

FAMILY MAINTENANCE (NAFKAH): A STUDY ON AWARENESS OF MAINTENANCE ISSUES AMONG UNIVERSITY STUDENTS

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Abstract

"This study aims to assess the level of awareness among students taking the Islamic Family Institution Management course (HKR111) regarding the obligations and issues related to family maintenance. The research methodology involves a survey to evaluate students' knowledge of maintenance obligations and their perspectives on this responsibility. The findings indicate that awareness of maintenance obligations has not yet reached an optimal level, with most having only a basic understanding of the concept of family maintenance. Factors such as education, religion, and residential area play a crucial role in shaping their perceptions on this matter. Students with higher formal education and upbringing in religious values tend to have a deeper understanding of maintenance obligations. Media influence also impacts their perception of maintenance responsibilities. Media content that tends to portray this responsibility negatively or superficially can influence students' attitudes towards the concept of family maintenance. Therefore, there is a need to enhance students' awareness through formal education and religious instruction, as well as promote the creation of media content that provides a balanced and realistic view of maintenance responsibilities. Overall, this study suggests that there is room for improving the general public's awareness of family maintenance. Ongoing efforts are necessary to ensure they understand the significance of this responsibility in shaping a responsible and ethical society."

INTRODUCTION

Family maintenance, an integral concept in Islamic jurisprudence, encompasses the financial responsibilities and provisions that a Muslim is obliged to provide for their dependents. Rooted in the Quran and Hadith, Family maintenance is a fundamental aspect of family life, emphasizing the

importance of economic stability and support within a Muslim community. This Islamic principle serves as a means to ensure the well-being, dignity, and security of family members, reflecting the broader ethical and moral framework of Islam. Understanding the nuances of family maintenance is crucial for appreciating the holistic approach that Islam takes towards familial relationships and societal harmony. In this context, it is imperative to explore the various dimensions of family maintenance, including its sources, scope, and the broader socio-ethical implications it holds within the Islamic legal framework

The jurists (Fuqaha') define family maintenance into two categories based on the root words in Arabic, and then proceed to define it from both linguistic and terminological perspectives. Firstly, according to Ibn Manzur, family maintenance (nafkah) originates from the word "anfaqa," which means to spend or give out wealth. Linguistically, it signifies expenditure and passing, feeding crawling creatures, anything spent by the owner of the property, or perishable goods. In terminological context, it refers to providing sustenance to someone obligated to receive it, such as bread, dishes, clothing, residence, and anything related to the cost of water (in Arab lands), ghee, oil, light, and the like. The second definition is that nafkah also derives from the word "nafaqa," which means to spend. In linguistic terms, it encompasses whatever is spent by a person on their children. In Shariah terminology, it means providing adequate financial support covering food, clothing, and shelter. (Abdul Rahman al-Juzairi 2001).

According to the specific provisions of the law, there is no explicit definition of family maintenance stated in the Islamic Family Law Enactment of the State of Selangor, except for explaining what needs to be provided, which includes arranging for their residence, clothing, food, medical care, and education, as reasonably commensurate with their means and standard of living, or by paying the expenses. However, it can be understood that it involves disbursing the cost of living or sustenance to the dependents obligated due to marriage, lineage, and adoption.

However, in this era of globalization, the issue of family maintenance often takes center stage in disputes, particularly among parties undergoing divorce and separation. The situation becomes more complicated when external parties unrelated to the matter instigate claims for mandatory maintenance without considering the financial capacity of the party responsible for providing it. Some argue that maintenance must be given in the form of currency, while in reality, it encompasses providing the necessary expenses for those entitled to it, such as spouses, children, and dependents, including housing, food, clothing, education, religious needs, and medical care. It is not solely limited to currency but is termed as such because it is expended or utilized for these purposes (<https://muftiwp.gov.my/>).

There are various verses from the Quran and Hadith regarding maintenance, one of which is the saying of Allah SWT in Surah Al-Talaq (Divorce) verse 7:

"Let a man of wealth spend according to his means, and he whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After hardship, ease will come."

The rights of children to maintenance are further reinforced by a hadith from the Prophet Muhammad (peace be upon him)

narrated by Aishah RA, stating that Hind binti 'Utbah, the wife of Abu Sufian, came to the Prophet Muhammad (peace be upon him) and said, "Abu Sufian is a stingy man. He does not provide enough maintenance for me and my children, so (I have to) take some of his wealth without his knowledge. Am I sinful?" The Prophet then said, "Take from his wealth what is customary and sufficient for you and your children"

(Reported by Bukhari and Muslim)

This hadith emphasizes that maintenance is an obligation that must be fulfilled by the responsible party, and while the specific amount is not defined, it should be customary and adequate.

Therefore, this writing will summarize the awareness of the community, focusing on students enrolled in the HKR111 course (Management of Islamic Family Institutions) regarding issues pertaining to family maintenance in marriage.

RESEARCH METHODOLOGY

"This study employs a quantitative data approach through the method of data collection using a survey questionnaire. A survey questionnaire consists of a set of continuous questions presented in a specific form to be answered by a group of individuals in an effort to gather specific information to meet the research objectives, which are to identify the extent of students' awareness regarding issues related to family financial support and their concerns in reducing confusion about family maintenance matters; (Dewan Dictionary Fourth Edition). The use of a survey questionnaire form was chosen to easily, quickly, and efficiently obtain research information, as well as to assist in generating data on respondents' behaviors, attitudes, beliefs, opinions, and knowledge (Etikan & Bala 2017).

A total of 80 online survey questionnaires were distributed to UiTM Perak branch students taking the HKR111 course, which is the Management of Islamic Family Institutions, for the March-August 2023 semester. The distribution of the survey questionnaires was conducted online using Google Form software. The online method was chosen for distributing the survey questionnaire as it is currently the most popular method used in research. This method is also easily done by using the provided link and sharing it online via email, WhatsApp, or Telegram to easily and quickly obtain the maximum number of respondents (Raja, 2018). The Likert scale is used to indicate frequency, ranging from 1 to 5: (1) Strongly Disagree, (2) Disagree, (3) Neutral, (4) Agree, (5) Strongly Agree."

LITERATURE REVIEW

The study conducted by Badruddin Haji Ibrahim et al. (2013) titled " Hak Anak terhadap Nafkah dalam Perundangan Islam: Sejauh Manakah Bapa Bertanggungjawab Menanggung Nafkah Anaknya " explains the rights of children to maintenance according to legal provisions based on qualifications, duration, and responsibilities. Additionally, the study touches on specific cases related to the three basic needs: food, clothing, and shelter. Furthermore, scholars in the Shafi'i school of thought, such as al-Syarbini and ar-Ramli, add three more essential needs, namely education, medical care, and expenses. This study generally only addresses the obligatory rights that fathers must provide for their children.

Furthermore, the study by Mohd Hazwan Ismail (2022) titled "Penyelesaian Pertikaian Alternatif Secara Rundingcara ke Atas Kes Tunggakan Nafkah di Era Pandemik Covid-19 di Mahkamah Syariah Pulau Pinang" only discusses cases of outstanding maintenance that were successfully resolved during the Covid-19 pandemic due to job loss and the like.

Next, in the study by Zaini Nasoha (2018), various forms of approved maintenance by the court are analyzed, including needs such as food, clothing, school expenses, medical care, and festive expenses. This study states that judges assess based on each child's capacity and needs, and the judge's decision is not subject to the applicant's request. However, this study only discusses claims for child maintenance and does not address changes in previous court decisions or the public's awareness of maintenance matters.

Additionally, case studies from the Journal of Law regarding denied maintenance claims, such as in the case of Rosseliwati binti Hussein v. Syed Farouk Azlan bin Syed Abdul Aziz (2013), where the applicant requested RM6,260 for both children. However, in the judge's decision in the Federal Territories Shariah High Court in Kuala Lumpur, the judge ordered a maintenance payment of only RM1,200. The same decision was made in the case of Ezlin Erina binti Mohd Noor v. Samsuddin bin Jilani (2014), where the applicant requested RM3,000.00. The defendant was ordered to pay only RM750. The same decision was made in the case of Sarah binti Hamzah v. Adam Stanislaw Naglik @ Adam bin Abdullah (2018). In this case, the applicant requested RM16,000 for child maintenance from the Shariah High Court of Selangor. However, the judge's decision allowed only half of the requested amount, which was RM8,000.

In all three cases, the judge assessed based on the *hajiyyat* and *tahsiniyyat* needs, considering the defendant's capacity and the needs of the children. In this study, it is also evident that the amount requested by the plaintiff significantly differed from the amount approved by the court. Implicitly, it can

be understood that there are individuals who still do not grasp the concept of maintenance in its true sense. Therefore, past studies have indicated gaps that can be addressed by this study. This research will discuss the awareness of students, specifically issues related to maintenance matters and what husbands are actually obligated to provide in marriage. This study also focuses on 80 students enrolled in the HKR111 course.

RESULTS AND DISCUSSION

The level of understanding and perception of students regarding this gender intersectionality phenomenon is assessed through questions related to the situation of this phenomenon in Malaysia. The detailed results of the study can be found in tables 2 and 3

Section A : Respondent Background

Table 1 : Respondent Background

Item	Total (%)
Male	37.5
Female	62.5

Section B : Respondent Understanding Of The Obligation Of Family Maintenance In Marriage

Table 2 : Respondent understanding of the Obligation of FAMILY MAINTENANCE in Marriage

ITEM	UNDERSTANDING (%)				
	Strongly Disagree	Disagree	Uncertain	Agree	Strongly Agree
S1. I have a clear understanding of the definition of family maintenance in Islam	0.0	2.8	9.7	50	37.5
S2. I understand and aware of current issues related to family maintenance in Malaysia	0.0	5.6	27.8	45.8	20.8
S3. I understand and frequently follow the developments of family maintenance issues in Malaysia	1.4	20.8	41.7	31.9	4.2
S4. I understand that family maintenance is provided to the wife and children during marriage	0.0	4.2	8.3	44.4	43.1
S5. I understand the types of family maintenance that husbands are obliged to provide	1.4	5.6	15.3	48.6	29.2
S6. I understand that the amount of financial support is determined based on the husband/father's capacity	1.4	12.5	12.5	50	23.6

S7. I understand that cash-based is not obligatory if housing and basic necessities are provided adequately	5.6	16.7	26.4	38.9	12.5
S8. I understand that Islam allows the wife to assist the husband in providing family maintenance to the children	2.8	2.8	13.9	56.9	23.6
S9. I understand and know that there are laws related to family maintenance in Malaysia	0.0	15.3	15.3	44.4	25
S10. I understand the types of penalties imposed due to neglecting family maintenance	1.4	22.2	22.2	27.8	26.4
S11. I understand that family maintenance can be claimed in court even without divorce	0.0	12.5	29.2	34.7	23.6

In S1, 87.5% of students have a clear understanding of the definition of financial support as outlined in Islam, while 9.7% are unsure about the definition of financial support, and 2.8% are unaware of the Islamic definition of financial support. Moving on to S2, 66.6% of students are knowledgeable about issues related to financial support, while the remaining 27.8% are uncertain, and 5.6% are unaware. Regarding S3, 36.1% of respondents frequently follow developments related to financial support issues in Malaysia, but 41.7% are unsure, and 20.8% are unaware of this matter. As for S4, concerning the understanding of providing financial support to the wife and children during the marriage, 87.5% agree with this, followed by 8.3% who are unsure, and 4.2% who disagree. In S5, regarding the types of financial support provided in marriage, 77.8% agree with the understanding of this matter, 15.3% are uncertain, and 5.6% do not understand and agree. Moving on to S6, 73.6% of respondents understand and have a strong understanding that the amount of financial support is determined based on the husband/father's capacity. However, 12.5% of respondents are uncertain, and 13.9% do not understand this matter. In S7, 51.4% understand that cash-based financial support is not obligatory if housing and basic necessities are provided adequately, while the rest are uncertain or do not understand. Concerning S8, 80.5% of respondents understand and have a strong understanding that Islam allows the wife to assist the husband in providing financial support to the children. However, 13.9% of respondents are uncertain, and 5.6% do not understand this matter. In S9, 69% have a strong understanding and understand the existence of laws related to financial support in Malaysia. 15.3% are uncertain, and the rest, 15.3%, do not understand the existence of laws related to financial support in Malaysia. For S10, 26.4% have a strong understanding, and 27.8% understand the penalties that will be imposed due to neglecting financial support. 22.2% are uncertain, and the remaining 22.2% do not understand, with 1.4% having a very poor understanding. Regarding S11, 23.6% have a very strong understanding that financial support can be claimed in court even without divorce, 34.7% understand, 29.2% are uncertain, and the remaining 12.5% do not understand and are unaware.

CONCLUSION

The research objectives were achieved according to the percentage for each description. It can be observed that the level of understanding among students regarding the issue of family maintenance in Malaysia is still at a moderate level. This is due to the presence of students who are not aware of this issue, which is increasingly discussed, especially on social media platforms in our country. There have been attempts to create misconceptions about this issue in Malaysia. This indicates the importance of ensuring that this issue is known by the entire community, especially muslim students, so that they do

not fall into these misconceptions, which can have both short-term and long-term effects on marriages. However, students are aware that understanding the laws and learning about family maintenance is obligatory in Islam. Therefore, there is a need to ensure that students pay more attention and have knowledge about current issues in our country. It is recommended that authorities share relevant information so that it can be understood in its true meaning, rather than being misunderstood. In addition, emphasis on religious understanding should also be prioritized in every individual in Malaysia

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