

A Reassessment of Involuntary Allotment Order (IAO) Rates in the Malaysian Armed Forces

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Abstract

The sustenance concept refers to a mandatory payment from the husband to his wife and children. This concept is implemented in the Malaysian Armed Forces (MAF) and is known as the Involuntary Allotment Order (IAO). The objective of implementing IAO is to help personnel in fulfilling their sustenance obligations, besides helping them to manage other financial liabilities. However, issues concerning insufficient sustenance are still reported among MAF wives and families, even though the IAO policy has been in force for a long time. This study analysed the appropriateness of the IAO policy and the deduction rate in relation to the current level of sustenance sufficient for the family. The deduction rate that meets the current sufficiency level becomes an added value that will be enjoyed by the personnel's family. Data collection involved content analysis and semi-structured interviews with informants from three different areas of expertise, namely registered counsellors in MAF, administrative officers from UGAT and Head of the Syariah Law Unit in KAGAT. Findings of this study indicate that IAO needs to be improved by considering three factors that act as a guide when determining the optimal sustenance rate, namely assessment of the legislation with reference to Practice Instruction No. 5 2019 - Guidelines for the Sustenance Amount Assessment Scale for Syariah Courts, average sustenance rate established by the courts and the sustenance rate mentioned in Act 77. These three sources can be used as a guide by MAF to improve the IAO rate that is currently being enforced.

Keywords: Involuntary Allotment Order, Malaysian Armed Forces, Adequate Sustenance, Emolument and Allowance

Introduction

The military institution is the oldest institution in world history. It has endured a long history through time and various forms of adaptation until the eventual realisation its own culture and tradition. Among these cultures and traditions include the welfare of military personnel's family members. This culture of caring for the welfare of family members helps the personnel to fully commit themselves to carry out their tasks (Lamsah et al., 2021). Among the programs

that aim to protect the welfare of military personnel's family members that are enshrined in law is the Involuntary Allocation Order (IAO).

Literature of Review

Involuntary Allotment Order (IAO)

The Involuntary Allotment Order (IAO) in military service was originally a regulation related to the deduction of a serving personnel's salary to be given to third parties making claims, such as creditors or claimants, for damages or fines. A court order is usually required to show that the personnel involved has an obligation to pay a sum of money to a certain party before a deduction is made.

The court order is also a mechanism used for channelling alimony payments to personnel's wives. In the US Military service, the IAO is contained in the Financial Management Regulations, Volume 7A, Chapter 41 (DoD 7000.14-R). This Financial Management Regulation is the primary regulation used as an implementation mechanism for processing alimony payments to a personnel's family as determined by the three branches of the armed forces, namely army, navy and air force (Anon, 2023). Interestingly, the IAO's basic framework for the purpose of channelling allocations to wives in the American military service has been aligned with national statutes related to allocation for wife support in terms of rates and enforcement. In fact, the IAO manual has placed the statutory provisions related to wife support as the source of authority for implementing the IAO order. This is intended to inform the personnel that the order provides a strong basis for all its personnel to support the legislation and comply with the payments established by the authorities, especially legislation related to child and wife support (Anon, 2023).

Provisions in the United States federal legislation (*United States Code -USC and Code of Federal Regulations - CFR*) have placed the responsibility on every citizen to pay sustenance to their children and wife. The law also has specific provisions for uniformed personnel regarding their obligation to pay sustenance to their wife and children (42 USC § 659-660, Child Support and Establishment of Paternity, 5 CFR Part 581, Processing Garnishment Orders For Child Support and/or Alimony), to review laws pertaining to garnishment of military pay, which is the basis used to support the implementation of IAO.

Calculation of Income and the Amount Deductible Under the IAO

Currently, the method of calculating salary deductions according to the IAO in the MAF services is based solely on the basic salary of personnel or officers. The IAO deduction rate applied to officers is 10%, while for other ranks (OR) is 22% out of the gross basic salary they receive. Meanwhile, other allowances obtained, such as Fixed Service Indemnity (ITP), Subsistence Allowance (BSH) and Travel Claims, are not included in the calculation of the IAO deductions.

In this regard, the IAO calculation method in the United States military is evidently much more advanced. This is because the calculation method also takes into account several allowances related to the personnel's salary, such as annual bonuses, salary adjustment, annual leave allowance, including incentive payments such as basic allowances and some other allowances earned in the service, as being inclusive in calculating the IAO deduction rate. Meanwhile, the IAO deduction rate varies based on the wife's spending routine and the personnel's

commitment to IAO. The Financial Management Regulations, Volume 7A, Chapter 41 of the Department of Defence explains the differences in the IAO deduction rate in the United States military based on three circumstances, namely:

- i- If the wife's routine spending is part of a personnel's normal practice of providing sustenance requirements, the maximum deduction that can be enforced is 50 percent.
- ii- A deduction of 60 percent can be enforced if the personnel does not provide sustenance payments.
- iii- A 65 percent deduction from the personnel's income is allowed if there are arrears in alimony.

According to Baylor (2007), the Court had decided that the allowances received by personnel should be considered as income that affects the sustenance claim. The court has conveyed rational arguments as to why basic military allowances need to be considered when calculating alimony, whereby the added value can be benefitted by the wife and children in these circumstances.

Research Methodology

This descriptive study aimed to analyse the extent to which the current IAO deduction rate can be sufficient for the sustenance of a personnel's family. According to Qaradawi (1987), the basic sustenance amount for the wife should be sufficient to cover her qualified needs according to the *daruriyyat* and *hajiyyat* needs concept. Hence, if these needs are not taken into consideration, then there will certainly be insufficient sustenance payments for expenses.

Data in this study were sourced from certain documents at the military and civilian levels, such as articles related to history, goals, legal provisions, personnels' salary and allowance deduction rates and other information related to the IAO. The information obtained from the documents helped to assess the adequacy of the IAO deduction rate that would be consistent with the current sustenance needs of the personnel's wife and family. In addition, the IAO deduction rate has never been reviewed since it was introduced by the MAF in 1977 (Azita, 2023).

A semi-structured interview involving 3 informants was also conducted to confirm the findings of this study. The three informants represent three important sections of the MAF services related to IAO, namely Personnel Services Section (Ahwal Shakhshiyah Development Cell) and the informant was Lt. Col. Alias Mohamed. He is also a counsellor at the al-Ghazali Counselling Service Centre from the three service bases, which are MAF Headquarters, Air Services at Subang Air Base and Marine Services at TLDM Lumut base. The second informant was Major Muhammad Khairil b. Mazlan, who was the head of the Shariah Law Unit of the Directorate Department, KAGAT. While the third informant was Capt. Noor Azita Musa, who was the Divisional Officer at the Salary Section, Subang Air Base.

The interview questions focused on the three main objectives of the interview, namely, to determine the source of authority for the IAO, determine the IAO implementation process in MAF and obtain the informant's view on the IAO deduction rate adopted by the MAF services.

Results and Discussion

Implementing the Involuntary Allotment Order (IAO) in the MAF

The IAO practiced in the MAF was basically designed based on regulations contained in Act 77 as well as the Federation Army (Pay and Allowances Regulation 1961 Amended 1975). Section 158 of Act 77 empowers the Armed Forces Council (AFC) to make regulations or orders to enable a discharge or deduction from a personnel's salary, with the aim of implementing the intent of the order.

Based on the provision of the said section, the AFC had issued an order in accordance with the Minutes of the 394th and 482nd Meeting whereby Officers and ORs with families are required to make salary deductions for their families through the Involuntary Allocation Order (IAO) method according to the established rate. It is the highest order issued by the AFC that must be obeyed by all factions of the armed forces (land, sea and air).

The objective of the Involuntary Allotment Order (IAO) is taken from the original purpose of the Marriage Allowance introduced by the British Military Administration (BMA), which was meant to assist or cover the expenses of married soldiers in terms of providing accommodation, heating and the use of electricity as well as moving between stations (Anon, 1937).

The failure of MAF personnel to comply with instructions that have been enforced is an offense under Act 77. The latest instructions issued by the Department of Salary Management of the Armed Forces (UGAT Department) indicate an updated procedure for declaring marriage in the form of a package that includes involuntary allotment provisions for wives, which was implemented in 2019. This instruction was implemented as an improvement to Involuntary Allocation deductions to ensure that wives enjoy their rights once they have begun their married life.

Improvements in this new procedure involve the enforcement of the IAO. The latest directive requires personnel to declare their marriage in the unit's *okeransi*¹ (declaration of registration). This procedure requires the unit's administration section to make a declaration related to *okeransi* BPA, MATM (2015) and the eligibility for allowances and incentives in Part Two of the Order (PERBAH Dua) as a package that includes the IAO application. This is because changes in their marital status in the unit's *okeransi* qualifies every married personnel to receive several incentives, such as ITP or the opportunity to occupy the married quarters.

Although the *okeransi* is a condition that enables personnel to receive financial incentives from basic allowances, such as ITP, BSH and Travel Claims; however, the benefits of these allowances are not taken into account as a basis for calculating the IAO deduction rate. The calculation only refers to the officer's and ORs' basic salary.

This is slightly different from IAO in the United States military where several allowances related to the personnel's salaries are used as the basis for calculating the IAO deduction rate,

¹ *Okeransi* refers to a unit's gazetted regimental order regarding the personal information of all officers and soldiers that involves salaries and service allowances or documents. It is also a channel to deliver, enforce and validate the information.

such as annual bonuses, salary adjustments, annual leave allowances and intensive payments, including basic allowances such as ITP and some other allowances eligible while in service

Implementing the IAO by the MAF

IAO deduction payments are processed by the Directorate Department of UGAT after the personnel fills in the prescribed BAT E 18 form, which is the Family Allocation Deduction Application (Involuntary/Voluntary). The form comprises three parts. The first concerns the applicant's information, the second part is filled by the Unit's Salary Office and the third is filled by the Directorate Department of UGAT. The information in the second part has several categories that need to be verified at the Unit's Salary Office level, namely the category or relationship and the type of deduction preferred in the application.

The Paymaster at the Subang Air Base said that it is the responsibility of the Base or Unit Pay Office to identify personnel with families and ensure that they make an IAO application. The IAO application procedure that must be adhered by the personnel is as follows:

1. Fill the Involuntary Allotment application form, which is the BAT E 18 (Pin 1/94).
2. Provide a copy of the following documents:
 - a. MyTentera.
 - b. Wife's identity card.
 - c. Wife's bank account book or bank statement.

Each IAO application process takes ten days for a deduction to be paid to the wife's account the following month. The deduction will then be credited to the wife through her bank account according to a prefixed date every month.

A personnel's income deduction intended for his dependents are divided into mandatory and voluntary categories. IAO is a statutory income deduction mechanism for married personnel. Based on processed records from the Subang PU Salary Office, the IAO for mandatory sustenance deduction is the most favored deduction made by personnel because it is required by law. Meanwhile, voluntary deductions are usually undertaken by single male or female personnel for their heirs, namely their parents or siblings. However, permission to make voluntary deductions is limited to two nominees only.

IAO Rate of IAO Deduction in the MAF

The media statement in reference to the former Minister of Defence, Datuk Seri Ahmad Zahid Hamidi when approving the IAO for MAF Officers stated that officers' salaries would see a 10% (22% for ORs) deduction that would be credited into the wife's account in order to help ease the burden of expenses for the personnels' families. The announcement on the IAO policy reflects the MAF leadership's concern for personnels' families and its commitment towards helping personnel organize their financial responsibilities and guarantee adequate provision for their families under their care.

This goal is similar to the recommendations made by the Credit Counselling and Management Agency (AKPK), which suggests a savings plan that acts as an important financial plan. Financial planning based on one's savings is a dominant feature for achieving financial stability. The recommended savings rate is at least 10% of income every month and the optimum savings rate is between 20% - 30% of one's income because savings are a guarantee for the future and can achieve the aim of a perfect standard of living (Anon, 2021).

The Need for Reassessing IAO Deductions in the MAF

When making a rational comparison between IAO established by the MAF and the rate mentioned in the legislation, the IAO rate seems to be unrealistic based on a sufficient level of sustenance. This assessment is based on three aspects, namely the sustenance rate based on the court's ruling, guidelines for assessing the amount of sustenance according to Syariah Court practices and sustenance rates based on Act 77 (Anon, 2019).

1. Sustenance Rate Based on Court Rulings

The underlying basis and guideline for assessing the sustenance rate in each claim by the Syariah Courts is based on the provisions of Islamic Family Law in Malaysia. Section 61 of the Selangor Islamic Family Law Enactment, for example, states;

"When determining the amount of sustenance to be paid, the Court shall base its assessment primarily on the ability and needs of the parties, by calculating the alimony rate compared to the income of the person against whom the order is made".

There are four main elements that the Court considers when deciding on sustenance for the wife and children, namely, the ability of the husband (sustenance provider), needs of the wife and children, level of sustenance sort and the husband's income (sustenance provider). Some studies Ahmad et al (2012) also included the wife's social standing as the fifth element that the Syariah Court takes into consideration when deciding on the sustenance rate.

Hence, due to the ambiguous and generalised nature of determining the deduction rate, sustenance claims tend to differ in different cases. This leads to various sustenance rates based on each case.

Nevertheless, based on commonly delivered Syariah Court rulings, the average monthly sustenance rate set by the Federal Territories Syariah Court is 67.6%, with the lowest rate being 33% of the original claim with the husband's income being between RM300 to RM3000. This monthly sustenance is meant for food, accommodation and children's schooling. Whereas, the rate set by the Court for annual expenses is 49.2%, with the lowest rate being 31% of the original claim for clothing expenses, preparation for school and celebrating Hari Raya (Juwanti, 2017).

According to Juwanti (2017), the rate set by IAO is 10% for Officers and 22% for ORs, which was found to be insufficient to cover children's expenses because the rates are still below the current living expenses. In contrast to the IAO rate set in some countries such as the United States, where the rate has been adjusted according to the federal or state rates. This is because IAO should reflect the implementation of national policies and laws, especially laws related to sustenance for the wife and child. Moreover, the IAO rate should also be able to change according to the current situation with the rate of change implemented at the state or federal level. The sustenance deduction rate for each state will be reviewed every four to five years by the courts so that the rate is relevant to the needs of the wife and children.

2. Guidelines for the Syariah Court's Sustenance Assessment Scale

When examining the instructions for implementing the IAO, it was found that the deduction percentage is similar to the deduction percentage in the Percentage-Expressed Order (PEO) system that was introduced in the mid-80s in the United States. This is similar to the Syariah Court's Practice Guidelines for the Sustenance Assessment Scale, which is also based on the same concept (Anon, 2019).

The PEO concept continued to grow internationally, especially in western countries, where the percentage rate was gazetted in a legal statute known as Child Support. This practice was first introduced in Syariah Courts at the state level in 2019 through Practice Directive No.5 of 2019 by the Malaysian Syariah Justice Department (JKSM), which established the amount of sustenance as a percentage (Anon, 2019).

According to Bartfeld & Garfinkel (1996), the percentage of deduction from the payee's income was introduced because the previous approach, which was based on the court assessment method based on a list of necessities, was effective. This is because the decision to establish the rate varied between cases even if it was based on the same facts of the case, which did not meet the current cost of living. Besides that, the court order was difficult to implement when making deductions because the deduction amount varied between individuals. Therefore, the government sought an alternative by introducing a percentage deduction method that would be easy to implement and fair to all parties.

The PEO method indirectly sets the payment based on the payee's projected income, hence, the higher the income, the higher the payment. Thus, if the income is low, the sustenance payment will not be affected and will still meet the sustenance requirements because it is still based on several criteria, such as equity capability, payment ability and the children's needs. In addition, this system is more appropriate and easier to implement for fixed-wage jobs compared to self-employed individuals or those who receive their emoluments in cash form (Hu & Meyer, 2003).

In reference to the Syariah Court's Sustenance Assessment Scale 2019, the minimum sustenance rate is 23% and the maximum is 53%, depending on the number of children who qualify to receive sustenance based on the payee's income. A comparison of the sustenance rate set by the Syariah Court is evidently inconsistent with the IAO rate because the rate based on the scale is determined by referring to the total number of children whereas the IAO only considers the wife, without taking into account the needs of other dependents (Azita, 2023).

This scale is used as a source of reference by Syariah Court judges when establishing child support payment rates after a divorce. This differs from the IAO, whereby the rate is established during or in a marriage. This shows that the actual sufficient amount during a marriage should be greater because it takes into account the needs of the wife and children. This indirectly indicates that the IAO rate should be aligned to a reasonable and appropriate sustenance rate for the wife and child in accordance with existing legal provisions.

Therefore, this percentage deduction method aligns with the personnel's income, meets the wife and family's standard of living as well as cover the current cost of living. The higher the income, the higher the sustenance accruing to the dependents. It can be defined as the ratio

of a person's income required to achieve normal living standards in a socioeconomic group, namely the household. However, in order to achieve all these objectives, the established deduction rate must strike a balance between the needs of the wife and also the husband's financial capability.

3. *Sustenance Rate According to Act 77*

Act 77 provides special provisions for enforcing sustenance payments for a military personnel's wife and children. Following are some of the provisions in the Act, namely:

1. Section 164 refers on the enforcement of sustenance payment orders that have been decided by the Syariah and Civil Courts. The MAF can order the amount of sustenance that has been established by the courts, including costs incurred in issuing the order.
2. Sections 165 (2) and (3) state that the MAF has the authority to issue a temporary sustenance payment order for deducting an amount from the personnel's salary to be given to the wife and children if for some reason the Syariah or Civil Courts cannot conduct a trial involving the personnel, such as the personnel being away on duty and so on.
3. The above sections also authorize the MAF to issue a salary deduction order to the wife without having to wait for a Syariah or Civil Court order when there is a complaint from the wife that is proven to be true, such as the husband not providing sustenance that has negatively affected the household.
4. The MAF can set a relevant sustenance amount based on the needs of the wife and children with the assumption that the Syariah or Civil Courts will also decide on an approximately similar amount if case is brought to the Courts but determining the sustenance amount is subject to the limit set in Section 166.

The decision to issue a temporary sustenance order as well as set the sustenance amount in the order must undoubtedly have a source of authority and guideline. Based on a study of Section 165 of Act 77, the source of authority and guideline for determining the amount of sustenance deduction can be summed up as follows:

- a. There are complaints or applications related to sustenance issues addressed to the Eligible Authority (EA). The application or complaint might not necessarily be from the wife.
- b. It has been proven that there was negligence in providing sustenance without a reasonable cause.
- c. The wife's condition had worsened due to insufficient sustenance deductions.
- d. Establishing the sustenance deduction rate by considering factors and methods used by Syariah and Civil courts when making decisions about the sustenance rate.

The negligence factor is one of the reasons the IAO was implemented for army personnel. Negligence can occur either intentionally or unintentionally, especially when personnel perform operational tasks outside their designated area over a long time. Therefore, the provision of sustenance cannot be executed without flaws due to access constraints in financial matters when implementing operational tasks (Alias, 2023).

It is for this reason that the IAO rate was established for household expenses that only last for a certain period. The objective is to ensure that the wife is not in a deficient state with insufficient financial resources for expenses when the husband is negligent or fails to provide sufficient sustenance as he should. This established rate is insufficient for a period of one month while waiting for the following month's deduction (Khairil, 2023).

However, the sustenance deduction rate imposed on personnel is subject to the limits stipulated in Section 166 of Act 77. In reference to the sustenance deduction rate, Section 166 clearly authorizes the MAF to make salary deductions for the wife or children's sustenance without exceeding the specified limits.

In terms of the percentage of sustenance deduction for an officer, it should not exceed 43%, OR personnel consisting of Senior PTT not exceeding 66%, and Lower PTT not exceeding 75% of the salary earned. Based on the deduction limit stipulated in Section 166 of Act 77, the deduction rate established by the IAO is still less than 44% for Senior PTT, less than 53% for Junior PTT and less than 33% less for Officers.

As for the purpose of establishing an adequate sustenance rate, the MAF can consider it by applying the method practiced by Syariah and Civil Courts. A simple consideration would be to refer to Practice Directive No. 15 of 2019 related to Guidelines for e Sustenance Scale Assessments by Syariah Courts.

Implications

Individual spending is influenced by several factors, such as income, effort and the passage of time Schiffman & Kanuk (2000) as well as changes in the market price of goods (Mankiw 2014). These factors become variables in changes to the value of reasonable sustenance rates over time.

Hence, there is a need to review the IAO deduction rate so that it provides adequate sustenance. As already indicated, the established IAO rate used in this policy has been in use for almost 48 years without any revision. In contrast to foreign IAOs, revisions are made every five years according to the suitability and current needs as established by the courts.

Act 77, which is the source of authority for the IAO, must be fully utilized to avoid the issue of insufficient sustenance received by MAF personnels' wives and families. Therefore, this study suggests that the enforcement of sustenance stipulated in Section 165 of Act 77 should be improved, especially for tackling personnel who are negligent in fulfilling their sustenance payment obligation. With the empowerment of the enforcement of this Involuntary Allotment Order, it can serve as an example and be expanded for implementation in other non-uniformed service sectors, particularly within government services.

In order to achieve this goal, several initiatives are required, including the appointment of the Director General of KAGAT as the QA, who has the decision-making authority to establish the amount to be deducted from the salary of personnel who are negligent or fail to fulfil the sustenance obligation. This delegation of authority is appropriate considering that KAGAT is where personnels' wives submit complaints about domestic issues. All necessary documents

are easily accessed to assist the Director General of KAGAT when considering the appropriate amount of sustenance deduction for the wife and child.

Conclusion

It is the responsibility of the military institution to take care of the welfare of its personnel and their families so that personnel can focus on their duties unhindered by their financial responsibilities to their families. One of the responsibilities is related to the support of family members. This is especially so in the case of personnel working outside the designated area of duty and leaving their family behind. The IAO policy acts as a guarantee mechanism that ensures personnel provide sufficient expenses for their family when they are serving outside their designated operational or border areas.

However, the IAO deduction rate practiced by the MAF needs to be evaluated and improved, similar to what happens at the international level. The deduction rate established by the MAF is currently much lower compared to the rate in most foreign military services. Besides that, the IAO deduction rate should also take into account the allowances received by personnel in addition to the basic salary received.

The objectives for implementing IAO are ambiguous to some personnel, while there are some who think that the IAO deductions are sufficient and there is no need to pay other extras for household expenses. However, the deduction rate is modicum but sufficient for the wife's basic needs. The IAO deduction rate, which is based on the Act 77 provisions, is only 10% of the Officers' salary or 22% of the ORs' salary. Therefore, this rate needs to be revised so that it is consistent with the current level of expenses. This includes the proposal to add provisions to Act 77 related to sustenance for children, as well as revising the formula for determining the sustenance rate as is commonly done by the Syariah Court. Practice Instruction No. 15 2019 related to the Guidelines for Sustenance Scale Assessments by Syariah Court, can be used as a basis in the review.

Islam has established the rights of a wife and children in relation to sufficient sustenance. Determining this sufficiency rate takes into account several specific criteria; one of which is meeting the cost of living. In addition, the husband's social status, such as rank and position, is also taken into account when determining the amount of sustenance. In addition, the IAO deduction rate must be consistent with the number of dependents that the personnel is responsible for. A sufficient amount of IAO deduction can help personnels' wives and children enjoy a normal standard of living.

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