

Strengthening the Family Support Division (BSK) on Alimony for Muslim Women

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Abstract

The objective of the study is to identify the need to strengthen the Family Support Division (BSK) on alimony among Muslim women in Malaysia. In this qualitative analysis study, four of the highest-ranking members of the Department of Syariah Judiciary Malaysia (JKSM) and one expert from academic areas were interviewed in depth using a set of carefully selected questions that correlated with the objective of the research. The recorded interview material was then verbatim transcribed and coded with Nvivo software version 10. Several factors that prove the need for strengthening the Family Support Division (BSK), are the husband's failure to pay alimony, a lack of data exchange with other organizations in Malaysia, the increasing number of family law cases, and procedural issues in the Syariah Court.

This article recommends that a more comprehensive family finance improvement module, involving the Malaysian Syariah Judicial Department (JKSM), Family Support Division (BSK), Department of Islamic Development Malaysia (JAKIM), and National Population and Family Development Board (LPPKN), be established and implemented as early as the age of marriage to ensure the family institution's sustainability.

Keywords: Family Support Division (BSK); Alimony; Islamic Family Law; Muslim Women; Syariah Court

Introduction

The Definition of Alimony

Failure to pay alimony to the wife is one of

the major challenges in the case of Syariah Court. The problem of not paying alimony is also one of the main problems in strengthening the Family Support Division (BSK). Furthermore, women's grievances regarding maintenance enforcement are becoming increasingly common.

Alimony is a legal obligation on a husband to provide financial support to their spouse before or after marital separation or divorce. In Islamic Jurisdiction, alimony (*nafaqah*) can be contributed as a support to family members (Ibn Abidin, 1998). Muslim jurists have a similar meaning of the word alimony (*nafaqah*). The Hanafi jurists defined alimony as food, clothing, and accommodation which is an obligation to all members of the *muhrim*. From the Syafi'i perspective, alimony can be defined as an obligation to support every family with ancestors extending upward and descendants extending downward relationship which is expanded the scope of maintenance which includes whatever is eaten as food, clothing, cleaning tools, house appliances like cooking equipment, accommodation and servant in the case where the wife has ever used the service of a servant before her marriage (Shirbini, 2000). In the other Islamic jurisdiction from the Hanbali, alimony shall be given to all families who still inherit from each other if one of them dies as what is sufficient for maintaining a family with food, clothing and accommodation and their supplements (al-Bahuti, 1982). Based on word alimony from the muslims jurists, the general meaning for alimony is refers to what is spent on clothing, food, housing and other necessities to sustain a family. Women and children are the ones who need to be protected and to be loved the most and because of that, the recognition and adoration given by Islam to women and children can be seen in the responsibility placed on the shoulders of men to preserve them. Besides, Islam upholds and defends

the rights of the wife and children even after a divorce, hence, the husband's obligation to the wife extends beyond their marriage.

However, cases of neglect of alimony by spouses and ex-husbands against women became malignant and a major concern in the lives of the community and family during the COVID-19 outbreak and the introduction of the Movement Control Order (MCO) in 2020. Furthermore, women's grievances regarding maintenance enforcement are becoming increasingly common. Former Chief Judge and Director of the Department of Syariah Judiciary Malaysia (JKSM), Dato' Dr. Mr. Mohd Na'im bin Hj. Mokhtar indicated that prior to the mobility control order, only five cases were reported within a month (Adnan & Fadzilah, 2020). However, after the Family Support Division (BSK) initiated an online complaint on the Facebook application during the Movement Control Order (MCO), as many as five claims were reported within five days. Besides, some husbands have not paid alimony for nearly ten years. This situation is also associated with economic problems and engagement with social disorders (Ali, 2021). Alimony reluctance is a frequently discussed topic in the news and online daily reports portray the dilemma of single mothers who do not receive justice through child support payments. The ex-husband abdicated full responsibility for the single mother, and the children's well-being suffered as a result (Shuib, 2019).

In addition, failing to handle family funds well through a luxury lifestyle, not working, and having no stable job are all issues that contribute to household economic troubles. According to the former Prime Minister Datuk Seri Ismail Sabri Yaakob, to prevent the settlement of alimony related to wife and children from

taking too long, the government suggested that Syariah Court judges make orders simultaneously for divorce applications and for wife and children maintenance claims to avoid injustice. This is because the duration of settling alimony cases has long been a problem in the Syariah Court (Bernama, 2022). Plus, the alimony cases are frequently postponed, and the parties do not cooperate to keep the case going smoothly. This situation will jeopardize the children's welfare and have an emotional impact on them (Abdul Hak et al., 2020). This situation shows that the government needs to work hard to improve the welfare management of Muslim women in Malaysia. According to the reports of alimony cases in Malaysia,

alimony claims in Malaysia are always reported and never silent. Even if the number of cases did not reach tens of thousands over five years, alimony claims cases need to be taken seriously to achieve a harmonious family.

Based on statistics below, a total of 6,341 maintenance cases were recorded throughout the country over the course of five years by the Department of Syariah Judiciary Malaysia (JKSM). Child maintenance was reported in 4, 529 cases throughout five years. Meanwhile, wife maintenance is only 252 cases. Plus, *iddah* maintenance is 520 and *mutaah* is 663 cases.

Table 1: Alimony (Nafkah) Cases in Malaysia (2017-2021)

State	Cases
Selangor	1, 174
Perak	751
Terengganu	658
Wilayah Persekutuan	601
Negeri Sembilan	512
Kedah	486
Sabah	422
Kelantan	312
Melaka	309
Johor	288
Pulau Pinang	254
Pahang	213
Perlis	191
Sarawak	170
Total	6341

Source: Department Of Syariah Judiciary malaysia 2021 (JKSM)

Table 2: Types of Alimony Cases

Year	Child Maintenance	Wife Maintenance	<i>Iddah</i>	<i>Mutaah</i>
2017	1, 176	53	156	105
2018	1, 184	62	154	217
2019	711	60	67	105
2020	965	57	104	162
2021	493	20	39	74
Total	4, 529	252	520	663

Source: Department Of Syariah Judiciary malaysia 2021 (JKSM)

This statistic is very critical to the Department of Syariah Judiciary Malaysia. In addition, the Family Support Division (BSK) and the Department of Syariah Judiciary Malaysia (JKSM) also explained the detailed cases of maintenance claims reported throughout Malaysia.

The Family Support Division (BSK)

The Family Support Division (BSK) is a division established under the Department of Syariah Judiciary Malaysia (JKSM) due to complaints regarding alimony cases. Recognizing this fact, the government through the National Council for Islamic Affairs Malaysia, in its 46th meeting in 2007, chaired by the Prime Minister, decided that the Department of Syariah Judiciary Malaysia (JKSM) should take immediate action to resolve the issue of alimony. After discussions with various parties, on October 22, 2008, the Family Support Division (BSK) was officially launched as one of the divisions under the Department of Syariah Judiciary Malaysia (Jabatan Kehakiman Syariah Malaysia, n.d.). The purpose of the establishment of the Family Support Division (BSK) was to help wives and children on the issues of child support, *iddah* support, and spousal support that were not implemented by the ex-husband after a court order (Md Abdul

Salam & Mohd Khatib, 2020). Almost twelve thousand cases related to child support, *iddah* support, and spousal support were reported in newspapers and social media before the existence of the Family Support Division (BSK). Those cases involved alimony orders that were ignored by the ex-husband and no action was taken by the wives (Md Abdul Salam & Mohd Khatib, 2020). The Family Support Division (BSK) used five types of enforcement actions which include Judgement Debtor Summons, Judgement Notice, Seizure and Sale, Hiwalah, and Order of Committal (Bahagian Sokongan Keluarga, n.d.). Seizure and sale are the most heavily enforced in the Family Support Division (BSK), yet there are several issues with their implementation. According to the Syariah Court Procedure (Federal Territories) 1998, proper implementation of seizure and sale is not required for a new order issued regarding alimony arrears because the arrears happened when someone failed to pay for the maintenance of the previous court's order. It is sufficient to be submitted with affidavits and supporting documents establishing the collision (Syariah Court Procedure Federal Territories 1998, n.d.).

The Family Support Division (BSK) also comprises of three units namely Legal

Advisory Unit (*Unit Khidmat Nasihat dan Perundangan*) (UKNP), Enforcement and Execution Unit (*Unit Penguatkuasaan dan Pelaksanaan Perintah*) (UPPP), and Fund Management Unit (*Unit Pengurusan Dana*) (UPD). Each of the said components have disparate functions, however they remain mutually associated to one another in respect to the procedure. Legal Advisory Unit (*Unit Khidmat Nasihat dan Perundangan*) (UKNP) is to provide legal advice to Muslims on rights and claims in Syariah Courts, especially on maintenance issues, enforcement procedures and execution of court orders (Bahagian Sokongan Keluarga, n.d.). Next, is the Enforcement and Execution Unit (*Unit Penguatkuasaan dan Pelaksanaan Perintah*) (UPPP) is to carry out the enforcement of judgments or alimony orders issued by the Syariah Court on child maintenance. This effort to ensure that the order is complied with and implemented by all parties. To facilitate this claim, BSK officers from this unit were given credentials as syari'i lawyers and bailiffs. Furthermore, to ensure the alimony claims, especially those involving the maintenance of children running smoothly, this unit also carries out administrative enforcement and execution of court orders between the states (Bahagian Sokongan Keluarga, n.d.). The last unit is the Fund Management Unit (*Unit Pengurusan Dana*) (UPD) responsible for managing the down payment of maintenance needed by the wife and children, after being approved by the Trust Fund Committee in 2010. The trust fund established under subsection 10 of the Financial Procedures Act 1957 by the Ministry of Finance in 2010, with initial funding from the government of RM15 million was credited to the trust fund. To ensure coordination and control of trust funds, two trust fund committees were established which is under Section 9 of the Financial Procedures Act at the state level, and under Section 10 of the same act at the

federal level (Bahagian Sokongan Keluarga, n.d.).

During proceeding and waiting for the claim process to be completed, BSK provides an advance of funds that must be repaid by the ex-husband and this advance is to reduce the burden on the wife in accordance with the rate of maintenance that has been decided in an order for six months (Mahmod et al., 2021). According to the former Minister in the Prime Minister's Department for Religious Affairs, Senator Datuk Dr. Zulkifli Mohamad Al-Bakri, the services offered by BSK can help single mothers and ease their burden to continue living and ensure that orders ignored by former husbands or fathers can be enforced (Al-Hijrah, 2020). Furthermore, since 2012, BSK has provided an e-Nafkah system that serves as a virtual file. The system also has the dual function of a data bank and repository for all maintenance orders issued by the court. BSK will then monitor each case and communicate via the MySMS service (Bahagian Sokongan Keluarga, n.d.).

Previous Cases Resolved by the Family Support Division (BSK)

In the case of *Roslina v. Roslan* (2017), child maintenance arrears amount was RM10, 783.60. The bailiff and lawyer from BSK were successfully seizing the television valued at RM350 from the debtor's premises. Unfortunately, the seizure was not available for auction because the debtor was present in court and settled all the amendments to child maintenance. Another case of child maintenance is *Fatimah v. Zuhaan* (2020). In this case, the child maintenance arrears from the debtor amounted to RM97,200. This amount was based on a case of Judgement Debtor Summons that was filed in 2015. This implementation was done after the bailiffs had investigated the address of the debtor's premises based on

the information provided and found that the debtor had a home rented to tourists located in Batu Ferringhi, Penang. So that, the Syariah Supreme Court did not allow the enforcement of seizure because the court reasoned that the alimony arrears claim was necessary for the prior Judgement Notice because the outstanding debt was based on the Judgement Debtor Summons order. Another case in *Hani v. Arif (2003)* of child maintenance. In this case the plaintiff in evidence has applied for monthly maintenance for two children who are still studying in the amount of RM500 and annual maintenance of RM600. Monthly maintenance for daily needs while annual maintenance for Eid celebrations and early preparations schooling since the children are still studying. Although the defendant in this case admitted to having given expenses to the children several times through his eldest son, and it was stated in the testimony of one of the children, but the expenses are not fixed and sometimes neglected by the defendant. Following a review of the defendant's capacity to work due to age and his sole source of income from a rented home, the court determined that the Plaintiff's application was accepted. The appropriate monthly payment is RM400, with an annual maintenance cost of up to RM300. In this case, it can be seen that the method of payment made in cash by the father is irregular and sometimes neglected. This cash payment method is not an effective method in the implementation of child support payment orders.

Hiwalah cases between *Huda v. Sharil (2022)*, the creditor has claimed arrears of maintenance a total of RM195,100 in court by way of enforcement hiwalah. The execution order and hiwalah notice shall be submitted to CIMB after obtaining the consent of the court. Less than two weeks

ago, CIMB was informed that the balance in the debtor's bank account is RM7,189.00. Before the transfer was made, the debtor's bank account was frozen and all transactions were inaccessible. The transfer continues to be executed by the bank immediately and finally the creditor obtains a sum of money after deducting the bank's costs. The amount credited to the creditor was RM6,869.00. With such a transfer, the case is closed and the remaining creditors will have to reapply for enforcement action. Based on the cases mentioned above, the Family Support Division (BSK) is working hard and very focused to help women who are struggling in their arrears cases. However, BSK needs to strengthen their management and enforcement to make sure all the enforcement goes smoothly and not delayed.

Methodology

This study used a qualitative research design and gathered information from five experts, who are four of the highest-ranking members of the Department of Syariah Judiciary Malaysia (JKSM) and one expert from academic areas. They were interviewed in depth using a set of carefully selected questions that correlated with the objective of the research. The data collected from the five respondents was then transcribed and analyzed thematically using NVIVO version 10 software. Three methodologies were used in the qualitative data analysis: word-based analysis, code-based analysis, and content analysis. NVIVO software aided investigators in storing and encoding data, developing a classification system, enumerating, searching for relationships, and making visualizations. The interviews with these five experts, all of whom are also The Family Support Division (BSK) reference experts, are expected to help achieve the

research's goal of identifying the need to strengthen the Family Support Division (BSK) on alimony among Muslim women in Malaysia.

Results and Discussion

Table 1 shows the outcomes of the interview and clearly demonstrates that alimony matters in BSK should not be taken lightly. According to the data, through the theme “The husband’s failure to pay alimony”, the respondent agreed that the former husband was not responsible for paying alimony due to a feeling of resentment rather than being so poor and having no money. This theme is also discussed in a study (Khan et al., 2021) which states that there are five challenges faced after divorce, firstly the husband does not want to be responsible and disappears, the husband avoids paying alimony, the constraints of the alimony enforcement staff and lastly the husband changes his religion. Even the research focuses on Civil Court management, therefore the researchers believe that this is the critical issue that causes difficulties in management claims of alimony and also happens in Syariah Court. Furthermore, Hazwan (2022) also stated that alimony cases can be delayed as a result of the

husband refusing to pay alimony after a month of the order being issued by the court. JKSM and BSK must work together to increase alimony debt collection enforcement so that abandoned women are not burdened. In addition, the respondent stated that based on “Procedural issues”, there were some disappointment and dissatisfaction among the women with the results and procedure from the court. This theme has also been discussed by Ahmad (2015), who stated that the judgment in this alimony issue needs to be improved and not rigid with burdensome procedures. Furthermore, certain parties may become dissatisfied with the management as a result of the husband's enforcement of the alimony claims made under the Syariah Court being overly general and ambiguous. However, Sahari and Ab Manan (2019) stated in their study related to matrimonial property that courts consider both direct and indirect contributions, including homemaking efforts, when dividing matrimonial assets in divorce cases. It suggests that recognizing non-financial contributions is crucial for a fair division of assets, particularly in cases with short marriages. The need for courts to consider various factors beyond financial contributions to ensure equitable asset division is crucial.

Table 1: The need to strengthen the Family Support Division (BSK) on alimony among Muslim women in Malaysia

Theme	Gloss	Coded Text
1. The husband’s failure to pay alimony	Failure to pay alimony is due to unwillingness rather than inability. JKSM and BSK must work together to increase alimony debt collection enforcement so that abandoned women are not burdened.	<i>1. According to the research, the concerns of poverty and reasons for not having money are not the main difficulties. Instead, the issues that are commonly accepted and observed revolve around refusal to pay and carelessness, rather than being so poor that there is no money.</i> <i>(Respondent 4)</i>

		<i>2. The parties' refusal to pay stems from heartbreak and vengeance following the divorce. (Respondent 4)</i>
2. Procedural issues	The judgment in this alimony issue needs to be improved and not rigid with burdensome procedures.	<p><i>1. If the husband cannot be found, the court must work with the JPN, for example, in Sabah, they must seek assistance from the marines (Respondent 4)</i></p> <p><i>2. It means that almost everyone is participating in terms of MOUs and Memorandums of Understanding (Respondent 4).</i></p> <p><i>3. It receives many objections from parties due to the numerous procedures, but courts prefer to employ this approach because it is more about following the flow (Respondents 4 & 5).</i></p> <p><i>4. According to my research, it is more complicated and troublesome because our legislation indicates that the party must appear in court, and if that individual fails to appear, the court cannot rule (Respondent 4).</i></p>
3. No data exchange with other organization	BSK needs to review the need to empower alimony payment claims by involving financial institutions and relevant government departments.	<p><i>1. Integration has not occurred this year and will not occur next year because JAKIM is not prepared to integrate the two systems (Respondent 3)</i></p> <p><i>2. There is a list for the integration of e-syariah version 3 with the national registration department, i-law, JPPI, MAMPU, and JKSM. But the enforcement needs to improve a lot (Respondent 3)</i></p> <p><i>3. Integration with the bank is currently ongoing, with a focus on online payments via the FPX platform, and integration with PDRM will follow (Respondent 3)</i></p>
4. An increase in the number of family law cases	Since the MCO was adopted, the number of alimony cases has skyrocketed. Alimony rejection is among the family problems that garner the most attention in various organizations concerned, such as BSK.	<p><i>1. Family and alimony cases have increased. Trials related to cases during the MCO have been implemented since the MCO until today. (Respondent 2)</i></p>

		<p><i>2. Alimony and violence cases were reported throughout MCO, and while many were laid off, they are now in the family economic recovery phase.</i></p> <p>(Respondent 1)</p>
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In addition, the profile of judgment debtors is very difficult to know and access because the procedure for the implementation of maintenance order cases, affidavits and statements of claim are not clearly stated about personal financial information even though such information is very important to know in the process of enforcement and execution of court orders (Mohd Saad et al., 2013). Plus, in Selangor the Selangor Syariah Justice Department (JAKESS) has launched an innovative product for the child support calculation system known as e-Naf. This innovative product is produced to help court customers in particular in determining child support rates. The e-Naf system was officially launched on December 15, 2022 by the Islamic Religion, Consumer & Halal Industry Exco. This system is the first calculator developed by the Syariah Court in Malaysia based on JKSM Practice Instruction No. 5 (*Arahan Amalan JKSM No. 5*) of 2019 and Selangor Chief Judge Instruction No. 1 (*Arahan Amalan JKSM No. 1*) of 2021 in addition to looking at some examples of calculation systems from abroad. This JAKESS initiative also coincides with the requirements of Practice Directive No. 6 Year 2022 of JKSM, which is the requirement for the filing of child maintenance claim cases together with divorce or marriage dissolution claim cases (with the presence of the husband), which can help customers estimate the amount of claims for child support (JAKEES n.d.). This innovation is seen as a good effort for the Syariah Court. Therefore, all Syariah Courts in each state also need to follow the steps introduced in the Selangor Syariah

courts.

Another finding from this research is that “There is no data exchange with other organizations”. Based on the findings, this research suggests that BSK needs to review the need to empower alimony payment claims by involving financial institutions and relevant government departments. Based on the statement from respondent 3, the integration to facilitate the management of alimony claims is still lacking and under construction. Based on (Abdul Hak et al., 2014) through the “e-Maintenance” option, which was established by the Family Support Division (BSK) in collaboration with Department of Syariah Judiciary Malaysia JKSM Information Technology Division, Syariah court request is automatically combined into the BSK database. The database would make it possible for the responsible authority to get in touch with each individual petitioner and ask whether their spouse or ex-spouse has been able to make the payments. However, this e-Maintenance is only to check whether the ex-husband pays the alimony or not. If the husband still refuses to pay alimony after mediation sessions end, then the officer will file enforcement actions against the former husband/father in the Syariah Court. This system needs to be improved so that the management of alimony payments ordered by the court is immediately paid by the ex-husband.

However, the implementation of Shariah-Based Quality Management System 1900 (SPK MS 1900) in the Melaka Syariah Court has generated the production of innovation projects which are an added

value to the quality of services in the Syariah Court such as being able to meet expectations and exceed the wishes of customers by speeding up the work process, saving costs and time, complying with Maqasid Syariah, facilitating customers and elevating Islamic symbols. The innovations introduced are EZ Trace, IQ Court, Two Easy, CS Penalty and Track and Take. In this EZ Trace innovation, case files do not need to be stored in the form of printed copies, others are stored in the form of electronic copies in the system. IQ-Court is an innovation improvement related to speeding up the slow work process due to the bureaucracy of Syariah Court case management which sometimes causes delays up to six months. Two Easy is an innovation project related to speeding up the work process for the failed Sulh Council which facilitates the process of handing over summonses and statements of claim to defendants. Meanwhile, CS Penalty is a project developed by *Kumpulan Aura Kesidang* to overcome delays in divorce case management outside the court. The next innovation project is Track and Take (T.N.T) an innovation project aimed at tracking judgment receivables (involving parties directed to pay on any claims involving ringgit such as child maintenance, *'iddah* maintenance, *mutaah* etc.) for which the Melaka state Syariah Court is collaborating with agencies (JPN), (EPF), (SSM), (JPJ) and (LHDN) to track judgment receivables. This project was developed by the Family Support Division section under the action of the Enforcement and Execution Unit (UPPP) (Sharom & Basir, 2022).

Next, the respondent agreed that the number of family cases is increasing year by year, and this case has increased since MCO was adopted in Malaysia. Alimony rejection is among the family problems that garner the most attention in various organizations concerned, such as BSK. The

gap between the laws found in the states has an impact on court management. This is further explained in writing (Shahrom & Basir, 2021) which states that Islamic law under the jurisdiction of each state is not clearly harmonized compared to Islamic law under the federal jurisdiction. This finding resulted in the theme "An increase in the number of family law cases".

In terms of strengthening the Family Support Division (BSK), this research found that other countries like Australia, Spain, and Morocco have an efficient and proactive way to handle the alimony issue. Che Soh et al. (2017) state that Australia has Child Support, which serves as a support system by figuring out the ex-husband's yearly income or assets and then directing the payment of alimony. Another child support agency in New Zealand, the Inland Revenue can make a formulaic assessment if the parties can't agree on the arrangements. Inland Revenue will calculate the amount to be paid. If the child support isn't paid, Inland Revenue can ask the Family Court to enforce payments (Thambapillay, 2017). Hence, Syariah Court and BSK must work together to develop more efficient and active maintenance management like in other countries.

Besides, *hiwalah* is also one of the approaches in BSK that needs improvement. *Hiwalah* means transfer or change from a locality to another locality, or from a person to another person, or from a situation to another situation (Usmani, 2005). While the Hanafis define it as a transfer of liability for a debt from a legal personality of the debtor to legal personality of the liable person named in the contract, the non-Hanafis define it almost the same way, stating that the *hiwalah* is a transfer of debt as a contract by means of which a debt is transferred from one person's liability to another's (al-

Zuhaily, 2003). From those definitions, it can be concluded that *hiwalah* is a contract of debt transfer from third parties to creditors.

According to the Syariah Courts, *hiwalah* or *hawalah* means the debt obligations of others are transferred to other parties (Dewan Bahasa dan Pustaka, n.d.). It means the debt has been owed by the debtor and has been transferred to a third party (*muhal 'alaih*). The third party will transfer the debt belonging to the debtor and pay the debt to the creditors. The implementation of *hiwalah* cannot happen to only three parties; it must obtain permission from the Syariah Court by issuing an authorization order (Hussin et al., 2021). Before the application is made, the creditor only needs to know that the debtor has a registered bank account. It is only sufficient by way of basic reliability that the debtor has a bank account to inform the judge before the judge allows the *hiwalah* application to be filed (Hazwan, 2023). Once the authorization order is obtained, the execution order and *hiwalah* notice will be issued. Both documents must be submitted to the bank through a court bailiff for the action to detain or freeze accounts belonging to the debtor.

The Employees Provident Fund (EPF) is one of the world's oldest provident funds. EPF was established in 1951, and their vision is to help the Malaysian workforce save for their retirement in accordance with the Employees Provident Fund Act 1991 (Employees Provident Fund, n.d.). EPF continues to refine its vision to not only stay relevant but to create a better retirement for all members. The EPF ordinance of 1951 was subsequently enacted under the EPF Act of 1991 and amended with changes in EPF policies and regulations. The most recent change was implemented in 2019, allowing certain amounts of the EPF contribution to be

transferred in confidence to the wife's EPF account. This revision is in keeping with the government's plan to implement the i-Suri system, which is intended primarily for unemployed wives. There are two categories of EPF members: those in the private sector and those in the non-pensionable public sectors. EPF members in the private and non-pensionable public sectors contribute to their retirement savings through monthly salary deductions by their employers. These contributions, comprising the member's and employer's share, will be credited into the member's EPF account based on the employee's total salary as stipulated in the Third Schedule (Section 43 (1) of the EPF Act) (Employees Provident Fund, n.d.).

According to the EPF regulation, EPF is properly managed and compliant with all applicable regulations, including the Employment Act of 1955. Periodically, policy modifications may be implemented to protect the interests of contributors and their families (Employees Provident Fund, n.d.). Therefore, if it becomes necessary to protect the rights and welfare of the contributing family, it is not impossible for the EPF contribution to be extended to the payment of child maintenance. The EPF provides an effective and efficient system to ensure that employers make contributions to their employees. The family initiative implemented by the EPF is a good effort to strengthen the finances of the family institution and reduce the neglect of maintenance. Therefore, there are various other ways permitted by EPF laws and regulations for contributors to withdraw their savings (Mat Hussin & Fauzi, 2023). To facilitate management, alimony payments must be managed efficiently through trust funds, EPF collaboration, and an understanding of *hiwalah* enforcement. Mat Hussin and Fauzi (2023) indicated in their study that EPF contributions in family institutions are

a very good effort if they can be implemented because the EPF has an efficient and effective system for looking after employees' welfare. As a result, researchers believe that efforts to enhance alimony payment administration are critical.

Conclusion

The establishment of the Family Support Division (BSK) has created a new avenue for the Islamic community in Malaysia to access services that are more effectively implemented and have greater influence. With this provision, the wife will have the chance to reclaim her rights that have been disregarded by the husband and ask the court for maintenance if the husband refuses to pay it during the marriage or after the divorce. However this provision needs to be more proactive to strengthen the enforcement and execution of a court order. Based on the data associated with the theme, there are four elements that indicate the need to improve The Family Support Division (BSK). The issues include the husband's failure to pay alimony, procedural issues, a lack of data integration with other agencies and the increasing number of Muslim family cases. The Family Support Division (BSK) must be serious and act quickly to overcome the aspect of the husband failing to pay alimony. All departments must cooperate in order to facilitate matters in order to strengthen the alimony order and the enforcement and execution of a court order. Among the recommendations, Hiwalah empowerment and Employees Provident Fund (EPF) savings among Malaysian Muslim women is one initiative that can be empowered. Although this suggestion is not a complete solution especially for judgment debtors who are self-employed, at least this suggestion can help reduce the risk of alimony neglect for children who need expenses to live a

normal daily life. This enforcement will be able to show the image of the sharia court as an institution that is always relevant and not limited to existing practices only. Finally, the EPF is still bound by the EPF Act which has listed the conditions or the terms and conditions for EPF deductions are made. This article recommends that a more comprehensive family finance improvement module, involving the Malaysian Syariah Judicial Department (JKSM), Family Support Division (BSK), Department of Islamic Development Malaysia (JAKIM), and National Population and Family Development Board (LPPKN), be established and implemented as early as the age of marriage to ensure the family institution's sustainability. This advancement is significant because it contributes to the development of a *Malaysia Madani*, an approach established by Malaysia's Prime Minister that emphasizes the development of socially flourishing Malaysian families and communities.

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