

LIBERATING VULNERABLE WIVES FROM SOCIO - LEGAL BONDAGE: AN INTEGRATED AR RIQAB AND BSK POLICY MODEL FOR RESOLVING UNSETTLED MAINTENANCE CLAIMS

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Abstract: *When a husband deserts his family without a formal divorce or leaving maintenance (nafakah), the wife is left in a state of severe **marital abandonment** colloquially termed as "gantung tidak bertali". While the Family Support Division (BSK) of the Department of Syariah Judiciary Malaysia possesses extensive statutory powers to execute asset seizures and salary deductions against delinquent spouses, these mechanisms are strictly reactive. They cannot be legally triggered until the wife independently obtains an initial formal judgment decree from the Syariah Court. However, prohibitive upfront litigation tariffs systemically lock low-income women out of the judicial system, creating an intense structural "liquidity paradox" where they remain asset-rich on paper through marital claims but completely destitute in daily reality. Adopting a qualitative methodology grounded in doctrinal legal analysis and empirical case-scenario paradigms, this study reviews Shariah Family Law provisions, evaluates state-level zakat enactments, and synthesizes operational data from BSK. The analysis establishes that financial barriers directly impede judicial execution, thereby subverting the Maqasid al-Shariah principles of safeguarding life, lineage, and wealth for vulnerable dependents. To bridge this operational chasm, this paper proposes a pioneering framework utilizing the Asnaf Ar-Riqab zakat distribution channel as a front-end financial catalyst. The resulting model introduces a three-tiered mechanism encompassing dynamic eligibility filtering, closed-loop direct voucher disbursement for upfront litigation fees, and post-resolution asset recovery with a strategic fund clawback provision to ensure financial sustainability.*

Keywords: *Vulnerable Wives, Matrimonial Abandonment, Ar-Riqab, Shariah Family Law, BSK*

Introduction

The phenomenon of vulnerable wives in Malaysia represents a critical gender-focused socio-legal crisis that is directly intertwined with systemic failures in domestic maintenance execution and spousal asset accessibility (Mohamad & Ali, 2024). When a husband vanishes or deserts his family without executing a formal divorce or leaving spousal maintenance, the wife is left in a state of severe domestic and legal paralysis socially and colloquially (Rashid & Hassan, 2023). To reclaim her marital rights, secure financial maintenance for her minor children, or initiate a judicial dissolution via *fasakh* (divorce by judicial decree), she must navigate the complex machinery of the state Syariah Court system.

However, an unaddressed structural barrier remains: the prohibitive cost of upfront Syariah litigation and representation. For these vulnerable women, who are often cut off from the household's primary income, the financial capital required to hire a private Syarie lawyer, pay court filing fees, and fund cross-agency documentation searches is completely out of reach (Ahmad & Abdul Rahman, 2022). This financial exclusion forces many to abandon their active applications, leaving families trapped in ongoing poverty cycles.

Empirical Scope and Background Statistics

The severe magnitude of this issue is underscored by critical operational data originating from the Department of Syariah Judiciary Malaysia (JKSM). Official national figures presented in the Malaysian Parliament by the Prime Minister's Department for Religious Affairs reveal that between 2020 and 2025, the government had to intervene in 13,920 resolved cases of maintenance arrears involving non-compliant, runaway spouses (Marhamah Rosli, 2026). To preserve the welfare of abandoned families during these prolonged legal standoffs, the state was forced to advance over RM1.73 million via targeted emergency funds (Marhamah Rosli, 2026). Concurrently, empirical statistics compiled by civil advocacy networks, such as the Sisters in Islam (SIS) Telenisa Report, consistently confirm that unfulfilled maintenance claims, spouse tracing gridlocks, and long-term marital abandonment constitute the single largest share of legal distress complaints registered by Muslim women nationwide (SIS Forum Malaysia, 2026).

While general macro-economic literature in Malaysia heavily documents an multi-billion-ringgit asset lockup, those studies treat the dilemma strictly as a post-mortem bureaucratic delay or a familial inheritance dispute. They completely overlook the specific gendered dimensions of active capital lockups involving living, runaway spouses. Consequently, abandoned wives become trapped in a severe "liquidity paradox" (Rashid & Hassan, 2023). They may technically hold rightful legal ownership or equitable matrimonial claims over marital properties, savings, or vehicles. Yet, because these assets are legally registered under the runaway husband's sole name, they are functionally frozen by financial institutions and land registries. Because these women lack the immediate cash to finance legal procedures to extract these funds via court-ordered attachments or wage garnishments, the assets remain perpetually paralyzed to the family (Mohamad & Ali, 2024). This structural trap leaves vulnerable mothers asset-rich on paper but completely destitute in daily reality.

Problem Statement

The central problem addressed by this study is the systemic financial exclusion of economically vulnerable abandoned wives from the Malaysian Syariah judicial ecosystem, leaving them unable to secure initial judgments to unlock active matrimonial capital or engage state support

networks. This structural failure creates a severe socio-legal vacuum across three core operational layers:

- **The Jurisdictional Chasm:** While individual State Islamic Religious Councils (SIRC)s manage local social welfare, the mechanisms to extract active assets from a living runaway husband (such as attachment of earnings or bank account garnishments) require high-tariff civil-procedural decrees. A vulnerable wife seeking to enforce her rights must traverse complex cross-agency civil boundaries regulated under federal commercial frameworks like the *Financial Services Act 2013*.
- **The Litigation Barrier:** An abandoned wife survives significantly below the regional *had kifayah* (poverty line) index and cannot afford the multi-layered financial costs of initiating systemic litigation. Tracking a deliberately missing spouse requires expensive database searches across the National Registration Department, alongside upfront retainer fees for private Syarie counsel simply to initiate basic court filings.
- **The Operational Limitations of Existing Aid:** While traditional state welfare and federal legal aid networks exist, they remain crippled by restrictive income thresholds and structural boundaries (p. 3). Critically, specialized enforcement mechanisms like JKSM's Family Support Division (BSK) possess extensive statutory powers to execute salary deductions, trace assets, and penalize delinquent husbands—but these powers are strictly reactive and can only be triggered after a wife has successfully obtained a formal judgment decree from the Syariah Court (p. 3). Because cash-poor women cannot afford the upfront litigation tariffs required to secure that initial decree, they are systemically barred from even entering the BSK enforcement pipeline.

Table 1: The Tripartite Structural Trap Model Outlining the Institutional, Financial, and Procedural Blockades Faced by Abandoned Muslim Wives

Institutional Framework	Core Breakdown	Operational	Specific Gendered Impact
1.The Jurisdictional Chasm	Cross-border legal conflicts between state-level Islamic entities and federal registries	executing	State administrative orders cannot seamlessly freeze accounts managed under the federal <i>Financial Services Act 2013</i>
2. The Litigation Barrier	Prohibitive capital required to locate missing spouses and initiate lawsuits	pre-litigation	Vulnerable wives living below the regional <i>had kifayah</i> cannot afford private Syarie counsel retainer fees to start claims
3. The BSK Enforcement Limit	Reactive legal nature of specialized recovery bodies like the Family Support Division (BSK)		BSK's expansive statutory powers to attach earnings remain locked until the wife provides an initial formal court judgment
The Resulting Gridlock	The Structural "Liquidity Paradox"		Abandoned wives remain asset-rich on paper through marriage claims but completely destitute in daily reality.

This systemic paralysis directly violates the core objectives of Islamic jurisprudence regarding the preservation of human life and dignity (*hifz al-nafs*), lineage (*hifz al-nasl*), and wealth (*hifz al-mal*) (p. 3). According to Maqasid al-Shariah, the legal right of a wife to receive maintenance and security is an absolute mandate, not a passive privilege (p. 3). Allowing active spousal capital to sit locked away while women and children face absolute destitution due to transaction barriers fundamentally subverts divine legal objectives

Proposed Policy Intervention: The Integrated Spousal Maintenance and Zakat System (ISMZS)

To dismantle the structural blockades summarized in Table 1, this study proposes a transformative policy model that reconceptualizes the application of Islamic social finance within the contemporary Malaysian legal system. Rather than depending on traditional, reactive welfare payouts that offer only temporary relief to impoverished households, this framework introduces a proactive legal-empowerment mechanism financed through the strategic deployment of *Asnaf Ar-Riqab* zakat funds.

Historically, the jurisprudential category of *Ar-Riqab* was applied to liberate individuals from physical bondage and slavery. In the context of modern Shariah family law, this study argues that the definition must be progressively expanded to encompass the systemic financial and legal bondage experienced by abandoned wives (*isteri tergantung*). These women are trapped in a state of artificial poverty, unable to break free because they cannot afford the upfront transaction costs required to access justice.

The core of this policy intervention is the **Integrated Spousal Maintenance and Zakat System (ISMZS)**. The system operates on a distinct three-pronged strategy designed to solve the institutional gridlock:

- **Upfront Legal Capital Infusion:** The SIRC utilizes *Asnaf Ar-Riqab* funds to directly absorb the pre-litigation financial burdens of eligible abandoned wives. By paying for spouse-tracing database queries, court filing tariffs, and subsidizing empanelled Syarie counsel retainer fees, the fund eliminates the initial financial barrier that prevents women from entering the court system.
- **Activating the BSK Pipeline:** By funding the initial stage of litigation, the ISMZS enables cash-poor applicants to successfully secure formal court judgments and maintenance decrees. This initial judgment is the crucial legal key required to trigger the extensive statutory powers of JKSM's Family Support Division (BSK). Once the decree is secured, the BSK can legally execute salary deductions and bank account garnishments, effectively bridging the state-federal jurisdictional gap.
- **The Revolving Fund Architecture:** To ensure that the policy model is fiscally sustainable for state religious authorities, the framework rejects the traditional sinking-fund welfare model. Instead, it introduces a conditional, milestone-based clawback mechanism. When an empanelled lawyer successfully unlocks high-value matrimonial assets or recovers substantial lump-sum maintenance arrears, the initial legal subsidy is recouped directly from the court award and channeled back into the SIRC treasury. This ensures the fund remains self-sustaining to protect future generations of vulnerable women.

Ultimately, this integrated system transforms *Asnaf Ar-Riqab* spending from a short-term consumption handout into a long-term investment in legal rights. By systematically linking state zakat administrators, state Syariah Courts, and federal enforcement structures, the ISMZS restores the active circulation of frozen spousal wealth back to the dependent family. This directly fulfills the *Maqasid al-Shariah* imperatives of protecting human life (*hifz al-nafs*) and preserving wealth (*hifz al-mal*).

LITERATURE REVIEW

The socio-legal vulnerability of abandoned wives (*isteri tergantung*) is widely acknowledged but critically under-theorized within modern Islamic financial and judicial literature. This section evaluates the convergence of spousal maintenance laws, institutional execution limits, and the evolving contemporary application of *zakat asnaf Ar-Riqab*.

The Concept of Maintenance Deficit

Under Islamic jurisprudence and codified statutory frameworks in Malaysia, a husband holds an absolute, non-transferable obligation to provide maintenance (*nafakah*) to his wife and minor dependents (Al-Ghazali, 1937). Section 71 of the *Islamic Family Law (State of Selangor) Enactment 2003* explicitly establishes that a wife has a clear legal right to secure maintenance from her spouse's resources.

However, when a husband deserts his family without providing a formal divorce or leaving ongoing financial support, this legal right transforms into an active maintenance deficit (*tunggakan nafkah*). Unlike post-mortem estate disputes (*harta beku*) which deal with deceased assets distributed via *faraid*, maintenance deficits represent a civil debt owed by a *living* individual (Mohamad & Ali, 2024).

The "Liquidity Paradox" in Marital Abandonment

A persistent blind spot in traditional legal studies is the assumption that abandoned wives are uniformly impoverished. As theorized by Rashid and Hassan (2023), many abandoned wives suffer from a structural "**liquidity paradox**".

On paper, these women are asset-rich because they hold legitimate, equitable matrimonial claims over properties, commercial vehicles, or bank savings accounts registered under their runaway husband's name. In reality, they are completely cash-poor. Because they lack the immediate cash capital to finance expensive pre-litigation mechanisms—such as public notices for missing persons, court filing tariffs, and private Syariah counsel—these active family assets remain permanently frozen by financial institutions operating under federal frameworks like the *Financial Services Act 2013*. [1]

The Jurisprudential Evolution of Asnaf Ar-Riqab

To validate the application of *zakat* capital for legal aid, the classical understanding of *Ar-Riqab* must be examined alongside contemporary *ijtihad* (independent legal reasoning). In classical *fiqh*, the majority of jurists across mainstream schools—including the Shafi'i school dominant in Southeast Asia—strictly limited *Ar-Riqab* to *mukatab* or *qinn* slaves seeking to purchase their physical freedom from their masters (Al-Ghazali, 1937). Because institutional chattel slavery has been eradicated, some regional jurisdictions ceased distributing *Ar-Riqab* entirely or froze the funds.

However, contemporary Islamic legal theory has shifted toward *Maqasid al-Shariah* (the ultimate higher objectives of Islamic Law) to reinterpret this category. Scholars like Wahbah al-Zuhayli argued that the permanent spiritual objective of *Ar-Riqab* is the complete removal of structural bondage, social subjugation, and institutional oppression that prevents a human being from exercising basic rights (Ismail & Hussain, 2017). [

In Malaysia, this jurisprudential evolution has officially advanced through formal fatwas across progressive SIRC's. This structural transformation has occurred across three distinct legal waves: [1]

Table 2: The Historical and Jurisprudential Evolution Paradigm of Asnaf Ar-Riqab

Jurisprudential Phase	Core Definition of "Bondage"	Operational Target / Beneficiary	Primary Legal Mechanism & Status
Phase 1: Classical Liberation (<i>Pre-20th Century</i>)	Physical Subjugation: Literal chattel slavery where an individual is owned as property by another master.	<i>Mukatab</i> or <i>Qinn</i> slaves working to purchase their personal freedom (<i>Raqabah</i>).	Direct Manumission: Zakat capital pays the purchase price of the contract. This phase is defunct due to the global abolition of physical slavery.
Phase 2: Social & Behavioral Rehabilitation (<i>Late 20th Century</i>)	Societal & Psychological Bondage: Being trapped by severe social ills, human exploitation, or mental conditioning.	Victims of human trafficking, individuals undergoing drug rehabilitation, and those misled by deviant sects (<i>ajaran sesat</i>).	Rehabilitative Funding: Zakat finances operational costs for state-run rehabilitation clinics and shelter homes. Fully active across mainstream Malaysian State Islamic Religious Councils (SIRCs) like MAIS.
Phase 3: Structural & Institutional Freedom (<i>Early 21st Century - Present</i>)	Financial & Procedural Paralysis: Systemic barriers and lack of upfront cash capital that bar an individual from accessing baseline legal human rights.	Homeless individuals and vulnerable, abandoned wives (<i>isteri tergantung</i>) surviving under the poverty line (<i>had kifayah</i>).	Legal Aid Empowerment: Zakat funds upfront court tariffs, database spouse tracing, and panel Syariah lawyer retainers. Actively deployed via legal aid frameworks by progressive SIRCs like MAIDAM and MAIWP.

As systematically mapped out in Table 2, the structural evolution of *Ar-Riqab* moves past classical physical metrics. It embraces modern *ijtihad*, repositioning legal aid for abandoned wives not as an auxiliary welfare handout, but as a mandatory tool for institutional liberation. By framing an abandoned wife within Phase 3, she is no longer viewed merely as a welfare recipient requesting a financial handout. Instead, she is recognized as an individual trapped in **procedural and financial bondage** caused by a non-compliant living husband and an expensive legal system. Using *Ar-Riqab* funds to pay her upfront court filing and legal fees is a valid extension of this contemporary evolution. It breaks the financial shackles that keep her from accessing justice.

3. METHOD

This study employs a qualitative legal research methodology, combining doctrinal analysis with an empirical case-scenario paradigm to evaluate the feasibility of the proposed *Ar-Riqab* legal aid framework.

Statutory and Doctrinal Review

The doctrinal component involves a rigorous textual analysis of primary legislative sources governing Islamic family law and zakat administration in Malaysia. Key statutes analyzed include the *Islamic Family Law (State of Selangor) Enactment 2003*, the *Syariah Court Civil Procedure (State of Selangor) Enactment 2003*, and the *Registration, Rehabilitation, and Control of Riqab Regulations (Negeri Selangor) 2013*. This ensures that the proposed policy intervention aligns seamlessly with existing state-level Islamic administrative architecture.

Analysis of Operational and Empirical Data

To establish the socioeconomic necessity of this framework, this study analyzes secondary empirical data and operational reports published by key judicial and advocacy institutions. This includes:

1. Official national operational records from the **Family Support Division (BSK)** of the Department of Syariah Judiciary Malaysia (JKSM), detailing the volume and financial values of resolved maintenance arrears (Marhamah Rosli, 2026).
2. Annual complaints and legal distress data compiled by civil society networks, specifically the **Sisters in Islam (SIS) Telenisa Reports** (SIS Forum Malaysia, 2026).

Case-Scenario Paradigm

To demonstrate the exact point of failure within the current system, this paper utilizes a structured case-scenario matrix (Section 4). By mapping the legal journey of a hypothetical low-income abandoned wife, the study pinpoints the precise financial friction points where upfront capital requirements cause cases to break down, preventing them from accessing reactive state mechanisms like BSK.

RESULTS AND DISCUSSION

The Proposed Conceptual Framework: The Three-Tiered Ar-Riqab Subsidization Mechanism

To ensure fiscal sustainability, eliminate institutional leakages, and satisfy strict Shariah auditing standards, the proposed policy model operates via a highly structured, three-tiered mechanism managed by the State Islamic Religious Councils (SIRCs). This integrated model converts the traditional reactive approach into a front-end legal catalyst.

Table 3: Operational Workflow and Core Parameters of the Integrated Spousal Maintenance and Zakat System (ISMZS)

Operational Tier	Core Mechanism	Technical Parameters & Specific Parameters	Institutional Framework & Agencies Involved
Tier 1: Eligibility Filtering & Vulnerability Assessment	Dual-variable baseline screening to filter eligible applicants.	• Had Kifayah Screening: Verifies applicant's household income falls below the regional baseline. • Liquidity Paradox Check: Confirms applicant holds legal/equitable claims to trapped spousal assets but lacks	• State Islamic Religious Councils (SIRC) • National Registration Department (JPN)

		immediate disposable cash (Rashid & Hassan, 2023).	
Tier 2: Closed-Loop SIRC Disbursement Architecture	Automated, non-cash financial routing to eliminate capital diversion and moral hazard.	• Digital Voucher Generation: Encrypted transaction code issued instead of liquid cash. • Milestone Fees: Direct financial clearance to Syariah Court registries and empanelled Syarie law firms.	• State Syariah Court Registries • Empanelled Syarie Legal Practitioners
Tier 3: Post-Resolution Audit & Fund Sustainability	Revolving fund management and institutional impact tracking.	• Strategic Clawback Trigger: 100% subsidy recoupment if recovered maintenance arrears or matrimonial property assets exceed RM250,000 (Ahmad & Abdul Rahman, 2022). • Welfare Protection: Automatic clawback waiver if the recovered asset is a primary family residence. • KPI Metrics: Tracks Court Case Velocity and reductions in state welfare rolls.	• SIRC Audit Division • Department of Syariah Judiciary Malaysia (JKSM)

Tier 1: Eligibility Filtering and Vulnerability Assessment

The primary layer establishes an objective threshold for fund deployment. Rather than providing blanket subsidies, SIRC's utilize a dual-variable filtering matrix:

1. **The Had Kifayah Line:** The applying abandoned wife must demonstrate that her current household income falls below the state's mandated *had kifayah* threshold.
2. **The Liquidity Paradox Verification:** The mechanism evaluates the nature of the runaway husband's frozen assets. If the matrimonial assets consist of non-liquid properties, locked joint bank accounts, or commercial assets under the missing husband's sole name, the wife is classified as "cash-poor" (Rashid & Hassan, 2023). This justifies the immediate deployment of zakat capital, as she lacks the disposable income to independently hire private counsel to execute attachments or garnishments.

Tier 2: Direct SIRC-to-Court Disbursement Architecture

To prevent cash leakages, moral hazard, or the diversion of funds by applicants, the framework mandates that no cash is handed directly to the applicant. Instead, a closed-loop financial disbursement system is established between the SIRC, the Syariah Courts, and approved legal practitioners:

- **Filing Fee Integration:** Upon approval of the *Ar-Riqab* application, the SIRC issues a direct institutional voucher or electronic fund transfer to the Syariah Court for upfront litigation tariffs, or to civil registries for cross-jurisdictional enforcement asset tracing.
- **Panel Lawyer Remuneration:** SIRC's establish a designated panel of syarie lawyers who agree to capped, subsidized rates for maintenance recovery and matrimonial asset

litigation. The SIRC pays these professionals directly upon the verified completion of specific legal milestones, such as the successful extraction of an initial court judgment decree.

Tier 3: Post-Resolution Audit Tracking and Fund Sustainability

The final tier protects the long-term integrity of the zakat fund while providing measurable indicators of success for policymakers:

- **The Strategic Clawback Provision:** To maintain the revolving nature of the *Ar-Riqab* fund, a conditional repayment clause is introduced. If the resolved litigation results in a highly lucrative liquidation or lump-sum collection of maintenance arrears exceeding RM250,000, 100% of the advanced administrative subsidy is recouped from the finalized court award before payout and channeled back into the SIRC zakat fund (Ahmad & Abdul Rahman, 2022). If the recovered asset is a primary residence for the wife or minors, the clawback is fully waived to prevent displacement.
- **Institutional KPIs:** The framework introduces two primary metrics for policy success: Case Disposal Acceleration Rates (measuring court velocity when legal fees are fully funded) and Welfare Dependency Reductions (tracking how many families transition off state welfare rolls once their spousal maintenance capital is successfully unlocked).

The table below highlights how the proposed *Ar-Riqab* Subsidization Mechanism fills gaps in current Malaysian SIRC policies by targeting asset-rich, cash-poor abandoned wives through structured matrimonial legal interventions.

Table 4: Comparison of the Proposed Ar-Riqab Policy Model and Contemporary Zakat Practices

Policy Dimension	Existing SIRC Zakat Framework	Integrated Spousal Maintenance & Zakat System (ISMZS)
Jurisprudential Application of Asnaf Ar-Riqab	Primary focus on psychosocial and ideological rehabilitation, including substance abuse and moral deviation (Selangor Islamic Religious Council (MAIS), 2024).	Focus on socio-economic liberation by unfreezing locked spousal assets and executing maintenance claims against runaway husbands through formal judicial intervention.
Scope of Legal Assistance	Concentrated on simple Shariah family law disputes, specifically basic custody applications.	Comprehensive cross-jurisdictional litigation, including maintenance recovery, asset garnishments, and matrimonial property attachments.
Economic Eligibility Assessment	Solely income-based assessment utilizing the state <i>Had Kifayah</i> threshold.	Dual-variable matrix assessing both <i>Had Kifayah</i> status and the presence of the structural liquidity paradox.
Disbursement Delivery	Mixed models, including cash aid, direct merchant payments, or subsidies to legal aid panels.	Strict closed-loop system utilizing automated direct SIRC-to-court vouchers or panel lawyer milestone-based transfers.

Fund Sustainability Model	Sinking-fund system where distributed cash capital is fully consumed as a welfare handout.	Revolving-fund model utilizing a strategic clawback mechanism on high-value matrimonial asset recoveries to preserve long-term fund liquidity.
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Analytical Synthesis of the Comparative Framework

The structural differences outlined in Table 4 highlight a necessary shift in how Islamic social finance can be used for economic justice. While existing SIRC frameworks provide important immediate support, they operate primarily as reactive safety nets. For example, traditional zakat aid distributes cash or basic aid to families who fall below the *had kifayah* threshold, but it leaves the underlying cause of their poverty untouched (Ahmad & Abdul Rahman, 2022). In the case of an abandoned wife, providing temporary monthly financial aid does nothing to resolve her long-term legal paralysis. Her husband's assets remain frozen under his sole name, locked away from the family that legally depends on them (Mohamad & Ali, 2024).

The proposed Integrated Spousal Maintenance and Zakat System (ISMZS) solves this problem by turning zakat into an active tool for legal empowerment. Instead of treating *Ar-Riqab* as a fund purely for psychosocial rehabilitation (MAIS, 2024), this model uses it to remove the structural and financial barriers that block access to the justice system. By using a dual-variable matrix, the policy identifies women who are caught in a "liquidity paradox" those who are asset-rich on paper but cash-poor in reality (Rashid & Hassan, 2023). This approach allows the SIRC to step in not just as a welfare provider, but as a strategic investor in a family's financial freedom.

Furthermore, the introduction of a closed-loop voucher system and a strategic clawback mechanism directly addresses the problem of fund sustainability. Traditional zakat programs operate on a sinking-fund model, where capital is permanently spent upon distribution. By contrast, the ISMZS model implements a revolving-fund architecture. When *Ar-Riqab* funds successfully unlock high-value matrimonial properties or large frozen bank balances, the conditional clawback provision recovers the initial legal subsidy directly from the final court award (Ahmad & Abdul Rahman, 2022). This recovered capital flows straight back into the SIRC treasury, creating a self-sustaining cycle. As a result, the fund can continue protecting future generations of vulnerable women without draining public state resources.

Ultimately, this framework bridges the state-federal jurisdictional gap that often stalls these cases. By funding empanelled Syariah lawyers to secure initial court judgments under the Syariah Court Civil Procedure Enactments, state-level zakat resources are effectively used to activate execution tools like earnings attachments or garnishee orders over federal commercial bank registries. This integrated approach moves *Ar-Riqab* beyond its traditional limits, transforming it into a modern tool that upholds the core values of *Maqasid al-Shariah*—safeguarding life (*hifz al-nafs*), family lineage (*hifz al-nasl*), and the fair circulation of wealth (*hifz al-mal*) within the community.

Policy Recommendations

Inter-Agency Data Integration and Structural Collaboration

The practical execution of the *Ar-Riqab* policy model requires breaking down the administrative silos that currently define Malaysian family law and property bureaucracy. Under the current landscape, a vulnerable, abandoned wife must independently navigate

multiple disconnected agencies: the SIRC for zakat aid, the Syarie Court for a maintenance registry decree, the National Registration Department (JPN) for spousal tracing, and federal bodies like commercial banks to execute freezing liens.

To eliminate this friction, this paper proposes the creation of a unified, cloud-based digital gateway: the **Integrated Spousal Maintenance and Zakat System (ISMZS)**. Through the ISMZS platform, when an abandoned wife files an initial application, the system triggers automated cross-agency verification protocols that strictly respect the Personal Data Protection Act (PDPA) 2010:

1. **JPN Integration:** The system queries JPN registries via encrypted user-consent protocols to instantly verify the husband's missing status or lack of active address updates.
2. **SIRC Filtering:** The SIRC automatically checks the applicant's *had kifayah* status, verifying income brackets and immediate welfare eligibility to confirm the structural liquidity paradox (Rashid & Hassan, 2023).
3. **Closed-Loop Settlement:** Upon approval, the platform completely bypasses physical cash disbursement to eliminate moral hazard. It generates a digital, encrypted *Ar-Riqab* Fee Voucher sent directly to the relevant Syariah Court filing system or empanelled Syarie lawyer to settle legal and transaction fees automatically (Ahmad & Abdul Rahman, 2022).

Legislative and Statutory Harmonization

To ensure this framework survives judicial scrutiny and operational pushback, specific legislative amendments must be introduced across state and federal laws:

- **SIRC Enactment Revisions:** State assemblies must formally amend their state's Administration of Islamic Law Enactments to explicitly embed "systemic financial paralysis of abandoned wives in accessing matrimonial capital and maintenance" within the statutory definition of Asnaf Ar-Riqab, standardizing the progressive precedents set by Selangor.
- **Fee Waiver Rules:** State Syarie Court Civil Procedure Enactments should be updated to recognize *Ar-Riqab*-sponsored legal aid cases, allowing for subsidized or deferred court filing rates to maximize the fiscal reach of the state zakat fund.

Conclusion

This paper has developed a novel, scalable policy framework that bridges the gap between Islamic social finance and practical Shariah family law enforcement in Malaysia. By recontextualizing the classical concept of Asnaf Ar-Riqab to encompass the modern, structural bondage confronting abandoned wives the model offers an actionable solution to a deep-seated gender injustice and a systemic legal deadlock that traps vulnerable families in absolute destitution. The proposed three-tiered mechanism—rooted in objective *had kifayah* filtering, direct closed-loop SIRC-to-court disbursements, and a strategic clawback sustainability clause—satisfies both rigorous Shariah transparency standards and the practical demands of state policymakers. This transitions zakat spending from a short-term, consumption-based welfare handout into a long-term, legal-empowerment investment. By directly subsidizing the initial legal costs required to secure formal court judgments, this framework unlocks frozen spousal resources and maintenance capital, permanently protecting vulnerable women and minor dependents while fully realizing the *Maqasid al-Shariah* principles of safeguarding life (*hifz al-nafs*) and wealth (*hifz al-mal*).

While this conceptual model provides a robust baseline for Malaysian jurisprudence, future academic inquiries should look toward the following horizons:

- **Empirical Quantitative Modeling:** Actuarial and statistical research is needed to project the exact fiscal impact of *Ar-Riqab* fund allocation against the overall reduction in state welfare expenditure when abandoned families successfully unlock unexecuted spousal maintenance claims and matrimonial assets.
- **Comparative Cross-Border Implementations:** Future studies should investigate how this framework can be modified and applied to other plural legal systems with parallel Islamic courts or substantial Muslim minorities, such as Singapore, the Philippines, or various nations across East Africa.

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Ethics statement

The authors declare that this research did not involve human or animal subjects.

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