



A COMPLETE REFERENCE BOOK

Nafkah: The Complete Guide

A complete reference on nafkah (maintenance) in the Muslim household in Malaysia — a wife's nafkah, a child's nafkah, the nafkah of parents and kin, claims after divorce, the rate and arrears, and nafkah and justice in a polygynous household

لِيَنْفِقَ ذُو سَعَةٍ مِّن سَعَتِهِ ^{صَلِّ} وَمَن قَدَرَ عَلَيْهِ ...

How to use this book

Nafkah — maintenance — is not one thing, but several obligations with different sources, different durations, and different ways of being claimed: a wife's nafkah, a child's nafkah, the nafkah of parents and kin, and claims after a marriage has ended. Confusing the four is the source of most misunderstandings at home.

This book may be read in order, or opened at the chapter you need. The early chapters explain what nafkah is and its textual basis; the chapters that follow take up a wife's nafkah, the rate, polygyny, a child's nafkah, the nafkah of parents, divorce, and the running of family finances.

Each chapter opens with a verse of the Qur'an, contains one **Do & Avoid** page as a quick guide, and ends with **Common questions**.

Two things recur throughout this book: nafkah that has already accrued is a **debt**, not a favour that can be withdrawn; and the rate is **assessed**, not fixed. That is why this book names no figure at all as a rate of nafkah — there is no statutory rate and no published national rate in Malaysia.

Where the fuqaha differ, the difference is set out and not resolved here. The section numbers of the law refer to the Islamic Family Law (Federal Territories) Act 1984 [Act 303]; **each state has its own Islamic family law enactment**, and the section numbers, the ordering and some of the detail differ. Check your own state's enactment before making a decision.

This book is a general reference, not a fatwa and not legal advice. For your own situation, consult the Syariah Court advisory counter, your state religious affairs office, Syarie Legal Aid or a registered syarie lawyer.

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Each chapter opens with a verse of the Qur'an and closes with a **Do & Avoid** page and common questions. Further reference at mypolygyny.com.

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CHAPTER 1

What Nafkah Is

One word, four obligations with different sources, different durations and different ways of being claimed.

يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُ مِنْ خَيْرٍ فَلِلْوَالِدَيْنِ وَالْأَقْرَبِينَ
وَالْيَتَامَى وَالْمَسْكِينِ وَابْنِ السَّبِيلِ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ

﴿٢١٥﴾

"They ask you what they should spend. Say: whatever good wealth you spend, give it to parents, to kin, to orphans, to the poor and to the wayfarer."

Surah al-Baqarah 2:215

One word, four obligations

The word **nafkah** (maintenance) is used for several obligations with different sources, different durations, and different ways of being claimed. Confusing the four is the source of most misunderstandings at home.

The first is **a wife's nafkah**: the husband's obligation throughout the marriage, whatever the wife's own wealth. The second is **a child's nafkah**: the father's obligation, and it is not extinguished by divorce. The third is **the nafkah of parents and kin**: the obligation of a child who has the means towards parents in need. The fourth is **claims after the marriage has ended**: nafkah idah (maintenance for the waiting period), mut'ah (a consolatory gift on divorce), arrears and harta sepencarian (jointly acquired property) — each of them a separate claim.

Nor is nafkah a kindness that may be withdrawn when a husband is angry. It is an obligation, and once it has accrued it becomes a **debt**.

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- The measure the Qur'an states is *ma'ruf*: reasonable by custom, according to means (2:233; 65:7).
 - Nafkah is worship: what is spent on the family becomes charity (Sahih al-Bukhari 55).
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Two things that recur in all of them

First: nafkah that has accrued is a debt. Act 303 s.69(1) provides that arrears of unsecured maintenance are recoverable as a debt; if they accrued before a receiving order was made against that person they are provable in his bankruptcy, and if they accrued before his death they become a debt against his estate. s.77 applies s.69 to orders for the maintenance of a child. So a dispute that begins does not reset everything to zero.

Second: the rate is assessed, not fixed. There is no statutory rate of nafkah and no published national rate in Malaysia. Act 303 s.61 only directs the court to base its assessment primarily on the means and needs of the parties, having regard to the proportion that the maintenance bears to the income of the person against whom the order is made.

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- A wife's silence is not a waiver of her right. What is lost by delay is the proof, not the right.
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- It is the court that decides, not the parties in dispute — above all on the question of nusyuz.
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- Each state has its own Islamic family law enactment; the section numbers and some of the detail differ from Act 303.

The four directions of nafka



A wife's nafka

The husband's obligation throughout the marriage (Act 303 s.59); the rate assessed under s.61.



A child's nafka

The father's obligation and the child's right; not severed by the parents' divorce (s.72).



Parents & kin

The obligation of a child who has the means, when the parents have none (2:215).



After divorce

Nafka idah, mut'ah, arrears, mas kahwin (dower) and harta sepencarian — separately.



What unites them

Accrued nafka is a debt, and the rate is assessed on means and needs.

Nafkah, and what is not nafkah

Nafkah: an obligation

- ✓ Food, clothing and accommodation
- ✓ Basic medical treatment
- ✓ Other reasonable needs, in a ma'ruf manner
- ✓ Appropriate education for a child (s.72(1))
- ✓ Claimable in court; the arrears are a debt (s.69)

Not nafkah: property or a gift

- Presents and voluntary gifts
- Mas kahwin and pemberian (dower and marriage gift) — separate rights (s.57)
- Mut'ah after divorce (s.56)
- Harta sepencarian — a property claim (s.122)
- Hibah, a share of an estate, and savings in a child's name

Where Malaysian law comes in

The Islamic Family Law (Federal Territories) Act 1984 [Act 303] and the corresponding state enactments regulate **the maintenance of a wife, a former wife and a child**. The maintenance of parents is not regulated by that Act — do not look in it for a section number for the nafkah of parents, and do not accept any citation of an Act 303 section said to deal with it.

Several sections are often miscited. A wife's maintenance is **s.59**, and the assessment of its rate is **s.61**. **s.60** is not the provision for a wife's maintenance: its text concerns an order to maintain a person who is incapacitated, wholly or partly, from earning a livelihood by injury or by mental or physical illness. **s.71** is the right of residence of a **woman who has been divorced**, not a provision for a wife who is still married. Harta sepencarian is **s.122**, and the court's powers at the stage of permission to practise polygyny are **s.23(9)**.

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- Act 303 applies in the Federal Territories. Each state has its own Islamic family law enactment; the section numbers and some of the detail differ from Act 303.

Do & avoid: understanding nafka

Do

- ✓ Name which of the obligations it is before discussing or claiming
- ✓ Pay and receive through a channel that leaves a record, with the month referenced
- ✓ State the components and the amount in writing, even in one message
- ✓ Check your own state's enactment, not only Act 303
- ✓ Ask the Syariah Court advisory counter when in doubt

Avoid

- ✗ Mixing up a wife's nafka, a child's nafka and claims after divorce
- ✗ Treating nafka as a favour that can be withdrawn in anger
- ✗ Naming any figure as a "rate of nafka"
- ✗ Citing s.60 for a wife's maintenance, or s.71 for a wife still married
- ✗ Assuming arrears have lapsed because they went long unasked for

Common questions

My wife works and has an income. Does her nafkah fall away?

No. A wife's income is her own property: "men shall have a share of what they earn, and women shall have a share of what they earn" (an-Nisa' 4:32). Working is not mentioned in Act 303 s.59(2) at all. What a wife contributes to the household is a kindness from her, not a substitute for the husband's obligation.

Nafkah has never been paid, for years. Can it still be claimed?

Yes. Arrears of unsecured maintenance are recoverable as a debt (s.69), and there is nothing in that section that makes them lapse for not having been claimed earlier. What is lost by delay is the proof. But syariah court civil procedure is separate state law; ask whether any limitation period applies (check the latest rule with your state Syariah Court).

What is the correct rate of nafkah?

There is no answer in figures. Act 303 names no amount, and there is no national rate that can be referred to. s.61 directs the court to assess primarily on the means and needs of the parties, and on the proportion that the maintenance bears to income. Figures in circulation, including on social media, are at best one court's assessment on one set of facts.

02

CHAPTER 2

The Basis of Nafkah in the Qur'an and the Sunnah

What the texts settle, what is left to ijtiḥad, and why the difference matters.

... وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ... ﴿٢٣٣﴾

"...And it is the duty of the father to provide those mothers with food and clothing in a fitting manner..."

Surah al-Baqarah 2:233

The verses on nafkah

The verse most often cited is Surah at-Talaq 65:7: "Let him who has the means give maintenance according to his means; and whoever's provision is straitened, let him give maintenance out of what Allah has given him." The verse ends with a promise: Allah will grant ease after hardship.

The verse before it directs husbands to house them according to their means without causing them hardship, and directs that a mother who nurses the child be given her wage (65:6). Surah al-Baqarah 2:233 sets the measure as *ma'ruf* and states that no one is burdened beyond their capacity.

Surah an-Nisa' 4:34 ties the responsibility of men to what they spend out of their wealth. Surah al-Baqarah 2:215 points to a wider direction of spending: parents, kin, orphans, the poor and the wayfarer.

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- Two measures recur in these verses: the **means** of the one who provides, and **ma'ruf** for the one provided for.
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- Not one verse names an amount. That is not a gap in the texts, but the nature of the ruling.

In the Sunnah

Hind bint 'Utbah complained that Abu Sufyan was stingy and did not give her nafaḥ enough for herself and her children. The Prophet ﷺ said: "Take what suffices you and your children, in a fitting manner" (Sahih al-Bukhari 5364; also Sahih Muslim, Kitab al-Aqdiyah). He gave her a way out, not merely advice to be patient.

Asked about the right of a wife, he answered: "That you feed her when you eat, and clothe her when you clothe yourself; that you do not strike her face, do not revile her, and do not shun her except within the house" (Sunan Abu Dawud 2142; sahih).

Nafaḥ is also given the value of worship. What a man spends on his family becomes charity for him (Sahih al-Bukhari 55), and the best dinar a person spends is the one he spends on his family (Sahih Muslim, Kitab az-Zakah). He also said: "The best charity is that given while one has the means; and begin with those in your care" (Sahih al-Bukhari 1426).

The five texts most often cited



At-Talaq 65:7

Maintenance according to means; one whose provision is straitened gives out of what Allah has given.



At-Talaq 65:6

House them according to your means, cause no hardship; the nursing wage is paid.



Al-Baqarah 2:233

Food and clothing in a fitting manner; none is burdened beyond capacity.



The hadith of Hind bint 'Utbah

Take what suffices, in a ma'ruf manner (Sahih al-Bukhari 5364).



The hadith on a wife's right

Food, clothing, no violence and no humiliation (Abu Dawud 2142; sahih).



Nafkah as charity

What is spent on the family becomes charity (Sahih al-Bukhari 55).

What the texts settle, and what is left open

Settled by the texts

- ✓ The nafkah of a wife and a child is obligatory, not voluntary
- ✓ Its measure is ma'ruf and according to means (2:233; 65:7)
- ✓ Accommodation is included in the obligation (65:6)
- ✓ No one is burdened beyond their capacity (2:286)
- ✓ Stinginess in nafkah is not a husband's right

Left to ijthihad

- The amount, and the form of payment
- Whether the measure is the husband's circumstances or the wife's sufficiency
- The duration of a son's and a daughter's nafkah
- The order of priority when one cannot maintain everyone
- Maintenance for a past period without a judge's order

From text to ruling

The verses on nafkaḥ speak of spending and of kindness. What makes part of it **an obligation of property that can be claimed** is the ijtihād (juristic reasoning) of the fuqahā — and that is why the detail differs between the schools.

Take the nafkaḥ of parents. The Qur'an places parents as the first-named recipients of spending (2:215) and mentions kindness to them immediately after the command to affirm God's oneness, with the prohibition on rebuking them (al-Isrā' 17:23) and the command to lower oneself before them and to pray for them (17:24). It is out of these verses that the fuqahā derived an obligation of property where the parents are without means and the child has a surplus.

Because the basis is ijtihād, its conditions, its rate and the way it is apportioned among several children differ between the schools. This book sets out those differences and does not resolve them.

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- Knowing the source of a ruling helps you know how loosely or how strictly it can be discussed.
-
- There is only one limit to obedience to parents: *syirik* (associating others with Allah) (Luqman 31:15); good conduct with them remains commanded.

Do & avoid: using the texts

Do

- ✓ Read the verse cited in full, not half a verse
- ✓ State the grading of a hadith outside the two Sahih collections
- ✓ Say when a position is ijtiḥad and not text
- ✓ Set out the khilaf honestly, including what is unwelcome
- ✓ Refer to the mufti or your state religious office for your actual situation

Avoid

- ✗ Using 4:34 to justify cutting nafaḥ
- ✗ Attaching a figure to a verse or a hadith that has no figure
- ✗ Citing a narration without mentioning the dispute over its grading
- ✗ Naming one school's opinion as the single "Islamic ruling"
- ✗ Resolving the khilaf for yourself and then stopping payment

Common questions

Why does not a single verse name an amount of nafka?

Because the measure is ma'ruf and means, and both change with place, time and circumstance. The texts settle a lasting principle; the amount is left to assessment. That is also the approach of Act 303 s.61, which ties the assessment to the means and needs of the parties without naming any figure.

Can verse 4:34 be used to cut the nafka of a wife said to be nusyuz?

No. The steps named in that verse are admonition and withdrawal in the sleeping place — and the Prophet ﷺ stated that this withdrawal is within the house (Sunan Abu Dawud 2142; sahih). Nafka is not named among those steps. Under Act 303, loss of entitlement to maintenance for nusyuz is subject to Hukum Syarak and to confirmation by the court (s.59(2)).

Why does this book not give the hadith numbers for Sahih Muslim?

Because the Muslim numbering in wide use is the numbering of Fuad Abdul Baqi, and it cannot be verified from the collections consulted here. Muslim hadith are therefore cited by the name of the kitab (book) alone, for instance Kitab az-Zakah or Kitab al-Aqdiyah. Al-Bukhari's hadith, on the other hand, are given with their numbers, because those numbers can be checked directly in his collection.

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CHAPTER 3

A Wife's Nafkah

What it includes, what remains the wife's own, and the only circumstances in which her right may be suspended.

أَسْكِنُوهُنَّ مِمَّنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تَضَارُوهُنَّ لِتَضَيِّقُوا عَلَيْهِنَّ

﴿٦﴾ ...

"House them where you dwell, according to your means, and do not cause them hardship so as to straiten their lives..."

Surah at-Talaq 65:6

A right, not a favour

A wife's nafka covers food, clothing, accommodation, basic medical care and other reasonable needs in a *ma'ruf* manner, that is, reasonable by custom. It is the husband's obligation throughout the marriage, and it is not reduced because the wife has property of her own.

Act 303 s.59(1) gives the court power, subject to Hukum Syarak, to order a man to pay maintenance to **his wife or former wife**. Arrears of unsecured maintenance are recoverable as a debt (s.69(1)) — and “debt” there is not a figure of speech. Maintenance under a court order, on the other hand, may not be assigned or attached for any debt (s.68): the husband's creditors cannot take it.

If maintenance is neglected or not provided for **three months**, that is one of the grounds for dissolution of the marriage, or fasakh (s.52(1)(b)).

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- Failing to give a wife the justice due to her under Hukum Syarak is an offence (s.128).
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- Each state has its own Islamic family law enactment; the section numbers and some of the detail differ from Act 303.

The components of a wife's nafka



Food

A kitchen allowance sufficient for the household, not merely what is left over.



Clothing

A reasonable allowance, including for the festival days, according to means.



Accommodation

A fitting home according to the husband's means, without causing hardship (65:6).



Basic medical care

Treatment, medicine and the cost of childbirth; health takaful if it can be provided.



Reasonable needs

Utilities, transport and other daily needs according to local custom.



Spending money

A fixed amount for the wife's own use, not only the household budget.

A wife's property and income remain her own

“Men shall have a share of what they earn, and women shall have a share of what they earn” (an-Nisa' 4:32). Her salary, her inheritance, her business and her mas kahwin (dower) (4:4) are her property.

So a husband may not make his wife's salary a reason to reduce her nafkah compared with a wife who does not work. What a wife contributes to the household expenses is a kindness from her, unless it is agreed as a loan — and even then that loan ought to be recorded as a debt.

Act 303 also contains an offence provision concerning a wife's property: wronging her, or cheating her of her property, may lead to compensation ordered by the court (s.127).

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- A wife may ask for a maintenance agreement to be included as a condition in the akad, or to be recorded in court.
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- Her nafkah is the husband's charge (4:34); her own duty of kindness to her own parents remains.

Within nafka, and outside it

Included

- ✓ Food, clothing, accommodation and basic medical care
- ✓ Utilities and reasonable daily needs
- ✓ Needs that are ma'ruf by local custom
- ✓ The cost of childbirth and of treatment needed

Outside it

- Mas kahwin and pemberian — separate rights (s.57)
- Mut'ah after divorce (s.56)
- Harta sepencarian — a property claim, not nafka (s.122)
- Presents and voluntary gifts
- The wife's own salary and property (4:32)

When that right is suspended: nusyuz, and its conditions

Act 303 s.59(2): subject to Hukum Syarak **and to confirmation by the Court**, a wife is not entitled to maintenance when she is nusyuz, or unreasonably refuses to obey the **lawful** wishes or commands of her husband — among other things when she withholds herself from him, leaves his home against his will, or refuses to move with him to another place — **without any valid reason under Hukum Syarak**. s.59(3): as soon as she repents and obeys the lawful wishes and commands, she ceases to be nusyuz.

Those three conditions are almost always missing when the provision is cited in the middle of a quarrel: confirmation by the court, a *lawful* command, and the absence of a valid reason. So “you are nusyuz, so your nafkah falls away” is not a decision; in law it is an allegation.

- Nusyuz suspends the right for that period only. It does not wipe out arrears that have already accrued (s.69).
- Nor does it touch a child's nafkah (s.72), mas kahwin (s.57) or harta sepencarian (s.122).
- Leaving a home that is harmful is a valid reason, not nusyuz.

Do & avoid: a wife's nafka

Do

- ✓ Fix the same date and the same channel every month
- ✓ List the components: kitchen, utilities, transport, spending money
- ✓ If income falls, say so at once and apply to vary (s.66)
- ✓ If you are truly convinced your wife is nusyuz, file it in the Syariah Court
- ✓ Keep the records of payment — they protect the husband too

Avoid

- ✗ Withholding the kitchen money as punishment or as leverage
- ✗ Declaring for yourself that your wife is nusyuz
- ✗ Reducing nafka because the wife has an income
- ✗ Taking a wife's salary or property without her consent
- ✗ Quietly stopping payment while a decision is awaited

Common questions

My husband says my nafkah has fallen away because I left the house. Is that right?

It depends on the reason. s.59(2)(b) ends with “without any valid reason under Hukum Syarak”, and leaving danger is a valid reason. If what happened was abuse, it is not nusyuz; it may also be a ground for fasakh (s.52(1)(h)) and a matter under the Domestic Violence Act 1994 (Act 521). The determination lies with the court.

Can my husband direct me to maintain his parents out of my salary?

It cannot be made obligatory. The duty of kindness to parents rests on their own child, that is, on the husband, and a wife's property is her own (4:32). If a wife gives of her own accord, that is a great good and its reward is great. The clean way: the husband's parents are maintained out of the husband's property, and any cross-contribution is made openly.

My husband refuses to provide a home separate from his family. What is the position?

Accommodation is part of nafkah, and its measure is the husband's means without causing the wife hardship (65:6). What counts as sufficient is assessed on the circumstances, and if maintenance including accommodation is neglected for three months, that is one of the grounds for fasakh (s.52(1)(b)). Discuss it first, then refer to the religious office or to the court.

04

CHAPTER 4

The Rate of Nafkah

How the rate is assessed, why there is no official rate, and why arrears remain a debt.

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا ... ﴿٢٨٦﴾

"Allah does not burden a soul beyond what it can bear..."

Surah al-Baqarah 2:286

There is no official rate — and that is deliberate

Act 303 s.61 is a single sentence, and it contains no figure: in determining the amount of maintenance payable, the court shall base its assessment **primarily on the means and needs of the parties**, having regard to **the proportion that the maintenance bears to the income of the person against whom the order is made**.

So the husband's means are the starting point, not the wife's hopes; the wife's needs must be proved, not assumed; and because maintenance is assessed as a proportion of income, a husband on a small income does not escape altogether, and a husband on a large income does not escape with a small amount.

There is no published rate of nafka for Malaysia. Act 303 names no amount, and there is no national rate that can be referred to. Never name any figure as a “rate of nafka” — the figures in circulation are at best one court's assessment on one set of facts.

-
- Each state has its own Islamic family law enactment; the section numbers and some of the detail differ from Act 303.

The tools around s.61



Means & needs

The two bases of assessment in s.61, proved by documents, not assumed.



Proportion to income

The maintenance measured against the net monthly income of the person ordered.



Interim maintenance

s.70: takes effect immediately until a full order is made, on application.



Variation of an order

s.66: varied or rescinded when circumstances change materially.



Security

s.62: maintenance secured by vesting property in a trustee.



Lump-sum settlement

s.63: an agreement for a capital sum for future claims requires the court's approval.

Khilaf among the fuqaha: the husband's means, or the wife's sufficiency?

The fuqaha agree that a wife's nafkah is obligatory, but they differ over **the measure of its rate**. Below is the well-known opinion of each school; within each school there are other views as well, and this difference is not resolved here.

Syafi'i — the measure is the husband's circumstances: well-off, middling or straitened, on the basis of 65:7. Earlier Syafi'i fuqaha even fixed it in measures of staple food per day according to those three levels — the ijtiḥad of their time, not a rate used today. **Hanafi** — the measure is the wife's sufficiency (*kifayah*), assessed taking the circumstances of both parties into account, not a fixed measure. **Hanbali** — also centred on the wife's sufficiency, taking the circumstances of both parties into account. **Maliki** — the circumstances of both parties and local *'urf* (custom).

This difference determines whether a wife from a comfortable family may claim her former standard from a husband who is in straits.

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- Act 303 s.61 encompasses both angles — and that is why argument in court is usually not about the school, but about the evidence.

The evidence to bring

Proof of income

- Payslips and a letter of confirmation from the employer
- Tax statements, bank statements and KWSP statements
- Business records and genuine debt commitments
- Known assets, useful at the enforcement stage

Proof of need

- Rent or a home loan statement, and the utility bills
- Grocery receipts, transport costs and clinic bills
- School fees and each child's expenses separately
- A record of nakhah received: date, amount, channel, which month
- Status documents and earlier court orders

Arrears: a debt that does not lapse for not having been asked for

Act 303 s.69(1): arrears of unsecured maintenance are recoverable as a debt; if they accrued before a receiving order was made they are provable in bankruptcy; and if they accrued before that person's death they become a debt against his estate — settled before distribution under faraid. s.69(2): arrears that accrued before the death of the person entitled to them may be claimed by his or her lawful personal representative. s.77 applies s.69 to orders for the maintenance of a child.

Distinguish two kinds of claim. **Arrears under an order** fall directly under s.69. **Outstanding maintenance that has never been the subject of an order** (*nafkah madiyah*) is claimed under s.59(1), which covers a wife or former wife, with the rate assessed under s.61. This is where the khilaf enters: the well-known Syafi'i and Hanbali opinion treats it as a debt that does not lapse with the passage of time, while the well-known Hanafi opinion recognises maintenance for a past period only if there was a judge's order or the agreement of both parties beforehand.

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- **Wilful** failure to comply with an order: the court may levy the amount, or imprison — for monthly payments, not exceeding one month for each month in arrears (s.132).
-
- **Limitation:** s.69 itself lays down no period, but civil procedure differs between states (check the latest rule with your state Syariah Court).

Do & avoid: the rate and the arrears

Do

- ✓ Start a monthly record today, even if you are years late
- ✓ Gather payslips, bank statements and bills for the last six months
- ✓ Claim earlier — what is lost by delay is the proof
- ✓ If you cannot afford it, apply to vary the order under s.66
- ✓ Consider a sulh (court-conducted reconciliation) session before a full trial

Avoid

- ✗ Believing any figure to be an official “rate of nafkaḥ”
- ✗ Giving or receiving nafkaḥ in cash without a note of it
- ✗ Treating “I will sort it out later” as an agreement
- ✗ Rewriting dates or adding false entries to a record
- ✗ Staying silent until the arrears pile up

Common questions

I have lost my job. May I stop paying for the time being?

No. The obligation is not cancelled and the arrears keep accruing as a debt (s.69). What has changed is your means: give notice at once and apply to vary the order under s.66. Silence has the opposite effect — the arrears remain a debt even if you are poor, and wilful failure may lead to the amount being levied, or to imprisonment (s.132).

How is a maintenance order enforced if he still does not pay?

Act 303 s.132 allows the court to levy the amount due as a fine is levied, or to imprison a person who wilfully fails to comply. Security is under s.62. Attachment of earnings, and seizure and sale, are not found in Act 303 — they are subject to the civil procedure of the state syariah courts. Ask the court counter to name the section (check the latest rule with your state Syariah Court).

My husband has died and years of nafkaah were never paid. Is that claim lost?

No. If the arrears accrued before his death, they become a debt against his estate (s.69(1)) and must be settled before distribution under faraid. Even bankruptcy does not extinguish them. Bring the documents: any earlier order, a record of the payments received, and proof of the expenses over that period.

05

CHAPTER 5

Nafkah in Polygyny

Each wife a full nafkah, not a fraction: the justice that is obligatory, and an honest reckoning of the cost of two households.

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمِيلِ
فَتَذَرُوهُمَا كَالْمُعَلَّقَةِ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا

﴿١٢٩﴾

"And you will not be able to deal equally between those women, however much you try; so do not incline so far that you leave the other neglected..."

Surah an-Nisa' 4:129

A full nafka, not a fraction

“Let him who has the means give maintenance according to his means” (at-Talaq 65:7), and the measure is *ma'ruf* (al-Baqarah 2:233). In polygyny this obligation is **doubled**: each wife and her children are entitled to a full nafka, not a fraction of one wife's nafka.

Being just is not necessarily being equal in amount. A wife with four children needs a larger kitchen budget than a wife with none. What is obligatory is that each wife receives her *ma'ruf* needs, and that no wife is wronged. Giving beyond what is obligatory, such as presents, is best kept equal, to guard hearts.

Verse 4:129 acknowledges that the inclination of the heart cannot be made entirely equal — and for that very reason forbids inclining so far that one wife is left neglected.

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- A wife's income is her own property, and it does not reduce her nafka (4:32).
-
- Nafka to the family remains worship: the best dinar is the one spent on the family (Sahih Muslim, Kitab az-Zakah).

Means: the condition in syarak and the condition in law

In Malaysia, an application for permission to practise polygyny must be accompanied by an *iqrar* (sworn declaration) stating the grounds on which the proposed marriage is said to be just or necessary, the applicant's present income, particulars of his commitments and of his financial obligations and liabilities, the number of his dependants including those who would become his dependants as a result of the proposed marriage, and whether the views of the existing wife have been obtained (Act 303 s.23(3)).

The court may grant permission if it is satisfied, among other things, that the applicant **has the means to support all his wives and dependants** as required by Hukum Syarak, that he **will be able to accord equal treatment** to all his wives, and that the proposed marriage **would not cause *darar syarie*** (harm recognised by Hukum Syarak) to the existing wife (s.23(4)(b), (c), (d)).

The court granting permission also has power, on the application of any party, to order a person to pay maintenance to his existing wife or wives (s.23(9)(a)), and to order the division of assets acquired jointly during the marriage (s.23(9)(b)).

-
- Marrying contrary to s.23(1): the whole of the mas kahwin and the *pemberian* become payable immediately, and if unpaid are recoverable as a debt (s.23(7)).
 - Each state has its own Islamic family law enactment; the section numbers and some of the detail differ from Act 303.
-

What each household needs



A home of its own

A house or a unit with its own kitchen, bathroom and bedroom.



Kitchen allowance

Separate, according to the size of the household, not blindly equal.



Separate utilities

Each household's bills; best debited directly from the husband's account.



Medical care

Health takaful or a medical fund for each household, childbirth included.



A child's nafka

Schooling, food and health: the father's obligation (Act 303 s.72).



Savings & records

An emergency fund for each household, and a record of the monthly nafka transfers.

The justice that is obligatory, and the equality that is misunderstood

The justice that is obligatory

- ✓ Each wife receives her ma'ruf needs, in full
- ✓ Separate, fitting accommodation according to means
- ✓ Turns and time actually given, not promised
- ✓ Consistency: the nafka arrives on the same date each month
- ✓ Transparency about the principle of division to each wife

What is misunderstood

- Equalising the amounts although the needs plainly differ
- Forcing two wives to share one house without their consent
- Reducing one wife's nafka because she has an income
- Taking the parents' nafka out of one household's share
- Treating an unequal inclination of the heart as a sin (4:129)

Separate homes, and what happens to the property

The majority of the fuqaha hold that a husband may not place two wives in one dwelling with shared facilities without their consent. A separate unit with its own door and its own facilities counts as a separate home. A marked difference in size without a reason, such as the number of children, is easily seen as unjust.

The name of the owner matters. A house bought in the husband's name is his property, and when he dies it becomes part of the estate divided under faraid; the wife living in it does not own it automatically. Property acquired jointly during the marriage may be claimed as **harta sepencarian** on divorce (s.122), and the court that grants permission to practise polygyny may also order its division (s.23(9)(b)).

When the husband dies, the wives share one portion: one-eighth if the deceased has children, or one-quarter if he has none, divided equally among all the wives (an-Nisa' 4:12).

-
- Make sure every marriage is registered and recorded: heirs who are not known delay an estate for years.
-
- Wasiat (a bequest): up to one-third, and not to an heir unless the other heirs agree after the death. Hibah transfers during life, with delivery (qabd).

Do & avoid: the finances of two households

Do

- ✓ Work out the cost of two households honestly before applying, transport included
- ✓ Include in the reckoning the nafkaḥ of parents already dependent on you
- ✓ Separate accounts and records for each household's nafkaḥ
- ✓ A separate emergency fund for each household
- ✓ Write the wasiat and the hibah now, and appoint an executor you trust

Avoid

- ✗ Taking on new debt to finance a walimah or a second home
- ✗ Shifting the burden onto the wife and children you already have
- ✗ Hiding a marriage, or debts, from the family
- ✗ Making one wife the default carer for the husband's parents
- ✗ Settling comparisons of nafkaḥ through quarrels between the wives

Common questions

Must the nafka be the same amount for each wife?

What is obligatory is that each wife receives her ma'ruf needs in full, not a fraction. Those needs differ: a larger household needs a larger kitchen budget. So the amounts may differ without being unjust, so long as no wife is wronged. For giving beyond what is obligatory, keeping it equal guards hearts.

Can two wives be placed in one house?

The majority of the fuqaha hold that they cannot, without their consent. A separate unit with its own door and its own kitchen and bathroom counts as a separate home. Under Act 303, the means to support all the wives and dependants, and the ability to accord equal treatment, are among the matters the court must be satisfied of before granting permission (s.23(4)(b), (c)).

If the income is only enough for one household, what is the position?

A second marriage would shift the burden onto the wife and children already there — contrary to the purpose of syarak, and contrary too to the condition of means in s.23(4)(b) and the prohibition of darar syarie in s.23(4)(d). Work out the real cost of two households first, including rent, utilities, schooling, takaful, transport and an emergency fund.

06

CHAPTER 6

Nafkah Anak: Duration, Coverage and Claims

A child's nafkah (maintenance) is the child's right — it does not lapse because the adults are quarrelling.

﴿ وَالْوَالِدَاتُ يُرْضَعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَ ۚ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وِلْدَةٌ بِوِلْدِهَا وَلَا مَوْلُودٌ لَهُ بِوِلْدِهِ ۚ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ ۚ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُمْ بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ﴿٢٣٣﴾

"And it is the father's duty to feed and clothe the mothers in a fitting manner... No one is burdened beyond what he can bear."

Surah al-Baqarah 2:233

The child's right, not the adults'

The Qur'an's measure for nafkaḥ (maintenance) is **ma'ruf** (what is fitting) and **capacity**: it is the father's duty to feed and clothe in a fitting manner (Surah al-Baqarah 2:233), to house a nursing mother according to his means without putting her in hardship (Surah at-Talaq 65:6), and to maintain according to what each is able (65:7).

Hind bint 'Utbaḥ complained that Abu Sufyan was tight-fisted and did not give her what was enough for herself and her children. The Prophet ﷺ said: *"Take what is enough for you and your child, in a fitting manner"* (Sahih al-Bukhari 5364; Sahih Muslim, kitab al-Aqdiyah). Being tight-fisted is no excuse, and the measure is reasonable sufficiency.

Act 303 s.72(1): except where there is an agreement or court order providing otherwise, it is a man's duty to maintain his children, **whether they are in his custody or in the custody of another person**. That last phrase closes off the argument one hears most often.

-
- "We are divorced" — divorce ends the marriage, not fatherhood.
 - "Their mother has remarried" — that may touch hadhanah (custody of the young) under s.83(a), not the father's nafkaḥ.
 - "Their mother works" — the amount is assessed on capacity and need (s.61), not on the mother's salary.
 - Every state has its own Islamic family law enactment; the section numbers here are the numbers in Act 303.
-

The five things s.72(1) names



Accommodation

Safe accommodation for the child.
Accommodation for a divorced woman is s.71.



Clothing

Everyday clothes and school clothes, not only a gift at Raya.



Food

Kitchen expenses, and milk for an infant who is not nursing.



Medical treatment

Treatment, medicine, therapy and aids on medical advice.



Education

School fees, books, equipment, transport and reasonable classes.



Its measure

What is reasonable to the father's means and station in life — provided, or its cost paid.

Until when: the order, and the khilaf of the jurists

Act 303 s.79 concerns the *duration of the order*: an order for a child's maintenance expires when the child attains the age of eighteen — unless the order is expressed for a shorter term, has been rescinded, or is made in favour of an **unmarried daughter** or one who is unable to maintain herself because of mental or physical disability, or a **son** who is unable to maintain himself because of disability. The court may, on the application of that child or another person, extend it to allow the child to pursue further or higher education or training.

The age of 18 is the term of the **order**, not a fatwa on when the obligation in syarak ends. Extension is **not automatic** — it requires an application. And the exception is **not symmetrical**.

Khilaf of the jurists (the well-known positions; within each school there are other views, and this disagreement is not resolved here):

- Syafi'i, Hanafi and Maliki: a son until he reaches puberty and is able to earn; a daughter until she marries and is maintained by her husband.
- Hanbali: turning on the child's inability — as long as the child cannot maintain himself, the obligation remains.
- Agreed: a child who cannot maintain himself because of disability or illness continues to be maintained, with no age limit.
- The ages in s.84 are the term of **hadhanah** — who has care, not who pays. A state enactment may state different ages.

When the father's circumstances change



Dead or missing

s.72(2) — the duty falls on whoever is liable under Hukum Syarak; s.73(2).



Has deserted the wife

s.73(1)(b) where the child is in the wife's care; s.73(1)(a) if he refuses or neglects.



Jailed, lost his job

Apply for variation (s.75) and give notice at once; wilful failure — s.132.



Abroad

The order stays valid and arrears keep accruing; enforcement follows the state's civil procedure.



A child accepted

s.78 — a man who has accepted a child as a member of his family, so far as the child's parents fail.



Who it is paid to

s.73(3) — to the child's guardian or trustee. It is the child's nafkah, not money for the mother.

Arrears, the child's property, and the parents' agreement

Arrears. Act 303 s.77 is a single sentence: s.69 applies, *mutatis mutandis* and subject to Hukum Syarak, to an order for maintenance for the benefit of a child. So arrears of a child's nafaḥ may be claimed as a **debt**; if they accrued before the father's death they become a debt against his estate — settled before the faraid (obligatory shares) distribution. **The order expires; the arrears do not.** Silence is not a waiver: what is lost by delay is the evidence, not the right.

The child's property. A child's property is not the father's property. The father is the natural guardian of the person and property of his minor child (s.88), has no power to sell the child's immovable property except in the circumstances listed (s.89), and a guardian of property appointed by the court may apply from the income of the property only up to the monthly limit stated in the Act itself without the court's leave (s.98(1)).

The parents' agreement. The Act recognises it (s.72(1)), but s.76 allows the court to vary the terms of any agreement on a child's custody or maintenance **notwithstanding any provision to the contrary in that agreement**, for the child's welfare.

-
- The majority of jurists hold that nafaḥ is the **child's** right; a mother who waives it waives something that is not hers.
 - The safe way: put the agreement in writing, record it as an order through sulh (court-led mediation), and revisit it through s.75 or s.76 — not by stopping payment.

Do & avoid: a child's nafka

Do

- ✓ List each child's expenses separately, with receipts
- ✓ Record every payment: date, amount, channel, which month it is for
- ✓ Mark the date each child turns 18 well in advance (s.79)
- ✓ Pay through a channel that leaves a record, on a fixed date
- ✓ Apply for variation (s.75) as soon as income drops
- ✓ Check your own state's Islamic family law enactment

Avoid

- ✗ Withholding nafka because you are being kept from seeing the child
- ✗ Reducing nafka because the mother works or has remarried
- ✗ Using money held in the child's name as your own
- ✗ Quietly stopping payment without applying for variation
- ✗ Relying on a spoken agreement with no record
- ✗ Rewriting dates or adding false entries to the records

Common questions

My child is 18 and has started university. Does nafkaah stop?

What expires is the
order

(s.79), and the court may extend it on application for further or higher education or training. That extension is not automatic, and the child may apply himself. Arrears already accrued before then are not wiped out either. Your state enactment may state a different age.

My child's father has lost his job. Are the arrears cancelled?

No. The duty is not revoked and the arrears keep accruing as a debt (s.77 applies s.69). What has changed is capacity: the way through is to apply for variation under s.75 at once, not to stop paying quietly — because wilful failure can lead to the amount being levied or to imprisonment (s.132).

We agreed between ourselves that I pay a lump sum. Is that the end of it?

The agreement is recognised (s.72(1)) but it does not bind the court: s.76 allows the court to vary its terms notwithstanding any "full and final" clause in it, where that is for the child's welfare. The right is the child's, not the mother's to waive. Put the agreement in writing and record it as an order through sulh.

07

CHAPTER 7

Nafkah for Parents and Kin

The direction of nafkah that is rarely taught: upward, to the parents, and sideways, to the kin.

﴿وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَنًا ۖ إِنَّمَا يُبَلِّغُنَّ عَنْكَ
الْكِبَرَ أَحَدُهُمَا أَوْ كِلَاهُمَا فَلَا تَقُلْ لَهُمَا أُفٍّ وَلَا تَنْهَرْهُمَا وَقُلْ لَهُمَا قَوْلًا
كَرِيمًا﴾ ﴿٢٣﴾

"And your Lord has commanded that you worship none but Him, and that you treat your parents well... and do not rebuke them."

Surah al-Isra' 17:23

The parents are named first

Asked *where* wealth should be spent, the Qur'an's answer begins with the parents: "...*whatever good you spend, give it to parents, near relatives, orphans, the poor...*" (Surah al-Baqarah 2:215). That order recurs: kindness (ihsan) to parents is named immediately after the command to worship Allah alone (Surah al-Isra' 17:23), followed by the command to lower oneself to them and to pray for mercy for them (17:24). Surah Luqman frames it as gratitude (31:14), and the next verse sets its one and only limit: if they call to shirk they are not to be obeyed, "*and keep company with them in this world in a good manner*" (31:15).

In the sunnah the mother's right is singled out: the Prophet ﷺ answered "*your mother*" three times, then "*your father*" (Sahih al-Bukhari 5971).

- These verses speak of **ihsan** and **spending**. What makes it a claimable duty of property is the ijtiḥad of the jurists — which is why the details differ between the schools.
- Act 303 and the state enactments regulate the nafkaḥ of a **wife, a former wife and a child**. They do **not** regulate nafkaḥ for parents; do not accept any citation of their sections said to be about it.

When the duty arises

The jurists do not say that every child must pay something every month. What they state are **conditions**, and the two most often named are: **(1) the parents lack the means** — no sufficient property or income and no ability to obtain it, because the duty is born of need, not of the relationship alone; and **(2) the child has a surplus** after his own needs and the nafka already obligatory upon him — *"Let the man of means maintain according to his means..."* (at-Talaq 65:7), *"Allah does not burden a soul beyond what it can bear"* (2:286).

The schools differ on the details: whether a parent able to work but not working counts as lacking the means; whether the duty is confined to basic needs; and what the measure of "surplus" is on the child's side. There is no figure for the amount: the measure is **ma'ruf**, according to the means of the one who bears it and the need of the one borne (2:233, 65:7).

-
- Two opposite errors: treating it as only "if there is anything left over", or treating it as overriding everything, so that wife and children are left short.

When there are several children



Capacity is a condition

A child without the means does not become a debtor. That condition holds in every position.



Assess the need once

The need is assessed once, then divided — not each child bearing the full need.



Three ways to divide

Equally; by each one's means; or by inheritance shares. The schools differ.



Daughters

The command in 17:23–24 and 31:14 is addressed to the **child**, not to sons alone.



Care is a contribution too

Daily care is not money, but it is a real contribution and should be counted.



To check with the authorities

What becomes of the share of a sibling who refuses — ask the mufti or the state religious office.

"You and your property belong to your father" — and the other kin

This report is often cited to demand more than need. A man complained that his father wanted to take all his property, and the Prophet ﷺ answered: "*You and your property belong to your father*" (Sunan Ibn Majah 2291; the same meaning in 2292 — marked **sahih** in the collection relied on, but its grading is **contested** among the hadith scholars, and this book does not settle that contest).

It is not permission to take a child's whole property. The well-known explanation is that a father in need may take **to the measure of his need** — the same measure as in the report of Hind bint 'Utbah (Sahih al-Bukhari 5364; similar wording 5359).

- If the report is brought to demand a house, land or a loan in your name — that is not nafka. Nafka is need: food, accommodation, clothing, medicine.
- Other kin: the Qur'an places them after the parents (2:215, 2:177, 4:36), and "*those bound by kinship, some of them are nearer to one another*" (al-Anfal 8:75; similarly 33:6). "*The maternal aunt is in the position of the mother*" (Jami' at-Tirmidhi 1904 — sahih).
- How far the duty of **property** extends to grandparents, grandchildren, siblings and nephews and nieces is the widest field of khilaf in this chapter, and this book does not settle it.

Birr al-walidayn is not the same as nafkaḥ



Nafkaḥ: a right of property

It has conditions and a measure; when its conditions are met, it becomes obligatory.



Birr: an act of worship

Far wider, and not dependent on means or on their need.



Time cannot be paid back

"Then strive in serving those two" (Sahih al-Bukhari 3004; Sunan Abu Dawud 2529 — sahih).



The mother first

Three times before the father (Sahih al-Bukhari 5971) — in company and in service.



Its one limit

Shirk (31:15). Obedience stops; good company does not.



Kinship ties stand

Al-wasil is the one who restores ties with kin who have cut them (Sahih al-Bukhari 5991).

Do & avoid: supporting parents

Do

- ✓ List the parents' real needs before naming a figure
- ✓ Keep two columns apart: cost, and daily care
- ✓ Look at the parents' own resources first, with their permission
- ✓ Write down who pays what, when, and the review date
- ✓ State the real situation to your wife before changing anything
- ✓ Take a conflicting situation to the mufti or the state religious office

Avoid

- ✗ Taking your wife's salary for your parents without her consent
- ✗ Making a daughter-in-law the default carer without agreement
- ✗ Treating daily care as a contribution that does not count
- ✗ Tying contributions to expectations of an inheritance share
- ✗ Backbiting your siblings in front of your parents (49:12)
- ✗ Waiting for a crisis before talking it through

Common questions

May a husband direct his wife's salary to his parents?

No. A wife's property — salary, inheritance, mahar (dower), business — is hers (4:32, 4:4), and her nafkah is her husband's charge (4:34). The duty of filial support rests on **their**

children. If a wife gives willingly, that is a doubled reward (Sahih al-Bukhari 1462, 1466) — but it is her choice, not an expectation that was never spoken.

There are five of us. Who bears it, and how much?

Only those with the means. How it is divided is not agreed: equally, by means, or by inheritance shares. This book does not choose between them. The practical path is a written agreement among the siblings, and failing that, a referral to the mufti or the state religious office.

Can I claim nafkah from my child in court?

Act 303 and the corresponding state enactments regulate the nafkah of a wife, a former wife and a child — not nafkah for parents. Whether a parent's claim against a child can be brought, in which court and under which provision, differs by state and must be verified with a syarie lawyer or the state religious office.

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CHAPTER 8

Priority When Income Falls Short

This chapter gives no single answer — because the jurists themselves give none.

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا ^ج لَهَا مَا كَسَبَتْ وَعَلَيْهَا مَا اكْتَسَبَتْ ^ق رَبَّنَا
لَا تُؤَاخِذْنَا إِنْ نَسِينَا أَوْ أَخْطَأْنَا رَبَّنَا وَلَا تَحْمِلْ عَلَيْنَا إَصْرًا كَمَا حَمَلْتَهُ
عَلَى الَّذِينَ مِنْ قَبْلِنَا رَبَّنَا وَلَا تُحَمِّلْنَا مَا لَا طَاقَةَ لَنَا بِهِ ^ج وَاعْفُ عَنَّا
وَاعْفِرْ لَنَا وَارْحَمْنَا أَنْتَ مَوْلَانَا فَانصُرْنَا عَلَى الْقَوْمِ الْكَافِرِينَ ﴿٢٨٦﴾

"Allah does not burden a soul beyond what it can bear..."

Surah al-Baqarah 2:286

A chapter that is not resolved

A man may be supporting a wife — or two wives — children, and elderly parents, while his income is not enough for all of them at once. The question is: who comes first?

This chapter **will not settle it**, because the jurists themselves do not settle it with one answer. What can be done here is to separate two things firmly: **what is clear from the texts**, and **what is a field of khilaf (juristic disagreement)**. Whoever confuses the two ends up using whichever opinion favours him most and calling it "Islamic law".

And one warning before anything else: a shortfall in income is no licence to stop paying quietly. A wife's nafka (maintenance) and a child's nafka are a **debt** that keeps accruing, and the silence of the person entitled is not a waiver of the right.

-
- The duty is measured by **capacity**, not by intention (65:7; 2:286).
 - Deciding for yourself in a matter the scholars differ over is where most of the injustice happens.
-

What is clear from the texts

First, the measure is capacity. *"Let the man of means maintain according to his means; and whoever's provision is straitened, let him maintain from what Allah has given him"* (at-Talaq 65:7). The verse does not release the man who is straitened; it adjusts the amount, it does not cancel the duty.

Second, the command begins with those in your charge. *"The best charity is that given while one has means, and begin with those in your charge"* (Sahih al-Bukhari 1426; similar wording 1427, 5356).

One addition that must be stated honestly. Sahih al-Bukhari 5355 carries the same wording, then mentions the words of the wife (*"feed me or divorce me"*) and the child (*"feed me — to whom will you leave me?"*). Within the text of that report itself, Abu Hurairah r.a. was asked whether he heard it from the Prophet ﷺ and answered **no — that part is from himself**. So it is given here as his words, not as a saying of the Prophet.

What is a field of khilaf



Parents or wife

Whether hungry parents come before a wife's needs that are not basic.



A grown child

The order between parents and a child who is grown but still in need.



Mother or father

Whether the mother comes first in nakkah as she comes first in birr (Bukhari 5971).



Other kin

The order between parents and grandparents, grandchildren, siblings, nephews and nieces.



Why no school is named

This book names no school for these orderings: it cannot be sourced here.



Where to ask

Take your real situation to the mufti or the state religious office — not to a quick search.

The duty that does not disappear while you are straitened

Khilaf about the *order* does not change the nature of the duty itself. Under Act 303, nafka already accrued may be claimed as a **debt**; if it accrued before a receiving order was made it is provable in bankruptcy, and if it accrued before death it becomes a debt against the estate (s.69). The same provision is applied to a child's nafka (s.77).

So the path for a man who genuinely cannot pay is not silence, but **applying for variation at once**: s.66 for a wife's maintenance order, and s.75 for an order on a child's custody or maintenance, where circumstances have materially changed. **Wilful** failure to comply with an order allows the court to levy the amount or to imprison the person who wilfully failed (s.132) — note the word *wilful*. And neglect or failure to provide maintenance for three months is a ground for fasakh (judicial dissolution) (s.52(1)(b)).

Every state has its own Islamic family law enactment; the section numbers here are the numbers in Act 303.

-
- The court may order **interim maintenance** taking effect immediately (s.70). A long dispute is no reason for a wife and children not to eat while it runs.

The order of a budget when money is tight

1

Basic needs, obligatory nakhah

"...and begin with those in your charge" (Sahih al-Bukhari 1426).

2

Rights that already have an owner

Debts that have fallen due, and zakat whose conditions are met. It is not "what is left".

3

Emergency savings

So that one breakdown does not immediately become a new debt.

4

Education and the children

The children's schooling and medical needs, stated for each child.

5

Charity, parents, kin

This is where that contested ordering enters — refer, do not guess.

6

Wants

From what is genuinely left. This ordering needs not a single figure.

Do & avoid: when you cannot support everyone

Do

- ✓ State your real financial situation to everyone concerned
- ✓ Pay according to your means without wholly neglecting any one party
- ✓ Apply to vary the order at once (s.66 or s.75)
- ✓ Take a conflicting situation to the mufti or the state religious office
- ✓ Record every payment, however small
- ✓ Cut new commitments before cutting nafkah

Avoid

- ✗ Quietly stopping payment and hoping it is forgotten
- ✗ Choosing the opinion that favours you most and calling it the law
- ✗ Naming one opinion "Islamic law" without mentioning the others
- ✗ Using khilaf as an excuse to decide nothing at all
- ✗ Taking on new dependants before meeting the ones you have
- ✗ Making a child or a parent the messenger between adults

Common questions

My income only covers part of it. Who should I put first?

This book does not answer that, because the jurists differ and the difference turns on the real situation. What is clear: the measure is capacity (65:7), and the command begins with those in your charge (Sahih al-Bukhari 1426). Pay according to your means without wholly neglecting anyone, and take your situation to the mufti or the state religious office.

I stopped paying for a year because I truly could not. Are those arrears gone?

No. Arrears of nafka may be claimed as a debt, including from the estate (s.69; applied to a child's nafka by s.77). Poverty is not an eraser. The way through is to apply for variation (s.66 or s.75) at once — and even s.132 requires proof of failure that was
wilful

May I marry again while I owe nafka?

Capacity is reckoned by including the nafka already your charge — wife, children and parents — not by treating it as an expense that can be cut. Arrears outstanding are a debt. In Malaysia, polygamy also requires the permission of the Mahkamah Syariah (Syariah Court), and every state has its own enactment.

09

CHAPTER 9

When Nafkah Lapses: Nusyuz, and Four Misunderstandings

Something that has conditions cannot be applied without its conditions.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا ^{صَل} وَلَا تَعْضُلُوهُنَّ
لِتَذْهَبُوا بِبَعْضِ مَآءَاتِيْمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَلْحَشَةٍ مُبِينَةٍ وَعَاشِرُوهُنَّ
بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ
خَيْرًا كَثِيرًا ﴿١٩﴾

"...and keep company with them (your wives) in a fitting manner..."

Surah an-Nisa' 4:19

Nusyuz: what it is, and what it is not

Linguistically *nusyuz* means 'to rise up'. In syarak it is **disobedience to an obligatory marital right, without lawful cause**. It can come from the wife (Surah an-Nisa' 4:34) and from the husband (4:128, which mentions a wife's fear of her husband's *nusyuz* or of his turning away).

Two words in that definition carry the whole weight: **obligatory** and **without lawful cause**. Remove either, and almost anything can be called *nusyuz*.

This chapter is not an argument that *nusyuz* does not exist in syarak — it does, and it exists in Malaysian law. It is an argument that the determining of it does not belong to whoever names it.

-
- **Not every disobedience** — what is meant is disobedience to a right that is *obligatory*, not to a wish or a preference.
 - **Not where there is lawful cause** — a valid excuse, illness, fear of harm, or unsuitable accommodation are recognised causes.
 - **Not a quarrel** — disagreeing, anger or exhaustion are not *nusyuz*. Continuing discord is *syiqaq*, and its path is arbitration by hakam (4:35).
 - **Not a permanent label** — it is a state, not a trait of a person, and it ends when the disobedience ends.
 - **Not a name for the husband's wrongs alone** — failing to maintain, disappearing without word, harshness, or not being fair between wives is the *husband's* *nusyuz*.
-

Verse 4:34 does not mention nafkaḥ

This has to be stated precisely, because this is where the misuse begins. Verse 4:34 **does not mention nafkaḥ among its steps**. What it mentions is counsel and withdrawal in the sleeping place — and even that withdrawal is **inside the house**.

The Prophet ﷺ said, on the wife's rights: *"...do not strike her face, do not revile her, and do not withdraw from her except inside the house"* (Sunan Abu Dawud 2142; sahih).

So driving a wife out of the house, cutting off the housekeeping money or stopping nafkaḥ is **no part of that verse**. This book adds no new interpretation to 4:34; the full reading of the verse and its strict limits are in their own place — on the **/nusyuz** and **/hak-suami-isteri** pages at mypolygyny.com.

-
- In Act 303, a wife's maintenance is **s.59**. s.60 is not a provision on a wife's maintenance — it is maintenance for a person incapacitated from earning a living by injury or illness. s.71 is the right of accommodation of a **divorced woman**. Harta sepencarian (jointly acquired matrimonial property) is s.122.
 - Every state has its own Islamic family law enactment; the section numbers here are the numbers in Act 303.
-

The court confirms it, not the husband



s.59(2)

Subject to Hukum Syarak
and confirmation by the Court
— not to the husband's word.



"lawful"

What binds a wife is only the
husband's
lawful
wishes and orders.



"lawful cause"

The phrase "without lawful cause
according to Hukum Syarak"
attaches to (a), (b) and (c).



"inter alia"

The list is not closed, but that
latitude is given to the court, not to
the husband.



s.59(3)

Nusyuz ceases as soon as the wife
repents and obeys the lawful wishes
and orders.



One path is open

A husband who is genuinely certain
files it in the Mahkamah Syariah —
not by cutting off the housekeeping
money.

Nafkah already accrued is a debt

The most costly misunderstanding is the assumption that when the quarrel starts, everything resets to zero. It does not. The nafkah of the months already past **has already become a debt**.

Act 303 s.69(1): arrears of unsecured maintenance **may be claimed as a debt**; if they accrued before a receiving order was made against the husband they are provable in his bankruptcy, and if they accrued before his death they become a **debt against his estate**. s.68: maintenance under a court order may not be assigned or attached for any debt. s.70 allows interim maintenance taking effect immediately. s.132: **wilful** failure to comply with an order allows the court to levy the amount or to imprison the person who wilfully failed.

So calling a wife nusyuz today does not erase last year's arrears. Even if nusyuz is later confirmed, its effect is for **that period of nusyuz** only. Nor is a wife's silence a waiver of the right: what is lost by delay is the **evidence**, not the right.

-
- Even when confirmed by the court, nusyuz does not touch: **the child's nafkah** (s.72 — the child's right, not the mother's); **the mahar (dower)** (4:20; s.57); **harta sepencarian** (s.122); and **arrears already accrued** (s.69).

The four most common misunderstandings



"Nusyuz, no housekeeping money"

Withholding nafkaḥ to punish. Court confirmation is required (s.59(2)); arrears keep accruing.



"You have your own salary"

Working is not mentioned in s.59(2) at all. What she earns is hers (4:32).



"I told you to, you didn't"

s.59(2) speaks only of **unreasonable** refusal of an order that is **lawful**.



"She ran off, she is nusyuz"

s.59(2)(b) ends with "without lawful cause" — and fleeing danger is lawful cause.



One honest test

Would I be willing to state this decision before the qadi, with my wife telling her version?

Do & avoid: an allegation of nusyuz

Do

- ✓ Read the text of s.59(2) and s.59(3) in your own state enactment yourself
- ✓ Keep paying while the dispute is undecided
- ✓ File in the Mahkamah Syariah if you are genuinely certain
- ✓ Record the date nafka stopped and the amount last paid
- ✓ Apply for interim maintenance (s.70) while waiting
- ✓ Keep the child's nafka (s.72) apart from the adults' dispute

Avoid

- ✗ Declaring your wife nusyuz yourself and then cutting her nafka
- ✗ Treating a wife's working as a ground for the right to nafka to lapse
- ✗ Withholding money as a tool of pressure or punishment
- ✗ Equating a quarrel or anger with nusyuz
- ✗ Withdrawing outside the house, or driving your wife out of the house
- ✗ Snooping through a phone or an account to look for evidence

Common questions

Can a husband declare his wife nusyuz?

No. s.59(2) is subject to Hukum Syarak
and confirmation by the Court

. Without that, "you are nusyuz" is an
allegation

, not a finding — and the duty under s.59(1) runs on in the meantime. In figh too, nafkah is affected by the *fact* of disobedience without cause, not by the *allegation* of it.

A wife left the house because her husband beat her. Is that nusyuz?

No. s.59(2)(b) ends with "without any lawful cause according to Hukum Syarak", and getting oneself to safety is lawful cause. Beating, threatening, confining, sexual coercion, continual humiliation and withholding money in order to control are

abuse

, not a domestic quarrel. Call

Talian Kasih 15999

, and see the Counselling page at /kaunseling.

Nafkah was unpaid for two years. Then the husband says his wife has been nusyuz since last month. What happens to those two years?

They stand, and may be claimed as a debt under s.69 — including from the estate. Even if nusyuz is confirmed by the court, its effect is for that period of nusyuz, not for the period before it. And the child's nafkah under s.72 is not suspended by any allegation against the mother.

10

CHAPTER 10

A Working Wife, a Wife's Property, and What Stays Hers

A wife's income may touch the amount of nafka; it does not touch her right to it.

وَلَا تَتَّبِعُوا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ لِّلرِّجَالِ نَصِيبٌ مِّمَّا
اَكْتَسَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا اَكْتَسَبْنَ وَسَأَلُوا اللَّهَ مِنْ فَضْلِهِ إِنَّ اللَّهَ
كَانَ بِكُلِّ شَيْءٍ عَلِيمًا ﴿٣٢﴾

"...Men have a share of what they earn, and women have a share of what they earn..."

Surah an-Nisa' 4:32

Working is not nusyuz

A direct answer to the question asked most often: **working does not appear in Act 303 s.59(2) at all**. It is not nusyuz, and it does not cause the right to nafkah (maintenance) to lapse.

A husband's duty is measured by **his** means, not by his wife's: "*Let the man of means maintain according to his means...*" (at-Talaq 65:7). Hind bint 'Utbah complained that Abu Sufyan was tight-fisted and did not give her what was enough; the Prophet ﷺ said: "*Take what is enough for you and your children, in a fitting manner*" (Sahih al-Bukhari 5364) — with no question about what Hind herself could manage.

But her income is not wholly invisible either. **s.61** directs the court to base its assessment of the amount of maintenance primarily on the **means and needs of the parties**, having regard to the proportion the maintenance bears to the income of the person against whom the order is made. So it may touch the *amount*; it does not touch the *right*. Proving that a wife has an income is not a defence to a claim for nafkah.

-
- Every state has its own Islamic family law enactment; the section numbers here are the numbers in Act 303.

What stays the wife's own



Salary and business

What she earns is hers (4:32). A husband has no right to take it without her consent.



Mahar

The mahar (dower) becomes the wife's, and only she may remit part of it willingly (4:4).



Inheritance and gifts

An inheritance share and gifts given to her are her own property.



Zakat on her property

Zakat on a wife's property is the wife's own duty, because the property is hers.



And the husband's property

A husband's property is not the wife's: s.127 makes deceiving a spouse about one's property an offence.



If it is a loan

A contribution of hers meant as a loan should be recorded as a debt (2:282).

Her contribution is ihsan, not a transfer of the duty

Zainab, the wife of 'Abdullah bin Mas'ud r.a., bore the expenses of her own husband and of the orphans in her care. The Prophet ﷺ confirmed it for her and told her she had **two rewards** — the reward of maintaining kinship ties and the reward of giving (Sahih al-Bukhari 1466; see also 1462).

Note what did **not** happen there: the husband's duty was not transferred to her because she had the means, and she did not lose her right because she gave. And it was she who asked; it was her choice.

Where the jurists differ: is a wife of means required to contribute to household expenses? The majority of the four schools place nafkaḥ as wholly the husband's duty, and a wife's contribution as charity, not a claimable debt. Some scholars hold that where the husband genuinely lacks the means and the wife has them, she is required to help on the basis of nafkaḥ to kin — help for a circumstance, not a permanent transfer. This book does not choose between the two.

- What is agreed: nafkaḥ may not be reduced because a wife works, and her salary may not be taken without her consent. The difference above is about *a wife's help*, not *a wife's right*.
- A related khilaf: the well-known Syafi'i and Maliki position allows a wife to give her zakat to a husband who is entitled to receive it; the Hanafi position does not allow it.

Permission to work, and what is built up together

Permission to work is a separate question from the question of the right to nafka. The majority of the jurists tie leaving the house to the husband's permission, and most contemporary scholars hold that a husband may not withdraw that consent without reasonable cause — particularly if the wife was already working when they married or it was stipulated in the contract. Even holding the strictest view on permission, the consequence is still **not** the husband withholding nafka himself: it still goes through s.59(2) and **confirmation by the court**.

And what is built up together still counts. Property acquired during the marriage may be claimed as **harta sepencarian** (jointly acquired matrimonial property) under **s.122**, which weighs each party's contribution in money, property or labour, debts incurred for their joint benefit, and the needs of the minor children. s.107A in turn allows an order that a person not dispose of assets acquired during the marriage.

One offence both parties should know: s.128 makes failure to give a wife the justice due to her according to Hukum Syarak an offence.

The quietest form of misuse



From help...

A wife's salary becomes the standing housekeeping money, then an assumption no one states.



...into an argument

"You have been paying all this time, so it really is your responsibility."



What is actually so

Years of paying voluntarily do not transfer the duty laid down by syarak and s.59(1).



Hence, records

A wife who works should keep a record of what

she

has spent on the household.



Taking without consent

Taking a wife's salary without her consent is not nafkaḥ — it is a matter of her property (s.127).

Do & avoid: a wife's property and household money

Do

- ✓ Pay the nafkaḥ in full even though the wife has an income
- ✓ Record a wife's contributions: gift, help, or loan (2:282)
- ✓ Keep the nafkaḥ account separate from the wife's property account
- ✓ Keep a record of what each party spends on the household
- ✓ Discuss zakat on the wife's property as her own duty
- ✓ Keep the documents for assets acquired during the marriage (s.122)

Avoid

- ✗ Reducing nafkaḥ because the wife has started working
- ✗ Taking a wife's salary or mahar without her consent
- ✗ Turning a wife's voluntary help into a standing obligation
- ✗ Threatening to withdraw permission to work as a tool of pressure
- ✗ Disposing of matrimonial assets to defeat a claim
- ✗ Deceiving a spouse about property — it is an offence (s.127)

Common questions

The wife's income is higher than the husband's. Is the husband's duty of nafka extinguished?

No. Working does not appear in s.59(2), and what she earns is hers (4:32). Her income may touch the *amount* through s.61, because the court assesses the means and needs of the parties — but not the *right*. Your state enactment has an equivalent provision under a different number.

I have paid the housekeeping from my own salary for years. Can I claim it back?

A voluntary contribution is ordinarily charity, not a debt — which is why a contribution intended as a loan needs to be recorded from the start (2:282). What is certain is that your payments do not transfer the husband's duty, and assets acquired during the marriage may be claimed as harta sepencarian (s.122). Consult a syarie lawyer for your situation.

Can a husband forbid his wife to work and then call it nusyuz if she works anyway?

The question of permission is a separate discussion, and most contemporary scholars hold that consent already given may not be withdrawn without reasonable cause. Whichever view is held, the consequence still runs through s.59(2) and confirmation by the Mahkamah Syariah — not through a husband's decision to cut off nafka.

11

CHAPTER 11

Nafkah in arrears: the debt that does not lapse

A month whose nafkah went unpaid is not gone because the month has passed. It is a debt.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَى أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ وَلْيَكْتُبَ
بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ ... ﴿٢٨٢﴾

"O you who believe! When you contract a debt for a fixed term, write it down; and let a scribe write it down justly between you..."

Surah al-Baqarah 2:282

Arrears are a debt, not a memory

Act 303 s.69(1) says it in one firm word: unsecured arrears of nafaḥ (maintenance) are **recoverable as a debt** from the party who failed to pay. "Debt" there is not a figure of speech.

s.59(1), for its part, gives the court power to order a man to pay nafaḥ to his **wife or former wife**, subject to Hukum Syarak (Islamic law). So a claim for tunggakan (arrears) is nothing out of the ordinary: it is a matter for which a place has been provided.

Hind binti 'Utbaḥ complained that Abu Sufyan was tight-fisted and did not give her enough for herself and her children. The Prophet ﷺ said: "Take what is enough for you and your children, in a just and reasonable amount" (Sahih al-Bukhari 5364).

-
- Claiming arrears is not revenge and is not a sign of impatience. It is a right.
-
- Your silence is not a waiver: nothing in s.69 wipes out arrears because they were claimed late.
-
- What is lost by delay is the **evidence**, not the right.
-
- The section numbers here are Act 303; **every state has its own enactment**.

What does not wipe out arrears



Divorce

The marriage ends, but arrears already accrued before it remain (s.69).



Bankruptcy

Arrears from before the receiving order are provable in his bankruptcy.



The husband's death

Arrears from before his death become a debt due from his estate.



Time passing

s.69 itself sets no time limit; what expires is the evidence.



Your silence

Never having asked is not a waiver, and is not consent.



Children's nafka

The child's right under s.72; s.77 applies s.69 to children's maintenance orders.

Two kinds of arrears — and the dispute among the fuqaha

Arrears under an order: nafkaḥ the court has already ordered but which was not paid. This falls directly under s.69 as a debt, and is brought as enforcement of the order.

Nafkaḥ in arrears that was never ordered (nafkaḥ madiyah): claimed under s.59(1), which covers a “wife or former wife”, and the rate is assessed under s.61 — the means and needs of the parties, and the proportion the nafkaḥ bears to the payer's income. There is no figure anywhere in the Act.

This is where the khilaf (scholarly disagreement) enters: the well-known Syafi'i and Hanbali position treats nafkaḥ for a past period as a debt that **does not lapse** with the passage of time, while the well-known Hanafi position recognises nafkaḥ for a past period only where there was already a judge's order or the agreement of both parties beforehand. This disagreement is not resolved here.

-
- Do not mix arrears — months inside the marriage — with nafkaḥ idah, which is the period after divorce.
-
- Both may be claimed together in the same application.
-
- Check the numbers corresponding to s.59, s.61 and s.69 in your own state enactment.
-

The records that save a claim for arrears

- ✓ The date the nafka stopped, the amount of the last payment, and the channel used before that
- ✓ Bank statements and transfer records — download copies now, not when the case is filed
- ✓ A record of every nafka received: date, amount, channel and which month it was for
- ✓ Note cash nafka too, on the day it is received, even where there is no receipt
- ✓ Messages in which he promises, admits or refuses to pay — with their dates
- ✓ Proof of your own spending: rent, utilities, food, school, clinic, transport (s.61)
- ✓ Status documents: marriage certificate, ta'liq agreement, divorce certificate, earlier court orders
- ✓ Two copies: one for you, one somewhere safe outside the house
- ✓ Never rewrite a date or add a false entry

When the nafkaah stops

1

Fix the date

The day the nafkaah stopped and the last amount. One certain date is the backbone of a s.69 claim.

2

Save what goes first

Bank statements, receipts and transfer records do not last forever. Copy them now.

3

Start a new record today

Even if you are years late. An honest record with admitted gaps is still strong.

4

Apply for interim nafkaah

s.70(1): maintenance that takes effect immediately until a full order is made.

5

Do not snoop

The court has power to call for documents and witnesses. Evidence taken wrongly damages the case.

6

Go to the court counter early

The advisory counter explains the forms and the jurisdiction in your state.

Do & avoid: nafka in arrears

Do

- ✓ Start writing things down today, even if the arrears go back years
- ✓ Keep statements and messages with their dates, in two copies
- ✓ Claim arrears and current nafka in one application
- ✓ Ask for interim nafka if you have no money now (s.70)
- ✓ Check your state enactment for the right section numbers

Avoid

- ✗ Assuming old arrears are wiped out because so much time has passed
- ✗ Taking cash nafka without noting which month it pays for
- ✗ Giving up arrears without advice — they are a debt already accrued
- ✗ Rewriting dates so the record looks perfect
- ✗ Citing s.60 for a wife's nafka; a wife's nafka is s.59

Common questions

The nafkaah has gone unpaid for years. Can it still be claimed?

Yes. s.69(1) makes unsecured maintenance arrears a debt that may be recovered, and it is not wiped out because you never asked. s.69 itself sets no time limit. Whether your state's syariah civil procedure law sets one is a separate question

(check with your state Syariah Court or religious office)

— ask the state Bantuan Guaman Syarie (Syariah Legal Aid).

My husband is bankrupt, or has died. Are the arrears gone?

No. Arrears accrued before a receiving order was made against him are provable in his bankruptcy; those accrued before his death become a debt due from his estate (s.69(1)). Debts are settled before the estate is divided, so bring your records to the administrator of the estate, not only to the family.

My husband says I am nusyuz, so everything is wiped out?

Nusyuz (disobedience) is subject to Hukum Syarak
and to confirmation by the Court

(s.59(2)); an accusation at home is not a ruling. Even if it is confirmed, the effect is for that period only, not for the months before it. Nusyuz also does not touch children's nafkaah (s.72), mas kahwin (the dower) and pemberian (gifts) (s.57), or harta sepencarian (jointly acquired matrimonial property) (s.122).

12

CHAPTER 12

Claims after divorce: idah, mut'ah and harta sepencarian

Divorce ends the marriage, not the rights. Six separate matters, so that not one of them is left behind.

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وَجَدِكُمْ وَلَا تَضَارُوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ
وَإِنْ كُنَّ أُولَاتٍ حَمْلٌ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ فَإِنْ أَرْضَعْنَ
لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ وَأَتَمُّوا بَيْنَكُمْ بِمَعْرُوفٍ وَإِنْ تَعَاسَرْتُمْ فَسَتْرٌ
لَهُنَّ أُخْرَى ﴿٦﴾

"Lodge them where you yourselves dwell, according to your means, and do not harass them... And if they are pregnant, provide for them until they deliver."

Surah at-Talaq 65:6

Six separate matters — do not mix them

The commonest loss is not the court refusing a claim, but a claim that was **never made** — because it was assumed to be included in another.

The six matters below rest on different bases, run for different periods, and are proved with different documents: nafkah idah (maintenance for the idah period); mut'ah; arrears of nafkah from within the marriage; mas kahwin (the dower) and pemberian (gifts) still unpaid; harta sepencarian (jointly acquired matrimonial property); and accommodation.

Children's nafkah and hadhanah (custody), in turn, are the child's right, not yours, and do not fall away with the divorce (s.72(1)).

-
- Claiming what is yours by right is not a wrong.
 - Write the six down and mark the ones that apply — before going to court, not after.
 - The section numbers in this chapter are Act 303; **every state has its own enactment.**
 - Take this list to the counter of your state Mahkamah Syariah (Syariah Court) and ask for the corresponding numbers.

Six claims, one by one



Nafkah idah

A former wife's maintenance throughout the idah — s.59(1), s.65(1); the rate is assessed under s.61.



Mut'ah

A consolatory gift for a woman divorced without just cause — s.56. Not maintenance.



Nafkah arrears

Unpaid months from within the marriage; claimed as a debt — s.69.



Mas kahwin & pemberian

Deferred dower and gifts made at the marriage; rights standing on their own — s.57.



Harta sepencarian

Division of property acquired during the marriage — s.122. Property, not maintenance.



Accommodation

The right to go on living in the home you lived in while married — s.71.

Nafkah idah: for which kind of divorce

The fuqaha agree on two situations. In a **talak raj'i** (revocable divorce), maintenance and accommodation are due, because in law she is still a wife throughout the idah. For a woman who is **pregnant**, maintenance is due until she delivers, whatever the kind of talak (at-Talaq 65:6; her idah too runs until she delivers, 65:4).

They differ on one situation: **talak ba'in** (irrevocable divorce) where she is not pregnant. On maintenance, the Hanafis say it is due; the Syafi'is, Malikis and Hanbalis say it is not. On accommodation, the Syafi'is, Malikis and Hanafis say it is due; the Hanbalis say it is not. The root of it is the report of Fatimah binti Qais (Sahih Muslim, Kitab al-Talaq) — a report whose rejection by Umar r.a. and Aisyah r.a. is recorded in the same book. This difference is not resolved here.

- Divorced before consummation: there is no idah (al-Ahzab 33:49), so there is no nafkah idah.
- s.59(1) gives that power **subject to Hukum Syarak**, and s.2 defines it according to the Syafi'i school, or one of the Maliki, Hanafi and Hanbali schools.
- The right to nafkah idah under an order stops when the idah ends, or when the former wife is nusyuz (s.65(1)).
- Two dates are the backbone of every calculation: the date of the talak, and the date of delivery if she is pregnant.

Mut'ah: the consolatory gift on divorce, and a dispute left open

Mut'ah is not nafkah. Act 303 s.2 defines it as a reasonable consolatory gift, according to Hukum Syarak, to a divorced wife, and s.56 is its own section: it is **in addition** to that woman's right to apply for maintenance, for a woman divorced **without just cause**, and the court orders an amount that is fair and just according to Hukum Syarak after hearing both parties.

Obligatory or recommended? The disagreement is rooted in the wording of the verses themselves. Surah al-Baqarah 2:241 speaks of a provision for divorced women in a reasonable manner, then closes the verse with "a duty upon those who are mindful of God"; 2:236 and al-Ahzab 33:49 speak of a like provision for a wife divorced before being touched. Those who read that phrase as the language of obligation conclude that mut'ah is **wajib** (obligatory); those who read it as encouragement conclude it is **sunat** (recommended). This disagreement is not resolved here.

- Syafi'i (qaul jadid): obligatory for a woman divorced after consummation, so long as the separation did not originate from the wife's side. Hanafi: obligatory for a woman divorced before consummation and with no mahar fixed, recommended for others. Maliki: recommended.
- There is no amount, rate or formula for mut'ah in Act 303, and there is no national rate.
- Mut'ah is not nikah mut'ah: that time-limited contract marriage is a different matter, and it is forbidden.

Harta sepencarian and accommodation: two separate matters

Harta sepencarian is not a form of nafkah. Nafkah is an obligation to provide; harta sepencarian is **your share in property**. It does not fall away because the idah has ended, and paying maintenance does not discharge it. s.2 defines it as property acquired jointly by husband and wife during the marriage in accordance with the conditions of Hukum Syarak; s.122 gives the court power to order its division when confirming a pronouncement of talak or making a decree of divorce.

s.71, for its part, is titled the right to accommodation, and it is the right of a **divorced woman**: she is entitled to live in the home where she used to live while married, so long as the husband cannot obtain other suitable accommodation for her. It gives a right to **live there**, not ownership.

-
- Joint effort (s.122(1)–(2)): the court weighs contributions in money, property or work, debts incurred for the joint benefit and the needs of the minor children, and shall incline towards equality of division. The effort of one party (s.122(3)–(4)): looking after the home is named as a contribution, but the party who acquired the property receives the greater proportion.
-
- s.71(2): the right to accommodation stops when the idah ends, when the period of custody of the children ends, when she remarries, or on fahisyah (immoral conduct).
-
- s.107A allows an order prohibiting the disposition of property acquired during the marriage. Do not let the divorce be recorded while the property claim has not yet been put forward (**check the latest rule in your state**).

Do & avoid: claims after divorce

Do

- ✓ Name all six claims separately in the application
- ✓ State a pregnancy from the start; keep pregnancy and birth records
- ✓ Gather the marriage certificate, the taliq agreement and records of nafkah received
- ✓ Ask for a written order: amount, payment date, and for which matter
- ✓ Ask for the corresponding section numbers in your state enactment

Avoid

- ✗ Assuming one claim is already included in another
- ✗ Treating harta sepencarian as a kind of nafkah, or the other way round
- ✗ Giving up the right to accommodation in the belief that it is the same as the property right
- ✗ Trusting any figure as the rate for mut'ah or for nafkah
- ✗ Letting the divorce be recorded while the property claim has not been made

Common questions

Nafkah idah and mut'ah — must I choose one?

No. s.56 says mut'ah is
in addition

to that woman's right to apply for maintenance. The bases differ: nafkah idah is for the idah period (s.59(1), s.65(1)); mut'ah is a consolatory gift for a woman divorced without just cause (s.56). Apply for both in the same application, and state your position on each.

Does harta sepencarian fall away when the idah ends?

No. Harta sepencarian is a
property

claim under s.122, not a kind of nafkah, so the end of the idah does not touch it. Looking after the home and caring for the family are mentioned in the text of s.122(4)(a) as a contribution, so a wife who was not in paid work still has a basis to claim. Every state has its own enactment.

What falls away when I remarry?

s.65(2): a provision under an agreement stops when she remarries. s.71(2)(c): the right to accommodation stops as well. Neither section says anything that wipes out arrears already accrued, and s.69 makes them a debt. Remarriage may also touch hadhanah — get advice
(check with your state Syariah Court or religious office)

.

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CHAPTER 13

Claiming in the Mahkamah Syariah: evidence, procedure and enforcement

The court is the place provided for these claims. This chapter sets out what you need to have before you reach the counter.

﴿ إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۚ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا ﴾

﴿ ٥٨ ﴾

"Indeed, Allah commands you to render trusts to those entitled to them, and when you judge between people, to judge with justice..."

Surah an-Nisa' 4:58

These claims are one case, not several

Act 303 s.47(1) requires a divorce application to be filed together with an **iqrar** (declaration), and s.47(1)(f) states that the iqrar sets out the terms of any agreement on maintenance and accommodation for the wife and the children, custody of the children, and the division of property acquired through the joint effort of the parties — or, where there is no agreement, **the applicant's own proposals**. These matters belong inside that application, not after it.

If the other party does not agree, or the court sees a possibility of reconciliation, the court appoints a **Jawatankuasa Pendamai** (Conciliatory Committee) (s.47(5)). Many ancillary claims are settled at this stage and recorded as an order.

-
- This chapter states no fee, form number, filing period or address — these differ between states and change. Get them at the counter.
-
- You do not need a lawyer to file a claim.
-
- **Every state has its own enactment:** the procedure, the names of the stages and the section numbers may differ from Act 303.
-
- If there are threats or violence, call **999**; Talian Kasih **15999**.

The order of claiming

1

List them first

The six claims; mark the ones that apply and write your position on each.

2

Put them all in at once

Into your application or your reply (s.47(1)(f)); what is not yet settled goes in as a proposal.

3

Ask for interim nafkah

s.70(1): effective immediately until a full order is made, where there are grounds for maintenance.

4

Protect the property

s.107A: an order prohibiting the disposition of property acquired during the marriage.

5

Sulh and conciliation

The Jawatankuasa Pendamai (s.47(5)); the outcome may be recorded as a court order.

6

Ask for a clear order

The amount, the payment date, and for which matter — in writing, not orally.

Evidence: every claim stands on a document

s.61 ties the assessment of maintenance to the **means** and the **needs** of the parties, and to the proportion the maintenance bears to the income of the person against whom the order is made. So the evidence falls into two parts: proof of his income, and proof of your spending.

A property claim, in turn, stands on contribution: money, property or work (s.122(2)(a)), and your years of looking after the home and caring for the family (s.122(4)(a)). A claim for arrears stands on the record of nafkah received and the date it stopped (s.69).

-
- Gather what can still be gathered, and start a new record today even if you are years late.
-
- Do not snoop: do not break into a phone or an account. The court has power to call for documents and witnesses, and evidence taken wrongly damages your own case.
-
- Never rewrite a date or add a false entry — an honest record with admitted gaps is stronger in court.
-
- Make two copies: one for you, one somewhere safe outside the house.

Where to ask for help



State Mahkamah Syariah

The advisory counter explains the forms, the fees and the jurisdiction in your state.



Sulh session

Conciliation conducted by a sulh officer; the outcome may be recorded as an order.



Bantuan Guaman Syarie

The state division or under JKSM, for eligible applicants (check with the relevant office).



Registered peguam syarie

Especially where there is property, years of arrears, or execution against property.



State religious department

The district religious office: counselling and referral channels.



Talian Kasih 15999

The welfare and family helpline, 24 hours. In immediate danger, call 999.

When he does not pay: enforcement

A maintenance order is not advice. Act 303 **s.132** provides that where there is **wilful failure** to comply with an order requiring the payment of an amount, the court that made the order may levy that amount in the manner provided for levying a fine imposed by a court, or imprison the person in wilful default for the term specified in s.132(2).

Around it are other tools: security through a trustee for a wife's maintenance (s.62) and for a child's maintenance (s.74, with non-compliance punishable as contempt of court); variation of an order where circumstances change materially (s.66); the offence of ill-treating or cheating a wife of her property, with the court's power to order compensation (s.127); and the offence of failing to give a wife the justice due to her according to Hukum Syarak (s.128).

- Attachment of earnings, seizure and sale, and other modes of execution are **not found in Act 303**; they are governed by the state syariah civil procedure law (**check with your state Syariah Court or religious office**).
- s.68: maintenance under a court order may not be assigned or attached for any debt.
- Failure or neglect to provide maintenance for three months is one of the grounds for fasakh (s.52(1)(b)).
- **Every state has its own enactment** — ask the counter or a peguam syarie (syariah lawyer) to name the corresponding section.

Do & avoid: going to the Mahkamah Syariah

Do

- ✓ Ask at your state court counter about the forms and the jurisdiction
- ✓ Put every claim into one application (s.47(1)(f))
- ✓ Bring the original documents and one ordered set of copies
- ✓ Ask for a written copy of every order made
- ✓ Write your questions down before you go in, so nothing is left out

Avoid

- ✗ Relying on a form number or a fee someone else mentioned
- ✗ Citing s.60 for a wife's nafka; a wife's nafka is s.59
- ✗ Treating a verbal agreement as an enforceable order
- ✗ Snooping through a phone or an account to find proof of income
- ✗ Settling maintenance matters on social media

Common questions

Do I need a lawyer to file a claim?

It is not required. The advisory counter of your state Mahkamah Syariah explains the forms and the jurisdiction, and you may file yourself. A registered peguam syarie is useful where there is property, years of arrears, or execution against property. The state Bantuan Guaman Syarie, or the one under JKSM, is for eligible applicants; its conditions should be checked with that division itself.

How much is the fee, which form, and how long does the process take?

This chapter does not state them, and that is not an oversight: fees, form numbers and timeframes differ between states and change from time to time. A wrong form number means a wasted trip. Get them from your state Mahkamah Syariah counter or from Bantuan Guaman Syarie, on the day you intend to file

(check with your state Syariah Court or religious office)

He is not paying even though there is an order. What is the next step?

Bring the order and the payment records to the court that made the order. s.132 gives the power, where the failure is wilful

, to levy that amount or to imprison the person in default for the term in s.132(2). Other modes of execution are governed by the state civil procedure **(check with your state Syariah Court or religious office)**

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CHAPTER 14

Records and preparation: the family financial file

Almost every claim in the chapters before this stands on two things: a date, and a document.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا شَهَدَةُ بَيْنَكُمْ إِذَا حَضَرَ أَحَدُكُمْ الْمَوْتُ حِينَ الْوَصِيَّةِ
اِثْنَانِ ذَوَا عَدْلٍ مِّنْكُمْ أَوْ إِخْرَانِ مِّنْ غَيْرِكُمْ إِنْ أَنْتُمْ ضَرَبْتُمْ فِي الْأَرْضِ
فَأَصْلَبْتُمْ مُصِيبَةُ الْمَوْتِ تَحْبِسُونَهُمَا مِنْ بَعْدِ الصَّلَاةِ فَيُقْسِمَانِ بِاللَّهِ إِنْ
أَرْتَبْتُمْ لَا نَشْتَرِي بِهِ ثَمَنًا وَلَوْ كَانَ ذَا قُرْبَىٰ وَلَا نَكْتُمُ شَهَادَةَ اللَّهِ إِنَّا إِذَا
لَمِنَ الْأَثَمِينَ ﴿١٠٦﴾

"O you who believe! When death approaches one of you, at the time of making a will, let there be testimony between you by two just men from among you..."

Surah al-Ma'idah 5:106

A record is protection, not a sign of suspicion

The Qur'an itself sets out how a debt is to be recorded: "When you contract a debt for a fixed term, write it down" (al-Baqarah 2:282). The same principle applies to the whole of a family's records.

A record is not a sign of distrust in your spouse. It is what answers the question memory cannot: how much was paid, for which month, and through what channel. Pay and receive nafaah through a recorded channel, on a fixed date, with a reference to the month being paid for — and this is for both parties.

Start today, even if you are years late. Never rewrite a date or add a false entry: an honest record with admitted gaps is stronger in court than a record that looks perfect.

-
- One file, one known place, and one copy in a second place.
 - The simplest test: can you answer "what do we have, where is it, and to whom do we owe money" within an hour?

The family file: what goes into it

- ✓ Identity: identity cards, passports, birth certificates for every family member
- ✓ Marriage: marriage certificate, tal'iq agreement, court orders or court permission
- ✓ Divorce: divorce certificate or the record of the pronouncement of talak, and every court order
- ✓ Property: land titles, sale and purchase agreements, vehicle registration, business documents
- ✓ Debts: loans, credit cards, debts to relatives — including those with no document
- ✓ Mas kahwin (dower) still deferred, and nafkah still in arrears
- ✓ Savings and protection: KWSP and Tabung Haji statements, insurance policies, takaful certificates
- ✓ One sheet listing every nomination, and the date it was last checked
- ✓ The nafkah record: date, amount, channel and the month paid for, month by month
- ✓ One copy somewhere safe outside the house, and your spouse knows where the file is

The nafkah record, month by month

The single most valuable document in a case about arrears is the record of nafkah received: date, amount, channel, and which month it was for. Note the cash too, on the day it is received — cash with no entry is the first cause of a dispute years later.

Beside it, note the household spending: rent or loan statements, utilities, food, school fees, clinic bills and transport. This is the “needs” side in s.61, which bases the assessment on the means and needs of the parties and on the proportion the maintenance bears to the payer's income.

A wife who works should also keep a record of what she spends on the home. Years of paying voluntarily do not transfer the obligation placed on the husband, and what she earns remains hers (an-Nisa' 4:32).

-
- Spend one month recording everything first, before changing anything.
-
- One money meeting a month, on a fixed date — not when angry or hungry.
-
- Bank statements and transfer records do not last forever; download copies from time to time.
-

Review after every change in the family



KWSP nomination

The nominee is usually described as a wasi who distributes according to faraid (check with the relevant office).



Tabung Haji

It has its own nomination and is not tied to the KWSP nomination (check with the relevant office).



Insurance & takaful

Ask the operator to state in writing whether the nominee receives as a wasi.



Banks, ASNB and others

Nomination rules differ; check each one, do not assume they are the same.



Wasiat

A nomination is not a wasiat (will) and does not alter the rules of faraid. They are two different things.



Harta sepencarian

The spouse's share comes out before the estate exists; for divorce, s.122.

If a death occurs: what these records save

Nafkah arrears accrued before the husband's death become a **debt due from his estate** (s.69(1)), and debts are settled before the estate is divided. Without records, that debt cannot be proved to the administrator of the estate. Arrears accrued before the death of the person entitled, in turn, may be claimed by her lawful personal representative (s.69(2)).

The order before faraid: first take out what did not belong to the deceased — including the spouse's share in harta sepencarian, trusts and other people's property; then the funeral expenses; then the debts; then the wasiat up to one third; only then faraid. The Prophet ﷺ allowed Sa'd bin Abi Waqqas to bequeath one third only, and said that even one third is a great deal (Sahih al-Bukhari 2742).

- A claim for harta sepencarian after a death is handled through the estate process, and the provisions differ between states (**check with your state Syariah Court or religious office**).
- "The soul of a believer is held by his debt until it is settled" (Sunan at-Tirmidhi 1078 — sahih).
- List the debts that have no document as well, so the heirs know of them.
- The procedures, documents and timeframes of JPN, Amanah Raya and the estate distribution units are not uniform — verify with the body concerned.

Do & avoid: the family financial file

Do

- ✓ One file, one known place, one copy outside the house
- ✓ Note nakkah on the day it is received, including cash
- ✓ Review every nomination after every change in the family
- ✓ Write a list of assets and a list of debts, and update them regularly
- ✓ Make sure your spouse knows what there is and where it is kept

Avoid

- ✗ Keeping the only copy inside the shared home
- ✗ Treating a nomination form as a wasiat
- ✗ Deleting messages or statements before the matter is closed
- ✗ Rewriting dates so the record looks perfect
- ✗ Waiting until a new dispute arises before starting to keep records

Common questions

I have never kept any records. Is it too late?

No. Start today: the date the nafkah stopped, or the last amount received, then record month by month from now on. Download bank statements and keep the messages that carry dates, because those are what goes first. An honest record with admitted gaps is stronger than a record that looks perfect.

Does keeping records mean I am preparing for a divorce?

No. Records protect both parties: they answer how much was paid and for which month, and they end a dispute before it begins. The same file is needed for school, hospital and financing matters — and for your family if you are not here tomorrow.

My husband says he has all the documents. Is that enough?

No. Documents left in one place only are sometimes lost at the worst possible moment. Keep your own copies of the marriage certificate, the taliq agreement, the children's birth certificates and every court order, and put one set somewhere safe outside the house.

Do & Avoid: a summary

Do

- ✓ Pay and receive nafkaḥ through a channel that leaves a record, on a fixed date
- ✓ Note the month paid for, the amount and the channel — cash included
- ✓ State the components of the nafkaḥ in writing, even in one message kept
- ✓ If income falls, say so at once and apply to vary the order
- ✓ Keep a child's nafkaḥ apart from adult quarrels — it is the child's right
- ✓ Check your own state's enactment, and ask the court counter when in doubt

Avoid

- ✗ Naming any figure as a "rate of nafkaḥ", or believing figures on social media
- ✗ Withholding nafkaḥ as punishment or as leverage
- ✗ Declaring for yourself that a wife is nusyuz (disobedient without valid cause) and cutting her nafkaḥ
- ✗ Assuming arrears have lapsed because they went long unclaimed
- ✗ Citing s.60 for a wife's maintenance, or s.71 for a wife still married
- ✗ Quietly stopping payment while a decision is awaited

The four nafkah obligations: a summary

A wife's nafkah

- The husband's obligation throughout the marriage
- Not lost because the wife has property or works
- Act 303 s.59; the rate assessed under s.61
- Suspended during nusyuz confirmed by the court (s.59(2)-(3))

A child's nafkah

- The father's obligation; the child's right, not the mother's
- Not severed by divorce, or by the mother marrying again
- Act 303 s.72(1): accommodation, clothing, food, medical care, education
- An order lapses at 18, with exceptions and extension (s.79)

Parents & after divorce

- The nafkah of parents: the obligation of a child who has the means; not regulated by Act 303
- The order of priority between wife, children and parents is a point of khilaf (juristic disagreement)
- After divorce: nafkah idah (maintenance for the waiting period), mut'ah (a consolatory gift on divorce), arrears, mas kahwin (dower), harta sepencarian (jointly acquired property)
- Each of them a separate claim, not one lump sum

Records that protect both sides



Nafkah records

The date, the amount, the channel and which month it is for — the most valuable document of all.



Proof of income

Payslips, bank and tax statements, business records, KWSP statements.



Proof of need

Rent or instalments, utilities, grocery receipts, school fees, clinic bills, transport.



Status documents

Marriage or divorce certificate, children's birth certificates, earlier court orders.



Communications

Messages acknowledging, promising or refusing payment, with their dates.



Your state enactment

A copy of the relevant sections of your own state's enactment, not only Act 303.

Where to get help



Your state Syariah Court

The advisory counter: forms, fees and jurisdiction. You are not required to have a lawyer.



Sulh session

Reconciliation conducted by a sulh officer; the outcome may be recorded as an order.



Syarie Legal Aid

Your state syarie legal aid division, or the one under JKSM, for those who qualify.



State religious office

Counselling, mediation and referral; also the mufti for questions of ruling.



Talian Kasih 15999

The welfare and family helpline, 24 hours.



999

Domestic violence: the Domestic Violence Act 1994 (Act 521), which is separate.

The Act 303 sections most often miscited

What is right

- ✓ s.59 — maintenance of a wife or former wife, and the effect of nusyuz
- ✓ s.61 — assessment of the rate: means and needs, the proportion to income
- ✓ s.69 — arrears of maintenance are recoverable as a debt
- ✓ s.72 — the duty to maintain a child; s.77 applies s.69 to it
- ✓ s.122 — the court's power to divide harta sepencarian
- ✓ s.23(9) — the court's powers at the stage of permission to practise polygyny

What is wrong

- ✗ s.60 is not the provision for a wife's maintenance — it is maintenance of a person who is incapacitated
- ✗ s.71 is the right of residence of a woman who has been divorced
- ✗ s.80 is not a provision against a man — it is against a woman
- ✗ s.84 is about who has care of a child, not who pays
- ✗ The "rate of nafkah" figures in circulation — there is no statutory rate in Malaysia
- ✗ Act 303 section numbers taken over wholesale for another state

Glossary



Ma'ruf

A rate and a manner that are reasonable by local custom, neither stingy nor extravagant.



Nusyuz

Disobedience to the obligations of marriage without a cause that is valid under Hukum Syarak.



Nafkah madiyah

Maintenance for a past period that has never been the subject of a court order.



Mut'ah

A consolatory gift on divorce; whether it is wajib or sunat is a point of khilaf among the fuqaha.



Harta sepencarian

Property acquired jointly during the marriage (Act 303 s.122).



Hadhanah

The right and the period of custody of a child — who has care, not who pays.

CLOSING

Closing

Nafkah is worship in the form of money. The Prophet صلى الله عليه وسلم said that what a man spends on his family becomes charity for him (Sahih al-Bukhari 55), and that the best dinar a person spends is the one he spends on his family (Sahih Muslim, Kitab az-Zakah).

That is why this book ends not with a figure, but with two habits: pay, and record. One honest monthly record protects the wife, protects the child, and protects a husband who is discharging his obligation too.

And when means narrow, the way out is not silence. State the true position, pay according to your means, and bring that position to the religious office or to the court — for Allah promises ease after hardship.

وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا
لِلْمُتَّقِينَ إِمَامًا ﴿٧٤﴾

"And those who pray: "Our Lord, grant us from our wives and our offspring what gladdens the eye, and make us leaders of those who are mindful of You.""

Surah al-Furqan 25:74

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