



## **030-The Importance of Understanding Islamic Teaching in Curbing the Stigma of Out of Wedlock Children When Making Illegitimate Pregnancy Resolution in Malay Muslim Community in Malaysia**

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### **ABSTRACT**

Albeit the majority of Malaysian population is Muslim, countless abortions, coerced adoptions and newborn abandonment due to their illegitimate status are still happening in this country. With limited time and source of information, out of wedlock pregnancy resolutions are often made in haste and not necessarily weighed thoughtfully. In the attempt to curb this phenomenon, the reasonable preventive measure is religious teachings. However, instead of following the prescribed as mentioned in Quran and Sunnah, many base their strategies on common logic and cultural beliefs, which after so long, became the credence they hold on to. Islamic teachings are confused with culture, resulting skepticism and erroneous conclusions. Using library research methodology, this paper explores the correlation between the stigma of out of wedlock children and illegitimate pregnancy resolutions, by focusing on the religious fallacies within Malay Muslim community. It is believed the stronger the stigma, the worse it could get for the pregnancy, unless if Islamic teachings intervenes during the process.

**Keywords:** Stigma, Out of Wedlock Children, Illegitimate Pregnancy Resolution.

### **INTRODUCTION**

The common logic and cultural beliefs in Malay Muslim community in regards to out of wedlock children are always claimed to be based on religion. However, there are Islamic teachers and leaders who instead of using Quran and *Sunnah* to deduce Islamic legal maxim, base their rulings on dialectics commonly passed down from older generations. In curbing out of wedlock pregnancy, some even misuse the religion to defend their offensive responses to this phenomenon, substantiating their fallacies by quoting Quranic verses as well as Hadith out of context to give grounds for their justifications.

Islam is not a religion of interpretation; it doesn't need to stay relevant based on the need of society nor does it adjust itself to please its followers. It is a decree that had stood the test of time, maintaining the very same message, unaltered and true. Not only these religious fallacies caused the religion to be seen as vindictive towards sinners, these mistaken beliefs that are falsely attributed to Islam subsequently impacted illegitimate pregnancy resolutions, forcing mothers and their children to be separated, pregnancies to be aborted and newborns to be left in the gutters.

In reality, such misunderstandings contradict the basic nature of this religion that is compassionate, empathetic and nurturing towards remorseful sinners. Allah (swt) said:

إِنَّ رَحْمَتِي تَغْلِبُ غَضَبِي

“Verily, My Mercy prevailed over My Wrath.”

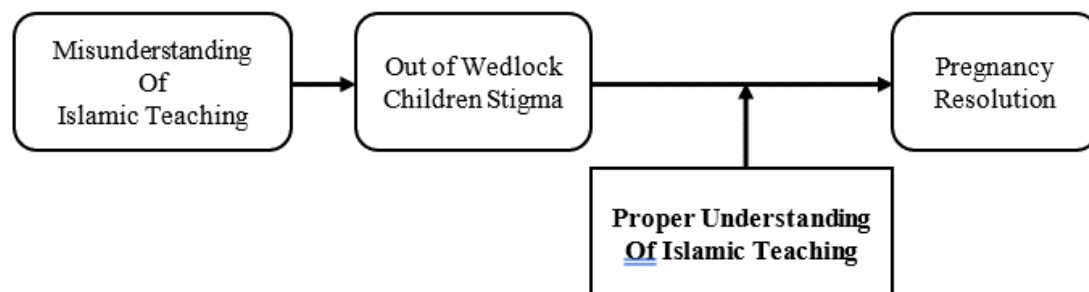
(Hadith. Muslim #2751)

It is hoped that when the society properly understand Islam is a religion of compassion that believes in embracing those who sincerely repent, the stigma of out of wedlock pregnancy could be reversed so that pregnancy resolutions could be made with rumination, and simultaneously save both mother and children.

## RESEARCH OBJECTIVES

To identify the misunderstanding of Islamic teaching as a factor contributing to out-of-wedlock children stigma that significantly impact unmarried Malay Muslim women to resolve to the pregnancy resolution they do not prefer.

## RESEARCH HYPOTHESIS



**Figure 1:** The correlation between the stigma and pregnancy resolution.

The hypothesis of this research is the stronger the stigma, the worse it could get for the pregnancy, unless if proper understanding of Islamic teachings intervenes during the process.



## RESEARCH METHODOLOGY

This research adapts Thomas Mann’s A Guide to Library Research Methods as the methodology, for the objective of this paper is to explore the actual Quranic verses and *Sunnah* by the Prophet ﷺ in countering the long existing misunderstanding of Islamic teaching that caused out of wedlock pregnancy stigma within Malay Muslim community in Malaysia. Except when there are no prior research, library research methodology is capable of turning up existing information or knowledge records that cannot be found efficiently, or often even at all, by others (Mann, 1995).

The basic steps of the model are; (1) keyword searches, (2) subject searches, (3) recent scholarly books and articles searches, (4) citation in scholarly sources searches, (5) published bibliographies searches, (6) people sources searches, and (7) systemic browsing searches.

## MISUNDERSTANDING OF ISLAMIC TEACHING IN CURBING THE STIGMA OF OUT OF WEDLOCK PREGNANCY

Islamic teaching is notably the key to curb societal issues, but with no scholarly provision within the community, religion and culture inevitably are mixed up, causing confusion and false beliefs. Religious fallacies are always justified with the positive outcome of the bigger picture and the greater good, however, in *fiqh*, or Islamic legal maxim, the permissibility of an action is based both the mean and purpose (Irsyad Usul Al-Fiqh Series 26: Islamic Legal Maxim Regarding the Method of Achieving One’s Goals, 2018).

**Table 1:** The Islamic Legal Maxim Regarding Means and Purposes.

Mean	Purpose	Islamic Legal Maxim / <i>Fiqh</i>
Right	Right	Accepted
Wrong	Right	Prohibited
Right	Wrong	Prohibited
Wrong	Wrong	Prohibited

Only when a right action is paired with the right intention will it be accepted in Islam. Therefore, resolving to false method to achieve a good intention nullifies the permissibility of the purpose. In Islam, whatever that could lead to anything that is prohibited, then it is also prohibited. The religion is clear in the right and wrong, distinct in good and bad. On things that are in between, Rasulullah ﷺ said:

الْحَلَالُ بَيِّنٌ وَالْحَرَامُ بَيِّنٌ، وَبَيْنَهُمَا مُشَبَّهَاتٌ لَا يَعْلَمُهَا كَثِيرٌ مِّنَ النَّاسِ

“Both legal and illegal things are evident but in between them there are doubtful (suspicious) things and most of the people have no knowledge about them.”

(Hadith. Al-Bukhari. #52)

Misunderstanding of Islamic teachings— if not from the determination to wilfully



dismiss them— may come from sincere viewpoints, with kind intentions and hopeful attempts of attaining goodness for a much better and wider objectives. However, as the knowledge of human are incomparable to Allah who is All-knowing, Muslims should be able to adhere to the prescribed ways with patience even when the divine instructions have yet to make sense to their comprehensions. This surrender is a proof of a Muslim’s faith; as an act of submission to the Creator who knows best.

In reference to the above table, the use of religious fallacies claimed as a necessary step in curbing pregnancy resolution should be rejected as they are not in accordance to *fiqh*.

**Table 2:** The *Fiqh* in Means and Purpose in Curbing Out of Wedlock Phenomenon.

Mean	Purpose	<i>Fiqh</i>
Reminders from Quranic verses (Right) Accepted	To refrain Muslims from <i>zina</i> (Right)	Muslims from <i>zina</i> (Right)
Creating religious fallacies (Wrong)	To refrain Muslims from <i>zina</i> (Right)	Prohibited
Reminders from Quranic verses (Right) Prohibited	To allow Muslims to <i>zina</i> (Wrong)	
Creating religious fallacies (Wrong)	To allow Muslims to <i>zina</i> (Wrong)	Prohibited

Both means and purposes must be in line with the righteous path in order for it to be valid. Although the intention to refrain Muslims from *zina* is noble, manipulating the truth or simply creating lies to achieve the goal is not permitted at all. Religious fallacies are common at the family and community level especially when the people in the society are not well versed with the Quran and Sunnah. Fallacies are sophisms; clever but false, and often used to deliberately deceive. Fallacies violate argument rules used in rational thinking or argumentation as they appear reasonable and valid, and always connected with misused inferences, which in this case, verses from al-Quran and the words of the Prophet ﷺ, to mask its vague unreliability. (Walton, 2010).

Malay Muslims are accustomed to not question religious instructions especially from those with the authorities like religious leaders, Islamic teachers and community representatives who are given the power to raise awareness and influence attitudes, behaviours and practices in the society. Requesting justifications and reasonings from the Quran and *Sunnah* for proof somehow is seen as disobedience because it portrays distrust towards the one conveying the knowledge. This contradicts to the real practice of Islam:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

“O believers! Obey Allah and obey the Messenger and those in authority among you. Should you disagree on anything, then refer it to Allah and His Messenger, if you (truly) believe in Allah and the Last Day. This is the best and fairest resolution.”

(An-Nisaa’ 4:59)



Everyone who claims to surrender to Allah must live the life as prescribed, not as assumed by oneself; attainable by understanding the basic tenets and practices of the *deen* (religion). There are no prohibitions in asking for proof especially to further comprehension. Even more so, choosing to not blindly follow a common practice by seeking the truth is ordained upon Muslims, as mentioned in the Quran:

وَإِذَا قِيلَ لَهُمُ اتَّبِعُوا مَا أَنْزَلَ اللَّهُ قَالُوا بَلْ نَتَّبِعُ مَا أَلْفَيْنَا عَلَيْهِ آبَاءَنَا أَوَلَوْ كَانَ آبَاؤُهُمْ لَا يَعْقِلُونَ شَيْئًا وَلَا يَهْتَدُونَ

“When it is said to them, ‘Follow what Allah has revealed,’ they reply, ‘No! We (only) follow what we found our forefathers practicing.’ Would they still do so even if their forefathers had (absolutely) no understanding or guidance?”

(Al-Baqarah 2:170)

Muslims are responsible for their choices and should not act on anything without first seeking proof from the Quran and *Sunnah*. If the society truly is sincere in its attempts to curb the stigma of out of wedlock pregnancy, better methods in line with the *syari'ah* should be the option for only when both the means and purpose are righteous, the deed is accepted in the sight of Allah.

## RELIGIOUS FALLACIES ON OUT OF WEDLOCK CHILDREN

When irresponsible members of society misrepresent the *deen*— confusing divine revelation with cultural honour and instilling fear instead of faith within the Muslim community— this religion is displayed as callous and uncompromising. Among the common fallacies related to out of wedlock pregnancy in Malay Muslim community claimed to be coming from religious point of view are as follows:

**Table 2:** The Religious Fallacies Related to Out of Wedlock Pregnancy.

Categories	Fallacies
Personality	Low IQ with problematic behaviour Permitted to kill their sinful parents Impure. Touching them invalidates <i>wudhu'</i>
Family Life	Cannot be married. If they do, the marriage is nullified Cannot be a wali for daughter's marriage Their children will repeat their sins for 7 generations
Ibadah	Cannot lead congregational prayers Cannot visit Makkah & Medina, therefore no <i>hajj</i> nor <i>'umrah</i> for them Must cover proper <i>awrah</i> even to his mother
Aakhirah	Can never enter <i>jannah</i> (paradise) The righteous one can only reach between <i>jannah</i> and <i>jahannam</i> (hell) Will be the follower of <i>dajjal</i>



These horrible misrepresentation of religion sadly are passed through the mouth of community elders who learned them from past generations who claimed to be indoctrinated by the community religious leaders. Back then, the younger generation in the society are required to unquestionably offer love, respect, support and deference to their parents; as they are eternally indebted to them for the lives provided since birth. This tenet of filial piety also applies to all elders like teachers, professional superiors or anyone who is older in age; which explains why knowledge dissemination are unregulated and unrestricted (Tanggok, 2018). As elders are seen highly as those who have visioned, initiated, developed, guided, nurtured and anchored the community for decades, by default, whatever they pass to their children are wisdom that should be followed without doubt.

While it is understandable why fear-mongering is a successful technique in instilling ideas, understanding and tradition in the society, and therefore is commonly used in the older generation, the fear appeals have been associated with heightened distress and are detrimental for those who are anxious and have lower self-efficacy. Creating false belief in the name of Islam is a not permissible and considered as sin, as mentioned by Rasulullah ﷺ:

مَنْ أَحَدَّثَ فِي أَمْرِنَا هَذَا مَا لَيْسَ فِيهِ فَهُوَ رَدٌّ

"If somebody innovates something which is not in harmony with the principles of our religion, that thing is rejected."

(Hadith. Al-Bukhari. #2697)

Even with good intention, the invention of religious fallacies is unacceptable in Islam as it was drawn upon lies. Although the society tolerates a certain degree of manipulation of truth such as tact, excuses, politeness, reticence, avoidance or evasion to protect privacy, promote social harmony, and encourage interest, a deception is still a lie, therefore forbidden in Islam (Adler, 1997). Records show the fallacies created in the hopes of preventing zina that caused illegitimate birth phenomenon in the end forged this monstrous stigma that had sacrificed countless abortions, coerced adoptions and newborn abandonment in the community.

Therefore, the research believes, to ameliorate pregnancy resolutions in Malay Muslim community in Malaysia, the stigma should be reversed so it would no longer contribute to the unmarried mothers' hasty decisions, and the best attempt to achieve this is by having proper understanding of Islamic teachings on the phenomenon of children born out of wedlock.

## **PROPER UNDERSTANDING OF ISLAMIC TEACHING IN REGARDS TO THE FALLACIES RELATED TO OUT OF WEDLOCK CHILDREN**

Islam is a religion that is adamant in taking stern precautions, but different approaches are applied on things that had already been done. Strict provisions only apply before the occurrence of a sin, not after. All that is needed for a sinner to be free from their past disobedience is a sincere *tawbah*, done with innermost conviction. Repentance is supposed to be easy and personal to motivate sinners from looking back to the sins that hold them from moving forward.



Although the proper Islamic teaching is to never merit any human beings based on what they have done but who they are in present time, Muslim society in general still fails to truly embrace those who had repented even when Allah specifically had mention in His Book the horrendous sin of *zina* is forgivable:

وَالَّذَانِ يَأْتِيَانِيهَا مِنْكُمْ فَأَدُّوهُمَا ظَهْرًا فَإِن تَابَا وَأَصْلَحَا فَأَعْرَضُوا عَنْهُمَا إِنَّ اللَّهَ كَانَ تَوَّابًا رَّحِيمًا

And the two among you who commit this sin—discipline them. If they repent and mend their ways, relieve them.

(An-Nisaa' 4:16)

While Islam has no bias on one's past as long as they perform *tawbah* and commit to their act of atonement, the society in contrary vindictively participates in *tajassus* (investigating) other people's affair, harbouring ill intentions. The reality is there are Muslims who are displeased with those who have committed *zina*. When it is commendable to hate sin, some just went overboard by manifesting their ill thoughts through self-righteous causes that turned out to be fallacies, which eventually stigmatise the children conceived from the premarital relationship— even before they were born— until the end of their lives, and their generations to come. The society seems to neglect the warning by Rasulullah ﷺ when it comes to addressing other people's personal issues:

لَا تُؤْذُوا الْمُسْلِمِينَ وَلَا تُعَيِّرُوهُمْ وَلَا تَتَّبِعُوا عَوْرَاتِهِمْ

“Do not harm the Muslims, nor revile them, nor spy on them to expose their secrets.

(Hadith. At-Tirmidhi. #2032)

Even if the fallacies are true, no one is permitted to talk negatively towards them nor about them. Choice of words are important in Islam, that if the message has the possibility to sound too harsh to the ears of those who are listening, the better approach suggested by Rasulullah ﷺ is to remain quiet. With that in mind, it should be clear how impossible it is for Islam to condone such degradation of human beings for the status they are born with and has no control upon, subsequently proving all of the fallacies said to have come from religious perspectives are basically just lies.

### Nature Versus Nurture

With a loose estimation of 20 – 60% at best, genetic studies provide no clear pattern of inheritance nor specific genes that confer specific temperamental traits in human (“Is Temperament Determined By Genetics?”, 2022). Similarly, there are no correlation of sin between two people albeit their biological relationship. This is confirmed by Allah in al-Quran:

وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ ۗ وَإِن تَدْعُ مُثْقَلَةٌ إِلَىٰ جِمْلِيهَا لَا يَحْمِلُ مِنْهُ شَيْءٌ ۖ وَلَوْ كَانَ ذَا قُرْبَىٰ



No soul burdened with sin will bear the burden of another. And if a sin-burdened soul cries for help with its burden, none of it will be carried— even by a close relative.

(Fatir 35:18)

There are no definite genetic predictors to sins that would support the fallacy of children of adulterers will become adulterers themselves. The assertion is believed to root from a *hadith* mentioned “Children of *zina* will never enter *jannah*, as will never his children, for 7 generations”. The *hadith*, however, according to Muḥammad Nasir and Mashhur (2010) had been graded as *batil* (invalid) as it contradicts the Quranic verse:

وَالَّذِينَ ءَامَنُوا وَاتَّبَعَتْهُمْ ذُرِّيَّتُهُمْ بِإِيمَانٍ أَلْحَقْنَا بِهِمْ ذُرِّيَّتَهُمْ وَمَا أَلَتْنَاهُمْ مِّنْ عَمَلِهِمْ مِّنْ شَيْءٍ ۚ كُلُّ امْرِئٍ بِمَا كَسَبَ رَهِيبٌ

As for those who believe and whose descendants follow them in faith, We will elevate their descendants to their rank, never discounting anything (of the reward) of their deeds. Every person will reap only what they sowed.

(At-Tur. 52:21)

Each will be graded based on their deeds; any transgressions should be repented on their own account, not at the expense of others like the practice of honour killings. In extreme circumstances particularly in Islamic communities in Middle Eastern, Kurdish and Pakistani, honours can be regained by committing the offensive act. As the patriarchs are given the license to kill their unmarried pregnant daughters for the sake of redeeming family honour (Knudsen, 2004), children born out of wedlock in Malay Muslim community permitted to kill their parents in order to expiate their sins of *zina*. Such tradition is not in line with the teaching of Islam, proven by this verse:

أَنَّهُ مَن قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

“Whoever takes a life— unless as a punishment for murder or mischief in the land— it will be as if they killed all of humanity; and whoever saves a life, it will be as if they saved all of humanity.

(Al-Maidah 5:32)

If Allah had promised his unconditional forgiveness to all— should they ask sincerely for it— it is incongruous of his creations to condemn one another. No one can change their past especially the things they are born with, no matter how hard they try.

## Marriage and Family

None of the reputable *fuqaha*, or Islamic jurists, have ever stated the ruling on marrying someone with illegitimate status is *haram* (forbidden). There are, however, opinions on the importance of good lineage as a factor in deciding a compatible partner for marriage, but this only applies to the consequential choice of marrying someone from a family of transgressors.



Man are not judged based on their backgrounds, but who they are in the sight of Allah (swt), as mentioned in Al-Quran:

إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقَىٰكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Surely the most noble of you in the sight of Allah is the most righteous among you. Allah is truly All-Knowing, All-Aware.

(Al-Hujerat 49:13)

The stigma of being born out of wedlock continues until they become fathers as the society uses more fallacies to disqualify them from taking the responsibility of *wali* (guardian) for their daughters. *Nikah* (marriage) is in fact a serious matter in Islam and the selection of *wali* must be in accordance with Islamic law for it would affect the validity of marriage, but all fathers, regardless their birth status, are critically assessed based on the same condition that may or may qualify them the sought-after responsibility.

### **Ibadah (Religious Practice)**

Children born out of wedlock are outcasted so bad that they are claimed to be impure to the extent that touching them will nullify *wudhu'* (ablution). Such preposterous fallacy is baseless and has no substance, just pure prejudice to segregate them from the so-called pure members of the society.

Not only that, they are said to be forbidden from leading congregational prayers due to their birth status. While there are narrations saying Rasulullah ﷺ mentioned prayers offered behind a disliked *imam*, or leader of congregational prayers is not preferred, it should not be taken literally without prior understanding the whole context:

ثَلَاثَةٌ لَا تَرْفَعُ صَلَاتُهُمْ فَوْقَ رُءُوسِهِمْ شِبْرًا رَجُلٌ أَمْ قَوْمًا وَهُمْ لَهُ كَارُ هُونَ، وَامْرَأَةٌ بَاتَتْ وَرَوْجُهَا عَلَيْهَا سَاخِطٌ وَأَخْوَانٌ مُتَصَارِمَانِ

“There are three whose prayer do not rise more than a hand span above their heads: A man who leads people (in prayer) when they dislike him; a woman who has spent the night with her husband angry with her; and two brothers who have severed contact with one another.”

(Hadith. Sunan Ibn Majah #971)

The word “dislike” in the *hadith* should not be confused with personal view and feeling; rather, it refers to the *imam*'s lack of knowledge or inability to properly fulfil the conditions of prayer. As such, if this legal cause is not present, then the disliked nature of praying behind him no longer remains. Thus, despite being illegitimate, if a person possesses the necessary characteristics of being an *Imam*, then he can be an Imam without any dislike. In fact, if an illegitimate person is more righteous and more knowledgeable than others in regards to the rules of prayer, then he is more worthy of leading the prayer.



## CONCLUSION

The misunderstanding of Islamic teachings in reality is what caused the stigma of out of wedlock children to exist in Malay Muslim community, significantly affecting the pregnancy resolutions among unmarried women. The decisions to countless abortions, coerced adoptions and newborn abandonment are still made in haste and not necessarily weighed thoughtfully as the mothers are fearful of the society more than the days of judgement, resulting in psychological trauma of endless guilt that haunts them with infinite suppositions that they could have done better for their children. Over and over again, statistics show that in clinically depressed patients, it is guilt, not shame, that predicts depression (O' Connor et al, 2001), proving the victims of this phenomenon are not only the children but their mothers as well.

The fallacies that portrays Islam as vindictive and unforgiving are left uncorrected for so long, fossilised within the community and had become the made up truth passed from one generation to another. In actuality, the fallacies related to out of wedlock pregnancy created with the intention to instil fear in the society are evidently gratuitous and superfluous. Instead, society should choose to be more forgiving, for it would give people hope, which then would provide people positive meaning of life and drive. Allah said in His Book:

قُلْ يٰۤاَعْبَادِيَ الَّذِيْنَ اَسْرَفُوْا عَلٰۤى اَنْفُسِهِمْ لَا تَقْنَطُوْا مِنْ رَّحْمَةِ اللّٰهِ ۚ اِنَّ اللّٰهَ يَغْفِرُ الذُّنُوْبَ جَمِيْعًا ۗ اِنَّهٗ هُوَ  
الْغَفُوْرُ الرَّحِيْمُ

"Say, O My servants who have transgressed against themselves by sinning, do not despair of the mercy of Allah. Indeed, Allah forgives all sins. Indeed, it is He who is the Forgiving, the Merciful"

(Az-Zumar 39:53)

To conclude, it is hoped that when the society properly understand Islam is a religion of compassion that believes in embracing those who sincerely repent, the stigma of out of wedlock pregnancy could be reversed so that pregnancy resolutions could be made with rumination, and simultaneously save both mother and children.

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