

# Imprisonment as a Penalty for Non-Compliance with Alimony Orders: From the Perspective of *Maslahah* and *Mafsadah*

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Mohamad Omar Mansu,<sup>1\*</sup> Zaini Nasohah<sup>2</sup> & Amir Abrar Abd Latif<sup>3</sup>

- 1 Islamic and Cultural Centre, Management and Science University, 4, Persiaran Olahraga, Section 13, 40000 Shah Alam, Selangor, MALAYSIA.  
E-Mail: mohamad\_omar@msu.edu.my
- 2 Faculty of Islamic Studies, National University of Malaysia, 43600 UKM Bangi, Selangor, MALAYSIA  
E-Mail: zbn@ukm.edu.my
- 3 Academy of Contemporary Islamic Studies, Universiti Teknologi MARA (UiTM) Cawangan Sabah, Kampus Kota Kinabalu Beg Berkunci 71, 88997 Kota Kinabalu, Sabah, MALAYSIA.  
E-Mail: amirabrar@uitm.edu.my

\*Corresponding Author: mohamad\_omar@msu.edu.my

## Abstract

Maintenance (nafkah) is an obligation that must be fulfilled; failure to provide maintenance may result in several legal consequences, including the possibility of imprisonment. However, the issue of non-payment of maintenance remains a persistent challenge within the Syariah legal system in Malaysia. According to data from the Department of Syariah Judiciary Malaysia (JKSM), a total of 4,715 cases of maintenance order violations were recorded in the Syariah Courts of Malaysia between 2021 and 2024. This article discusses imprisonment as a last resort for non-compliance with alimony orders from the perspective of *maslahah* (benefit) and *mafsadah* (harm) in Shariah law. This study adopts a qualitative approach through document analysis and literature review methods. The findings show that there are several positive impacts of imprisonment, including bringing awareness, fearfulness, bringing repentance, and protecting the rights of the oppressed. In addition, the study found negative consequences of imprisonment, including social stigma, emotional distress, and the adverse impact on families and individuals incarcerated. Through the lens of *maslahah* and *mafsadah*, the article evaluates the appropriateness of imprisonment for those who fail to comply with alimony orders, depending on the financial situation and ability of the individuals involved, with an emphasis on balancing the preservation of rights for the oppressed and avoiding greater harm.

**Keywords:** Imprisonment, Alimony Orders, Maslahah, Mafsadah, Shariah Law



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## Introduction

Prison, as defined by the Institute of Language and Literature, is a facility where criminals are confined as punishment (2017). It is a form of punishment that restricts freedom (Muhammad Fuadi, 2016) and individual liberty (Noorda, 2023) or imposes detention. The intention of

detention here is to hinder someone from carrying out a particular action and is intended to prevent future harmful actions (Kolber, 2021). In Shariah terms, as explained by Ibn Qayyim (2002), confinement does not merely entail physical confinement in a small space but also involves prohibiting individuals from engaging in various activities, whether at home, in a mosque, or anywhere. According to al-Kāsānī (1986), those under confinement are barred from leaving work, attending gatherings, participating in funerals, seeking medical care, or visiting places of worship.

In Islam, imprisonment falls under the category of discretionary punishment known as *ta'zir*. Offenses and their penalties under *ta'zir* are not defined in Islamic Shariah law, but it falls under the discretion of the authorities, especially judges, to determine the appropriate punishment. According to ʿAbdul QādirʿAwdah (2008), imprisonment is considered a secondary punishment and is typically imposed for lesser offenses. It is a discretionary measure that judges may choose to implement based on whether they believe it would serve a beneficial purpose.

In Malaysia, imprisonment is a common punishment for those convicted of legal offenses, regardless of gender. Prisons serve as places of confinement and as centers for inmates' rehabilitation (Siti Jamiaah, 2017). The Malaysian Prison Department is responsible for detaining and housing individuals sentenced to imprisonment. It operates as a correctional entity, providing detention and rehabilitation services to offenders and criminals (Jamaludin, M. et al., 2019) under court orders for specified periods; it also serves as an institution to transform offenders into better citizens (Pajar, 2012). In Islamic Law, a committal order is an enforcement order that can be applied for to imprison any party who has been served with an order but failed to comply with the order issued by the court (Mansu, M. O., & Nasohah, Z., 2022).

## Methodology

This study employs a qualitative analysis approach based on a literature review of primary sources, including the Quran, Hadith, and the opinions of Islamic scholars and jurists. The approach evaluates the arguments presented by various schools of thought regarding the concepts of *maslahah* and *mafsadah* in the context of imprisonment for non-compliance with alimony orders. Data is also drawn from Shariah law in Malaysia, including the Syariah Criminal Procedure Enactment, past court cases, and relevant academic perspectives. The analysis examines the balance between *maslahah* (benefit) and *mafsadah* (harm) for both parties involved, which are the husband ordered to pay alimony and the wife or children entitled to receive it.

## The Historical Development of Prisons in Islam

The existence of prisons has been a subject of debate among scholars and intellectuals, yet it persists to this day to confine individuals who cause harm and calamity to others (Abdul Qadir, 2018). However, the exact origin of prisons is unknown, as their existence dates to the times of the Arabs, Turks, Persians, Romans, and others (Omar, 2018). During the time of Prophet

Muhammad, scholars differed on whether the Prophet and Abu Bakr established prisons; some said they did not, while others believed they did. According to al-Shalabi (1895), during the times of Prophet Muhammad ﷺ, Abu Bakr, Umar, and Uthman, confinement was not held in prisons just yet but rather in mosques, atriums, and *rubuth*. During the Ali era, the first prison, called *al-Sijn*, was established in Kufa and named *Nafi'* (al-Zubaidi, 1904). However, these prisons were not secure, which caused the inmates to escape occasionally. Thus, another prison was built, which is known as *Mukhayyas*.

As the Muslim community continuously grew during the reign of Caliph Umar Al-Khattab, he purchased a house in Mecca and converted it into a prison. In a riwayat, it is said that he bought the house from Safwan bin Umayyah for four thousand dirhams and converted it into a prison (Ibn Qayyim, 2002).

## The Jurisprudence of Imprisonment Among Scholars

Scholars have varying opinions on the legality of detention or imprisonment in Islam. There are two groups of scholars in determining the law concerning imprisonment (Mohamad Omar & Zaini Nasohah, 2024); they differ in their interpretations and the supporting evidence for their arguments.

The first view states that imprisonment in Islam is permissible. This view is supported by the consensus of scholars, who permit governments to establish prisons (Khairunnisak, 2018). The Madhhab *jumhur* school states that it is permissible to imprison under *ta'zir*, with no specified duration, depending on achieving the goal of disciplining the offender (Abu Mazaya, Abu Izzat, 2015). They base their arguments on evidence from the Quran and Sunnah.

﴿إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِّنْ خَلْفٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ جَزَاؤُا فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ﴾

It means: The punishment of those who wage war against Allah and His Messenger and strive with might and main for mischief through the land is execution, crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter. (Al-Quran. Al-Maaidah: 33).

According to Hanafi scholars, "*al-nafiy*" in the verse above signifies detention as a form of discretionary punishment (*ta'zir*), providing evidence for its *thābit* and legitimacy in the Quran. On the other hand, according to al-Zailai (2015), the phrase *يُنْفَوْا مِنَ الْأَرْضِ* in the same verse denotes detention and imprisonment. This perspective is shared by Hanafi scholars, as narrated by Ahmad, supported by al-Shafi'i, and upheld by the Maliki jurists. They interpret it as referring to detainment and imprisonment in a designated place of exile. Moreover, evidence from the Sunnah also supports this interpretation.

عن أبي هريرة رضي الله عنه أن النبي صلى الله عليه وسلم قال: حبس في التهمة يوماً وليلة استظهاراً واحتياطاً

It means: According to Abu Hurairah (may Allah be pleased with him), the Prophet (peace be upon him) said, "Detaining the accused for a day and a night is a cautious approach." (Hadith. Abu Hurairah. Mentioned in al-Mustadrak by al-Hakim, under the chapter al-Ahkam)

A father can be compelled to work if he is physically fit. If the husband is capable and wealthy, the judge may enforce the sale of his assets and allocate the proceeds to his wife. If the husband lacks assets to sell, imprisonment can be imposed with the wife's agreement until he settles the owed maintenance to her (al-Zuhaili, 2002).

In addition, scholars cite examples such as Caliph Umar's imprisonment of Hathiah, Caliph Uthman's confinement of Sabi' bin Hārith, a thief from the Bani Tamim tribe, and Imam Ali's establishment of a prison in Kufah, where he also detained Abdullah bin Zubair in Mecca (Ibn Farḥūn, 2003). It is also reported that the Prophet Muhammad detained an accused person awaiting trial out of concern for potential escape, tampering with evidence (Khairunnisak, 2018), and recurrence of the offense. Detaining the accused helped mitigate these risks (Muchlisin, 2019).

However, the second viewpoint, held by some scholars of the Hanbali madhhab, contends that imprisonment is not sanctioned in Shariah. They argue that Islam does not prescribe imprisonment as a punishment, citing the verse of Allah SWT:

﴿إِلَّا أَنْ يُسَجَّنَ أَوْ عَذَابٌ أَلِيمٌ﴾

It means: *Except that he be imprisoned or subjected to a tormenting punishment.* (al-Quran. Al-Yusuf: 25).

Based on the Quranic evidence, scholars inclined towards the second opinion believe imprisonment is impermissible. They argue that incarceration is a severe punishment, as Allah SWT equates it with painful torment.

## Division of *Maṣlaḥah* and *Mafsadah*

### Definition of *Maṣlaḥah*

The term *al-Maṣlaḥah* originates from the Arabic letters from *hijā'iyyah* words such as *ṣad*, *lam*, and *ha*, forming the root word *ṣalaha*, which means goodness. It is also the *wazan* form of the verb *ṣalaha*. According to Ibn Manẓūr (1994), *maṣlaḥah* refers to safeguarding the objectives of Shariah. In *Mu'jām al Mustalahāt al-Alfāz al-Fiqhiyyah*, *maṣlaḥah* is defined as the opposite of harm, or as goodness and benefit (Mahmud, 1999). *Maṣlaḥah* means utility (Noresah Baharom et al., 2013), encompassing anything that brings benefit, whether by attracting and producing something that achieves advantage and enjoyment (al-Ṭufī, 1993). Generally, from these definitions, *maṣlaḥah* linguistically denotes something that brings about good for

humanity. Every benefit associated with humans is considered *maṣlaḥah*, even if it does not appear to directly benefit them (Akbar Sarif, Ridzwan Ahmad. 2016).

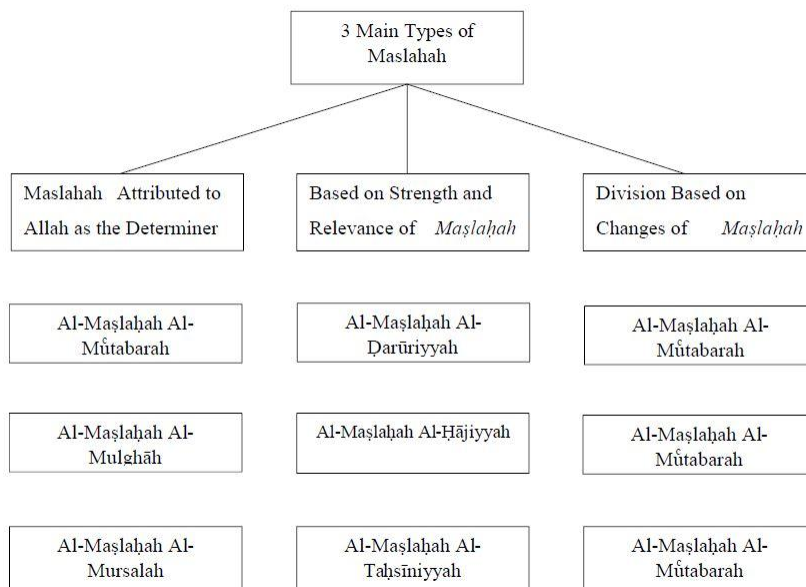
In technical terms, as defined by Mustafā Dib al-Būghā (2007), *maṣlaḥah* refers to the intent of the legislator in enacting laws to achieve benefits and prevent harm, thereby safeguarding the religion, life, intellect, progeny, and wealth of individuals. According to al-Ghazālī (2014), it involves achieving benefits and averting harm to fulfill the five objectives of Shariah: preserving religion, life, intellect, progeny, and wealth. Exploring the perspectives of both al-Ghazālī and Mustafā Dib al-Būghā underscores that *maṣlaḥah*, as they define it, must align and harmonize with Shariah law, even if it conflicts with personal interests (H. Said, 1998).

### Concept of *Maṣlaḥah*

*Al-Maṣlaḥah* is categorized into three main types. According to Ridzwan Ahmad (2004), scholars classify *maṣlaḥah* into several divisions. These include:

1. Relationship to Allah as the ultimate authority in Shariah.
2. Strength of *maṣlaḥah*.
3. General versus specific considerations.
4. Stability versus variability perspectives (Ḥusayn, H. H. 1981).

Some scholars further divide *maṣlaḥah* based on specific needs into *qatīyyah*, *ẓanniyyah* and *wahmiyyah* (Ibn ʿĀshūr, 2000). However, most discussions focus on these three main types of *maṣlaḥah* divisions. which is *maṣlaḥah* attributed to Allah as the determiner; the second type is based on the strength and relevance of *maṣlaḥah*, and lastly, there is division based on changes of *maṣlaḥah*.



(Rajah 1: 3 Main Types of Maslahah) H. Said Agil Husin Al-Munawar, 1998

## Definition of Mafsadah

The word “*Mafsadah*” derives from “*fasada*”, which means harm and anything that leads to destruction. It is also considered the opposite of *maṣlahah* (Ibn Manzūr, 1994). Although they are opposite to each other, their existence is very synonymous. As mentioned by ‘Izz al-Dīn Abd al-Salām (2000), the things that happen in the world consist of both *maṣlahah* and mafsadah with very little of each of them taking place independently. Moreover, it is difficult to differentiate between them because of their similarity in meaning (Akbar Sarif & Ridzwan Ahmad. 2016).

On the other hand, viewing the mafsadah’s meaning in the aspect of terminology, the scholars had outlined its meaning, such as al-Ghazālī (2014) who stated that everything that removes the five principles, which are safeguarding one’s religion (ḥifẓ al-dīn), safeguarding one’s soul (ḥifẓ al-nafs), safeguarding one’s mind (ḥifẓ al-‘aql), safeguarding one’s bloodlines (ḥifẓ al-nasab), and safeguarding one’s wealth (ḥifẓ al-māl), is mafsadah. Furthermore, Ibn ‘Ashūr (2000) defined mafsadah as the nature of an act that causes continual or habitual damage or ḍarar to most people or individuals.

According to the explanations that are presented by the scholars, it can be said that mafsadah is the nature of an act that results in damages, defects, and something that causes the loss of benefit that replaces the five essentials of maqāsid; also, it can happen to the majority of people or individuals (Akbar Sarif & Ridzwan Ahmad. 2016).

## The Concept of Mafsadah

The discussion about mafsadah’s division rarely arises among scholars (Akbar Sarif & Ridzwan Ahmad. 2016). *Maṣlahah* becomes the focus and is more frequently discussed than mafsadah (Siti Khatijah, 2017). This is due to the debate relating *maṣlahah* will unintentionally include the mafsadah’s elements in it. Whenever something happens with benefits, it is impossible that harms also come on the same value (Khair Johari & Nahrawi Kasim, 2015). However, it does not mean that the elements are not prioritized or disregarded (al-Fāsī, 1972). Therefore, discussing *maṣlahah* is also like discussing which mafsadah needs to be removed and avoided.

## ***Maṣlahah* and Mafsadah in Imprisonment for Disobeying Alimony Orders: An Explanation**

Islam places great emphasis on the concept of *maṣlahah* and *mafsadah* in individuals’ everyday practices. According to al-Zuhailī (1972), the jumhur ulama agrees that every law is established by nas or *ijmā‘* which is the consensus among scholars, and is all based on wisdom, which is to gain benefits and avoid damage or harm. Therefore, if viewing the benefits and harms aspects of imprisonment for disobeying court orders, it is found that there are few harms to the punishment imposed towards those who are disobeying the alimony matters. Besides that, there are a few negative implications and harms towards those who are imprisoned for disobeying the alimony order.

## **The *Maṣlahah* in Imprisonment for Disobeying the Alimony Order.**

Imprisonment is one of the punishments found in Islam and is categorized under *ta'zīr* punishment. The scope of *Ta'zīr* punishment is extensive and can be implemented based on the *maṣlahah*, the government's necessities and wisdom, the legislature, and the judges (Muhammad Fathi, 2018).

Imprisonment is not only implemented in Islam, it also was applied broadly in conventional law. Muhammad Fathi (2018) stated that the main punishments in civil law are the death penalty, incarceration, whipping, and fines. Although there are punishments like good behavior bonds, compensation, and orders for teenagers, they are the primary ones. Imprisonment is the highest punishment among all, and it may be claimed that nearly every criminal case can result in imprisonment.

Therefore, there are a few positive impacts that can be viewed from the imprisonment that brings *maṣlahah*, not only for the individuals and families but also the communities in general, namely:

### **The General Interest of *Maṣlahah* is Guaranteed**

The general *maṣlahah* is a matter that is taken seriously to be preserved in Islam. It corresponds with the Islamic practice, which holds that the general interest of *maṣlahah* is more important to be cared for than the specific interest of *maṣlahah*. As mentioned by Abdul Qādir (2008), Islam established hudud punishment to safeguard the general interest of *maṣlahah* that is more important, even though it is viewed as mafsadah on the surface. This is in line with General Prevention Theories by Gordon Crews & Wayne Gillespie (2004), general prevention is a punishment or a threat intended to serve as a lesson to the entire community. By witnessing the punishments, the public will deter themselves from doing the crimes or any acts that will lead them to be punished.

According to Raneta Lawson (1999), as the communities witness the loss of freedom because of imprisonment and the existence of social stigma towards prisoners, they will deter themselves from involving themselves in crimes. Viewing from the scope of social life, daily practices in peace are one of the foundations of a prosperous community; it is different if the area is surrounded with troublemakers, thieves, robbers, people who frequently enter and exit prison, and more. Hence, the implement of imprisonment is viewed to keep the general interest of *maṣlahah*.

### **Brings Awareness and Fearfulness**

Imprisonment is a punishment that raises awareness in the general community and protects public interest. Reviewing the appeal case No: 10500-166-0008-2017, Fairus Jaafar (2017) argues that the court should prioritize the public interest rather than focusing on the appellant's self-interest alone. The court also needs to view the consequences of the appellant's actions if imprisonment is retained, if only to create fear in the community. According to Nurul Izzati (2015), imprisonment apparently can frighten the prisoners while they are being imprisoned. Besides that, public interest shows that the punishment is not only giving lessons to the convicts

but also deterring the public from repeating the same crimes.

## **Bringing Repentance and Protecting the Rights of the Oppressed.**

Imprisonment can bring repentance and is one of the solutions to help the oppressed to obtain their rights. For instance, wives who are not receiving their alimony. According to Nur Amalina & Norhusairi (2017), commitment is the very last resort for the judgment debtor to pay alimony. This is the most efficient way for the judgment debtor to pay the alimony because he will be embarrassed when being imprisoned. Those who are punished usually will find the solution to pay off the arrears to be released from prison.

By the law of section 181 of the Syariah Criminal Procedure Enactment (State of Selangor) 2003, for instance, the judgment debtor can pay off the arrears at any time as indicated in the order. If the judgment debtor is already imprisoned, he can make the payment through the prison officers; by doing this, he can be released from the prison (Zaini Nasohah & Suwaid Tapah. 2001). The purpose of imprisoning those who fail to pay alimony is to regain back the unpaid alimony.

## **The Mafsadah In Imprisonment For Disobeying The Alimony Order**

When the convict is imposed imprisonment, it will contribute to several implications, whether the *mafsadah* impacts the subject who is punished, his wife, and children, and even close relatives may also be affected by the imposed punishment. Among *mafsadah* in imprisonment are:

### **Tarnish Their Good Name**

Those who are imprisoned and have served their entire sentence will be referred to as prisoners by custom because the punishment already ruined their status and good name. Typically, prisoners will be looked down on and negatively by the community in general. From an information perspective, people usually interpret the information based on what is often served to them, as they are frequently taunted by films and news that depict the prisoners' dark side and behavior. Moreover, social media allows information to spread more quickly and unrestrictedly in the current era. These mediums cause the dissemination of information about prisoners to spread along with creating various perceptions among the community.

Besides that, imprisonment also causes wives, children, and families to bear the brunt of shame (Muhammad Fathi, 2018). Those who are sentenced to prison also face the risk of having their good name tarnished in the eyes of their employers. In the Malaysia context, for example, a civil servant serving a sentence of imprisonment will face the risk of dismissal from his position. In addition, the fact that being imprisoned will leave the convicts with a criminal record and make it harder for them to find a job and rebuild their career path.



## **Facing Multiple Negative Risks**

The experience of being imprisoned or placed at a rehabilitation institution can bring negative consequences to the prisoners, especially in the aspects of their mental, physical, and emotional states, as mentioned by Petersilia. J. (2003), Sharia offenders who are sentenced to a short prison sentence not only cannot participate in the Human Development Plan (PPI) rehabilitation program in prison, but it will also affect their lives and families, who may lose their jobs (Hasnizam & Jasri, 2016). Besides, according to Mazlah Yaacob (2004), a long-term imprisonment sentence has been found to be linked with negative psychological effects on the prisoners, especially for those who are married or have families; the families must bear the financial burden due to the criminal offenses (Muhammad Fathi, 2018). Farid (2015) stated that incarceration may not be suitable for these prisoners, as they are the breadwinners of their families.

Under certain situations, incarceration will have an immense effect not only on involved individuals but also on families and communities (Zaini Nasohah, 2014). Prisoners are more likely to experience severe depression due to the changing of their surroundings and environments in the blink of an eye as their entire daily activities and routines are shifted drastically. This is because imprisonment not only limits one's freedom physically but also gives a great blow to their emotions, as they are banned from associating with family members and friends. Instead, they need to associate with other prisoners (Mazlah Yaacob, 2004).

### **Affected by other prisoners**

The existing incarceration will give negative impacts and affect the life of the convicts (Hasnizam & Jasri, 2016). Following how prisoners communicate, learning about crimes from other inmates and seniors, and socializing with other convicts in prison are the effects. Hence, prison is not a suitable place for the offenders to repent; rather, it is a place for them to sharpen their immoral knowledge or even greater, as they will likely meet and exchange their experience to carry out crimes with each other when gathering collectively (Kharunnisak. 2018). Furthermore, prison also can bring a lot of harm, such as being a place to practice crimes and a center for drug trafficking and immoral activities (Muhammad Fathi, 2018).

### **Social Stigma**

One of the hard truths that prisoners must deal with is the social stigma that shows a negative perception of them. It does not make any difference whether their prison sentence is a short or long one. According to Samuri et al. (2012), a long sentence of imprisonment will have an impact on the relationship between the prisoners and their families because these groups need to be separated from the most significant people in their lives for a certain amount of time. Being imprisoned or placed at a rehabilitation institution will complicate the social integration process because prisoners must cope with stigma issues and being labelled negatively by their community when they return to the community (Benson, M.L., 2011). Besides, the criminal records that they have will be linked to the stigma and discrimination if they continue to live in a community (Gehring, T. 2000).

The existence of stigma and prejudice sentiments has caused the failure of former prisoners to integrate well (Mohd Al-Adib & Nooraziah, 2009). They also will be dealing with social stigma, difficulty in securing jobs, getting an education, and more. So, this confinement has disrupted the prisoners' development once they are freed later (Gehring, T, 2000). Even worse, a rejection of family members, the stigma and discrimination shown by the community at home, the presence of other people with the same fate, the difficulty to secure jobs, and many more always become the factors that drive these former criminals to commit crimes again (Mohd Alif et al., 2017).

## Standards in Determining *Maşlahah* and *Mafsadah* in Imprisonment for Disobeying the Alimony Order

According to the previous discussion, imprisonment has its own *maşlahah* and *mafsadah*. Issues related to alimony and family matters (al-Qaḥṭānī, 2010) have also been given attention from the aspects of *maşlahah* and *mafsadah*. In the context of imprisonment for disobeying the alimony order, the observation can be done by viewing two perspectives, which are the husband's perspective, who pays the alimony, and the wife's or children's, who receive it.

The conflicts between *maşlahah* and *mafsadah* in imprisonment are the issues that need to be refined. By looking at these two concepts, their similarities can only happen in worldly matters. However, as mentioned by Ibn Taymiyyah (2001) from the perspective of Sharia rulings, it is impossible for these two to be in the same position. In other words, *maşlahah* and *mafsadah* cannot share the same place from the view of syarak. *Maşlahah* that results from imprisonment will benefit the party who claims their rights; on the other hand, the party that is being sued is targeted by the *mafsadah* that arises from imprisonment.

Judges do not impose the prison sentence arbitrarily when deciding on imprisonment punishment. In an alimony issue, a prison sentence will be the last resort to be decided by the judges. Those who are stubborn, playing with court orders (Radzi, 2021), disobeying court orders, and not following the orders will be sentenced to prison. Moreover, imprisonment orders need to undergo processes and need to be done meticulously as recommended by Abdul Rahman Yunus in *Azman Bin Abdul Talib v Suhaila Binti Ibrahim*, that is, "The courts' authority in committing someone to prison due to the failure to follow the court order must be executed meticulously."

Therefore, *maşlahah* and *mafsadah* can be viewed from two situations. The amount of *Maşlahah* in imprisonment will become bigger when the party being sued is capable and deliberately not paying the arrears of alimony. *Maşlahah* with *darūrī* characteristic will come first in this situation to preserve the maqāṣid sharī'ah. Safeguarding the party who claims their rights' soul (*hifz al-nafs*) is more important than safeguarding the party that is being sued's wealth (*hifz al-māl*). However, it is viewed that imprisonment has a bigger *mafsadah* for the situation of the party being sued since they cannot afford it and do not have incomes. From the latter situation, eliminating *mafsadah* is more crucial than gaining *maşlahah* because the situation requires the judges to consider the other options that enable the husband to pay alimony regardless of not having assets and income. This situation aligns with the fiqh method:

## درء المفساد أولى من جلب المصالح

It means resisting damage *is more important than bringing maslahah* (al-Zarqā', 1989)

From the discussion that has been discussed, it can be concluded that the *maṣlahah* and *mafsadah* of imprisonment for disobeying alimony orders depend on the circumstances. Imprisonment punishment must be carefully determined to preserve *maṣlahah* and avoid *mafsadah*. This aligns with al-Rāzī (1999) statement that leaving off a lot of benefit for a small amount of harm is a great harm.

## Conclusion

The concepts of *maṣlahah* and *mafsadah* are crucial in balancing individuals' lives and act as complements in identity construction, social prosperity, and national security, whether in the aspects of the worldly or the afterlife. Imprisonment can be a factor for peace by deterring criminal activity and carelessness in alimony payments. The interconnectedness of imprisonment can be looked at through the aspects of *maṣlahah* and *mafsadah*. A few factors are related to the mentioned benefits. *Maṣlahah* in imprisonment can be achieved by checking the severity of punishment imposed. Besides that, there are imprisonment factors that remain unclear in the context of harm or *mafsadah*.

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