

# Religious Deviation and the Crisis of Marital Authority in Media: A Maqasid al-Shariah and Fiqh al-Munakahat Analysis of the Drama Bidaah

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## ABSTRACT

The portrayal of religious deviation and the destabilisation of marital authority within contemporary media has significant implications for public perceptions of Islamic law and family values. This study critically examines the Malaysian drama *Bidaah*, focusing on its representation of *bid'ah* (religious innovation) and legal irregularities in the context of marriage. Using a qualitative methodology that integrates content analysis of media narratives with references to classical *fiqh* sources, *Syariah* legal documents, and official fatwas, the research identifies four central issues: marriage without a valid guardian (*wali*), non-fulfilment of essential marriage conditions (*nikah batin*), improper handling of *mahr* (dowry), and the depiction of *nikah mut'ah* (temporary marriage) without court oversight. Through the dual frameworks of *Maqasid al-Shariah* and *Fiqh al-Munakahat*, the analysis reveals that such dramatisations risk distorting the objectives of *Shariah*, undermining the protection of religion (*hifz al-din*), lineage (*hifz al-nasl*), and social order. The findings underscore the urgent need for collaboration among media producers, policymakers, and religious authorities to ensure that popular culture does not erode foundational principles of Islamic jurisprudence. Ultimately, the study advocates for integrating *Maqasid al-Shariah* in media literacy and regulation to safeguard the integrity of Islamic family law and the moral fabric of Muslim society.

**Keywords:** religious deviation, *fiqh al-munakahat*, *Maqasid al-Shariah*, *bidaah*

## INTRODUCTION

Marriage is central in Islamic tradition, functioning not only as a personal contract but as a sacred covenant essential for preserving lineage, morality, and social stability. Under Islamic law (*syarak*), marriage is governed by strict adherence to the *rukun* (pillars), *syarat* (conditions), and prescribed procedures, ensuring both its validity and ethical integrity (Abdullah, 2021). However, in contemporary Muslim societies, including Malaysia, this institution is increasingly undermined by various forms of religious and legal deviation. Such transgressions often stem from widespread ignorance of *fiqh al-munakahat* (Islamic jurisprudence on marriage), societal apathy toward religious authority, and the normalisation of deviant practices through popular media (Hashim, 2020; Borhanuddin, 2023).

Common violations include conducting marriages without a valid guardian (*wali*), neglecting the requirement for witnesses, failing to fulfil core contractual elements like *mahr* (dowry), and engaging in unregistered or clandestine marriages (*nikah batin*). More recently, media portrayals, especially in high-profile television dramas, have begun to present normative practices, further blurring the line between legitimate Islamic procedures and prohibited innovations. Notably, dramatisations have featured secret marriages, contracts without family or court knowledge, and even the controversial promotion of *nikah mut'ah* (temporary marriage), which is not recognised within Malaysia's *Syariah* legal framework (Hashim, 2003; Ismail, 2023). These narratives do more than entertain: they shape public understanding, foster misperceptions of Islamic law, and ultimately challenge the credibility and authority of religious institutions.

The Prophet Muhammad SAW underscored the centrality of proper procedure in marriage, declaring:

“Any woman who marries without the consent of her guardians, her marriage is void... If there is cohabitation, she gets her dower... If there is a dispute, the Sultan is the guardian of one without a guardian.”  
(Narrated by Abu Dawud and al-Tirmidhi)

Neglect of these principles has real and lasting consequences. Musa (2023) demonstrated that failure to register a marriage or adhere to valid procedures can render couples ineligible for legal recourse in Syariah courts, deny children legal recognition, and particularly disadvantage women, who may lose access to *nafkah* (financial support), matrimonial property, and child custody (Mohammad, 2008).

This article centres on the analysis of the 2025 Malaysian web drama *Bidaah*, a cultural phenomenon that premiered on Viu and swiftly became the nation’s most-watched series, surpassing even top international productions with over 134 million domestic views and 2.5 billion global impressions (Berita Borneo, 2025; Mstar, 2025). The drama’s extraordinary reach and overt depiction of deviant marital practices provide a compelling case study for interrogating the intersection of media, religious authority, and Islamic legal norms in contemporary Malaysia.

*Bidaah*’s impact extends far beyond entertainment. In March 2025, the show prompted official concern from the Department of Islamic Development Malaysia (JAKIM) and the National Film Development Corporation (FINAS), which called for greater oversight and religious consultation in media production involving Islamic themes. The production team’s decision to remove controversial scenes at JAKIM’s behest signals both the cultural resonance of the series and the seriousness with which its religious representations are regarded.

Under Malaysian law, Muslim marriages must comply with the State Islamic Family Law Enactments, specifically requiring the presence of a valid *wali* and official registration (Hashim, 2020). However, when dramas depict otherwise, a dissonance arises between legal reality and public perception, particularly among audiences with limited religious literacy.

Accordingly, this study aims to analyse four significant forms of marital deviation as dramatised in *Bidaah*:

1. Marriage without a valid *wali*,
2. Nikah batin (incomplete or secret marriages lacking core pillars),
3. Improper handling of *mahr* (dowry),
4. Unregistered marriages and the depiction of *nikah mut‘ah* without court approval.

This analysis applies the frameworks of *fiqh al-munakahat*, *maqasid al-shariah*, and Malaysia’s Syariah legal system to evaluate how dramatised narratives can precipitate a crisis of authority and erode the public’s correct understanding of Islamic family law.

While considerable scholarship exists on religious deviation and unregistered marriages, little attention has been given to the decisive role of dramatised media in shaping, perpetuating, and even legitimising these narratives. This article seeks to fill that gap, highlighting the urgent need for synergy between religious scholars, media practitioners, and regulatory bodies to ensure that Islamic institutions are represented responsibly in popular culture. Ultimately, it argues for integrating *maqasid al-shariah* in content creation and media governance to protect the legitimacy of Islamic family law and preserve public trust in religious guidance.

## LITERATURE REVIEW

Deviations from the normative framework of Islamic marriage have long been observed in Malaysian society, yet recent trends show these deviations becoming more visible, normalized, and, at times, openly practiced without adherence to the *rukun* (pillars) and *syarat* (conditions) that underpin the validity of a marriage under Islamic law (Hashim, 2020; Dorloh, 2017). The most pervasive forms include marriages conducted without a valid *wali* (guardian), contracts lacking essential conditions, improper provision of *mahr* (dowry), and the

failure to register marriages by both Syariah and civil requirements (Hashim, 2003). The implications are far-reaching, affecting not only the legal status of the marital contract but also the rights and welfare of spouses and offspring, particularly women and children who are most vulnerable when the union's legitimacy is in question (Musa, 2023).

Empirical research highlights the legal complexities posed by unregistered and cross-border marriages. Mohd Nasran Mohammad (2008) documents the prevalence of cross-border unions, such as those conducted in southern Thailand, where couples often circumvent the oversight of the Syariah Court and the involvement of a legitimate *wali*. These practices create legal ambiguity regarding the contract's validity and compromise the protection of marital and parental rights under Malaysian law. Abdullah (2021) further contends that unregistered marriages strip spouses, especially women, of critical legal safeguards, such as the right to maintenance (*nafkah*), post-divorce compensation (*muta'ah*), and joint property claims, while also complicating the process of lineage recognition for children.

From a legislative standpoint, the State Islamic Family Law Enactments require that all Muslim marriages be registered and sanctioned by the Marriage Registrar, with explicit reference to Sections 19 and 23 designed to uphold both *sharak* (Islamic law) and civil legitimacy (Hussin, 2015). However, systemic weaknesses in enforcement and a widespread lack of public awareness continue to facilitate the proliferation of unauthorised and unregistered marriages (Zaini, 2014). These shortcomings are not merely bureaucratic but reflect a more profound disengagement from the foundational principles of *fiqh al-munakahat*.

The social and familial consequences of such deviations extend beyond legal technicalities. Asmunir (2024) observes that secret or unblessed marriages often result in fractured family ties, the erosion of parental authority, and the entrenchment of unhealthy social norms. Emotional impulsivity and a lack of understanding regarding the religious pillars of marriage further compound the crisis, with some individuals believing that a simple verbal contract suffices, irrespective of Islamic legal requirements (Ismail, 2023).

A remarkably underexplored dimension is the role of popular media, predominantly Malay television dramas, in normalising or romanticising these deviations. Borhanuddin (2023) notes that dramatisations frequently present marriages without a *wali*, rushed or incomplete contracts, and unapproved practices such as *nikah mut'ah* as emotive and desirable, omitting legal or social consequences. This creates fertile ground for confusion, as viewers may internalise these narratives as legitimate alternatives, ultimately undermining the authority of Syariah institutions and the societal understanding of Islamic marriage.

Joni (2024) and Rosidi et al. (2021) warn that misrepresenting religious practices in fictional media risks diluting public comprehension of Islamic law and, by extension, eroding respect for both Syariah institutions and their broader regulatory role. When dramatisations of religious deviation with authenticity or personal liberation, they inadvertently contribute to normalising such practices at the societal level.

The reviewed scholarship thus clarifies that religious deviation in marriage is not merely a technical or administrative matter but signals a more profound crisis in legal literacy and communal respect for religious authority. While much of the existing literature focuses on the legal, social, and psychological consequences of unregistered or cross-border marriages, there is a marked gap in the analysis of how fictional media representations function as vectors for normalising and glamorising such practices.

The present study is situated within this lacuna. By focusing on the widely viewed Malaysian drama *Bidaah*, this article interrogates the role of mass media in shaping public perceptions of Islamic marital law and religious authority. Employing the dual frameworks of *maqasid al-shariah* and *fiqh al-munakahat*, the study offers a critical lens on how dramatised narratives can reinforce, distort, or destabilise religious norms in contemporary Malaysian society. This approach addresses a significant gap in the literature. It underlines the importance of collaborative engagement between religious scholars, media practitioners, and policymakers in safeguarding the integrity of Islamic legal principles within the public sphere.

## METHODOLOGY

This study adopts a qualitative methodology using a content analysis approach focused on the narrative of the Malaysian web drama *Bidaah*. Content analysis examines explicit and implicit messages conveyed in the drama, particularly concerning Islamic marital practices. This method allows for the systematic identification of religious deviations portrayed in selected scenes, which are then analysed through Islamic jurisprudence (*fiqh al-munakahat*) and Syariah family law.

The research design is descriptive-analytical. The drama was first viewed in its entirety to obtain a holistic understanding of its storyline and religious themes. A purposive sampling technique was employed to identify and select scenes that explicitly or implicitly depict irregularities in Islamic marital practices. The selection criteria included the presence or absence of the five essential pillars (*rukun nikah*), such as a valid wali, witnesses, *ijab* and *qabul*, and *mahr*, depictions of unregistered, secret, or spiritual marriages (*nikah batin*), dialogues or actions representing *nikah mut'ah* practices and any scene that demonstrates a deviation from Syariah law or Islamic ethical norms regarding marriage.

Each selected scene was analysed and categorised using a thematic coding framework derived from classical Islamic jurisprudence and statutory law. The key themes used for coding include the validity of the wali, fulfilment of contract requirements (*akad*), the form and legitimacy of *mahr*, adherence to legal registration procedures, and the legality of marriage types such as *nikah batin* and *nikah mut'ah*. These themes were mapped against authoritative sources, including classical Shāfi'ī texts such as *Al-Majmu'* by Imam al-Nawawi (2000) and *Al-Mustasfa* by Imam al-Ghazali (1997), as well as legal frameworks like the Islamic Family Law (Federal Territories) Act 1984 [Act 303], various State Enactments, and relevant national fatwas. Cross-referencing was also conducted with Syariah court rulings and scholarly articles to ensure consistency and legal relevance.

This structured coding process ensures the analysis remains grounded, objective, and replicable. Integrating legal sources and *fiqh* references helps validate scene interpretations and provides a strong foundation for critiquing the portrayal of religious deviations in the drama. Additionally, the method allows for classifying content into specific categories, enabling a more precise comparison between fictional portrayals and Islamic legal standards.

In addition to textual and legal content analysis, this study considers the stated intent of the drama's producer as part of contextual triangulation. In several media interviews, Erma Fatima the writer and director of *Bidaah* explicitly stated that the series was not intended to promote religious deviance or to mock Islamic institutions. Rather, she described the narrative as a creative portrayal of the real-world issue of religious manipulators (*penunggang agama*), aiming to critique hypocrisy and religious exploitation within society. She stressed that the characters and events were fictionalised, not direct representations of Islamic rulings or real scholars. Including this perspective allows for a balanced interpretation of the drama's message and adds contextual depth to the analysis.

Furthermore, to avoid confusion in terminology, the study differentiates between *nikah batin* and secret marriages. While both involve a lack of legal recognition, *nikah batin* in this study refers specifically to spiritually-justified unions conducted without fulfilling the *rukun* of marriage, often under the claim of divine instruction or charismatic authority. Secret marriages, meanwhile, may involve a valid *akad nikah* but are hidden from legal authorities or families. Where relevant, both terms are used precisely and consistently to reflect the nature of the deviation portrayed.

In summary, this study combines a systematic, thematically coded content analysis with a legal-theological framework to comprehensively evaluate religious deviations portrayed in *Bidaah*. This methodology highlights the legal inconsistencies within the drama and contributes to broader discussions on how fictional media can distort or normalise religious misinterpretations in contemporary Malaysian Muslim society.



## Research Outcomes

The thematic content analysis of the drama *Bidaah* revealed four primary violations of Islamic marital law, each contradicting foundational rulings in the Shāfiʿī school of jurisprudence and key provisions under Malaysian Syariah law. Though presented within a fictional narrative, these deviations closely mirror real-life irregularities occurring within the Muslim community, particularly in informal, rural, or cross-border contexts. Each issue touches upon core components of a valid Islamic marriage and reflects a broader erosion in the understanding and application of *fiqh al-munakahat*.

The first and most critical issue is the absence of a valid guardian (*wali*) in the marriage contract. In the drama, the character “Walid” unilaterally assumes the role of *wali* and officiates the marriage without recognised lineage (*nasab*) or legal authorisation from a Syariah court. This portrayal directly violates the structured guardianship hierarchy defined by Islamic law and compromises the bride’s legal rights. More dangerously, it suggests that spiritual authority alone can override codified legal requirements, a message that risks misleading audiences and weakening respect for religious institutions. Such a portrayal undermines the maqasid al-shariah objective of preserving lineage (*hifz al-nasl*) and protecting individual dignity (*hifz al-ʿird*) (Rosidi et al., 2022a).

The second issue involves the dramatisation of secret or spiritual marriages (*nikah batin*), performed without witnesses, familial consent, or legal documentation. In *Bidaah*, such marriages are portrayed as spiritually meaningful despite lacking contractual and communal legitimacy. These scenes blur the distinction between private intention and lawful union, portraying marriage as a personal, mystical act rather than a structured legal contract. In real life, similar practices are observed in cult-like communities and unregistered marriages, often leaving women vulnerable to abuse, abandonment, and legal exclusion. This portrayal violates core fiqh requirements and endangers the principles of *hifz al-din* and *hifz al-nasl*.

The third issue concerns the depiction of *nikah mutʿah* (temporary marriage) conducted without court involvement or administrative procedures. Although debated in certain schools of thought, *mutʿah* is categorically rejected by the Shafiʿī school and Malaysian Syariah law. In the drama, such unions are presented as valid or justified, despite lacking legal registration and *wali* approval. The increasing real-world trend of cross-border and undocumented polygamous marriages, particularly in southern Thailand and Indonesia, parallels this narrative. These portrayals risk normalising practices that circumvent fiqh-based safeguards and compromise the sanctity of marriage. From a maqasid perspective, this threatens *hifz al-nasl* and legal order.

The fourth issue centres on invalid or symbolic *mahr* (dowry), represented in the drama through intangible offerings like verbal blessings or Qurʾanic recitation. While symbolic *mahr* is permissible under exceptional circumstances, the drama depicts it as normative, even where financial means exist. This undermines the Qurʾanic directive for a defined, valuable *mahr* (Surah An-Nisa: 4), which serves as a gift of honour and financial security for the bride. This representation could dilute public understanding of women's entitlements in a society increasingly influenced by social media trends that glamorise minimalist or symbolic *mahr*. It directly undermines *hifz al-mal* and the contractual integrity of marriage.

These four violations were identified through close thematic analysis of *Bidaah* and triangulated with classical jurisprudential texts such as *Al-Majmuʿ* by Imam al-Nawawi and *Al-Mustasfa* by Imam al-Ghazali. The findings were further evaluated against the Islamic Family Law (Federal Territories) Act 1984 [Act 303], relevant state enactments, and official fatwas issued by national and state religious authorities. At the same time, the drama may have sought to highlight social realities or critique religious manipulation, but the lack of theological clarification or consequence within the narrative risks normalising these deviations for viewers.

These outcomes demonstrate the extent to which fictional portrayals can distort religious understanding and erode public trust in Syariah law. The following discussion will examine each issue in greater depth, linking media representation to real-world implications for marriage validity, legal protection, and the moral framework of Islamic family life.

## DISCUSSION

### Violation of The Marriage Pillar Absence of a Valid Guardian (Wali)

The requirement of a valid *wali* (guardian) in the marriage contract is a fundamental pillar (*rukun*) in Islamic marital jurisprudence, particularly within the Shafi'i school, which is dominant in Malaysia. According to a well-established ḥadīth of the Prophet Muhammad SAW: “*There is no marriage except with a wali*” (Reported by Abu Dawud, al-Tirmidhi, and Ibn Majah), the absence of a valid guardian nullifies the marriage (*batil*), even if mutual consent exists between the couple. Imam al-Nawawi, a key authority in the Shafi'i school, confirms this in *Al-Majmu'*, where he asserts that the condition of a guardian is indispensable to the validity of the *'aqd al-nikah* (Achmad, 2025). This interpretation forms the cornerstone of Islamic family law in Malaysia, as enshrined in the Islamic Family Law (Federal Territories) Act 1984 [Act 303], particularly Section 13.

In this legal and theological framework, the *wali* functions not merely as a ceremonial agent but as a protector of the bride's interests. The hierarchy of guardianship (*wilayah*) is carefully defined, beginning with the father, followed by the grandfather, full brother, paternal uncle, and continuing according to lineage. The *wali hakim* (judicial guardian) may assume the role if no qualified kin is available or willing. This structure serves both a jurisprudential and ethical function: it aims to preserve the rights, dignity, and welfare of women, prevent coercion or manipulation, and ensure marriages meet both spiritual and civil criteria.

In the drama *Bidaah*, this principle is violated through the character “Walid,” who takes it upon himself to officiate a marriage without any legal qualification or familial link to the bride. This portrayal represents a serious misinterpretation of *wilayah* in Islamic marriage. In the dramatised marriage scenes, he proclaims “*Bersaksikan nama Nabi Muhammad, aku nikahkan kau...*” without the presence or consent of the bride's legal *wali*. “Walid” arrogates to himself the role of a *wali rohani* (spiritual guardian), assuming that religious charisma or self-declared piety is sufficient to override Syariah requirements. It shows that “Walid” assumes spiritual or charismatic authority to override legal norms, presenting himself as both religious leader and self-appointed *wali*. From a *fiqh* perspective, this directly contradicts the requirement for a *wali nasab* (bloodline guardian) or, in the absence thereof, a *wali hakim* sanctioned by the Syariah Court. Neither form of legitimate guardianship renders the marriage invalid in classical and contemporary Islamic law (Kamaruddin, 2017).

Furthermore, the bride remains passive and voiceless throughout the marriage scene, highlighting a failure to fulfil legal prerequisites and a symbolic marginalisation of her agency. This portrayal dangerously distorts both the *wali*'s legal procedure and ethical function, reinforcing the mistaken notion that spiritual status or personal piety can substitute for statutory and divine authority.

While such a depiction may have been intended as a dramatic device or a critique of spiritual manipulation in society, the lack of contextual clarification within the drama blurs the line between fiction and legal-religious fact. As a result, audiences unfamiliar with Syariah law may absorb such portrayals as acceptable or even spiritually superior alternatives to established legal practice. Furthermore, the drama does not make it explicitly clear that the character's actions are unlawful, nor present any consequences for the invalid marriage. This narrative silence leaves viewers to interpret the events independently, increasing the risk of misinterpretation or misapplication in real-life marriage decisions.

From the standpoint of Malaysian Syariah, such misrepresentation is dangerous. Not only does it contravene the spirit and letter of the law (Act 303), but it also risks promoting misinformation among viewers, particularly younger audiences who may internalise such depictions as valid. The real-world implications of such distortions are not merely theoretical. In 2019, *Sinar Harian* reported that 4,375 Malaysians applied for post-marriage verification after tying the knot in Thailand, many without a valid *wali* or judicial oversight. Farahwahida (2012) observe that these irregularities often stem from social pressures, lack of legal awareness, or attempts to bypass national religious authorities, particularly in cases involving polygamy, underage brides, or familial disputes.

In cases where a marriage is conducted without a legitimate *wali*, the legal and social consequences can be profound. These include the invalidity of the marriage (*batal*), complications in inheritance and lineage (*nasab*), denial of spousal rights and protections, and uncertainty in divorce, custody, and maintenance matters. Under such circumstances, the Syariah Courts in Malaysia typically require the couple to undergo *nikah semula* (a formal remarriage) to rectify the invalidity.

Mufti Wilayah Persekutuan (2019) reinforced the sanctity of the *wali* requirement through Irsyad al-Fatwa Siri ke-593, clearly asserting that any marriage conducted without a *wali*, even if religiously solemnised, is invalid under Syariah law. The fatwa further warns against recognising claims of *wali mujbir* (coercive guardianship) without judicial verification and emphasises that such authority must be regulated by law, not individual will.

The danger of *Bidaah* lies in its normalisation of unqualified *wali* figures and spiritual coercion. This is consistent with the findings of Joni (2024), who critiques media narratives such as *Mentega Terbang* for distorting Islamic symbols and eroding public understanding of religious obligations. These portrayals can lead to the erosion of public trust in religious institutions and the manipulation of sacred institutions for personal or ideological ends.

Beyond legal violation, the abandonment of a valid *wali* in marriage contravenes two central objectives of *maqasid al-shariah*: the preservation of lineage (*hifz al-nasl*) and the protection of religion (*hifz al-din*). Marriages conducted outside legal frameworks compromise the structure of the Muslim family, the status of children, and the credibility of religious teachings. In a broader ethical sense, they open the door to exploitation, particularly of vulnerable women and girls.

Therefore, media creators bear a significant ethical responsibility when engaging with religious themes. While artistic freedom is acknowledged, it must be accompanied by theological integrity and social accountability. As highlighted in this case, an accurate representation of the *wali* requirement is essential for legal validity and safeguarding the spiritual and communal trust in Islamic family law. Public education on *fiqh al-munakahat*, as well as robust media literacy among Muslims, are necessary countermeasures to such religious distortions.

### Issue of Spiritual Marriage (Nikah Batin): Inadequacy of Pillars and Conditions of Marriage

The drama *Bidaah* portrays the practice of *nikah batin* (spiritual or esoteric marriage) as part of a deviant religious doctrine that violates the essential pillars and conditions of a valid Islamic marriage. According to the Federal Territories Mufti Department, no concept of *nikah batin* is recognised in Islamic law. This form of union is typically conducted by self-proclaimed spiritual leaders who claim divine inspiration or direct revelation from Allah SWT to perform marriages without adhering to the requisite conditions set forth by the *Shariah*. In such cases, individuals allege that a woman is "married" by God directly, negating the necessity for a *wali*, witnesses, a properly executed contract (*'aqd*), or even *mahr*. Jabatan Mufti Wilayah Persekutuan (2019) described these unfounded accusations as constituting a religiously veiled type of adultery (*zina*) and are used as a pretext for self-gratification. *Nikah batin* is an even more extreme aberration with no precedence in *fiqh* compared to *mut'ah* marriages, which were temporarily permitted in the early period of Islam but were later abrogated.

Although the drama may have aimed to expose or critique spiritual manipulation through this portrayal, the absence of legal and theological context confuses viewers about the marriage's validity. The line between dramatic fiction and Islamic legal reality becomes dangerously blurred without clearly indicating that these practices are deviant and legally void. Viewers unfamiliar with *fiqh al-munakahat* may interpret such scenes as spiritually acceptable or even admirable forms of worship, particularly when associated with charismatic figures.

Additionally, there is no official paperwork or legal recognition because these weddings are secret. Recording marriages is a necessity and benefit in Malaysia (Mahmud, 2012). While documenting a marriage is not a religious obligation in Islam, it is an additional condition introduced by the Islamic Family Law (UUKI) to serve the public interest (Zahiruddin, 2015; Hashim, 2007). Registering a marriage is not only about complying with codified laws as stated in Sections 25 and 28 of Act 303, but also helps prevent potential abuse

(Zuhdi, 1993). In cases of death, divorce, or if a wife seeks to claim maintenance, the Syariah Court will not entertain any such claims. Additionally, the couple will be penalised as stated in their respective state enactments (Zahiruddin, 2015).

In this context, media representations like those in *Bidaah* must not glamorise secrecy or portray unregistered unions as spiritually elevated. When media omit consequences or fail to reference legal prohibitions, they may unintentionally normalise religious deviation, especially among younger or less-informed audiences. Failure to meet the five essential pillars of marriage, namely the bride and groom, the wali, two witnesses, and *ijab qabul*, renders a marriage either *batil* (null) or *fasid* (defective). The Syariah legal system would not recognise any union that leaves out these fundamental components and cannot be acknowledged under Islamic law, as the Negeri Sembilan Mufti Department has explained.

This issue is deeply troubling because it does not just go against the sacredness of marriage in Islam; it also puts vulnerable people, especially women, at serious risk. When these ‘marriages’ are done in secret and without proper documentation, women are left with no legal protection or recognition in society. They may be unable to file for divorce, claim financial support, or even access their rightful inheritance through the Syariah Court. What makes it worse is that when these practices are shown in the media or accepted within specific communities, they can easily mislead others and create confusion about what Islam teaches. That is why it is so important to enforce Islamic family law properly and to keep educating the public, so these harmful misunderstandings do not spread.

Beyond legal concerns, the rise of *nikah batin* undermines key objectives of *maqasid al-shariah*, particularly the protection of lineage (*hifz al-nasl*) and religion (*hifz al-din*) (Rosidi et al., 2022b). Marriages conducted without adherence to Islamic conditions threaten family structure, the legal status of children, and the integrity of religious institutions. As such, spiritual marriages are not merely doctrinally incorrect—they are socially destructive and spiritually misleading.

Therefore, religious authorities, media regulators, and educators must work collaboratively to combat such misrepresentations. While artistic freedom is respected, it must not come at the cost of undermining Islamic family law. Accurate public education about *fiqh al-munakahat* and the legal framework of marriage in Islam remains essential to preserve the sanctity of this institution and to protect the most vulnerable members of society.

### The Practice Of Mut’ah Marriage Without Court Permission

The drama *Bidaah* highlights two types of marital deviations: unregistered marriages and *nikah batin* (secret marriages), which reflect the real issues Malaysian society faces. The character Tok Wali manipulates the ignorance of the village community to conduct invalid marriages outside the framework of Shariah law, similar to what occurs in cross-border marriage cases in Thailand. The character Siti Aisyah is secretly married in the village by Tok Wali without going through the official procedures of the District Islamic Religious Office (PAID). This practice illustrates the reality of marriages conducted without a legal guardian’s consent and without official registration, which often happens along the southern Thai border. In the drama, Siti Aisyah’s father secretly marries off his daughter because he disapproves of her chosen partner and believes in Tok Wali’s religious authority. This act bypasses legal guardianship and official registration.

While the drama may attempt to expose the risks of religious manipulation and societal pressure, it fails to clarify the illegitimacy of such practices under Islamic law. The absence of commentary or consequence within the storyline leaves the audience vulnerable to misinterpreting such actions as spiritually valid or culturally acceptable.

Based on literature review and analysis of official reports and local newspapers, it has been found that unauthorised marriages among Malaysians commonly occur in Thai border areas such as Songkhla, Yala, Narathiwat, Satun, and Pattani, as well as in Indonesia (Ismail, 2023; Darussamin, 2023). This phenomenon is becoming increasingly concerning as the number of cases rises annually. Among the main factors identified are the desire to practice polygamy without the first wife’s consent, lack of parental and family approval,



refusal to comply with Malaysia's legal marriage procedures, illicit premarital relationships, and the intention to take shortcuts in solemnising marriages.

Data from *Sinar Harian* (2019) reported an increase in the number of applications for marriage verification by Malaysians in Thailand, with 4,375 cases recorded in 2017 and rising to 4,653 in 2019, according to the official records of the Malaysian Consulate in Songkhla. Furthermore, *Sinar Harian* (2023) cited information from cross-border marriage agents indicating a sharp increase in marriage cases from 2021 to early January 2023, with an estimated 30 to 40 cases per month, compared to only 15 to 20 cases per month in previous years. This rise is closely linked to the reopening of international borders after nearly two years of closure due to the COVID-19 pandemic and the implementation of the Movement Control Order (MCO).

More recently, according to *Kosmo!* (2025), nearly 300 Malaysian couples solemnised their marriages at the Narathiwat Islamic Religious Council throughout 2024, with 60% of these being polygamous marriages. Couples from Kelantan and Terengganu recorded the highest numbers, possibly due to their geographical proximity to southern Thailand. Meanwhile, *Malaysia Gazette* (2024) reported that about 250 to 300 Malaysian couples attend the Malaysian Consulate General in Songkhla every month to verify their marriage documents to ensure their marriages are recognised in Malaysia. These statistics only cover marriages conducted in Thailand's border areas and do not include secret marriages or those unregistered in other countries, indicating that the number of unauthorised marriages abroad may be significantly higher (*Kosmo!*, 2025; *Malaysia Gazette*, 2024).

In Malaysia, the role of the *wali* is a fundamental pillar (*rukun*) in the validity of an Islamic marriage. The absence of a lawful *wali* renders a marriage void under Shariah. This is supported by a hadith from Aisha (may Allah be pleased with her), in which the Prophet Muhammad (peace be upon him) stated:

أَيُّمَا امْرَأَةٍ نَكَحْتُ بِغَيْرِ إِذْنٍ وَلِيِّهَا فَنِكَاحُهَا بَاطِلٌ بَاطِلٌ بَاطِلٌ فَإِنْ اشْتَجَرُوا فَالْأُسْلُطَانُ وَلِيُّ مَنْ لَا وَلِيَ لَهُ

Meaning: "Any woman who marries without the permission of her wali, then her marriage is invalid, invalid, invalid. Moreover, if there is a dispute, the ruler is the wali for the woman with no wali." (Narrated by Abu Dawud, al-Tirmidhi, and Ibn Majah).

By this principle, Section 7(2) of the Islamic Family Law (Federal Territories) Act 1984 [Act 303] stipulates that if a woman does not have a *wali nasab* (lineage guardian), the marriage must be solemnised by the *Wali Raja* (the ruler's appointed guardian) in line with Shariah law. The codification of this requirement ensures the marriage's validity in Islamic jurisprudence and its recognition under Malaysian law.

The portrayal of unauthorised or hidden marriages in the drama must be clearly understood as a form of religious and legal deviation. The fact that these marriages proceed without court oversight or legal guardianship violates not only national law but also the ethical principles embedded in Islamic marriage, particularly the protection of women's rights and the preservation of family structure.

Therefore, this study emphasises that although marriage without formal permission is not a direct violation of Shariah, the breach of essential conditions, such as the consent of a wali and official registration, renders the marriage defective (*fasid*) or void (*batil*) in both legal and religious terms. This aligns with Islamic legal tradition and the enforcement mechanisms of Malaysian Syariah courts.

From the standpoint of *maqasid al-shariah*, the unchecked proliferation of such marriages threatens core objectives such as the preservation of lineage (*hifz al-nasl*), the safeguarding of women's rights (*hifz al-'ird*), and the protection of religion (*hifz al-din*). Marriages conducted outside legal oversight can lead to abuse, inheritance disputes, denial of maintenance, and the weakening of Syariah institutions.

Remedial efforts must include stronger cross-border regulation, consistent family law enforcement, and widespread public awareness campaigns. Media producers also share responsibility in portraying these practices with ethical clarity. Dramas like *Bidaah* should signal such marriages' legal and moral failures to avoid promoting misinformation or confusion. Public education on *fiqh al-munakahat*, together with

institutional support from religious authorities, remains crucial to preserving the integrity of Islamic marriage and preventing its distortion in both real life and fictional narratives.

### Invalid Mahr (Dowry): Violation of Mandatory Conditions in The Form of a Gift

It has been prescribed in the Quran in Surah An-Nisa, verse 4, which means: "And give the women their dowries graciously as an obligation." *Mahr* or Islamic dowry is a mandatory gift that must be given by the groom to the bride as a form of respect and honour (Haziq, 2022). According to the words of Allah in Surah An-Nisa, verse 24, Allah commands that the *mahar* given by the groom to the bride should be in the form of property or wealth (Purnama, 2015). Furthermore, Jabatan Mufti Wilayah Persekutuan (2019) highlights in a hadith of the Prophet SAW narrated by Sahl bin Sa'ad RA shows that if one is unable to provide a valuable *mahar*, the Prophet SAW stated that even a ring made of iron is acceptable as *mahar*. While symbolic dowries such as memorisation of the Qur'an may be permissible in exceptional cases where the groom is genuinely impoverished, they are not encouraged when the groom has the financial means to provide a standard gift.

Another critical issue depicted in *Bidaah* is the violation of *mahr* requirements, particularly the offering of symbolic dowries such as the recitation of Surah al-Fatiha or Qur'anic memorisation in place of a tangible gift. In the drama, the character "Walid" performs a marriage contract where the *mahr* is limited to a symbolic spiritual gift rather than a quantifiable or materially valuable offering. As previously mentioned, Allah commands the groom to give the bride a *mahar* in the form of property or wealth. *Mahar* does not have a set minimum or maximum amount and does not necessarily have to be in the form of money; it can also be beneficial (Jannah, 2016).

While it is possible that the drama intended to portray the sincerity or spiritual depth of the marriage, the lack of explicit clarification about the invalidity of such a *mahr* in normal circumstances may mislead viewers into believing it is the norm. Without highlighting the legal requirement for a tangible or valuable gift, the scene could be interpreted as a validation of symbolic dowries, even in cases where financial ability exists.

Each state has variations in the marriage rates in Malaysia, determined by the respective Islamic religious authorities (Harun, 2023). According to Sections 21 to 23 of the Islamic Family Law (Federal Territories) Act 1984 [Act 303] in Malaysia, *Mahr* must be expressly stated in marriage paperwork. Any attempt to substitute it with intangible or unverifiable assets without a valid reason might make the contract invalid or legally questionable. *Mahar* symbolises honour and appreciation to the woman and serves as socio-economic security and financial support, as *mahar* carries value and significance (Shamim, 2007). The individual referred to as "Walid" in the drama *Bidaah* did not face any financial difficulties that would prevent him from giving an appropriate *mahar*. Therefore, he must give a *mahar* to his wife during or after the marriage contract (*akad*).

The omission of this legal and ethical obligation within the drama contributes to the broader issue of normalising religious deviation through media. Audiences unfamiliar with Syariah law may believe that symbolic offerings are sufficient regardless of one's financial status, weakening public understanding of Islamic marital obligations.

In conclusion, giving *mahar* in the form of Quranic memorisation is only permitted for those who are genuinely unable to afford even a simple iron ring, as mentioned in the hadith of the Prophet SAW narrated by Sahl bin Sa'ad RA :

أَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ امْرَأَةٌ فَقَالَتْ إِنَّهَا قَدْ وَهَبَتْ نَفْسَهَا لِلَّهِ وَلِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: مَا لِي فِي النَّسَاءِ مِنْ حَاجَةٍ. فَقَالَ رَجُلٌ زَوَّجْنِيهَا. قَالَ: أَعْطِهَا ثَوْبًا. قَالَ لَا أَجِدُ. قَالَ: أَعْطِهَا وَلَوْ خَاتَمًا مِنْ حَدِيدٍ. فَأَعْتَلَّ لَهُ. فَقَالَ: مَا مَعَكَ مِنَ الْقُرْآنِ. قَالَ كَذَا وَكَذَا. قَالَ: فَقَدْ زَوَّجْتُكَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ

(Sahih Bukhari, 5141)

Meaning: A lady came to the Prophet (ﷺ) and declared that she had decided to offer herself to Allah and His Apostle. The Prophet (ﷺ) said, "I do not need women." A man said (to the Prophet), "Please marry her to me." The Prophet (ﷺ) said (to him), "Give her a garment." The man said, "I cannot afford it." The Prophet said,

"Give her anything, even if it were an iron ring." The man apologised again. The Prophet asked him, "What do you know by heart of the Qur'an?" He replied, "I know such-and-such portion of the Qur'an (by heart)." The Prophet (ﷺ) said, "Then I marry her to you for that much of the Qur'an which you know by heart."

From the perspective of *maqasid al-shariah*, failure to provide a proper mahar undermines the principle of wealth protection (*hifz al-mal*). It may even weaken the woman's security and status in marriage. Marriage must contract, whether in real life or fiction, honour the economic and spiritual rights of women as prescribed by Islamic law. The misrepresentation of marriage in drama, if left unchallenged, risks distorting this essential pillar of marriage in the eyes of the public.

## CONCLUSION

This study has examined the dramatised representations of marital irregularities in *Bidaah*, revealing four significant deviations from Islamic legal standards: marriage without a valid *wali*, *nikah batin* that neglects the legal pillars of marriage, *nikah mut'ah* conducted without proper authorisation, and symbolic or invalid *mahr* offerings. While framed within fictional narratives, these elements mirror real societal trends that challenge the legal and ethical structure of *fiqh al-munakahat* in Malaysia (Musa, 2023). They also reflect the real risks of religious manipulation in modern contexts where mass media often shapes public attitudes toward Islamic rulings (Joni, 2024). As pointed out in recent academic discussions, the line between dramatisation and distortion becomes dangerously blurred when sacred rituals are portrayed inaccurately (Asmunir, 2024).

By focusing specifically on *Bidaah* as a case study, this paper demonstrates how religious deviation is not only embedded in dramatic storytelling but also functions as a vehicle that amplifies the crisis of marital authority. The dramatisation of unregulated, spiritually masked marital practices reflects a broader erosion of Syariah compliance in understanding and application (Rahman, 2021). This phenomenon parallels the growing influence of alternative interpretations of Islamic practice without grounding in scholarly consensus (Al-Ghazali, 1997). Furthermore, such portrayals often romanticise deviant acts, making them appear noble or spiritually justified (Hashim, 2003).

While it is possible that the scriptwriters of *Bidaah* intended to raise awareness or provoke discourse on social issues, the lack of precise legal or theological framing leaves the content open to misinterpretation. Without corrective cues or consequences shown in the narrative, viewers may mistake these fictional acts as legitimate, thereby normalising deviation through exposure.

The findings demonstrate that such portrayals can severely distort public understanding of Islamic marital jurisprudence. The normalisation of deviant practices through mass media threatens the authority of religious institutions, undermines the integrity of marriage contracts, and contributes to systemic injustices, especially towards women, who are often deprived of their rights to maintenance, inheritance, and legal protection (Abdullah, 2021). This aligns with earlier findings, which warn that marginalised groups, especially women, are disproportionately impacted when Shariah-based protections are disregarded (Opir, 2020). In many cases, the absence of a valid *wali* or *mahr* leads to the invalidity of the entire marriage contract (Zaini, 2014).

These concerns highlight an urgent need for collaborative intervention. Religious authorities, media regulators, and educators must play a proactive role in correcting misconceptions, enhancing media literacy, and enforcing the standards of Syariah-compliant family life (Borhanuddin, 2023). In tandem, public education on *fiqh al-munakahat* must be strengthened through curriculum reforms and community-based awareness (Ismail, 2023). Fiqh scholars have long argued that preserving marriage integrity is essential for the protection of lineage (*hifz al-nasl*), religion (*hifz al-din*), and individual dignity (Al-Zuhayli, 2011).

This study contributes to the growing discourse on Islamic family law by illustrating how fictional narratives exemplified in *Bidaah* can produce real-world harm when normalising religious deviation (Nasran, 2008). To mitigate this, content producers, scholars, and regulators must commit to ethical portrayals that align with Shariah-based values. The media have the power not only to reflect reality but also to shape moral understanding, and this power must be wielded with responsibility. It calls for greater vigilance in representing Islamic values on public platforms. It affirms the critical importance of aligning media content with authentic

religious and jurisprudential frameworks to protect the sanctity of marriage in Muslim society (Fahmi, 2015). Ibn Qudamah (2004) emphasised that only through collective accountability can the media landscape uphold the sacredness of the marital institution by the principles of Islamic law.

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