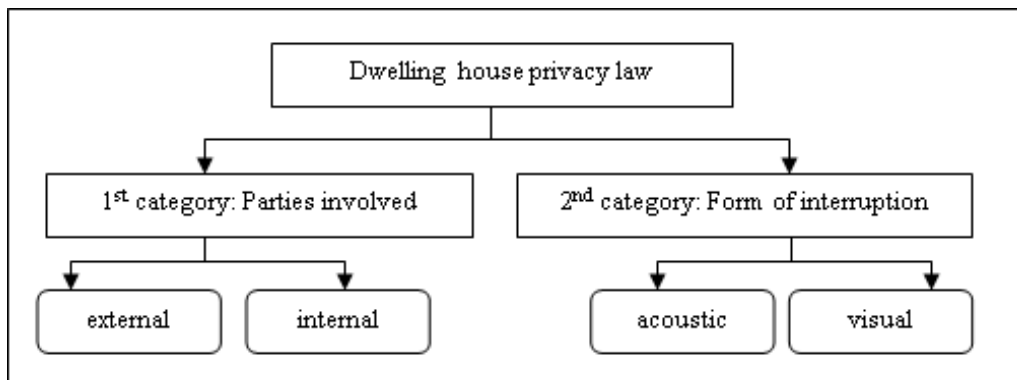


Figure 1. Subdivision of dwelling house privacy by category

Therefore, the recommendations of those involved in the development of the dwelling house are very much needed, especially in terms of space, the number of rooms, design, and interior design and decoration. The parties include developers, architects, contractors, and interior designers. Implicitly, the need for integration between naqli and aqli disciplines is important and needs to be in line with the purpose of human well-being.

Number of Rooms

Syariah scholars do not specify the number of rooms for a dwelling house. This is because the basis of construction is to look at functions and roles. However, it can be understood through several Islamic laws that the minimum number of bedrooms is three, parents' room, boys' room, and girls' room. House owner is encouraged to have the number of toilets by the minimum number of rooms (Mubarak, 2002: 66-69). The developer should determine and consider the minimum number of rooms early in a housing development.

The basis of this division is in keeping with the privacy principle of a dwelling house, which is through individual personal time (Quran, Surah al-Nur [24] verses 58 and 59). In this verse, Allah describes three specific times for those who have not yet reached puberty and slaves to go in and out of the parent's or adults room, i.e., before the morning prayer (early morning), afternoon time (usually break time) and after *isyak* (sleeping time). Indirectly, these three times give adults the right to privacy from any interference by family members in the same dwelling house. Although this verse only focuses on children and slaves, the law also applies to adults based on the principle of *mafhum muwafaqah* in determining a law. The children are the target as the law is one form of training and early education before growing up (al-Zuhayli, 1991). The time factor is one of the privacy elements of a dwelling house. This right involves the interaction and relationship between the occupants of the dwelling house. In another proposition, the Prophet Muhammad (pbuh) said:

"Teach your children to pray when they are seven years old, and smack them (lightly) if they do not pray when they are ten years old, and separate them (according to the gender) in their beds.

[Abu Dawud, Book of al-Salat, Chapter: muru awladakum bi al-salah, no: 495]

The hadith gives a hint that the separation of beds should be done between children of different genders. Bed separation will not occur unless there is a separate area or space within a dwelling house. Sleep is a symbol of one of the daily personal activities. By analogy, other private activities that are confidential are also treated just like sleeping if the separation between men and women is better.

Design and Structure

External parties cannot enter and extend beyond the personal area unless authorized to do so (Husayn, 1997). The permission to enter a dwelling house is based on Allah's word in Surah al-Nur [24], verses 27 to 28.

The benefit of this law enforcement is to avoid any unwanted matters such as seeing the unpleasantness or defects of the resident. In addition, asking for permission gives time to the host and the chance for them to accept the external party. The right to respect others is also recognized as the home is the only property that can be entered through the authorized route. To maintain privacy, the design of the entrances either at the front or the rear should not face the road directly. It is also advised not to arrange the door to collide with or in line with another residential unit (Abdul Hamid, 2010). For multi-story dwelling houses, closed staircases need to be designed to maintain residents' privacy according to the concept of *awrah* (Mohamad Rasdi, 2007). The importance of privacy in Muslim life is seen in the clear division of the different areas of the house. Male and female areas are separated, and only select visitors are allowed into the private domain of the house, as shown in Figure 2.



Fig. 2. Organization of Islamic dwelling house (Ibrahim, 2012)

The *qiblah* symbolizes unity for Muslims (Firdaus, Halim, Wira, Ridwan, & Bustaman, 2019). It is not just the focal point of worship, but every act of good or honorable thing is *sunat* to do by facing the *qiblah* (Quran, Surah Yunus [10] verse 87). When it comes to building a dwelling house, the orientation to face the *qiblah* is encouraged if one can do so by considering the ability and location, even though it is impossible because every developer has their specific development plan (see Figure 3). Besides that, most homeowners only know the location of the building and buy from the developer whether the ownership status is in a lease or freehold condition. All these are because, for house buyers, the design is standard and subject to established legal rules (Abdul Hamid, 2010).

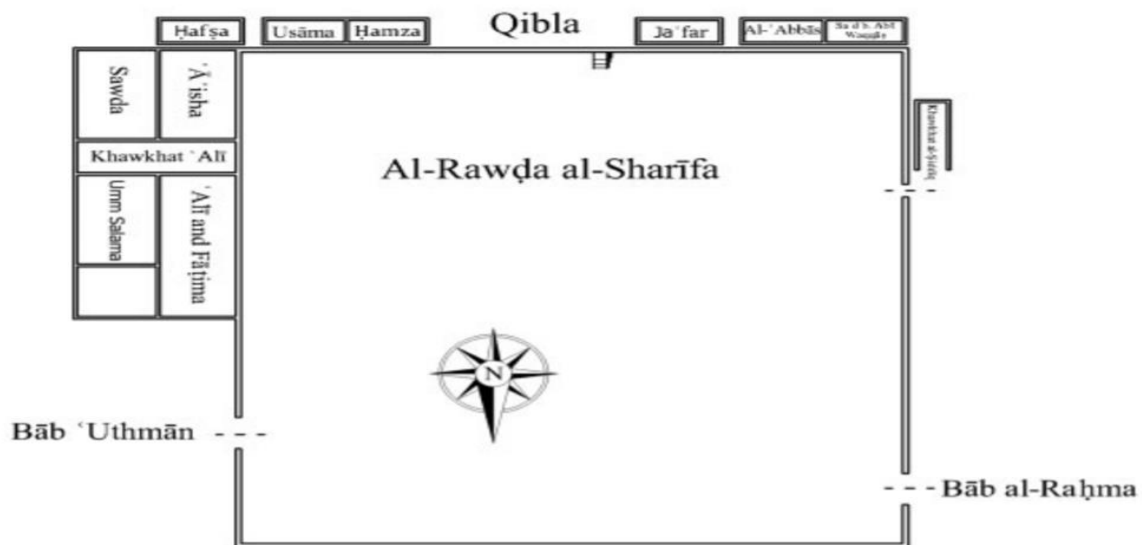


Figure 3. Madina: reconstruction of the plan of the Prophets mosque and dwellings of his wives and comrades (Ayyad, 2013)

Although homeowners have the privacy of their homes, they still have to welcome guests who come and visit their respective dwelling house. The etiquette of respect for a guest is associated with the aspect of one's faith, as mentioned in a hadith from the Prophet Muhammad (PBUH) (Muslim, Book: *al-Iman*, Chapter: *al-Hath ala Ikram al-Jar wa al-Dayf*, no: 47).

The prescribed time in Islam is to maintain the common interest between the guest and the host. This situation guarantees privacy rights regarding the dwelling house. The period of one to three days is the permission granted, and the rest goes back to the consent of the host itself and is considered a charity (Zaydan, 1994). The host is responsible for providing hospitality to guests who come to their home for the duration by presenting good communication and serving the dishes according to their capability. At the same time, guests are obliged to maintain their manners and ethics while staying in the home of the person they visit (Anon, 1990).

The living room needs to be separated from the family room to protect the dignity and honor of other family members. All of these require unique construction between the public area and private area. If the house's interior is small or narrow, the foyer in front of the house can be used for that purpose. However, the *fiqh* *ijtihad* on the visiting period and the use of a physical space of the house are changing today. This can be seen in the phrase of this hadith "*It is not lawful for a guest to stay with his host for such a long period to put him in a critical position*. Inconvenience to the host can occur in less than three days or

when an overnight stay is required. Moreover, the impact of the various transportation facilities and accommodation has changed the hospitality facilities. Hence, the wisdom of the phrase 'critical position by the Prophet Muhammad (pbuh) will be determined by the local custom in determining the extent to which the level of hospitality services may be within the three days (al-Qudah, 2008).

Accessories and Interior Decoration

Aesthetical value through accessories and interior for a dwelling house is something that cannot be put aside. It is part of the universal identity and an important image of Islam. In other words, that standard of Islamic art through accessories and interior decoration can be distinguished from other religions. Concepts such as Feng Shui and Vasthu Sastra feel good factors among buyers and real estate developers and some form of deco standard for a dwelling house. The first concept, i.e., Feng Shui, is more popular among Chinese society, whereas Vasthu Sastra is a Hindu version of Feng Shui (Abdul Hamid, 2010).

Islamic law, especially Quran, describes the main forms of accessories consisting of two categories, personal decoration and environmental decoration. The first category forms the basis for the interaction of Muslim individuals with Allah and with other human beings. The Prophet Muhammad (pbuh) described some of the personalized accessories as the nature of Sunan. The nature of Sunan items includes circumcision, shaving of pubic hair, removal of armpit hair, clipping nail, cutting the mustache, maintenance of the beard, brushing teeth, inhaling water through nasal, washing between fingers, *istinja*, and gargling. In addition, one's personality also includes dressing well, smelling nice, and using jewelry. At the same time, the second category covers all spaces that relate to the individual, whether directly or indirectly, namely the general or specific environment. The general environment is made up of humans' natural resources such as water, air, and land (soil). The specific environment includes places of worship such as prayer rooms and mosques and private areas such as workplaces and dwelling houses. Therefore, the home's law of accessories and interior decoration is one of the important discussions in fiqh. Accessorising and interior decoration have become an important career industry in housing development.

Islam sees every beautiful creation in this world as an art that is evidence of Allah's power and greatness as the Great Art. These creations have become part of the human resource for good use (Quran, Surah al-Kahf [18] verse 7). Nowadays, there are many styles of accessories and interior decoration for a dwelling house. All show the diversity of aesthetics and its development in human life. Islam does not prevent from using any kind of equipment that can do good. All the creation of tools and equipment is a wonderful part of human life. It also falls into the category of perfection (*tahsiniyyah*) solely in the hierarchy of the primary purpose of the shariah for the determination of law, that is, after the basic requirements (*daruriyyat*) and needs (*hajjiyyat*) (Quran, Surah al-Jathiyah [45] verse 13).

In principle, every dwelling house's accessory and decoration is part of the work of art that is allowed in the interests of the common good and can bring about the common good, not damaging the morals and not neglecting a person's duty as a servant to Allah. If this general principle is followed, then the effort is accepted and recognized by Islam. But if the opposite happens, then the action must be avoided by the Muslim community (Samsudin, Sulaiman, & Ismail, 2001). In addition, the general guidelines for accessories in Islam are (al-Mudayfir, 2002):

1. Ornamentation does not resemble different gender.
2. Ornamentation does not resemble different religions.
3. Ornamentation is not for the purpose of luxury.
4. Ornamentation is not on the basis of boastful.
5. No waste of jewellery.

Therefore, the decoration code and interior decoration of a dwelling house should comply with Islamic standards by preserving the privacy of its occupants. The selection of curtain textiles, blinds, window adhesive, or even furniture separating the space is not just for accessories and decoration. It also plays a role in controlling the view of the outside of the house.

CONCLUSION

Quality dwelling houses in Islam are comprehensive that cover physical and spiritual demands. This is because the Islamic family institution is not just about physical development and the dwelling house area. It also fills and functions every space that benefits and brings the good of life globally and hereafter. Dwelling house-related law is a right granted exclusively to each resident. Each individual has the right to choose their solitary situation or privacy to deal with any confidential personal matter or secret without any interference from an external party. This situation can be seen through a dwelling house-related law. In this matter, revelation's guide on the privacy laws related to dwelling house cannot be put aside, especially those involving housing development as a guarantee and protection of prosperous human life. These legal principles include the connection between secrecy, *'awrah* care, and being alone (*'uzlah*) in one's own dwelling house.

Understanding the status of the dwelling house's privacy in Islam is particularly important in addressing various issues surrounding the dwelling house environment, particularly family institutions and the community in general. Also, as the guidance, the parties directly involved with housing development should consider the privacy aspects of planning, construction, and restructuring a dwelling house. The implications of these privacy situations in the planning and construction of a dwelling house include the extension of space, determining the number of rooms, the design and structure, and the accessories and interior decoration.

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