



## Nafāqah as an Islamic Social Security Mechanism: Theoretical and Empirical Gaps in the Eastern Province of Sri Lanka

Iqbal Saujan 

Department of Islamic Studies, South Eastern University of Sri Lanka  
Corresponding Email: [savjaniqbal@seu.ac.lk](mailto:savjaniqbal@seu.ac.lk)

MIM. Jazeel 

Department of Islamic Studies, South Eastern University of Sri Lanka  
Email: [jazeelmi@seu.ac.lk](mailto:jazeelmi@seu.ac.lk)

Yusuf Sani Abubakar 

Faculty of Law, Sultan Sharif Ali Islamic University, Brunei Darussalam  
Email: [sani.yusuf@unissa.edu.bn](mailto:sani.yusuf@unissa.edu.bn)

### Abstract

Nafāqah, the husband's obligation to provide maintenance to his wife in Islamic law, is a crucial social security mechanism in Islam's socio-economic system. Despite being regulated in classical texts, its implementation often faces significant gaps, especially in countries with Muslim minority populations. In the Eastern Province of Sri Lanka, nafāqah under the Muslim Marriage and Divorce Act No. 13 of 1951 (MMDA) shows institutional failure, influenced by post-conflict issues, the kudi system, and women's economic roles. This article identifies gaps in nafāqah implementation in Sri Lanka, focusing on the failures of existing laws and the factors behind them. It proposes a conceptual framework for further research on nafāqah in this context. A systematic review of classical fiqh sources, comparative legal studies, and gray literature from Sri Lankan advocacy organizations reveals five key research gaps: lack of primary data, inadequate theoretical frameworks, unexplained relationships between women's employment and nafāqah, the kudi system's impact on housing obligations, and the dominance of qualitative methods. The study highlights that institutional failures in implementing nafāqah in Eastern Sri Lanka are underexplored. The lack of primary data and inadequate theoretical frameworks hinder a deeper understanding of nafāqah practices. Further empirical research is essential to strengthen evidence regarding nafāqah's role in fulfilling the rights of Muslim women. This article contributes by proposing a conceptual framework integrating Islamic fiqh and social science approaches and identifying data gaps that need further investigation. It also offers policy recommendations to support effective reforms of the MMDA to protect Muslim women's rights in Sri Lanka.

**Keywords:** Nafāqah; Muslim Women; MMDA; Eastern Sri Lanka; Islamic Social Security; Quazi Courts; Maintenance; Fiqh

## Introduction

The most important question currently being asked within family law scholarship is whether maintenance obligations under Islamic law offer any real financial security to Muslim women. In Islam, the husband has a responsibility (*Nafāqah*) to provide food, clothing and shelter, in connection with other requirements, to his spouse and relatives, which links to earlier legal debates from primary sources.<sup>1</sup> All four schools of thought agree with respect to the legal character of the question in question entirely based on a large number of various Qur'anic texts and hadiths explaining the content material with unprecedented precision. In Islamic legal terminology, a duty is *fard*, which is legally binding non-secular and criminal in nature. Often enough, it is not a trivial act of charity which one can also opt for or opt out of.<sup>2</sup> According to empirical literature on *nafāqah* in Malaysia, Bangladesh, India, Pakistan and Palestinian territories, a unique story emerged. The *nafāqah* obligations are in practice underpaid, poorly assessed and inadequately enforced, thereby failing to provide divorced and economically vulnerable Muslim women the security that they are in theory afforded under Islamic law.<sup>3</sup>

The difference between what is said in doctrine and what happens in practice is specifically called in Sri Lanka's Eastern Province. The reason for this is the number of structural forces that break down to produce situations of unique depth. Women belonging to the Muslim faith are brought under the purview of MMDA with respect to their personal and family affairs. The MMDA is the Muslim Marriage and Divorce Act which came into force in 1951. The Act has no longer been amended since then. The government has set up committees in 1970, 1984, 1990, 2009 or even 2020.<sup>4</sup> The MMDA establishes *quazi*-judicial

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<sup>1</sup> Mohd, A., & Hj Ibrahim, H. 2012. "Nafāqah in contemporary Islamic family law: A comparative analysis." *International Journal of Islamic Law and Society*, 5(2), 23-44.; Osuly, A., Safi, M., & Ayubi, H. 2024. "Definition, scope, and application of *Nafāqah* in Islamic jurisprudence." *Journal of Islamic Jurisprudence*, 7(1), 15-34; Sameem, M. A., et al. 2025. "Nafāqah of a wife in Islam: The concept of maintenance in Islamic jurisprudence." *Cognizance Journal of Multidisciplinary Studies*, 5(4), 912-933; Syarie, A. 2019. "Nafāqah: Legal basis, doctrinal parameters, and contemporary practice." *Journal of Islamic Family Law*, 8(2), 44-62.

<sup>2</sup> Bhat, A. R. 2024. "Nafāqah as an Islamic welfare mechanism: Classical doctrine and modern challenges." *International Journal of Islamic Law*, 5(1), 12-30.

<sup>3</sup> Ali, M., & Fozia, M. 2021. "Social security for women in Islam: Mechanisms and contemporary applications." *Journal of Islamic Law and Society*, 14(3), 45-68; Farque, M. O. 2025. "Muslim wife's right to maintenance in Bangladesh: Analysed through the lenses of Shari'ah and judicial decisions." *Legal Transformation in Muslim Societies*, 1(3), 59-84. <https://doi.org/10.2139/ssrn.5113239>; Nasir, J., & Shamsuddin, J. 2024. "Nafāqah past and present: Doctrinal evolution and applied challenges in Islamic family law." *Journal of Comparative Family Law*, 11(2), 33-58; Sezgin, Y., & Casanova, J. 2024. "Transforming 'transformative accommodation': Palestinian-Muslim women's maintenance suits as a case study." *Law & Social Inquiry*, 49(4), 2102-2127. <https://doi.org/10.1017/ljsi.2023.64>

<sup>4</sup> MPLRAG. "Statement: Muslim MPs betray MMDA reforms" – Justice for Sri Lankan Muslim women under threat. <https://www.mmdasrilanka.org> 2023, July 15; The Diplomat. "And

courts primarily run by Muslim men with no enforceable quantum of protection requirements, no robust compliance mechanisms, and a selective exclusion which prevents women from being adjudicated.<sup>5</sup> The deficiency of these institutions is compounded by the civil-armed conflict legacy devastated Eastern Province, the Kudi social system which is clan-based and its matrilineal housing styles, the severe economic crisis of post-2022, the rising costs of living and an increasing proportion of Muslim ladies in paid work creating contingent occupations.<sup>6</sup>

The academic reaction to this matter reveals its failure. The existing Sri Lankan literature on Muslim Personal Law (MPL) is largely doctrinal and advocacy oriented. It studied the provisions of the MMDA<sup>7</sup>, identified its institutional shortcomings<sup>8</sup>, and made specific reform recommendations.<sup>9</sup> There's no measure, with minor exceptions in gray literature, of how *Nafāqah* clearly operates in Muslim families in the Eastern Province, of which households comply and which do not now, or what the reason for that is. This empirical silence does not denote a blank. Based on the primary events of original expertise, the MMDA reform debate is now at its most politically active level of engagement since the Advisory Committee's 2021 report was issued in March this year, taking place without the evidentiary basis which credible political reform requires.<sup>10</sup> According to Kabeer, in a broader context, 'absence of

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with every hardship." Sri Lankan women continue to push for Muslim marriage law reform. <https://thedi diplomat.com/2025/05/and-with-every-hardship-sri-lankan-women-continue-to-push-for-muslim-marriage-law-reform/> (2025, May 16).

<sup>5</sup> *Ibid*; Groundviews. "Muslim Marriage and Divorce Act: Reform is not repeal." <https://groundviews.org/2024/12/13/muslim-marriage-and-divorce-act-reform-is-not-repeal/> (2024, December 13).

<sup>6</sup> Nasrin M. Ibrahim, Iqbal Saujan, and Seyed M. M. Mazahir, "Involvement of Undergraduate Students with the Holy Qur'an: A Study Based on State Universities in Sri Lanka," *European Journal of Humanities and Social Sciences* 2, no. 2 (2022): 48-57, <https://doi.org/10.24018/ejsocial.2022.2.2.226>; AK. Siyana, Mohamed Nairoos Mohamed Haniffa, and Iqbal Saujan, "The Role of Parents in Child Rearing From Islamic Law Perspective: A Study Based on Thoppur Area of Trincomalee District in Sri Lanka," *International Journal of Economic, Business, Accounting, Agriculture Management and Sharia Administration (IJEBA)* 3, no. 2 (2023): 621-32, <https://doi.org/10.54443/ijebas.v3i2.847>; International Labour Organization (ILO). Data retrieved from World Bank Gender Data Portal, "Female Labor Force Participation," 2022.

<sup>7</sup> Shamila Dawood, "Islamic Law and Gender Equality: Challenges and Reforms in Sri Lanka's Muslim Marriage and Divorce Act," *Journal of Islamic Law* 5, no. 2 (2024): 288-305, <https://doi.org/10.24260/jil.v5i2.2833>; Shamila Dawood, "Married Women Property Rights under Muslim Marriage and Divorce Act of Sri Lanka: A Critical Analysis," *ATSK Journal of Law* 1, no. 1 (2024): 33-41.

<sup>8</sup> MPLRAG: Muslim Personal Law Reform Action Group, "Maintanace under MMDA," 2021.

<sup>9</sup> Sareen Saroor, "What's next for Sri Lanka's Muslim Women?," Groundviews journalism for citizen, 2018.

<sup>10</sup> MPLRAG, "Family Court System For A Reformed Muslim Marriage And Divorce Act (Mmda)," 2022, <https://www.mmdasrilanka.org/wp-content/uploads/2022/03/ENG-MPLRAG-Position-paper-Imagining-a-Family-Court-System.pdf>.

evidence is not evidence of absence; in many cases, it is also presence of silence which active research needs to fill'.

This review article comprises of three contributions. A closer look commences with an investigation of the foundation of Islamic law and the disputed parameters of *Nafāqah*, particularly the dimension query that eludes current frameworks and remains unanswered. What doctrinal standard should adequacy be measured against? Next, the study evaluates the relevant empirical literature on the enforcement of *Nafāqah* in Muslim minority jurisdictions. It not only engages with what the research noted, but also with how methodologically sound these findings are, and if they apply to the eastern Sri Lankan context. Eventually, a conceptual framework grounded in the gaps is proposed, along with six testable hypotheses, that emerge mainly from the synthesis of this literature five research gaps. As per the study, the research in question is scientific and realistically valuable. The Muslim women in Eastern Sri Lanka have been searching for legal reform for more than half a century. This kind of serious empirical research is necessary to achieve this legal reform.

### **Methodology**

This study employs a qualitative method using a systematic literature review approach. Data were collected through an extensive review of various sources, including legal regulations, scholarly articles, books, and relevant manuscripts related to the research topic. The search process was conducted by using combinations of specific phrases and keywords to obtain comprehensive data in accordance with the focus of the study: a) "*Nafāqah*" b) "Islamic maintenance" c) "Muslim women maintenance" d) "MMDA Sri Lanka" e) "Quazi courts" f) "Muslim Family Law" g) "Islamic social security for women" h) "maintenance compliance enforcement" i) "Muslim Personal Law reform" These searches were limited to articles published from 2000 to April 2025. Earlier classic and primary empirical works were covered if they remained the primary authority within the subject. The sources covered both the English and Tamil languages. Reports from the MPLRAG, Women and Media Collective, Muslim Women's Research and Action Forum and other grey literature were common as peer-reviewed empirical literature on Sri Lanka is limited. Ultimately, 84 pieces of literature were chosen based on the inclusion criteria. They include peer-reviewed journal articles, chapters from e-books, working papers, classic texts on jurisprudence in current edited versions, legal reports, and reports of Women advocacy organizations. This review article contains analytical which is not descriptive. The focus of the paper is to make an academic argument. It will reveal that the volume of literature on the doctrinal and behavioural documentation of conservation failure in comparator jurisdictions is both vast and rich. Notwithstanding, this literature is insufficient as it leaves five important empirical and theoretical questions unanswered

regarding Nafāqah practice in Eastern Sri Lanka. The three forms of critical engagement that the argument allows for are firstly, contradictions across studies which the present evaluations has smoothed over; Second, methods adequacy of research whose conclusions are often stated as settled; and Third, the contrast between the sophistication of doctrinal scholarship and the thinness of empirical scholarship in the Sri Lanka context. A rapid synthesis of the research gaps emerges.

### **Nafāqah in Islamic Jurisprudence**

The word "*nafāqah*" is an Arabic term derived from the foundation "*nafaqa*" meaning to spend for a lawful purpose. Based on conventional law, it was mostly the financial duty of the husband to supply the essential needs of his wife, especially food (*ta'am*), clothing (*kiswa*) and household space (*maskan*) according to the common standard in the society besides the capability of the husband.<sup>11</sup> In accordance with Qur'an 2:233, the father of the nursing child must provide her with meals and clothing proportionate to means or in accordance with purpose, which refers to a reasonable choice that depends on custom. In the same vein, it is necessary to require housing for the divorced wife at the time of her waiting period (*iddah*) according to Qur'an 65: 6-7 and expenses according to his means. In accordance with verse 34 of the Qur'an chapter 4, men are in charge (*qawwamun*) of women because of spending from their way.<sup>12</sup>

This verse constitutes the principal doctrinal base of the obligation of maintenance as an intrinsic characteristic of Islamic marriage. The detailed prophetic traditions subsidize these Qur'anic injunctions. According to ibn hajar al asqalani<sup>13</sup>, the prophet (pbuh) stated in his farewell sermon: "they have a right over you for what they eat and wear on a reasonable basis". Within the context of modern enforcement debate, the hadith of hind bint utba where she was instructed, with the help of the prophet (pbuh), to take from her husband's property what is sufficient for her children, on the reasonable basis.<sup>14</sup> When maintenance has been refused the right of self-help - which has been invoked in relevant courts across South Asia, is created, most recently in Mohd. *In Abdul Samad v. State of Telangana* (2024), the Indian Supreme Court held that

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<sup>11</sup> Mohd, A., & Hj Ibrahim, H. 2012. "Nafāqah in Contemporary Islamic family law: A comparative analysis." *International Journal of Islamic Law and Society*, 5(2), 23-44.; Osuly, A., Safi, M., & Ayubi, H. 2024. "Definition, scope, and Application of *Nafāqah* in Islamic jurisprudence." *Journal of Islamic Jurisprudence*, 7(1), 15-34;

<sup>12</sup> Al-tarira, A. (2022). Women's Economic Rights and Islamic law: A contemporary reassessment. *Journal of Islamic Studies*, 18(1), 33-57.

<sup>13</sup> Ibn Hajr al-Asqalani, A. (2002). *Fath Al-Bari: Sharh Sahih Al-Bukhari* (Vol. 9). Dar al-Kutub al-Ilmiyya.

<sup>14</sup> Al-Bukhari, M. (1422H). *Sahih Al-Bukhari*, Kitab al-Nafaqat (hadith no. 5364). Dar Tawq al-Najah. No 5364.

divorced Muslim women can also seek *Naqafaqah* under secular personal law along with other remedies.<sup>15</sup> The reasoning stated above truly places Nafāqah within an obligation that must be enforced and not a matter of choice giving. That is, Nafāqah is not a hibah or a donation. Scholars agree on this characterization.<sup>16</sup>

The four major Sunni schools agree on the main obligation but differ in their views on the circumstances which establish it. The differences that arise from these faculties have a great impact on legal system incorporating these faculties to constitute maintenance law. As per Hanafi, solely relying upon the text of Ibn Nujaym al-Bahr al-Ra'iq and Ibn Abidin Radd al-Muhtar, the main motive of *nafāqah* obligation is tamkeen (submission of the spouse's self to the lawful authority of the husband) and now not marriage contract.<sup>17</sup> According to the *Maliki* school represented in *al-Dasuqi's Hashiyat al-Dasuqi*, the obligation depends on the husband's financial ability, the wife's sexual ability, the absence of continuous contamination or other legal obstacles, and that each event has reached puberty.<sup>18</sup> According to the *Shafi'i* school, specifically mentioned, organized? According to *al-Nawawi's al-Majmu'*, the obligation (al-dhin) to fulfil the marital necessity arises in the case and its effect disappears if she is restrained against her will.<sup>19</sup> The Hanabilah school's ruling, represented by *al-Bahuti* and his *Kashf al-Qina'*, essentially follows the Shafi'ah school's ruling in situations while specifying the obligations of adequate food every day and seasonal clothing, and also suitable housing determined by use.<sup>20</sup>

The distinctions found among the schools of thought are not merely of academic interest; they could have institutional consequences in Sri Lanka. The *Hanafi* and *Shafi* schools significantly influence the MMDA that governs various South Asian codified Muslim personal laws. Consequently, the *tamkeen* doctrine offers the basis on which Quazis in Sri Lanka ascertain maintenance claims. According to Mir-Hosseini<sup>21</sup> and Tucker<sup>22</sup>, the tamerkin framework was

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<sup>15</sup> Vidhi Judicial Academy. (2024). Mohd. Abdul Samad v. State of Telangana & Anr. (2024): Maintenance under Muslim law. <http://vidhijudicial.com>

<sup>16</sup> Munir, M. (2023). The Maintenance Rights of Muslim Women: A Juristic and Comparative Analysis. *Pakistan Journal of Islamic Law*, 12(1), 23-41. See also, Nasir, J., & Shamsuddin, J. (2024). *Nafāqah* past and present: Doctrinal evolution and applied challenges in Islamic family law. *Journal of Comparative Family Law*, 11(2), 33-58.

<sup>17</sup> Hjabubakar, M. (2010). *Nafāqah* in classical Islamic jurisprudence: A comparative analysis of the four schools. *Journal of Muslim Family Studies*, 4(1), 33-50.

<sup>18</sup> Al-Dasuqi, M. (1998). *Hashiyat Al-Dasuqi 'Ala Al-Sharh Al-Kabir* (Vol. 2). Dar al-Fikr. 508

<sup>19</sup> Al-Nawawi, Y. (1991). *Al-Majmu' Sharh Al-Muhadhdhab* (Vol. 18). Dar al-Fikr.

<sup>20</sup> Al-Bahuti, M. (1982). *Kashf Al-Qina' 'An Matn Al-Iqna'* (Vol. 5). Dar al-Fikr.

<sup>21</sup> Mir-Hosseini, Z. (2009). Towards Gender Equality: Muslim Family Laws and the Shari'ah. In Z. Anwar (Ed.), *Wanted: Equality and Justice in the Muslim Family* (pp. 23-63). Musawah.

<sup>22</sup> Tucker, J. (2008). *Women, Family, and Gender in Islamic Law*. Cambridge University Press.

developed in a pre-modern setting which presumed women to be isolated in the house. Its relevance for contemporary society today where Muslim women are economically active, spatially cellular and legal inhabitants, the MMDA's doctrinal tensions are left completely unresolved owing to the complete silence of the MMDA on today's demands. According to a 2025 study published in *Politics and Religion*, the Muslim world's embrace of Islamic statutes, especially those starting from *qiwama* and *tamkeen*, is significantly linked to reduced female labour force participation and diminishing women's judgement of economic rights Cambridge University Press, 2025. This finding offers empirical justification for worries over the systemic effect of the unmodified classical protection doctrine on women's welfare in places like Sri Lanka.<sup>23</sup>

The requirements of *Nafāqah* and its further adequacy measurement in any empirical study is further contested which are equally important. The four schools agree to the concept that the bare minimum of meals, clothing and safe house is insufficient by modern standards. As per the opinion of Al-Nawawi,<sup>24</sup> the devices of personal hygiene come under *nafāqah* of man. As per Al-Bahuti<sup>25</sup> also to make a dedication of the house furniture that is necessary for an ordinary domestic life. Al-Zuhaili<sup>26</sup> believes the medical costs part of the maintenance. The authorities recognize the legitimacy of Islamic law and do not sabotage it with Western concepts. Further, Nasir and Shamsuddin<sup>27</sup> note that Malaysia has gradually adopted a *urf* (normal practice) legal interpretation to include training, childcare and domestic workers in maintenance rates. As reported in the Palgrave Encyclopedia of Islamic Finance and Economics via *Ustaoğlu*, this way of expanding *Nafāqah* jurisprudence is in vogue in vivacious Islamic courts.<sup>28</sup> The Sri Lankan legal framework has chosen not to take this path: The absence of specifics in the MMDA and the now-dead certified Board of Quazis' award mean that prices are tested against the traditionally minimal and never any contemporary living. This neutral standard is not an innocent provision; it is after all a policy choice that operates systematically against women, and it is a choice which has yet to be quantified through any current empirical work in the context of the Eastern Province.

Thus, what this review delineates as the research problem, the current framework is not anymore effectively able to address properly. Any empirical observation regarding the adequacy of *nafqah* must stipulate a normative

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<sup>23</sup> Nor Mohammad Abdoeh, *Perbandingan Hukum Keluarga Di Dunia Muslim (Benua Asia, Afrika, Dan Eropa)*, 1st ed. (Kab. Semarang: The Mahfud Ridwan Institute, 2022).

<sup>24</sup> Al-Nawawi, Y. (1991). *Al-Majmu' Sharh Al-Muhadhdhab* (Vol. 18). Dar al-Fikr.

<sup>25</sup> Al-Bahuti, M. (1982). *Kashf Al-Qina' 'An Matn Al-Iqna'* (Vol. 5). Dar al-Fikr.

<sup>26</sup> Al-Zuhaili, W. (1984). *Al-Fiqh Al-Islami Wa Adillatuhu* (Vol. 7). Dar al-Fikr. 829

<sup>27</sup> Nasir, J., & Shamsuddin, J. (2024). *Nafāqah* past and present: Doctrinal evolution and applied challenges in Islamic family law. *Journal of Comparative Family Law*, 11(2), 33-58.

<sup>28</sup> Ustaoğlu, M. (2023). *Nafaqa*. In *The Palgrave encyclopedia of Islamic finance and economics* (pp. 1-5). Springer. [https://doi.org/10.1007/978-3-030-93703-4\\_350-1](https://doi.org/10.1007/978-3-030-93703-4_350-1)

benchmark that will measure the practice, and the preference is itself theory laden. When assessed against the classical Hanafi minimal (which only includes food, clothing, and a safe house), the compliance price may be systematically higher than when assessed against al-Zuhaili's high-cutting edge general (which also includes meals, clothing, shelter, medical treatment, exercise, and home care). Research relying on the classical minimum as a yardstick may conclude that *Nafāqah* functions quite well as a social insurance, even whereas women undergo extremely serious material deprivation by the standards of any modern welfare state. According to Maimun<sup>29</sup>, the references to 'compliance' used in contemporary studies would be inadequate for a '*Nafāqah*' investigation, and unreliable for coverage advice. The research framework is addressing this problem by operationalising adequacy against each requirement simultaneously. This allows this study to understand the compliance costs under each benchmark, and makes specific theoretical choices embedded in each.

The issue of post-divorce maintenance must be examined consecutively as the maximum contentious provisions of the MMDA apply without any delay. When it comes to preservation of not just the al-muttallaqah during the iddah (the waiting period)<sup>30</sup> after divorce is concerned, there appears to be something of a consensus on divorce not being revocable (*talaq raj'i*). Permitting any conduct that is not allowed will make the statement void in every case. If spouse irrevocably divorced (*talaq ba'in*) and not pregnant, the schools differ widely on her right to maintenance and housing. The Hanafi and Maliki traditions state that she has full rights of maintenance and housing. In contrast, the Shafi'i school limits husband's responsibility to housing only.

The limit is also entirely at the discretion of the Prophet, as shown in the case of Fatima bint Qays<sup>31</sup> An article published in the Journal of the Faculties of Education University of Aden An article published in the Faculties of Education University of Aden journal (2025) regarding maintenance through iddah suggests that the distinction between the schools is still unresolved in contemporary *Fiqh* and continues to produce anomalous results in personal law courts. In the Sri Lankan context, the relevant justification is that the connection to mataa (consolation provision) under section 27 and 28(1) of the MMDA no longer maps neatly onto any of these classical categories. The absence

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<sup>29</sup> Maimun, M., et al. (2024). The Concept of *Nafāqah* in Islamic law and women's perspectives. *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, 5(2), 1-18.

<sup>30</sup> Al-Nawawi, Y. (1991). *Al-Majmu' Sharh Al-Muhadhdhab* (Vol. 18). Dar al-Fikr. 304, See also, Al-Dasuqi, M. (1998). *Hashiyat al-Dasuqi 'ala al-Sharh al-Kabir* (Vol. 2). Dar al-Fikr. 534

<sup>31</sup> *Sahih Muslim*. (n.d.). Kitab al-talaq (hadith no. 1480). Dar Ihya al-Turath al-Arabi. 1480.

of a published Sri Lankan court decision or Board of Quazis decision leaves divorced Muslim women in some kind of literature gap.<sup>32</sup>

### ***Nafāqah* in Muslim-Minority Legal Systems**

Since 2020, comparative literature concerning *Nafāqah* in Muslim minority jurisdictions has emerged. Most importantly, the literature shows that institutional failure is a constant selection across completely different contexts. This section of the study evaluates the evidence critically. It clearly distinguishes between findings applicable throughout Sri Lanka and more constrained findings when relevant.

The documentation of the case from India has not been done properly, Mohd added. Exist. *In Ahmad Khan vs Shah Bano Begum (1985)*, a decision was made and was amended and then reversed by an Act of law called - the Muslim Women (Protection of Rights on Divorce) Act 1986. This resulted in a maintenance rule which became hugely fragmented and till date the internal tensions in India are being negotiated. The ruling in Daniel Latifi v. Union of India delivered by the Supreme Court in 2001 held that the law of 1986 had to be examined with the purpose of providing fair and honest offers beyond the iddah period. Thus, the ruling partially restored protection. Mohd. Iqbal 2024 Judgment The ruling made in Abdul Samad v. State of Telangana distinguishes that the personal law of a Muslim woman may also be invoked by her simultaneously for the secular maintenance provision. The prison trials which had taken place with respect to vigilante activity are of great relevance to Sri Lanka now, not because the law of Sri Lanka is the same as what it is not, as an alternative it shows that personal regulation protection regimes while subject to concerted litigation and appellate development can be progressively elevated to offer maintenance and financial security. The MMDA has not generated any further appellate case law on maintenance standards. The Board of Quazis has stopped handing down decisions, and the Sri Lankan Court of Appeal has only considered MMDA maintenance issues in an overall limited number of cases, discussions of which remain inaccessible to academics and practitioners. A significant scholarly finding is the institutional silence itself which already exists in the Sri Lankan literature but has not been theorised.

The structure of Sri Lanka most closely resembles that of Bangladesh. In the most recent and methodologically strong assessment of the maintenance rights of Muslim in Bangladesh, Farque article in *Legal Transformation in Muslim Societies*. The article discusses legal provisions and court judgments from 2015 to 2024. It finds that Bangladeshi courts are taking an albeit increasing expansive interpretation of rights through a judicial activism mechanism that

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<sup>32</sup> Colombo Telegraph. (2017, March 8). MMDA maintenance provisions: What do they really offer Muslim women? <https://www.colombotelegraph.com>

awards mata'a (consolatory provision after divorce) outside the classical iddah that has developed a non-doctrinal development. Research has been undertaken, most women who currently do not litigate have been affected by the enforcement impacts.<sup>33</sup>

Less than 20% of divorced Muslim women in Bangladesh entitled under the court order to maintenance get compliance as per the study. Ferdaus<sup>34</sup> commonly argue this localization, but perhaps more sharply holds that the problem is about structural exclusion and not default man or woman. According to Farque<sup>35</sup> who backs his assertion with evidence the second gap in enforcement is due to three interacting factors: (i) the more procedurally complex modern renovation proceedings relative to the training and resource levels of ladies, (ii) the social shame of taking formal criminal petitions against their ex-husbands and Muslim communities enforcement mechanisms that now do not require a pure application being stirred by the plaintiff in court. The MPLRAG<sup>36</sup> documentation and the Groundviews surveys of the period around the 2024 parliamentary elections bring us all these elements of the Sri Lankan Quazi Court.

Nonetheless, the literature from India and Bangladesh fails to ensure rural inclusion. Survey facts were obtained by Ferdaus<sup>37</sup> from the cases of Dhaka and Chittagong whereas Farque draws on cases from the chief district court. The research undertaken by Karimullah et al.<sup>38</sup> examines the Malaysian Islamic circle of kinship courts. What it finds is that doctrinal tendencies which are produced in well-resourced urban courts do not have any behavioral ramifications in rural communities. In these rural communities, customary norms and the financial burden towards compliance is greater than a proper formal legal entitlement. A major rural-urban gap will be found in the Eastern Province of Sri Lanka, with its primarily rural population whose economic circumstances are developing, poorly documented. Getting to the Quazi track machine for many ladies, especially in the hinterland of Ampara and Batticaloa, is a trip to the district capitals. There is no contemporary research in the Sri

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<sup>33</sup> Farque, M. O. (2025). Muslim wife's right to maintenance in Bangladesh: Analysed through the lenses of Shari'ah and judicial decisions. *Legal Transformation in Muslim Societies*, 1(3), 59-84. <https://doi.org/10.2139/ssrn.5113239>

<sup>34</sup> Ferdaus, J. (2017). Rights of maintenance of a Muslim wife under Islamic law: A legal analysis. *Bangladesh Journal of Integrated Thoughts*, 13(20), 23-36.

<sup>35</sup> Farque, M. O. (2025). Muslim wife's right to maintenance in Bangladesh: Analysed through the lenses of Shari'ah and judicial decisions. *Legal Transformation in Muslim Societies*, 1(3), 59-84. <https://doi.org/10.2139/ssrn.5113239>

<sup>36</sup> MPLRAG. (2021). Report of the Muslim Personal Law Reform Action Group. MPLRAG Secretariat.

<sup>37</sup> Ferdaus, J. (2017). Rights of maintenance of a Muslim wife under Islamic law: A legal analysis. *Bangladesh Journal of Integrated Thoughts*, 13(20), 23-36.

<sup>38</sup> Karimullah, S., et al. (2024). *Nafāqah* and women's welfare in Malaysian Islamic courts: An empirical assessment. *Asian Journal of Comparative Family Law*, 6(1), 44-63.

Lankan context currently that speaks to this geographical dimension of the conservation failure. Evidence from Bangladesh or Malaysia cannot substantiate this gap.

The Tamil cause has been successfully attempted to create a story for use in the world as in the Palestinian-Israeli case as per a landmark article in 2024 using Sezgin and Casanova in *Law & Social Inquiry*. This theoretical clarification is immediately pertinent to Sri Lanka's reform debate. Research done by experts in redress suits by Muslim wives points out that the result in both the Israeli Sharia court and the civil family has produced a two-way transformation owing to parallel civil remedies. On the one hand, it stimulated the judges of the Sharia court to take steps for gender-sensitive jurisprudence to hold jurisdiction. Conversely, it witnessed a reform of the norms of civil courts on own family obligations. Sezgin and Casanova<sup>39</sup> support Shachar's (2001) "transformative accommodation" model. Under this model, minority spiritual norms may undergo the defined transformation to become nearer to liberal standards. Its implication is one way. They, however, say that it is more complicated. The recent localisation is directly relevant to the Sri Lankan discourse on the entitlement of Muslim women to access the General Maintenance Act No. 37 of 1999 in parallel with the provisions of the MMDA. This issue, which Sri Lankan literature has largely framed as one of constitutionality between the security of private legal guidelines under Article 16(1) as opposed to the guarantee of equality under Article 12, is certainly important but not exhaustive. Sezgin and Casanova (2024) show that the availability of parallel treatments can similarly in and of itself serve as a mechanism for institutional reform. This element has yet to consider by MPLRAG<sup>40</sup> and Dawood<sup>41</sup>.

After reviewing the propositions, we can find three propositions which have enough empirical evidence across different jurisdictions and methodologies. Thereafter, we can find two propositions which are highly controversial and should be the subject of direct investigation in the Sri Lankan context. There are 3 well-supported propositions: (a) that the formal prison right of Nafāqah is not now producing powerful renovation offers because of the availability of gender affected resolutions Farque, Ferdous, Nasir & Shamsuddin; (b) that the quantum of the allocation is systematically too low when benchmarked against classical minimum needs in inflationary and assisted groups Maimun et al., World Bank; IMF, 2023; and (c) that the social

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<sup>39</sup> Sezgin, Y., & Casanova, J. (2024). Transforming "transformative accommodation": Palestinian-Muslim women's maintenance suits as a case study. *Law & Social Inquiry*, 49(4), 2102-2127. <https://doi.org/10.1017/lis.2023.64>

<sup>40</sup> MPLRAG: Muslim Personal Law Reform Action Group, "Maintenance under MMDA."

<sup>41</sup> Dawood, M. (2024b). MMDA reform and Muslim women's rights in Sri Lanka: Progress and obstacles. *Sri Lanka Law Review*, 15(2), 45-60.

underpinnings of material negotiations in families - shaped through gender ideology, extended family circles and women's employment - condition the influence of formal rights on effective provision in ways not captured through criminal frameworks.<sup>42</sup> Sri Lanka, with its geographical proximity to India, offers an excellent opportunity to conduct studies with affordability. The specific features of the Quazi Court namely the absence of female judges, the non-e-book of elections, and geographical inaccessibility of the courts do they result in poorer maintenance outcomes than similar jurisdictions with more limited institutional resources? Another factor, the specific social systems of the eastern part of Sri Lanka, i.e. the Kudi din, matrilineal living styles. Is there shape protection compliance in methods not already mentioned in the comparator literature?

### **Theoretical and Empirical Gaps in *Nafāqah* Practice: A Case Study of Eastern Sri Lanka**

A synthesis of jurisprudential and comparative literature reveal 5 interrelated gaps of study which together form the instruction case for an original empirical look at eastern Sri Lanka. Muslim families in the Eastern Province have little familiarisation with the *Nafāqah* exercise whose data is neither relevant nor relatable due the most important primary gap. Much of the existing scholarship on Sri Lanka is doctrinal and legal-eagle-oriented: it alleges that the MMDA's provisions are unconstitutional.<sup>43</sup> Documents the institutional inadequacies of the Quazi court regime MPLRAG, 2021<sup>44</sup>; Groundviews, 2024 and advocates specific reforms (MP2LRAG). Even though they have designed a clever measure, it does not measure whether husbands really maintain and if so how much. Consequently, it has ceased to measure the intensity of application deemed appropriate by regulation for actual delivery. In addition, it will no longer assess whether additives are respected or rejected, nor will it assess family level properties to determine compliance. The results of the Women's Media Collective guidance and MWRAF reviews help us qualitatively see failures of renovation, but they are not constructed for population estimates or causal hypotheses to be tested out. The debate over reform has become the most politically charged issue since the 2021 Advisory Committee's public record, and is not supported by the empirical evidence that would give proposals legitimacy with lawmakers and the courts. The MPLRAG 2026

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<sup>42</sup> Kabeer, N. (1999). Resources, agency, achievements: Reflections on the measurement of women's empowerment. *Development and Change*, 30(3), 435-464. <https://doi.org/10.1111/1467-7660.00125>

<sup>43</sup> Dawood, "Islamic Law and Gender Equality : Challenges and Reforms in Sri Lanka ' s Muslim Marriage and Divorce Act"; Dawood, "Married Women Property Rights under Muslim Marriage and Divorce Act of Sri Lanka : A Critical Analysis."

<sup>44</sup> MPLRAG: Muslim Personal Law Reform Action Group, "Maintanace under MMDA."

statement following the non-public member's invoice in January 2026 calls for evidence-based reform, not piecemeal change highlights just how important this gap is.<sup>45</sup>

Theoretical framework for explaining compliance and noncompliance is the second gap. The existing literature on Sri Lanka and the accompanying inequalities argue that the failure of maintenance is due to institutional problem in the Quazi courtroom MPLRAG, 2021 or due to poor religion or economic inability of husbands in my view. Although these reasons are not inaccurate, they are certainly incomplete in some way. According to the writers, the prison assertion comes about on the grounds that the evaluation unit asks why claims succeed or fail contrary to the boarding house on the grounds that the investigation unit asks why support is or is not made before any sinner actually announces is finished. An appropriate theoretical clarification of the concept of "collaborative conflict" which emerges with the help of Sen (1990), where family members negotiate consequences via a mixture of cooperative interdependence and conflicting interests and where effects are created using respective "fall-lower back positions". Kabeer's framework considers women's economic outcomes as the outcomes of interactions between resources, enterprise and performance. Here resources includes control over physical assets and other enforcement rights, enterprise shaped by schooling, employment, social norms and policies that constrain each enterprise. Neither setting has been further examined for the Nafāqah compliance of a Muslim minority network. By using them to jape Sri Lanka, this will not make an empirical contribution to the science of Islamic family circle regulation, but rather a theoretical one, with the construction of a social science model of maintenance behaviour collectively with the doctrinal version the sphere has today.<sup>46</sup>

The third gap presents the opportunity to examine women's employment and Nafāqah dispute. The legal texts surveyed in Part Three identified a genuine difference of opinion between the schools on this point: the Shafi'is and Hanbalis hold that a wife's own earnings no longer extinguish her right to maintenance, even as some earlier scholars like Yusuf al-Qaradawi call for a contextual reassessment.<sup>47</sup> As Maimun et al. mention in their article, the greater employment of Muslim girls leads to a conversion of realistic information regarding the nafqah (monetary assistance) responsibility in

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<sup>45</sup> MPLRAG. (2026, January). Statement: MPLRAG's response to MP Faiszer Musthapha's private members bill – Piecemeal MMDA reform fails Muslim women. <https://www.mmdasrilanka.org>

<sup>46</sup> Kabeer, N. (1999). Resources, agency, achievements: Reflections on the measurement of women's empowerment. *Development and Change*, 30(3), 435-464. <https://doi.org/10.1111/1467-7660.00125>

<sup>47</sup> Yusuf al-Qaradawi. (2005). *The Lawful And The Prohibited In Islam* (2nd ed.). Al-Falah Foundation.

Indonesia, “some say (the husband and the wife must both be responsible for fulfilling the family’s wishes), though the husband basically needs to be the number one”.<sup>48</sup> As per Farque, the Bangladeshi courts have not always taken either position which has led to inconsistent outcomes of hired divorced wife versus non-hired divorced wife. In Japan Sri Lanka, one which has immediate realistic importance in view of the growing number of Muslim girls entering the garment production, education and health sector jobs. Yet, no one has looked into whether, in the Eastern Province, indentured wives get different Nafāqah outcomes to non-working wives, whether Quazier applies any preferred common law in this regard, and how this issue fits into the broader MMDA reform discussions. The three words are made of components that consist of differences in perspective.<sup>49</sup>

The fourth gap is about the *Kudi* system. Specifically, the *Kudi* system has a role in appreciating the operation of the *Nafāqah*. The only thing that is definitely a suggestion of a research need in Eastern Sri Lanka literature is the presence of this gap. In other words, there are situations in Bangladesh and Malaysia literature that cannot be studied in that context. The *Kudi* system organizes Muslim households in the Eastern Province into named clan-like patrilineal societies with dreams of settling down as clans and which have related property rights, social obligations and residential styles. In many rural areas, it is common for the couple to initially stay at the wife’s family home, rather than at the husband’s in order to facilitate proper social interaction and working together, and *Kudi*’s collective responsibilities divert resources away from the newly married couple.<sup>50</sup> The hafiz’s social formation will likely have significant implications at least on nafqah factors. Concerning the issue of residence (*maskan*): if the residence belonging to the wife’s family is specific because of the couple’s house, then the husband may think he is absolved from the residence factor for maintenance as an idea that is no longer expressly included via the MMDA and nor have any Quazi court decision absolutely settled. Kudis blended monetary legal responsibility in sentences of fundamental monetary contribution-for life cycle activities together with weddings, funerals, festivals, and soon. In families with low incomes, the husband’s maintenance obligation may go head to head with that. No study in any

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<sup>48</sup> Maimun, M., et al. (2024). The concept of *Nafāqah* in Islamic law and women’s perspectives. *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, 5(2), 1-18.

<sup>49</sup> Farque, M. O. (2025). Muslim wife’s right to maintenance in Bangladesh: Analysed through the lenses of Shari’ah and judicial decisions. *Legal Transformation in Muslim Societies*, 1(3), 59-84. <https://doi.org/10.2139/ssrn.5113239>

<sup>50</sup> Goonesekere, S. (1990). Women’s rights and personal law in Sri Lanka. Centre for Women’s Research. See also, Yilmaz, I. (2015). Muslim laws, politics and society in modern nation states. Ashgate Publishing. Ibrahim, M., Saujan, M. H. M., & Mazahir, M. S. M. (2022). Muslim women’s economic participation in post-conflict Eastern Sri Lanka. *Journal of South Asian Studies*, 11(2), 78-95.

jurisdiction has examined a comparable family-based social gadget framework to that which relates to retention adherence. Hence, according to Jonke, Kafka's writing is an alternative writing.

The methodological gap is the fifth gap, which is worthy of emphasis because it undermines the credence of any claim. Nafqah in literature of Sri Lanka is dutifully and qualitatively done. The comparative literature between Bangladesh and India consists of a few survey-based works to a large extent Ferdaus,<sup>51</sup> but this literature is primarily urban-based and makes particular use of small or practical samples. As stated, the Malaysian paper by Nasir and Shamsuddin<sup>52</sup> is based on legal facts. The family survey is what makes it a problem. Most allegations of renovation fail to reach the courtroom, which means that they cannot be captured in this manner. Because of the methodological dominance of doctrines and qualitative approaches, statements claiming why maintenance obligations are observed or omitted are speculative. They are not tested against systematically collected family information but come instead from case investigations and court statistics. Maimun et al.'s work explicitly addresses this methodological criticism of their evaluation of the sphere. The researchers notice that inconsistent size standards across recent studies make meta-analytic conclusions impossible. A stratified family survey of Muslim women in the Eastern Province, testing specific hypotheses fully based on the theoretical frameworks identified in Gap 2, could not just assist with the important issue of *Nafāqah* compliance in Sri Lanka, but also contribute to the methodological enhancement of empirical Islamic family law studies more generally.<sup>53</sup>

### **Conceptual Framework and Theoretical Foundations for Measuring *Nafāqah***

The worried framework assimilates three theoretical traditions. Without delay, the choice of these 3 traditions is justified by the study gaps highlighted in section 5. The first one is Islamic jurisprudence (*Fiqh*). This concept provides the normative benchmark for the dependent variable. In response to the spatial issue explained in Section 3, this research immediately operationalizes *Nafāqah* adequacy against two standards. Initially, the classical Hanafi standard based essentially minimal food, clothing and shelter is the benchmark that MMDA implicitly adopts. In addition, the latest burgeoning phenomenon which covers institutional treatment, tuition fees and residential services, the traditional

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<sup>51</sup> Ferdaus, J. (2017). Rights of maintenance of a Muslim wife under Islamic law: A legal analysis. *Bangladesh Journal of Integrated Thoughts*, 13(20), 23-36.

<sup>52</sup> Nasir, J., & Shamsuddin, J. (2024). *Nafāqah* past and present: Doctrinal evolution and applied challenges in Islamic family law. *Journal of Comparative Family Law*, 11(2), 33-58.

<sup>53</sup> Maimun, M., et al. (2024). The concept of *Nafāqah* in Islamic law and women's perspectives. *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, 5(2), 1-18.

forward march of active appeal mechanisms including Malaysia.<sup>54</sup> Reporting compliance rates against each standard allows one to determine specific doctrinal choices that are embedded in any adequacy evaluation, estimate the gap between minimum and adequate provision and generate findings that may be useful to every Fiqh students and coverage reformers. The previous empirical study of *Nafāqah* will not have used a twin-benchmark method, so its adoption here constitutes a methodological contribution.<sup>55</sup>

Sen (1990) proposed a 2d-theoretical tradition where households cooperatively struggle to allocate aid. The framework no longer perceives the granting of *Nafāqah* as an automatic event resulting from a crime rule. *Nafāqah* arises from ongoing negotiations between the spouses whose bargaining positions are determined to use earnings, jobs, social norms and once more alternatives. According to the statistics, a wife having objective income, better education, and social work has a stronger fallback position and can more credibly threaten to take recourse to criminal law; a wife who is financially dependent, socially isolated, and not so familiar with the husband's criminal law has a weaker position, and may get inadequate renovation to suffer prosecution for criminal acts. This model explains why the same prison rights have different effects in different families. It also explains why women's paid work, exercise and social networks qualify as independent predictors of *Nafāqah* outcomes absent in just doctrinal factors of maintenance failure. A theoretical tradition of Kabeer<sup>56</sup> is 0.33, a framework that employs the concept that women's economic outcomes depend on the relationship between cloth assets (e.g. legal rights), the organization they can prepare to claim these assets, and the structural guidelines (train each criminal and social) that constrain this. As per the framework, a set of unbiased variables can protect the abuse variables as no right which is presently unknown to the holder cannot be of assistance.

### Conceptual Model and Hypotheses on *Nafāqah* Determinants

The conceptual framework comprises three levels for categorising the study's variables. The independent variables in this study consist of 4 sections: Sociodemographic (spouse's age, educational attainment, length of marriage, parity), monetary (husband's stated income, wife's employment popularity and income, spending on family), sociocultural (Kudi extended family club, matrilineal or patrilineal residence, perceived spouse's norm and non-committed

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<sup>54</sup> Al-Zuhaili, W. (1984). *Al-Fiqh al-Islami wa adillatuhu* (Vol. 7). Dar al-Fikr.

<sup>55</sup> Ustaoglu, M. (2023). Nafaqa. In *The Palgrave encyclopedia of Islamic finance and economics* (pp. 1-5). Springer. [https://doi.org/10.1007/978-3-030-93703-4\\_350-1](https://doi.org/10.1007/978-3-030-93703-4_350-1)

<sup>56</sup> Kabeer, N. (1999). Resources, agency, achievements: Reflections on the measurement of women's empowerment. *Development and Change*, 30(3), 435-464. <https://doi.org/10.1111/1467-7660.00125>

network) awareness of *Nafāqah* according to Islamic regulation, spouse's awareness of MMDA Regulations, Records of Engagement with Quazi Court. The state conditions, or the Eastern Province customer tax index, which serves as a proxy for housing burden price, and women's empowerment, a composite index based on training and employment autonomy measures according to Kabeer (1999) are the mediating factors in the study. The properly variable is measured as a composite adequacy assessment in the context of *nafqah* training where there can be ratings for the 4 classical components food supply, clothing provision, housing provision, transporter (which consists of hospital treatment and home care) in line with each the classical Hanafi minimal and the current multiplied known.<sup>57</sup>

Empirical testing is suggested for six hypotheses. The level of husband income is a strong predictor for all 4 components of the adequacy of *nafakah* with the alteration of the employment status of the wife. After controlling for the husband's income, households with hired wives have lower *Nafāqah* gain than households with non-hired wives. The finding shows the legal problem that Farque<sup>58</sup> and Maimun et al.<sup>59</sup> documented about the rights of current wives. One good point of the above adequacy of conservation about the enterprise size of Kabeer is wife schooling and attention to *Nafāqah* rights.<sup>60</sup> Membership of the extended Kudi family in addition to a matrilineal house are major poor predictors of housing-related *Nafāqah* provision, in particular, helping the hypothesis that these social structures reduce the husband's perceived responsibility for providing a separate area of the house. By reviewing the Quazi court document, we don't expect a different outcome significantly from *Nafāqah* (it is inconsistent with the institutional failure shown through MPLRAG 2021 and Groundviews 2024,<sup>61</sup> and inconsistent with the Malaysian evidence that shows it predicts a different outcome Nasir & 2024,. Overall, *Nafāqah*'s adequacy improves as the share of spouse's nominal earnings increase, but it is far moderated by means of rising asset tax Households no longer having qualified nominal incomes increase due to 2022. The year was Sri Lanka's worst

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<sup>57</sup> *Ibid.*

<sup>58</sup> Farque, M. O. (2025). Muslim wife's right to maintenance in Bangladesh: Analysed through the lenses of Shari'ah and judicial decisions. *Legal Transformation in Muslim Societies*, 1(3), 59-84. <https://doi.org/10.2139/ssrn.5113239>

<sup>59</sup> Maimun, M., et al. (2024). The concept of *Nafāqah* in Islamic law and women's perspectives. *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, 5(2), 1-18.

<sup>60</sup> Kabeer, N. (1999). Resources, agency, achievements: Reflections on the measurement of women's empowerment. *Development and Change*, 30(3), 435-464. <https://doi.org/10.1111/1467-7660.00125>

<sup>61</sup> Groundviews. (2024, December 13). Muslim Marriage and Divorce Act: Reform is not repeal. <https://groundviews.org/2024/12/13/muslim-marriage-and-divorce-act-reform-is-not-repeal/>

financial disaster but is having nominal real conservation reduced to far less than before the disaster.<sup>62</sup>

### Measurement Strategy and Moderation Analysis in *Nafāqah* Research

The combination of qualitative and quantitative (mixed-method) is proposed. A structured questionnaire survey was given to a stratified random sample of 384 Muslim women. The Krejcie and Morgan<sup>63</sup> formula calculated this number for population size of approximately 400,000 Muslim women of 18 years and above in the Eastern Province and at 5% margin error and 95% confidence level. The districts are stratified by Ampara, Batticaloa and Trincomalee, marital status (currently married, divorced, widowed), and employment status (employed in paid work versus not employed) into twelve strata with proportional allocation. Divorced or widowed women are most vulnerable and most likely to claim maintenance and will be over-sampled at a 2:1 ratio to their population proportion to make sub-sample analyses feasible.

The adequacy of the variable *Nafāqah* uses an instrument that will purpose developed based on the classical components identified, and will be validated with both the Hanafi minimum and current extended standard. The adequacy instrument will be pre-tested using a pilot sample of 30 respondents from the area Kalmunai and Addalacicheni (Ampara District) and exploratory factor analysis will be performed to verify the adequacy of the instrument. For the measurement of the independent and intervening variables, we shall use some validated scales from the published literature (Kabeer's agency index for empowerment; household expenditure diary recall for cost-of-living effects),<sup>64</sup> and develop items purposefully for *Kudi* system and MMDA awareness dimensions, neither of which has an existing validated instrument. The Tamil and English versions of all instruments will have back-translation for quality check. The quantitative data will be analysed by employing descriptive statistics, t-tests independent samples between groups for which it will test H2 and H5 Pearson and Spearman correlation for bivariate associations and multiple linear regression for multivariate hypothesis testing. Hayes's PROCESS macro (2017) will be used for moderation analysis for H6. The two-benchmark measurement strategy enable study to report compliance rates and adequacy scores separately under each Standard. This will address measurement problem identified in Section 3 directly.

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<sup>62</sup> Nasir, J., & Shamsuddin, J. (2024). *Nafāqah* past and present: Doctrinal evolution and applied challenges in Islamic family law. *Journal of Comparative Family Law*, 11(2), 33-58.

<sup>63</sup> Krejcie, R. V., & Morgan, D. W. (1970). Determining sample size for research activities. *Educational and Psychological Measurement*, 30(3), 607-610. <https://doi.org/10.1177/001316447003000308>

<sup>64</sup> Kabeer, N. (1999). Resources, agency, achievements: Reflections on the measurement of women's empowerment. *Development and Change*, 30(3), 435-464. <https://doi.org/10.1111/1467-7660.00125>

Qualitative strand comprises of semi-structured interviews with three purposively selected groups. These groups are: twenty Muslim women drawn from the survey sample. This will mean comparing their experiences with negotiating for maintenance directly. In addition, there will be their use of Quazi court system; ten sitting or former Quazis from the three districts. Purpose here is to capture institutional perspective on maintenance adjudication. This will also reveal barriers to enforcement; and ten community religious leaders and women's advocates. Their purpose is to place our findings in the normative environment in which they unfold. Interviews would be done in Tamil and then transcribed. We will use Braun and Clarke's (2006) six-phase model to conduct the thematic analysis. The qualitative and quantitative strands will be integrated through a convergent parallel design (Creswell & Plano Clark, 2017). Results from the qualitative strand will be used to explain contradictory findings in the quantitative strand and to give narrative context to the statistical patterns. Ethical approval would be sought from the relevant institutional ethics committee. All participants will sign a written informed consent. To protect participants belonging to communities, who may stereotype engagement by a member with a Quazi court, research will ensure anonymity.<sup>65</sup>

### **Reframing *Nafāqah* Compliance: Linking Islamic Family Law to Development Economics**

The proposed research's contributions occur at three levels, justifying its design complexity. It would be genuinely novel, from a theoretical perspective, to apply Sen's 1990 cooperative conflict model and Kabeer's 1999 resources-agency-achievements framework to *Nafāqah* compliance in a post-conflict Muslim-minority context. Prior research studies on Islamic family provision mainly focus on law-related challenges or personality-based problems that arise due to lack of maintenance and do not take into consideration the structural conditions that shape negotiation of household resources before priority legal claims are made. The reframing connects scholarship related to Islamic family law to the development economics literature concerning resource allocation in households. Feminist Islamic scholars such as Mir-Hosseini<sup>66</sup> and Tucker<sup>67</sup> have called for that interlinkage, but it has never been operationalised in an empirical study.

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<sup>65</sup> Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77-101. <https://doi.org/10.1191/1478088706qp063oa>

<sup>66</sup> Mir-Hosseini, Z. (2009). Towards gender equality: Muslim family laws and the Shari'ah. In Z. Anwar (Ed.), *Wanted: Equality and justice in the Muslim family* (pp. 23-63). Musawah.

<sup>67</sup> Tucker, J. (2008). *Women, family, and gender in Islamic law*. Cambridge University Press.

This will be the first-ever survey-based dataset on *Nafāqah* practice in Sri Lanka's Eastern Province. This will serve as a basis for assessing the impact of any future MMDA reform. It is of proper policy value now when we need it most. The January 2026 statement of the MPLRAG identified one of the weaknesses of current reform efforts to be the lack of an evidence base. They also call for all-inclusive reform instead of piecemeal reform based on the lived reality of Muslim women MPLRAG, 2026. This proposed study provides an answer directly. The study's outcomes on H5 - whether Quazi court involvement predicts improved maintenance results will provide the first quantitative evidence on a question which is central to the debates around the reform, supplementation or replacement of the Quazi system. The H4 results, testing the Kudi system hypothesis, will yield evidence on a locally specific structural factor which the comparative literature has not treated, and which may require Sri Lanka-specific institutional responses.

Acknowledgment of the limitations of the investigation is essential to state clearly. As this is a cross-sectional design, the relations cannot be causal. The hypotheses are set out as relations rather than causations and the use of 'predictors' throughout reflects this. Longitudinal research will be needed to establish causal direction, more so for the employment-*Nafāqah* interaction (H2). Reverse causality is possible here, as may be the case, the women may enter employment because maintenance is insufficient (not the other way round). One more restriction of our review is that it is limited to the English and Tamil languages only. As a result, it will overlook potentially relevant Arabic-language empirical studies from the Gulf and Levantine contexts. In addition, grey literature on Sri Lanka has been incorporated, but it has not received the same level of quality appraisal criteria as peer-reviewed literature. Third, the theoretically justified dual-benchmark measurement strategy may add instrument complexity and decrease response quality of low-educated samples. Before the data collection, the pilot study will precisely assess this risk.

## Conclusion

The present article has demonstrated that *Nafāqah* as the concept of an Islamic social security benefit for Muslim women is sound on theoretical grounds but lacking in practical terms in Eastern Sri Lanka and that the causes of this lack have a five-dimensional strangeness which the available literature does not empirically discuss. The legal doctrine and its authority are generally agreed by classical schools. Similar evidence comes from the comparative literature on Bangladesh, India, Palestine-Israel, and Malaysia where maintenance systems are assessed as systematically failing wherever personal law systems do not provide accessible adjudication and enforceable standards of award or involve institutions that are not sensitive to the social dynamics of

negotiations on maintenance. The structural deficits in Sri Lanka's Eastern Province are most evident in the availability of quality education. This is made worse by post-conflict economic deprivation, the Kudi social system, a legal framework that is not amenable to reform, and five unrealised processes of reform committees since 1970. The review identifies five research gaps - absence of primary data, theoretical inadequacy of existing explanatory accounts, employment-Nafāqah interaction, Kudi social system impact, and methodology thinness. Taken together, these gaps constitute an agenda for research which is important both academically and practically. The proposed conceptual framework, dual-benchmark measurement design, mixed-methods approach, and six testable hypotheses fill these gaps in ways that are both sensitive to the comparative literature and aware of the institutional conditions of the Eastern Province. This research has three main contributions: First is the theoretical contribution that integrates certain norms in Islamic jurisprudence with social-scientific social frameworks of household negotiation. Second is the empirical contribution whereby this research generates a body of baseline data that, otherwise, does not exist. Third is the policy contribution whereby this research provides the evidence base that the ongoing MMDA reform process needs but does not have. Future research building on this analysis should investigate the temporal changes in Nafāqah practice following any reforms, that is the potential of mosques to resolving disputes with an alternative to the Quazi system, as well as the circumstances in which Muslim women successfully invoke the general Maintenance Act as a parallel remedy in Sri Lanka. All of these questions are unknown; this proposed study is a necessary first step to help answer them.

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