

## Involuntary Allotment Among Armed Forces Personnel Based on the Subsistence Rate According to Syarak

Perintah Peruntukan Paksa Dalam Kalangan Anggota Tentera Malaysia Berdasarkan Kadar Kecukupan Nafkah Menurut Syarak

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### ABSTRACT

*The Involuntary Allotment (IA) adopted by the Malaysian Armed Forces (MAF) is a welfare and mindfulness policy that aims to assist, organise and secure the finances of MAF personnel and their families. Despite the policy being in place for quite some time, financial constraints continue to cause household issues. Hence, it is questionable whether the IA rate is still relevant or should be reviewed and reassessed in line with the subsistence adequacy rate set by Syarak to meet the family's expenditure needs. There are two criteria for determining the level of adequate subsistence in Islam: the husband's income and the wife's needs according to current values. This study adopted the IA rate method based on the subsistence adequacy criteria and applied the standard approach for determining the subsistence adequacy rate. This descriptive study analysed the subsistence adequacy rate based on the IA deduction rate. The data collection methods used were content analysis and semi-structured interviews, involving informants from three areas of expertise: counsellors registered with MAF, administrative officers from UGAT and the Head of the Syariah Law Unit of KAGAT. Findings indicate that the percentage of IA deductions assigned for Officers and Other Ranks (OR) does not reach the level of daruriyyat, hajiyyat or tahsiniyyat subsistence requirements. This study recommends a new calculation method for determining the subsistence rate based on the husband's income and the wife's spending needs. The MAF can adopt this new calculation method based on daruriyyat, hajiyyat and tahsiniyyat subsistence requirements as a guideline for improving the current IA rate.*

*Keywords: Involuntary Allotment (IA); Malaysian Armed Forces; adequate subsistence; husband's income; wife's needs*

### ABSTRAK

*Perintah Peruntukan Paksa (PPP) di dalam Angkatan Tentera Malaysia merupakan satu polisi kebajikan dan keprihatinan kepada keluarga anggota yang bermatlamat untuk membantu, menyusun dan menjamin kewangan anggota dan keluarga. Walaupun dasar ini telah dilaksanakan dalam tempoh masa yang panjang, tetapi masih terdapat masalah rumahtangga yang disebabkan oleh kesempitan kewangan. Ini telah menimbulkan persoalan, sama ada kadar PPP tersebut masih relevan atau perlu kepada semakan dengan penilaian kadar kecukupan nafkah yang ditetapkan syarak bagi keperluan perbelanjaan isteri? Terdapat dua kriteria dalam menetapkan kadar kecukupan nafkah dalam Islam iaitu kedudukan pendapatan suami dan keperluan isteri mengikut nilai semasa. Kajian ini menganalisis kaedah penetapan kadar PPP berdasarkan kriteria kecukupan nafkah serta melihat pendekatan piawaian yang sesuai dalam menentukan kadar kecukupan nafkah. Kajian ini berbentuk kajian deskriptif yang menganalisis kadar kecukupan nafkah berdasarkan kadar potongan PPP. Dua mekanisme utama digunakan dalam pengumpulan data, iaitu analisis kandungan dan temu bual semi struktur bersama informan yang terdiri daripada tiga bidang kepakaran yang berbeza iaitu kaunselor berdaftar dalam ATM, pegawai tadbir UGAT dan Ketua Unit Undang-undang Syariah KAGAT. Hasil daripada kajian ini menunjukkan peratusan PPP yang ditetapkan kepada Pegawai dan LLP tidak mencapai tahap keperluan nafkah daruriyyat, hajiyyat atau tahsiniyyat. Justeru kajian ini telah mengesyorkan kaedah pengiraan baharu untuk menentukan kadar nafkah berdasarkan pendapatan yang diperolehi suami dan keperluan perbelanjaan isteri. Kadar pengiraan baharu ini yang berdasarkan keperluan daruriyyat, hajiyyat dan tahsiniyyat boleh dijadikan panduan kepada pihak ATM untuk menambahbaik kadar PPP semasa.*

*Kata kunci: Perintah Peruntukan Paksa; Angkatan Tentera Malaysia; kecukupan nafkah; pendapatan suami; keperluan isteri*

## INTRODUCTION

Providing inadequate subsistence is one of the main causes of marital problems that lead to divorce (Mohd Amin Jalil 2021). Statistics from the Negeri Sembilan Syariah Justice Department (JKSNS) from 2016 to 2021 indicate that 70 percent of divorces are due to inadequate subsistence payments (Norafidah Assan 2021). Meanwhile, the Telenisa 2020 statistical report stated that negligence in providing subsistence is the second highest factor that causes marital problems leading to divorce (Shareena Sheriff & Ireeny Muzammel 2020). This factor also contributes to marital problems among MAF personnel. Based on information from counsellor in the al-Ghazali Islamic Counselling Centre (PKIA) at the MAF Headquarters, the 2020 statistics indicate that 17% of domestic cases stem from financial problems. This issue should not arise since the MAF has a mechanism that obligates every married male personnel to make salary deductions to his wife for expenses and subsistence through an Involuntary Allotment (IA). The IA has set a specific rate for salary deductions according to Officers and Other Ranks (OR) categories.

The IA in the military service was originally a method to implement deductions from the personnel's salary to an interested party making a claim for debt or compensation. Enforcing this method requires a valid order as proof that the personnel involved is obligated to make a payment to a certain interested party (Anon 2015). However, the IA has expanded its function to become a mechanism for providing subsistence to wives and children.

Determining the rate of the husband's subsistence to the wife in the MAF service is realised through the IA, which has been established by the Armed Forces Council Instruction (AFCI) 1961 (Amended 1975), in the sub-section on Pay and Allowance Regulations. This directive was introduced in 1975 to replace the Marriage Allowance practiced earlier by the British Army (Anon, 1937). The IA is a method for deducting a personnel's salary to be given to the first wife (only during marriage), which is confirmed through the armed forces publication (registration). Personnel are required to make this deduction once they have been certified as married. Initially, the application of this directive only involved 'other rank' personnel at a rate of 22% of the basic salary according to the rank held. This means that the subsistence given to the wife by the personnel will increase in tandem with the increase in the personnel's salary.

Hence, due to the issue of officers' negligence in providing subsistence for their wives (Faizah, 2009), the application of the IA was extended to include officers effective from 1 September 2009 through the AFCI 482 issued on 25 June 2009. However, the deduction rate for officers is only 10% of their gross salary.

However, the issue in the implementation of this order is whether the established deduction rate is still relevant and meets the subsistence rate established by Syarak. This is because there has been no revision or changes in the percentage of deduction since it was introduced 48 years ago. Changes in socio-economic factor over time, rate of inflation and the increasing cost of living have made it necessary to consider a review of the established rate to determine whether the subsistence given to the wife and family is sufficient, as required by Syarak.

## AN ADEQUATE SUBSISTENCE RATE ACCORDING TO THE *FUQAHA'*

Adequate subsistence can be understood based on the term *makruf subsistence*. *Makruf*, from a linguistic aspect, refers to proper behaviour (Anon 2021). This means that providing subsistence must meet certain criteria that make it proper or *makruf*. The two main criteria set by the *fuqaha'* that considers subsistence as proper are that it is in accordance with the husband's affordable standard of living, and the wife's spending needs.

## MEASURING THE HUSBAND'S SUSTAINABLE STANDARD OF LIVING

Al-Suyuti (1993) believed that providing subsistence to the wife should be determined by considering the differences in the husband's standard of living, as to whether he is poor or rich. His view supports the view of Imam Syafie (1973), who categorized a wife's subsistence based on the husband's standard of living, i.e. whether he is poor, middle class or rich. Meanwhile, Ibn Khaldun was of the opinion that providing *daruriyyat*, *hajiyyat* or *kamaliyyat* subsistence to the wife should be based on the husband's level of affordability.

Whereas, Abd Hadi (2017) categorised the husband's ability based on the standard of living into four levels. The first level pertains to husbands whose income only meets *daruriyyat* needs, the second level pertains to husbands who have the ability

to meet the *hajiyyat* needs, the third level includes husbands who are able to meet the *tahsiniyyat* needs and the fourth level includes husbands who are in affluent positions (*tarafiyyat*).

Islamic researchers concur with the government’s policy on the position of living standards, which classifies the income of Malaysians into three

income classes, namely the B40, M40 and T20. This classification has been improved and enhanced into 10 groups with the latest income classification, whereby the B40 and M40 groups are each divided into four levels, while the T20 group is divided into two levels as shown in Table 1 below.

TABLE 1. Income Classification (Statistics Department Malaysia 2019)

Income Group		Income Range
T20	T2	>RM15, 040
	T1	RM10,960 - RM15,039
M40	M4	RM8,700 - RM10,959
	M3	RM7,110 - RM8,699
	M2	RM5,880 - RM7,099
	M1	RM4,850 - RM5,879
B40	B4	RM3,970 - RM4,849
	B3	RM3,170 - RM3,969
	B2	RM2,501 - RM3,169
	B1	< RM2,500

Source: Survey Report on Household Income and Basic Amenities 2019

The classification of total income into B40, M40 and T20 groups is also used by zakat institutions in Malaysia when determining the eligibility of asnaf entrepreneurs who can receive zakat assistance (Adi Syahid et al. 2021).

Therefore, the classification of income based on the B40, M40 and T20 groups does not contradict the Islamic view in relation to determining the subsistence rate that should be given by the husband to his wife.

MEASURING THE WIFE’S EXPENDITURE NEEDS

The issue of providing inadequate subsistence for a wife is mentioned in a Prophet SAW’s Hadith, whereby one day Hindun binti Utbah came to complain to the Prophet SAW about her husband being stingy and not providing adequate subsistence for her and the family. Thus, the Prophet SAW allowed Hindun to take a proper (*makruf*) amount of her husband’s property, which is an amount that can reasonably fulfil her needs (Muslim Aqdiyah Scripture, Chapter 4 No. 1338 Volume 3).

Providing adequate subsistence is a way of ensuring a comfortable life and achieving a good standard of living between the spouse and the family.

Therefore, the Prophet SAW allowed the wife to take a portion of her husband’s property for the

purpose of spending even without the husband’s knowledge if the husband does not provide adequate subsistence for her. However, this allowance depends on the condition that the amount taken must meet the assessment or evaluation of a *makruf* (appropriate) subsistence rate or amount. Assessment of the subsistence rate that is considered *makruf* (appropriate) should meet current requirements, which is according to the *al-Daruriyyat* (basic needs) and *al-Hajiyyat* (additional needs) rates, in addition to realistically considering the husband’s financial capability (Siti Fatimah 2016).

As for the purpose of fulfilling *tahsiniyyat* (complementary) expenses of the wife, such as buying jewellery, it is subject to the husband’s capability or income, which could exceed the *daruriyyat* and *hajiyyat* needs (Bahiyah Ahmad et.al, 2012). This condition is important and appropriate for preserving family relationships because a wife’s duty is to care for and manage her husband’s property in the best possible manner (Ahmad Nabil & Tasnim 2021), which means not to spend arbitrarily without the husband’s permission.

Siti Aishah Din (2010) proposed that the *kifayah* limit mechanism should be the minimum rate accepted by a wife when accepting the husband’s subsistence payment. Bahiyah Ahmad (2015) also agreed on the use of this method by suggesting that

the *kifayah adna* theory should be applied when establishing the minimum subsistence rate that the wife should accept. In summary, the subsistence rate proposed by these two studies is only directed and limited to a wife's *daruriyyat* needs.

As discussed in several previous studies and based on the method of establishing the subsistence rate for a wife in Islam, this study analysed how the IA concept is established and applied amongst the MAF personnel. Is the established rate compatible with the two measurement methods discussed above?

#### METHODOLOGY OF THE STUDY

This qualitative study applied a descriptive approach to analyse the adequate rate established in the IA. In order to achieve this objective, two main mechanisms were used to collect data, namely content analysis and semi-structured interviews with informants. Information pertaining to IA and the adequate rate in this study were obtained from semi-structured interviews involving informants from three different areas of expertise, namely registered counsellor in MAF, Paymasters in the Armed Forces Pay Services (AF Pay) and the Head of the Shariah Law Unit of the Armed Forces Religious Corps (AFRC). Questions in the interview had targeted informants' views and suggestions regarding the adequacy of current IA provisions. Whereas, the secondary source of information pertaining to IA was obtained from the IA Policy issued by the Armed Forces Council at the military level. This study adhered to information from the Practice

Directive No. 5 Year 2019 from the Syariah Court, which refers to the Guidelines for the Assessment Scale for the Amount of Child Support. The data obtained were thematically analysed to assess whether the current IA subsistence deductions were adequate and in accordance with current changes in the cost of living.

#### ESTABLISHING THE IA RATES FOR USE AMONGST THE MAF PERSONNEL

Combination of the husband's standard of living factor and the wife's spending needs factor is a measure of an adequate level of subsistence. Hence, this study used the income classification applied by the Department of Statistics Malaysia and the expenditure requirements outlined in the *Belanjawanku 2022* guidelines when determining the level of adequate subsistence for wives and dependents of military personnel.

#### ESTABLISHING RATES BASED ON THE INCOME OF MAF PERSONNEL

Implementing salary deductions according to the IA is based on a particular rank in the MAF. In general, the ranks of military personnel are divided into two categories, namely Officers and Other Ranks (OR). The Officer category starts with the rank of Second Lieutenant to General. While the OR category starts from the rank of Private to Warrant Officer Class I. However, if the military personnel's income is classified according to that outlined by the Malaysian Statistics Department, then the income can be divided as shown in Table 2 below:

TABLE 2. Classification of Status and Income in the MAF

Income Group		Range of Income Senior Officer	Rank		
			Officer	SNCO	NCO
T20	T2 >	RM15,040	Gen/ Lt Gen / Maj Gen/		
	T1	RM10,960- RM15,039	Brig Gen/ Col/ Lt Col/	Maj	
M40	M4	RM8,700- RM10,959		Capt/ Lt/ 2Lt	
	M3	RM7,110- RM8,699			WO1/ WOII/ SSgt/ CPO/ FSgt/ Sgt
	M2	RM5,880- RM7,099			
	M1	RM4,850- RM5,879			
B40	B4	RM3,970- RM4,849			Cpl/ LR/
	B3	RM3,170- RM3,969			Cpl/ LAC/ACI/ ACII/ LCpl/
	B2	RM2,501- RM3,169			AB/ Rect/
	B1 <	RM2,500			/ Pvt

Source: Armed Forces Pay Details and DOSM 2019

Table 2 above depicts the income of officers and personnel based on their rank. There are two groups of ranks held by OR personnel, namely the Senior Non-Commissioned Officer (SNCO) and the Non-Commissioned Officer (NCO). The NCO's salary belongs to the B40 classification, while the SNCO's salary can reach up to Level 3 in the M40 classification. However, when personnel first hold the rank of SNCO, their position is still at Level 4 of the B40 classification.

The officer's income is also divided into two, namely Officers and Senior Officers. The officer's peak earning capacity can only reach the M40 level, except for the rank of Major, which can reach the T20 Level 1 (T1). However, at the initial stage of service, most officer's positions are at the B40 level, especially those with the rank of Second Lieutenant and Lieutenant. The M40 income level can be

achieved after serving several years and receiving an annual salary increment or after being promoted. Meanwhile, most of the Senior Officers would have reached the M40 level and their income can reach the T20 Level One (T1). Whereas, officers with the rank of Lieutenant General and above have an earning capacity that can reach the T20 Second Class.

An examination of the income classification in Table 2 gives the impression that the standard of living of personnel with the rank of NCO is in the B40 category, while Officers and SNCO are in the M40 category, except for fresh officers who are in the B40 category. Meanwhile, the income classification of Senior Officers is appropriately at the T20 level. These classifications are further described Table 3, which depicts the median value for income received according to rank.

TABLE 3. Median Income of Personnel According to Classifications

Rank	Median Value (Income)									
	B40 ( <i>Daruriyyat</i> ) RM				M40 ( <i>Hajiyat</i> ) RM				T20 ( <i>Tahsiniyyat</i> ) RM	
	B1	B2	B3	B4	M1	M2	M3	M4	T1	T2
Senior Officer	-	-	-	-	5,365	6,490	7,905	9,830	13,000	16,225
Officer	-	2,835	3,569	4,410	5,365	6,490	7,905	9,830		
SNCO	-	-	-	4,410	5,365	6,490	7,905			
NCO	2,500	2,835	3,569	4,410						

This classification should be used when establishing the IA deduction rate consistent with an adequate Syarak-based subsistence rate that should be received by the wife. Therefore, the proposed IA rate for personnel with the rank of NCO should meet the *daruriyyat* needs of the wife. As for SNCO and Officers, the proposed IA rate should meet the wife's *hajiyat* needs, while for Senior Officers, the proposed IA rate should meet the wife's *tahsiniyyat* needs. Details about the *daruriyyat*, *hajiyat* and *tahsiniyyat* rates of are described in Table 4.

#### DETERMINING SUBSISTENCE RATES BASED ON THE EXPENDITURE OF THE WIFE AND DEPENDENTS

Information on the income level of MAF personnel, as presented in Table 3, was processed together

with information from the *Belanjawanku 2022* guidelines. The purpose is to determine an adequate subsistence rate that can help cover the personnel's family expenses. Eleven items pertaining to expenditure requirements were specified in *Belanjawanku 2022*, namely food, housing, clothing/periodical equipment, child care/education, vehicle/transportation, health, personal care, utilities, social activities, discretionary spending and savings. The items were selected by Azman (2017) based on the *daruriyyat*, *hajiyat* and *tahsiniyyat* needs, as discussed by Islamic scholars. Based on Azman's (2017) theory, the rate that meets the subsistence needs according to *daruriyyat*, *hajiyat* and *tahsiniyyat* needs are shown in Table 4.

TABLE 4. Value of the Subsistence Needs Based on Maqasid Syariah

No.	Subsistence Needs Category	Cost of Living RM		
		Without Children	One Child	Two Children
1	<i>Daruriyyat</i>	630	1,607	2,160
2	<i>Hajiyat</i>	870	1,967	2,553
3	<i>Tahsiniyyat</i>	1,320	2,653	3,253

The husband's income particulars and the wife's requirement expenditure particulars are included in the subsistence calculation, which is the total cost of the wife's requirement expenditure (as shown in Table 4) divided by the median value of the personnel's income (as shown in Table 3). For example, the wife's minimum subsistence requirement according to the *daruriyyat* category (RM630) is divided by the personnel's median income or salary according

to the B1 income classification according to the B40 group amounting to RM2,500. Hence, the adequate subsistence percentage based on the husband's ability and the wife's needs is 25%.

Based on the calculation of the subsistence requirement category (Table 4) and the median value of income (Table 3), the resulting percentage rate that meets the adequate subsistence for OR, Officers and Senior Officers is shown in the Table 5:

TABLE 5. Percentage of Adequate Subsistence

Dependents	Percentage of Adequate Subsistence									
	OR				Officer				Senior Officer	
	<i>(Daruriyyat)</i>				<i>(Hajiyat)</i>				<i>(Tahsiniyyat)</i>	
	B1	B2	B3	B4	M1	M2	M3	M4	T1	T2
Without Children	25%	22%	18%	14%	30%	25%	20%	16%	17%	13%
One Child	35%	31%	24%	20%	37%	30%	25%	20%	20%	16%
Two Children	53%	47%	37%	30%	49%	41%	34%	27%	25%	20%

This study found that the IA deduction rate of 22% for OR personnel in the B1 income group does not meet the *daruriyyat* subsistence rate, even if it is only for the wife. The subsistence percentage value that should be given to the wife is 25% of the income earned by the personnel. However, the adequate subsistence percentage was only achieved when the personnel’s income reached the B2 to B4 income level.

Hence, when the IA rate is based on the subsistence support for two children, the findings show that the IA rate does not provide adequate subsistence because the actual rate is between 30% to 53%. Thus, the 10% IA deduction rate required for personnel is inadequate because the adequate rate that should be received by the wife and dependents is 16% to 30% if it is only the wife and 20% to 49% if it is the wife and two children.

Meanwhile, T20 group’s income level, which consists of Senior Officers, also shows that the IA deduction rate does not meet the adequate subsistence rate for the wife, which is between 13% to 17%, and the adequate subsistence rate for the children is between 16% to 25%.

The measure of ability and spending needs based on *daruriyyat*, *hajiyat* and *tahsiniyyat* can provide input to policy makers when determining the appropriate percentage of deduction based on earned income, compared to the current practice that sets deductions for only two groups, namely Officers and OR. Thus, if this basis is adopted as a guideline, then the deduction rate can be further diversified to include several groups according to the rank in the MAF by matching the rate with their income and ability as well as provide subsistence for their wives and dependents.

#### THE NEED FOR A REVIEW OF THE IA RATES IN THE MAF

Based on information about both criteria, namely the capability of the personnel’s income and the

dependent’s expenditure requirements according to the *daruriyyat*, *hajiyat* and *tahsiniyyat* standard of requirements that are adjusted according to the MAF’s IA rates, the IA rate is inadequate compared to the Syarak subsistence rate. Therefore, this study urges for a review and improvement of the IA rate currently implemented compared to a new rate that would be more reasonable.

Taking the example of western countries, such as the United States, policies and programs aimed at developing military families are far more advanced. They have an Army Families Research Program that started in November 1986 (Patricia Devine et.al 1992). It was further developed by establishing the Military Service Family Assistance Center in all branches of the Army, Navy and Air services which, among other things, enforces subsistence providing programs for personnel’s children and spouses (Blaisure, K.R et.al, 2012). In addition, they also review the subsistence rate every five years according to the suitability and current needs established by the court.

The implementation of IA deductions among military personnel in the United States is based on the following three factor:

1. A maximum pay deduction of 50 percent under normal circumstances, if the expenditure for the wife’s and children’s needs is normally provided by the personnel.
2. Deduction of 60 percent if th personnel does not provide subsistence payment.
3. Deduction of 65 percent if there is an arrears in subsistence payments.

Therefore, it is appropriate that the IA policy is reviewed in order to comply with an adequate subsistence rate because the IA rate has been in force of almost 48 years without any revision. Based on an interview with Lt Col Alias bin Mohamed, who is one of the counselor at the Al- Ghazali Counseling Center at the MAF Headquarters, he posited that the IA deduction rate for personnel is insufficient for household expenses. According to him,

“the amount deducted is still inadequate to cover all the necessities of a family, including food, drink, expenses, children’s school expenses and others. If a personnel’s salary is RM 10000, then only RM 1000 is deducted for the wife. The amount of RM1000 per month is insufficient if there are a large number of children in the family. If the amount is insufficient for the family, but the husband thinks it is enough and he does not make additional expenses, then that will be a problem”

The paymaster at the Royal Malaysian Airforce Base Subang (AB SUB) has confirmed that the current IA deduction method only affects two groups, namely OR and Officers. Meanwhile, the salary earned by the personnel varies according to the rank held and the length of the personnel’s years of service. Salary increases occur in conjunction with annual salary increases or promotion in rank. This means that the IA rate will only increase in line with an increase based on the two factor above. The AB SUB paymaster also mentioned that based on the salary scale of the MAF personnel, the lowest IA deduction rate is RM258 and the highest is RM2814. This amount is found to be disproportionate to the salary received by personnel based on the *makruf* subsistence rate.

#### A REVIEW OF SOME TERMS AND CONDITIONS IN THE IA

The written IA policy also states that provisions to dependents only includes the first wife. This is inappropriate because the right to receive subsistence also includes other dependents, such as children and wives from polygamous marriages.

Apart from that, the vague objectives of IA create misunderstandings between personnel and their wives. IA does not clearly state the purpose of the provision as practiced by the US Department of Defense. This confusion was expressed by two PKIA counselor whereby the personnel thought that the IA deduction was sufficient for the wife and also for the entire household, in fact the deduction was only sufficient for the *daruriyyat* needs of the wife. Meanwhile, some wives thought that deduction was the wife’s “salary” from the MAF and the husband should provide subsistence in addition to that without presuming that the IA deduction is a form of subsistence. This presumption could lead to the husband bearing a financial burden in efforts to support the family.

#### ADJUSTING THE IA RATES ACCORDING TO THE SYARIAH COURT RATE

This issue was acknowledged by the Head of the Syariah Law Unit, KAGAT Department, who stated that the IA deduction rate did not meet the requirements stipulated by the Syariah Court through Practice Directive No. 5 of 2019, which was issued by the Malaysian Syariah Justice Department (JKSM). According to Maj Khairil, Head of KAGAT’s Syariah Law Unit,

“In general, the rate set by the involuntary allotment is insufficient if we compare it with the rate set by the Syariah court. It is clear that it does not reach the established scale.”

This directive established the minimum subsistence rate at 23%, with a maximum of 53%, depending on the number of children and the husband’s income. The difference in subsistence rate established by the Syariah Court is inconsistent with the IA rate, which is 10% and 22%, because the rate is established according to scale and based on the total number of children after a divorce. The IA rate should be higher than the Syariah Court rate since the IA rate is the subsistence rate applied during a marriage.

#### REVIEW OF THE IA RATE THAT DOES NOT CONSIDER THE PERSONNEL’S OVERALL PAY AND ALLOWANCE

The basis for calculating the IA deduction is the basic salary and not on the total income, including the allowance, earned by the personnel. According to the comments by the AB SUB Paymaster, the allowance is not included in the calculation because it would diminish the personnel’s remaining salary, especially those in OR. This has negative implications as it will affect the personnel’s spirit and motivation.

In contrast to the American military, the IA deduction is not only based on the basic salary but also the basic allowances obtained, as decided by the Court. The rationale for using it in the calculation is because the allowance is also interpreted as part of the personnel’s salary and thus, as subsistence for the wife and children (Baylor 2007).



## CONCLUSION

A wife is entitled to adequate subsistence for expenses. An adequate subsistence rate has been outlined by Syarak and it should fulfil certain criteria. In general, Syarak-based criteria considers the husband's status or income and the wife's spending needs. Therefore, this IA rate determination study is based on two variables, which are the personnel's salary according to the income classification stipulated by the Malaysian Statistics Department and *Belanjawanku 2022* guidelines for considering a wife's needs.

The processing and combination of these sources will produce a rate that is on par with the husband's standard of living and the wife's needs. It can be used as a reference when making revisions and improvements to IA policies. This revision is necessary so that the IA rate can be determined in accordance with an adequate subsistence rate based on Islamic principles and consistent with the rate applied by the Syariah Court.

The IA rate that provides adequate subsistence is important because it can preserve the obligation of providing subsistence, which is the responsibility of the husband, as well as a form of support and guarantee to the wife against any form of negligence on the right to receive subsistence. Besides that, the IA rate that is consistent with the adequate subsistence rate based on the *daruriyyat*, *hajiyat* and *tahsiniyyat* principles will be fair and just to the husband because the rate will not exceed the established income.

Therefore, it is appropriate that the IA applied by the MAF is reviewed to cater to the objective of providing care and welfare to families in the MAF by helping, organizing and guaranteeing their financial stability. This is crucial to ensure personnel are no longer faced with financial problems caused by the provision of inadequate subsistence to immediate family members.

## AUTHOR'S CONTRIBUTIONS

Conceptualisation and Methodology, Mohd Nasir Mansor, writing-review and editing Mohd Nasir Mansor, Shofian Ahmad and Sri Handayani; All authors have read and agreed to the published version of the manuscript.

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