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Adolescent Pregnancy: Factors and Solution in Islamic Perspective

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ABSTRACT

Adolescent pregnancy and abortion are among the social problems faced by adolescents nowadays. Illegal abortion is a grievous sin and Islam has the wisdom to overcome the complexity of the issue. This study explores the problems of adolescent pregnancy and the solutions provided by the Islamic law. Six female adolescent and two senior officials from the Mufti Department and the National Registration Department (JPN) were interviewed respectively. Respondents were chosen based on purposive and chain/snowball technique. The results showed that family problems, poverty, divorce and excessive freedom are factors contributing to adolescent pregnancy and abortion. The study also found that there are rules in Malaysia that governs the matters of illegitimate child. This shows that Islam has ways to address the issues of teenage pregnancy, abortion and illegitimate child.

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INTRODUCTION

Premarital adolescent pregnancy is defined as underage pregnant adolescent (13-19 years of age). This can also be referred to as girls become pregnant before reaching legal age of adulthood (Hayward, 2011; UNICEF Malaysia, 2008). The World Health Organization's statistics stated that there are 14-15 million child births by teen mothers. Most of these young mothers aged below 15 years old and live in developing countries (Hayward, 2011).

Premarital pregnancy has a direct relation to baby dumping cases. The statistics of Royal Malaysia Police (PDRM) from 2005 to January 2011 showed that 517 cases of baby dumping were reported. Pak (2010), stated that an average of 100 newborns are dumped annually in Malaysia and most of them died when found.

In Malaysia, a child who was born out-of-wedlock or as a result of fornication is defined as illegitimate child in legal term. Based on the data produced by the JPN from the year 2000 to July 2009, a total of 257,000 babies were born fatherless. On average, 2,500 cases of illegitimate child were recorded in a month or 83.3 cases daily, and one illegitimate child birth in every 17 minutes. There are even claims that the numbers of unreported illegitimate childbirth exceeded the reports of JPN. The ratio of reported illegitimate child birth is 1:3 (only one out of four illegitimate childbirths was reported). Failure to register such births is due to the unbearable shame faced by the family of the unwed mothers. A report by Mohd AzisNgah in BeritaHarian (22 Mac 2010), stated that 17,303 Malay illegitimate newborns were registered nationwide in 2009. According to the JPN Director General, DatukAlwi Ibrahim, the number has an increase of 762 cases as compared to last year's. In 2008, 16,541 illegitimate newborns were registered while in 2007 there numbers were 16,100. Alwi said, over the period of 5 years, JPN recorded 74,723 illegitimate Malay Muslim newborns. This does not include baby-dumping cases reported to the Social Affairs Department (JKM). In the same period of year, a total of 214,033 newborns of various ethnics were registered as illegitimate child including 104,834 fatherless babies under Section 13, 1957 Birth and Death Registration Act (Act 299).

MATERIALS AND METHOD

Six pregnant adolescent aged between 15 and 22 years old were selected to participate in this research based on purposive and snowball methods. They were chosen from their given and known background information. The youth who are willing to share their experiences were then interviewed. The subjects were

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given pseudo names to conceal their identity and to observe confidentiality. Each of them was given inform-consent form prior to the interview. There were also interviews carried out with two main informants; the Director of JPN for the state of Perlis and the Deputy Mufti for the state of Kedah. All information regarding the*hokum nasab*(Islamic laws of lineage) was obtained from content analyses conducted on the official *fatwas*(decree) passed by the states' religious departments nationwide including all relevant legal documents.

RESULTS AND DISCUSSION

The research found several themes while conducting the study on pregnant adolescents. Among them are family problems, promiscuity, substance abuse and abortion.

Family Problems:

All participants face various forms of family problems like family conflict, family disruption, irresponsible parents, poverty, broken or divorced family, and these problems affected their behaviors. Deprived of family's love and attention, or excessive freedom led these adolescents to promiscuity and engaged in premarital sex.

Promiscuity and Substance Abuse:

Free intermingling with peers, boyfriends, truancy, substance abuse and became rape victims are among the factors of premarital pregnancy. All subjects except Nor had engaged in free sex with several men.

Child Abortion:

Aina, Rozi and Dila have had illegal abortion more than once. Dila had taken an unconventional method while Aina and Rozi had chosen private clinics to perform the atrocity. Dila had twice purchased a special drug from a medicinal herb store to terminate both pregnancies. While Rozi had tried to terminate her first pregnancy by drinking young pineapple extract mixed with black pepper powder, Coca Cola soft drink and even consume Anchor brand beer. Since the effort was unsuccessful, she took drugs bought by her fiancée from a pharmacy to lower her blood count. Due to her action, she suffers an emotional distress because the thought of killing her unborn child hunted her. However, not all of the pregnant youths had taken ghastly solutions to their unwanted pregnancy. Some decided to face their family and deal with their unplanned pregnancy, and consequently got married to the fathers of their unborn child, as in case of Nor.

These youth at young age, immature and unprepared to deal with pregnancy had taken hasty solution to eliminate their problems. All the subjects are experiencing psychological pressure due to family problems and unplanned pregnancy.

Illegitimate child in the views of Islamic jurisprudence:

According to the informants of the research, there are several categories of illegitimate child;

a. Child born out of a premarital sex or forced sex
b. Child born less than 6 months after *aqadnikah* (solemnization ceremony)
c. Child born in a marriage but the parents admitted of committing premarital sex (the bride was pregnant during *aqadnikah*)

Regarding the law of *nasab* (lineage), research informants explained that newborns of category "a" and "c" cannot be lawfully related to the paternal father, whereas newborns of category "b" are permitted. The informants added that there are other views of the *fuqaha* (Islamic jurists) regarding the child's *nasab*. Among them are as follows:

1. First view (scholars of the old school), *"Certain views regard child birth of less than 6 months and if the couple confessed that the birth was a result of a premarital sex, then the newborn's nasab is permitted."*
2. Second view (Syeikh Abdul Majid, former Sheikh ul-Islam) *"Syeikh Abdul Majid adheres to the second view that even with a confession of premarital sex, the newborn is entitled to its nasab for the sake of maslahat (public interest)."*
3. Third view, "But there are other scholars (in the state of Kedah) who do not agree (with the first two views)because once a couple confessed of premarital sex, the newborn's *nasab* is void. If not, all other related *nasab*s will follow suit."

4. Fourth view (the state of Perlis's *fatwa* by former Mufti, Dr Asri) "*The Perlis's fatwa is rejected because the Kedah's fatwa is based on the current nas (period of pregnancy). Imam Malek said that if it is 6 month then nasab on the newborn is permissible. The National Fatwa also stated that 6 month and above, same goes for the fatwas of other states in Malaysia (in the late 90's). Therefore, the Perlis's fatwa is rejected in Kedah"*.

The implication of an illegitimate child differs from a legit one in the aspects of school registration, matters of *wali* (guardian), inheritance and even birth registration. In the matters of *wali* (guardian) for every illegitimate female child is *wali raja* (king guardian) and she is not permitted to inherit any property from her paternal father's side.

The research had also conducted analyses on all *fatwa*s produced by the states religious authorities nationwide. The result showed that the rulings on illegitimate child can be categorized as follows:

Table 1: *The fatwa on laws of nasab for the states in Malaysia.*

No	State	Fatwa
1	Federal Territory, Kelantan, Negeri Sembilan, Terengganu, Pulau Pinang, Kedah, Melaka, Sarawak, Selangor, National Fatwa	Every child born 6 month and two *lahzah* (moment) after the date of *aqadnikah* is permitted the *nasab*(lineage) to its mother's husband.
2	Perlis	Permits the *nasab* even if the child's birth is less than 6 month from the date of *aqadnikah* with a condition that the father does deny his relationship to the child..

(Source: States Mufti Departments and e-fatwa)

The research showed that every state in Malaysia has its own laws of *nasab*. If necessary, a particular state will produce a *fatwa* from time to time if referred to by the JPN or the state's religious department should a birth status of a child is doubtful (Interview). However, since the Perlis's *fatwa* contradicts with the national *fatwa* and if a verification of birth status is required in any JPN offices in the state of Perlis, they will follow the national fatwa because JPN is a federal agency. The duty of JPN is to register every birth and not to enforce the *syariah* law (i.e. adultery cases and etc.)

The research concluded that JPN offices in other states will not face a similar issue of two different *nasabf at was* as the respective states' *fatwa* is the same as the national *fatwa*. The Perlis's *fatwa* is different from the national *fatwa* because each state's Mufti Department is independent and not bound by the National Council of Islamic Affairs (MKI), the national authority that releases a *fatwa*. Therefore, the Mufti of the state of Perlis is eligible to decide on a decree when he sees fit to address certain issues. In Federal Constitution, state's religious matters rest under its own executive power (Table 9, List 2). Regarding the *fatwa* of *nasab* referred by the JPN of Perlis if they follow the national *fatwa* then the practice conform with the rest of JPN offices in other states but if they follow the *fatwa* of Perlis, then they have opted a lenient *fatwa* than the rest of other states

The issues of illegitimate child at JPN:

An interview with the second informant revealed several *nasab* issues at JPN. Among them are:

1): Register all birth. Every child birth must be reported and it is the duty of JPN to register and document all newborns either legitimate birth or not.

2): No legal provision regarding a newborn's *nasab* under the Registration Act. If there are doubts of a certain birth, JPN will refer such case to the state Mufti Department for verification of the *nasab*.

3): National *fatwa* in JPN. The JPN stands its ground on the National Fatwa regarding the *nasab* status of an illegitimate child even though the state of Perlis's *fatwa* allowed the child to be legally related to the father if he does not deny it.

4): Written statement over oral testimony. JPN prefers and priorities written statement over oral testimony as evidence. If uncertainties occur, the procedure for illegitimate child status documentation will be carried out.

5): Identification of illegitimate child status in a birth certificate. The status of illegitimate child can be noticed if "unavailable information" is written on the information of the father. Another method of such identification is, if the child's '*bin*' (lineage association) is to a different name than the name stated on the father's information.

6): The research found that JPN gives serious attention to matters regarding the status of illegitimate child because it involves the Islamic laws. Therefore, the JPN will not entertain the demands of full *nasab* or *maula* for an illegitimate child.

7): Abandoned child cases are treated with the same procedure. However, particular information such as date, place of birth and location of found are written based on details reported to the police by the person who found the child.

Conclusion:

The research stresses that the issues of unwed mothers, illegal abortion and illegitimate childbirth are among the social problems that require serious attention from the society. The research found that there are two opinions in regards of lineage rulings according to the views of Islamic Laws; one is the national *fatwa* and the second is the state of Perlis's *fatwa*. Meanwhile, the JPN is indifferent of the status of childbirth as the department's policy is to register all births; however all registration are bound by the *fatwa*s. The syariah's approach and JPN registration ascertained that there is hope and way out for unwed Muslims mothers to

abortion and abandoning of newborn.

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