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Reform in Islamic Family Law: A Focus on Maintenance of Wife and its Impact on Women's lives

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ABSTRACT

This research article examines the reforms in Islamic family law concerning the maintenance of wives and the subsequent impact on women's lives. Maintenance, traditionally defined as the husband's financial responsibility for his wife during marriage and, in some cases, post-divorce, remains a pivotal aspect of marital relations in Islamic jurisprudence. However, evolving socio-economic conditions and increasing awareness of women's rights have necessitated a critical re-evaluation of these legal provisions. The study explores various reform initiatives across different Muslim-majority countries aimed at ensuring fair and adequate maintenance, addressing issues such as delayed payments, insufficient support and legal ambiguities. Through qualitative analysis of legal texts, case studies and interviews with affected women, the article highlights how these reforms enhance women's economic security, social dignity and overall well-being. Furthermore, it discusses the challenges posed by patriarchal interpretations and resistance to change within traditional frameworks. The research underscores the importance of balancing religious principles with contemporary human rights standards to achieve justice and equity in family law. Ultimately, the study advocates for comprehensive legal reforms that empower women and promote their welfare, contributing to the broader discourse on gender justice in Islamic societies.

Keywords: Islamic family law, wife's maintenance, legal reform, women's rights, gender justice

Introduction

Islamic family law, rooted deeply in the principles of Sharia, governs personal and

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familial relationships within Muslim communities worldwide. It plays a pivotal role in shaping social structures, regulating marriage, divorce, child custody, inheritance and maintenance, among other aspects. Given its foundational place in many Muslim-majority countries, Islamic family law is more than a legal framework; it represents cultural values, religious beliefs and social norms that have been preserved and practiced for centuries. Its significance is particularly profound in matters concerning family, as the family unit is seen as the cornerstone of society in Islam. Thus, the way Islamic family law addresses issues related to marital rights and responsibilities carries immense implications for the lives of Muslim individuals, especially women, who have historically occupied a vulnerable position within this framework (Ubaidillah & Husna, 2023).

One of the critical components of Islamic family law is the concept of maintenance, which primarily refers to the husband's obligation to provide financial support to his wife during the marriage and, in specific circumstances, following divorce. This maintenance obligation is grounded in Quranic injunctions and prophetic traditions, which emphasize the husband's duty to ensure his wife's welfare as part of his marital responsibilities. The idea behind this obligation is to protect women from financial insecurity and to uphold their dignity and well-being by ensuring their basic needs such as food, clothing, shelter and healthcare are met without them having to work outside the home if they choose not to. Maintenance thus becomes not only a legal requirement but also a social contract that seeks to preserve family harmony and balance in marital relations (Hadjar, 2025).

The importance of maintenance for women's rights cannot be overstated. In many Muslim societies, where patriarchal structures prevail, women often face economic dependence on their husbands or male relatives. Maintenance provisions, therefore, act as a safeguard against poverty and destitution, particularly for wives who may not have independent sources of income. The failure to receive adequate maintenance can leave women vulnerable to exploitation, abandonment and social stigma. Moreover, the concept of maintenance extends beyond mere financial support; it reflects a recognition of women's rights to security, respect and fairness within marriage. As societies evolve and women's roles expand beyond traditional domestic confines, the relevance of maintenance and its effective implementation become even more critical in promoting gender justice and equality (Niaz & Soman, 2023).

Despite its foundational importance, the application of maintenance laws within Islamic family law has been subject to criticism and debate, particularly in the modern context. Traditional interpretations often grant husbands significant discretion regarding the amount and duration of maintenance, sometimes resulting in inadequate or delayed payments that jeopardize women's financial security. In some cases, the lack of clear enforcement mechanisms and legal ambiguities undermine the effectiveness of maintenance provisions. Furthermore, changing socio-economic realities, including increased female participation in the workforce, urbanization and shifts in family structures, have exposed the limitations of existing maintenance laws in addressing contemporary women's needs. These challenges have sparked discussions about the necessity for reform, aiming to align Islamic family law more closely with contemporary standards of human rights and gender equity (Nawir et al., 2024).

Reforms in Islamic family law regarding the maintenance of wives have gained momentum in various Muslim-majority countries, reflecting a growing recognition of

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women's rights and the need to address economic vulnerabilities within marriage. These reforms often involve legislative amendments that clarify the scope and conditions of maintenance, enhance enforcement mechanisms and expand the rights of women to claim support. Some reforms also take into account women's changing roles and economic contributions, seeking to balance traditional religious principles with the realities of modern life. The reform efforts, though varied in approach and scope, share a common goal: to improve women's financial security and overall well-being by ensuring that the legal framework protects their right to maintenance more effectively and justly (Yasin et al., 2024).

The impact of these reforms on women's lives can be profound. By securing a reliable source of financial support, reforms empower women to lead more independent and dignified lives. Financial security provided through maintenance reduces women's susceptibility to poverty and social marginalization, especially in cases of marital breakdown or widowhood. It also enables women to make choices about their education, employment and participation in society without the constant fear of economic instability. Additionally, the recognition and enforcement of maintenance rights contribute to enhancing women's status within the family and society, challenging deeply entrenched patriarchal norms. This shift not only benefits individual women but also promotes broader social justice and equality (Sofiandi et al., 2024).

Islamic family law holds a vital place in Muslim societies, shaping the rights and responsibilities within family relationships. The concept of maintenance, as an essential element of this legal system, plays a crucial role in safeguarding women's financial rights and dignity. However, the traditional application of maintenance laws has faced criticism for its shortcomings in meeting contemporary women's needs. Reforming these laws to better address the realities of modern life and to ensure effective enforcement can significantly impact women's financial security, social standing and well-being. This research aims to explore the nature of these reforms, analyze their effects on women's lives and argue that a balanced approach one that respects religious principles while embracing gender justice can lead to more equitable and empowering outcomes for women within Islamic family law frameworks (Fajar & Zaelani, 2025).

Historical Background of Maintenance in Islamic Law

The concept of maintenance (nafaqah) occupies a central position in Islamic family law and reflects the ethical, legal and social responsibilities expected of a husband towards his wife. Historically, the development of maintenance laws in Islam has been rooted in the foundational sources of Islamic jurisprudence the Qur'an and the Sunnah while also being shaped by the interpretations and applications of different Islamic schools of thought. An examination of the historical background of maintenance in Islamic law reveals the evolution of the institution as both a legal duty and a moral obligation, designed to ensure the welfare and dignity of women within marriage (Begum et al., 2024).

Historical Development of Maintenance Laws in Islam

In pre-Islamic Arabia, women's rights within marriage were largely undefined and maintenance was not an institutionalized obligation. Women were often treated as property or dependents and the marital contract offered little in terms of legal protections. With the advent of Islam in the 7th century, the legal framework of

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marriage underwent significant transformation. One of the fundamental changes introduced by Islam was the recognition of women as independent legal persons with specific rights and entitlements. Among these was the right to maintenance, which was articulated clearly in the foundational texts and reinforced through legal practice.

The Prophet Muhammad's era marked a significant departure from tribal customs by introducing maintenance as a duty arising from the marital contract. This legal obligation was tied not only to the husband's role as the provider but also to broader ethical principles of justice, responsibility and compassion. Islamic legal scholars in subsequent generations expanded on this foundation to develop a more systematic understanding of nafaqah, encompassing food, clothing, shelter, medical care and other essentials according to the wife's standard of living and social status (Yusoff et al., 2024).

Over time, the maintenance obligation became an integral part of Islamic marital jurisprudence (fiqh al-usrah). Jurists established detailed rules governing the conditions under which maintenance must be provided, the consequences of non-compliance and the wife's legal recourse if the husband failed in his duty. This institutionalization of maintenance ensured that it was not left to individual discretion, but rather enshrined in a system of enforceable rights and responsibilities (Ismail et al., 2025).

Analysis of the Quranic Verses and Hadiths Related to Maintenance

The primary source of Islamic law, the Qur'an, contains several verses that directly address the issue of maintenance within marriage. One of the clearest directives is found in Surah Al-Baqarah (2:233), where it is stated: *"The father of the child shall bear the cost of the mother's food and clothing on a reasonable basis."* This verse, while originally revealed in the context of child-rearing and breastfeeding, has been interpreted by jurists as a broader affirmation of the husband's responsibility to maintain his wife. The phrase "on a reasonable basis" (bi'l-ma'ruf) has become a foundational principle in maintenance law, emphasizing fairness and the consideration of social norms and economic conditions (Fadil et al., 2024).

Another important verse is Surah At-Talaq (65:6-7), which states: *"Lodge them [your wives] where you dwell, according to your means and do not harm them to make life difficult for them. And if they are pregnant, then spend on them until they deliver their burden."* This verse not only reiterates the obligation of maintenance but also extends it to the post-divorce period during a woman's waiting period ('iddah), thus offering protection even after the formal termination of marriage.

Numerous Hadiths of the Prophet also reinforce the obligation of maintenance. For example, in one narration, the Prophet is reported to have said: *"It is sufficient sin for a man to neglect those whom he is responsible for sustaining."* In another Hadith, when a woman named Hind bint Utbah complained to the Prophet that her husband, Abu Sufyan, did not provide adequately for her and her children, the Prophet allowed her to take from his wealth what was reasonably sufficient, even without his permission. These reports emphasize both the seriousness of the maintenance duty and the wife's right to claim it as a matter of justice (Yuzaini et al., 2024).

Overview of the Different Islamic Schools of Thought and Their Interpretations of Maintenance

The classical Islamic legal tradition comprises several schools of thought (madhahib),

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each of which has developed its own doctrinal views on the nature, scope and enforcement of maintenance. While all schools agree on the fundamental obligation of a husband to provide maintenance, there are important differences in interpretation and application (Booley, 2024).

The **Hanafi** school, for instance, considers maintenance a conditional obligation, dependent on the wife's obedience (ta'a) to the husband. If a wife refuses conjugal relations or leaves the marital home without valid reason, the Hanafi school holds that she forfeits her right to maintenance. The **Maliki** school adopts a similar position but allows for more flexibility in determining what constitutes disobedience. The **Shafi'i** and **Hanbali** schools also place emphasis on the wife's fulfillment of her marital duties but tend to be more generous in their estimation of what constitutes reasonable maintenance (Azis, 2023).

The **Ja'fari (Shi'a)** school diverges somewhat in its reasoning. While it also upholds the husband's duty to maintain his wife, it interprets obedience in broader terms and places greater emphasis on mutual respect and consultation within marriage. The Ja'fari school also gives the wife a stronger position in claiming maintenance, particularly in cases where the husband is negligent or absent.

Despite these variations, a common thread among all the schools is the recognition that maintenance is a legal right (haqq) of the wife, grounded in the Qur'an and Sunnah and that its provision is essential for the preservation of family harmony and the protection of women's rights (Halwaini, 2025).

Current Laws and Practices Regarding Maintenance

In contemporary Muslim-majority countries, the legal landscape surrounding spousal maintenance (nafaqah) exhibits both continuity with Islamic doctrine and significant variance in statutory frameworks and implementation practices. While many jurisdictions retain the core obligation of husbands to provide, the global diversity in legal traditions, social norms and institutional capacities generates a broad spectrum of outcomes some that reinforce women's rights, others that leave them vulnerable (Uddin, 2025a).

Examination of Current Laws and Practices in Various Muslim Countries

Several countries, drawing on the civil law tradition or influenced by colonial heritage, have codified maintenance obligations with varying degrees of specificity. In Egypt, for example, personal status law establishes a husband's duty to sustain his wife during marriage and the iddah (waiting period) after divorce; the law sets out calculation benchmarks based on social status and customary standards. In Pakistan, the Muslim Family Laws Ordinance and subsequent case law stipulate that a man is to support his wife in terms of food, clothing, housing, medical care and necessary services again, calibrated to their accustomed lifestyle (Uddin, 2025b).

Some countries have gone further to modernize or harmonize maintenance laws. Tunisia and Algeria, following trends in family law reform and gender equality, have enacted provisions enabling independent maintenance claims, more transparent judicial processes and, in some cases, gender-neutral family codes. Conversely, in nations where customary practices or more restrictive interpretations of Shari'ah dominate such as parts of Saudi Arabia or Sudan the effective realization of maintenance rights often depends heavily on local courts, tribal customs, or informal arbitration, leading to

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inconsistency in access and enforcement (Farque, 2024).

Challenges and Limitations Faced by Women in Claiming Maintenance

Despite statutory recognition, women frequently encounter a multitude of hurdles when seeking maintenance. First and foremost, bureaucratic and procedural obstacles impede access to justice. Women may face high legal fees, inadequate information, or delays in court proceedings issues intensified by geographic distance or the absence of female judges or advocates.

Customary and social pressures further complicate implementation. In conservative communities, women pursuing maintenance may face stigma or familial disapproval, deterring them from taking action. Judges, often influenced by traditional gender norms, may adjudicate in ways that minimize or delay maintenance awards especially if a wife is perceived as having acted “improperly” or challenged social expectations (Fakhria & Marpuah, 2022).

Moreover, economic and logistical realities pose serious limitations. Even when a court awards maintenance, weak enforcement mechanisms may allow husbands to delay payments or avoid compliance. Without robust legal remedies such as wage garnishment, asset seizure, or swift penal measures many women receive only partial or sporadic support. Women in informal marriages or migrant contexts (e.g., expatriate wives) often find themselves outside formal legal recourse altogether, unable to register claims or enforce existing entitlements (Haider et al., 2023).

Impact of Current Laws and Practices on Women’s Lives

The real-world consequences of maintenance regimes are profound: where accessible and properly enforced, maintenance provides vital economic security, preserves dignity and enables women particularly divorced or widowed to meet basic needs, pursue education or work and rebuild their lives.

Conversely, in contexts where maintenance rights are poorly protected or systematically disregarded, women bear acute hardship: financial distress, housing insecurity and reliance on extended family or charity. The stress of economic precarity can perpetuate cycles of dependency and exacerbate vulnerability to abuse. In many settings, the absence of reliable spousal support compels women to return to untenable marriages, curtail educational aspirations, or accept degrading labour (Fauzan, 2024). In some progressive jurisdictions, women’s enhanced access to maintenance has contributed to broader social change. More women are able to leave abusive or unhappy marriages, secure legal autonomy and pursue income-generating opportunities. This not only benefits the women themselves, but can also lead to more equitable family relations, improved child welfare and incremental shifts in societal views on women’s economic roles and rights.

Reforms in Maintenance Laws

In recent years, Islamic family law especially with respect to the maintenance rights of wives has witnessed notable judicial and legislative shifts. Among the most significant of these developments is the pivotal judgment by the Islamabad High Court in *Shahab Saqib v. Sadaf Rasheed*. This landmark decision has helped recalibrate the legal understanding of spousal maintenance, placing a stronger emphasis on equitable marital obligations and bolstering women’s financial security. Simultaneously, burgeoning

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reform efforts and policy-level proposals aim to modernize maintenance provisions and close critical gaps in protections for women (Abubakar et al., 2023).

Judicial Reform: Shahab Saqib v. Sadaf Rasheed

The Islamabad High Court judgment in *Shahab Saqib v. Sadaf Rasheed* represents a watershed moment in jurisprudence related to maintenance. The Court decisively departed from archaic precedents that made maintenance dependent on the wife fulfilling narrow, condition-based obligations such as obedience or cohabitation. Instead, the judgment reaffirmed that maintenance is an unconditional entitlement under Section 9 of the Muslim Family Laws Ordinance and cannot be waived by a wife or withheld due to her independent activities or separation. By doing so, the Court reasserted the legislative intent behind the law and emphasized those personal faith-based interpretations or traditional assumptions should not dilute statutory rights. The judgment thus elevated the wife's right to maintenance as a fundamental, unqualified right, aligning legal practice with principles of equality and statutory clarity (Bukido & Aminah, 2024).

Implications for Women's Rights and Financial Security

This judicial reform has considerable implications. First, it affirms that maintenance is a non-negotiable entitlement, empowering women regardless of marital circumstances to assert their rights without the burden of demonstrating "obedience" or cohabitation. This legal clarity can enhance women's access to financial security, especially in cases of separation, divorce, or economic vulnerability. Second, the judgment signals a progressive judicial willingness to interpret Islamic family law statutes in a way that privileges gender-sensitive justice and statutory purpose over rigid tradition. For women, this can translate into more consistent protection of their rights, reduced legal uncertainty and greater leverage in ensuring economic sustenance (Azhari & Asmuni, 2023).

Policy-Level Reform Momentum: Legislative Proposals

Beyond court rulings, the landscape is shifting at the legislative level as well. Reforms are being proposed such as broadening the definition and scope of maintenance beyond the iddah period and recognizing marital property rights under concepts like "Husband's Asset," "Matrimonial Asset," and "Wife Asset." These change efforts seek to integrate maintenance rights into a broader framework of marital equity and property-sharing, acknowledging women's contributions and vulnerabilities. Such reforms would institutionalize the recognition that women's financial security is tied not just to statutory maintenance but also to equitable division of marital assets (Ramadhan, 2024).

Potential Benefits of Implementing These Reforms

Greater Financial Protection for Women

By ensuring access to maintenance unconditionally and through equitable asset division, reforms can significantly reduce women's dependency and hardship particularly in cases of divorce or separation.

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Legal Clarity and Uniformity

Clearer standards and statutory coverage reduce reliance on subjective judicial discretion, delivering more predictable outcomes and enhancing women's confidence in the system.

Gender-Equitable Frameworks

Reforms reframing maintenance and marital property rights through a gender lens promote substantive equality and help challenge patriarchal norms embedded in legal culture.

Judicial Modernization

Progressive benchmarks set by courts can catalyze broader legal evolution, encouraging sustainability-focused interpretations of Islamic family law aligned with contemporary human rights values.

Challenges in Implementing These Reforms

Resistance from Traditionalist Elements

Conservative interpretations of Islamic law may oppose unconditional maintenance or marital asset divisions, viewing them as incompatible with normative Shari'ah principles or familial hierarchies.

Legislative Inertia and Bureaucratic Delay

Even with court mandates or directives, translating reform into law requires political will, consultative processes and legislative follow through areas where delay or neglect can stall progress.

Enforcement and Institutional Capacity

Even when reforms are enacted, effective enforcement remains a hurdle. Weak family court infrastructure, lack of trained judges and limited legal aid can hinder women's ability to claim and secure maintenance.

Societal Stigma and Awareness Gaps

Social disapproval or lack of awareness may deter women from pursuing legal remedies. Without parallel efforts in public education and destigmatization, reforms may remain underutilized.

Complexity of Asset Valuation

Recognizing marital assets and distributing them equitably involves complex valuation, documentation and adjudication requiring robust procedural frameworks, legal standards and capacity.

The *Shahab Saqib v. Sadaf Rasheed* judgment marks a significant stride toward affirming unconditional maintenance rights for wives, reshaping judicial precedent. Coupled with broader legislative proposals addressing maintenance and marital assets, these reforms hold the promise of enhancing financial justice for women. At the same time, their realization depends on overcoming sociocultural resistance, institutional

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limitations and enforcement challenges. Strategic reform must therefore be accompanied by public awareness, legal capacity-building and institutional strengthening to ensure that women from all backgrounds benefit substantively from these legal advances (Ali, 2022).

Impact of Reforms on Women's Lives

Reforms in Islamic family law, particularly in the area of spousal maintenance, have the potential to significantly transform the lives of women by strengthening their legal protections and improving their financial security. As legal systems move toward more equitable interpretations and enforcement of maintenance rights, these changes can directly impact the well-being, autonomy and dignity of women within the family and society (Azhari & Asmuni, 2025).

Enhancing Financial Security and Well-Being

One of the most immediate and tangible impacts of reforms is the improvement of women's financial security. When maintenance laws are reformed to provide timely, fair and unconditional support, they ensure that women especially those who are divorced, separated, or in vulnerable marital situations are not left without basic means of survival. This reduces their dependence on extended families or charity and enables them to meet essential needs such as food, shelter, education for their children and healthcare (Ahmed, 2024).

Women who previously faced financial hardship due to delayed or denied maintenance are better protected under legal frameworks that clarify and enforce their rights. These reforms help bridge the gap between legal theory and practice, ensuring that maintenance is not just a symbolic entitlement but a practical, enforceable provision. For single mothers or women raising children post-divorce, this can mean a more stable and dignified life (Kusmardani et al., 2023).

Promoting Women's Empowerment and Independence

Beyond financial relief, maintenance law reforms contribute to a broader agenda of women's empowerment. By recognizing the economic value of women's unpaid labour within the household and securing their rights during and after marriage, such reforms acknowledge women as equal partners in marriage. Legal protections also give women the confidence to assert their rights, leave abusive relationships and make independent life decisions without fear of economic ruin (Isla et al., 2023).

The assurance of maintenance rights allows women to participate more fully in social and economic life. They can pursue education, employment, or entrepreneurship, knowing they have legal backing in case of marital breakdown. Over time, this strengthens women's autonomy, encourages gender equality in family dynamics and challenges patriarchal norms that view women as dependent or subordinate (Sanusi et al., 2023).

Challenges and Limitations of Implementation

Despite these positive potentials, the impact of reforms may be limited by several practical and socio-cultural challenges. One major barrier is the lack of enforcement mechanisms. In many contexts, even where progressive laws exist, weak court systems, bureaucratic delays and inadequate legal aid mean that women struggle to claim their

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rights effectively.

Social stigma also plays a significant role. Women who pursue maintenance through courts may be seen as disloyal or confrontational, especially in conservative societies. This discourages many from seeking justice, regardless of their legal entitlements.

Additionally, awareness and education about legal rights remain limited, particularly among rural and marginalized populations. Without knowledge of their rights and access to supportive institutions, many women cannot benefit from the reforms in practice (Isla et al., 2023).

Lastly, resistance from traditionalist actors and the variability in judicial interpretations of Islamic law can undermine the consistency and fairness of implementation. Judges may still apply outdated notions of obedience or marital duty, hindering the transformative potential of legal reforms.

Conclusion

Reforming Islamic family law, particularly with respect to the maintenance of wives, is a crucial step toward achieving justice, gender equity and social stability in Muslim societies. Maintenance is not merely a financial obligation; it is a reflection of the ethical foundation of marriage in Islam, which upholds dignity, compassion and responsibility. However, in many contemporary contexts, the gap between Islamic legal principles and actual practices has led to the erosion of women's rights, economic insecurity and social marginalization. The need for reform arises from the imperative to restore and uphold these foundational principles in a manner that aligns with present-day realities and challenges.

Reforms aimed at clarifying, strengthening and enforcing the right of maintenance can yield significant benefits. They provide financial security to women, protect them from exploitation and neglect and promote their independence and empowerment. Such reforms can also enhance the credibility and relevance of Islamic family law in modern legal systems by demonstrating its capacity to evolve and respond to changing social needs. Court decisions like *Shahab Saqib v. Sadaf Rasheed* represent promising developments, illustrating how judicial interpretation can align legal practice with both Islamic values and contemporary human rights standards.

Nonetheless, implementing these reforms is not without challenges. Social resistance, lack of legal awareness, judicial inconsistency and inadequate enforcement mechanisms can hinder the practical realization of maintenance rights. Legal reforms must therefore be accompanied by broader systemic efforts, including legal literacy campaigns, training for judges and lawyers and institutional support for women seeking justice. The role of cultural attitudes and patriarchal norms cannot be overlooked, as they often undermine formal legal protections and discourage women from asserting their rights.

There is an urgent need for sustained research, dialogue and advocacy to ensure that reforms in Islamic family law move beyond theory and into practice. Scholars, legal professionals, religious leaders and civil society organizations must work collaboratively to reinterpret and implement Islamic legal principles in ways that prioritize justice, equity and human dignity. Future research should focus on comparative legal models, the effectiveness of reform implementation and the lived experiences of women navigating the legal system.

Ultimately, reforming maintenance laws is not only about protecting women's rights it

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is about upholding the moral and legal integrity of the Islamic family system itself. Ensuring that every wife receives her due maintenance is a step toward building fairer, more compassionate and more just societies.

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