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ANALYSIS OF WOMAN FIQH JIHAD BASED ON SELECTED MALAYSIAN WOMAN EXTREMISM CASES

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Abstract

Statistical information shared by the Royal Malaysia Police (PDRM) suggests women engagement in religious extremism groups has increased in recent years. There is an urgent need to address the severe cases of extremism involving women abroad to prevent a similar incident in Malaysia. Hence, this study examines women jihad fiqh's issues based on the local background, and factors contributed to their interest. The study employed a qualitative method by collecting documentary reviews of the extremist group's publications and interviews with PDRM officers and the selected deradicalisation experts. The result indicates that Malaysian women's engagement in extremist groups is caused by the ideological influence and the pursuit of marrying a "jihadi". Nonetheless, it did not alter the legal status of fiqh jihad that had been deliberated by the scholars on the extremist groups. Therefore, women's involvement in extremist groups in the name of jihad should be constrained accordingly.

Keywords: Woman, Fiqh Jihad, Malaysian, Extremism, Security.

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INTRODUCTION

The exploitation of the term 'jihad' leads to the recruitment of women worldwide, including Malaysian women in various roles. These women become a vital source of support to objectify and uphold the Islamic State ala Daesh's endeavours. Based on the Islamic approach, *wasatiyyah*, and Counterterrorism *Fiqh*, the *fiqh* law jihad among women in the Daesh group that has been identified is analysed inductively. The study also considers the legal arguments used by them in *Dabiq* magazine related to the *fiqh* of jihad among women. The method of *hukm* analysis used in this study is established by the debate on the propositions (*dalil*) and understanding of the past *fiqh fuqaha*, analysis of contemporary *fuqaha*, considerations of the current world, and Muslims situations, including the selected cases involving Malaysian women.

LITERATURE REVIEW

By examining the existing body of research on women and extremist groups, particularly the Daesh group, the researchers categorised the literature into several themes; firstly, the study on the factors of women's involvement in the Daesh group. For example, Edwin Bakker and Seran de Leede (2015) suggest that the causes of Western women's involvement in the Daesh group vary widely across contexts. Mah-Rukh Ali (2015) found that the main reason women joined the Daesh group as they are duped into believing a fulfilling life with the fighters either as a wife or assistant fighter. Haras Rafiq and Nikita Malik (2015) explained that the Daesh group had deceived women through media propaganda by four main propositions, namely, contented life by the side of the fighters, freedom from the oppressive world, active involvement behind the scenes, and devotion to religion. In her study, Katharina Kneip (2016) found that Western women who join the Daesh group are in a vulnerable position because of individual problem factors. The factors refer to living with an overprotective family (parents/ husband), discriminated against in their country, and feelings of pride, and highly driven to be part of the fearless fighter. Razak (2018) concluded that women are involved in the Daesh group because of internal factors such as ignorance and sympathy, and external factors such as political beliefs and marriage.

Second, the study explored the literature on the role of women in the Daesh group. For example, Hillary Peladeu (2016), in her comparative analysis of women's role in al-Qaeda and Daesh groups, found that women still play a role classified as 'supporters,' i.e., recruiting new fighters through the internet medium and others. Spencer (2016) found that Daesh women play various roles while playing a pivotal role at home as a wife and mother. Her study is supported by Speckhard & Yayla (2017), which shows that women's duties in the Daesh group are affected by a multitude of interests they want to achieve. Strommen (2017) suggests the severe involvement of women in the Daesh group should not be considered a semi-dangerous threat, as shown in judicial cases in the West. They need to be judged with the same views as men because they adhere to the same ideology.

Third, the study examines the profile of the involvement of foreign fighters (FTFs), especially women in extremist groups. International Centre for Counterterrorism (ICCT) base in The Hague, Netherlands has conducted several studies on these FTFs since 2013. The first

two studies were conducted to identify the threat of FTFs to global security. In contrast, the third study in 2016 focused more on identifying and analysing data released by the EU on the number of FTFs, their characteristics, and appropriate response measures. In the paperwork, the female profile of FTFs refers to "*the proportion of females in the total FTFs contingent varies between 6% and 30%, with some countries indicating that the number has grown in recent months*". Their study also found that half of the women involved as FTFs from five countries were married, while most FTFs from Southern Europe were unmarried during or before leaving for Syria. In early 2016, the German government, through their appointed agency, conducted a study on 677 German FTFs respondents. Their study found that only 34% of German FTFs were unmarried while the rest were married while migrating to Syria and Iraq. Meanwhile, in 2017, a report was released by the United Nations Office of Counterterrorism (UNOCT) on responses from interviews with 43 respondents comprising of FTFs of seven countries showing that 35% of them were married while wanting or had left for Syria.

Fourth, the study investigated the effects of women's involvement in religious extremism groups. The impact of participation refers to the situation of women as victims in the group. Haleh Isfandiari et al. (2014) have elaborated barbaric harmful elements related to women's position in Daesh territory in Iraq and Syria. Women allegedly have been raped, forced into slavery, trafficked, forced into marrying the fighters, Christian women were forced to embrace Islam, stoned, and other actions that made women's lives and positions inferior and despicable. They argue that the women involved in the suicide bombing were due to depression and humiliation after being raped by Daesh fighters. In a study conducted by Sali Bitar (2015) on cases of rape or enslavement of Yazidi women found that the Daesh group had used religious arguments to justify such actions. It is also one of the strategies of assimilation of the territory in Iraq to the caliphate territory in the Daesh group's interpretation. Mehra Shirazi's (2016) argues that her data support Sali Bitar's (2015) view that the Daesh has its unique understanding and justification for their actions. Considering all of this evidence, it seems that all the studies mentioned are more of a background on women's position in the perspective of religious extremism. Therefore, the present research scope is more focused on studies that explain the jurisprudence of women in jihad and the discussion of laws related to religious extremism.

Fifth, the study examines the literature that focuses on women in the problems of war jihad. Al-Judi (2005) explained the chronology of the history of jihad among women since the Islamic era in Mecca to the involvement of women in war jihad. Along with the historical, the study also discussed the aspects of the law. Ahmad Abu Jami' (2008) has looked at *hakam* law related to women in war jihad. It begins with problems involving the *hakam* of women's participation in the war to the question of spoils of war is deliberated using the *tarjih* method. The study also reflected the law of jihad among women in a war over the famous work of Yusuf al-Qaradawi (2009). The opus has comprehensively discussed the issues of viewpoint and modern-day jihad approaches, and it contains special chapters related to women. His argument, while looking at the current reality of women who serve in the military and play various roles, has resulted in new *ijtihad* related to women's involvement in the war. Collectively, the studies reviewed here outlined the question of the law of jihad among women in a war in the absence of religious extremism aspects.

Sixth, the present study examines the literature explicitly on laws relating to religious extremism. Al-Luwaihiq (1999) described the elements of *ghuluw* or extremism according to

Islam. Al-Luwaihiq also explained that these extreme nature factors control a Muslim's actions or impressions of religion. Najih Ibrahim et al. (2002) discussed extremes ideology prohibition and simply accusing fellow Muslims as non-believers or '*Kafir*'. The practice of *takfir* is an erroneous representation of the Prophet Muhammad SAW's teaching by which he highly opposed the immoderation action. Fathi Muhammad (2005) emphasizes on clues or Islamic propositions related to the nature of extremism and violence described in the religion. Extreme elements have emerged even since the Prophet Muhammad SAW's time, and many Islamic prohibitions refer to this ideology. Roslan Mohd Nor (2015) explained that extremism should not be answerable to the Muslims only because it is proven to exist in any teaching and worldwide community's aspects of life. His study further explains the clear stance of Islam in rejecting religious extremism. Sihabuddin Afroni (2016) then explained the meaning of *ghuluw* or extremism from a historical point of view and its causes. His study is seen to be heavily influenced by the work of al-Luwaihiq's (1999) but is explained in the context of facing the current religious extremist group. Similarly, a book written by Zolkharnain (2016) by which he admitted is extracted from the work of al-Luwaihiq but interpreted according to the extreme understanding of some Muslims, especially in Malaysia. Besides, Rahimin Affandi (2016) has examined the relationship between religious extremism and *Khawarij* ideology using the balance of *maqasid al-shari'ah*. His analysis found many ideological similarities between the Salafi Jihadi ideology adopted by religious extremist groups with the *Khawarij* ideology in the early days of Islam. He also clarified that Salafi Jihadi ideology is the same ideology adopted by religious extremist groups such as al-Qaeda, JI, KMM, and Daesh IS. However, these studies focus more on the position of religious extremism according to the Islamic perspective without emphasizing legal issues relating to the *fiqh* of jihad or women.

Seventh, the study investigates the literature that discusses the relationship between Jihad *Fiqh* and religious extremist groups. This type of research is the closest to the present study. Mohd Johari (2003) attempted to describe the operation of suicide bombing towards the groups accused of being extremists in Palestine from *Siyasah al-Shar' iyyah*'s perspective based on *al-Muqaran* method. He has concluded that suicide attacks are permissible in Islam, including by women in an emergency with strict conditions. Mahmood Zuhdi (2003) explained the concept of jihad was misinterpreted to justify terrorism by some extremists and the Western's erroneous justification of the Daeshlam fighters' truthful jihad in the oppressed countries. Later, Mustaffa Abdullah (2005), in his book "Jihad in the Qur'an" has explained in detail the concept of jihad found in the Qur'an. Although not explicitly discussing extremist groups, his argument also highlighted the question of Imamah and *bughah* significantly with the ideology adopted by religious extremist groups, including the *Kharijites* in the early days of Islam. He explained that only an Imam or an authoritative leader is qualified to declare jihad in the study. The justification gives legal implications to the question of martyrdom and the determination of *bughah* in any war. Conversely, Marta Sparago (2007) analyses the participation of members in al-Qaeda group jihad activities. The study found that members of the religious extremism consisted of conflict victims because of war or discrimination. The oppressions lead to their readiness to do anything in the name of 'holy war' or jihad. M. Haniff Hassan (2007) later analysed the *hukm* of bombing in Bali involving the JI group. Again, the study found that the concept of jihad has been critically misinterpreted. Bin Bayyah (2007) also clarified the misunderstanding relating to the concept of jihad and violence in Islam manifested

by religious extremist groups. He explained that Islam is a religion of peace, and jihad is only arranged to defend the oppressed and utterly guilty of terrorism. A similar study trend was continued by Hasan Noorhaidi (2008), Salenda Kasjim (2009), Saidurrahman (2012), and Manisoli Sseyonjo (2012), by which all of them elucidated the same elements that are associated with the concept of jihad and have been distorted by the extremist groups. They also emphasised that in countries like Indonesia, it is unnecessary to highlight the idea of war jihad in its society.

Nasaruddin Umar (2014) later explained the problem of literal and rigid understanding and interpretation of the Islamic teaching concepts that are the leading cause of radical ideology. The problem can only be overcome with a moderate interpretation of Islam, tolerance, and respect for human rights. Subsequently, Khadijah Mohd Khambali, Mustaffa Abdullah, and Abd Karim Ali (2017), in their study of jihad in the Quran, explained various legal interpretations of the type of jihad and war. The riffs were erroneously manipulated by the extremist groups committing violence in the name of jihad and religion. The study found that jihad according to the Qur'an emphasises the value of great meaning or purpose in addition to the comprehensive analysis of reality and background. Jihad is utterly different from terrorism as perceived by some parts of the communities. Conclusively, all the studies reviewed here, and others related are indeed significant to the present study. However, these studies generally examined the *fiqh* of jihad among the religious extremist groups in the absence of discussion about women in jihad. Based on the highlighted literature, the researchers found that the existing body of research failed to address in much detail certain areas. Most studies on activities labelled as 'terrorism' and 'extreme' are primarily examined by Western researchers, while many of their studies are empirical in nature. Besides, most of their studies are biased and prejudiced by attitude, blaming Islam or generally accusing the entire Islamic mujahideen group in conflict countries of being 'terrorists' and 'extremists.' Meanwhile, Muslim scholars' studies merely emphasised the concept of extremism in general alongside its legal debate. Therefore, the present study contends that there are still gaps in the study of extremism that can be filled with a study that analyses issues of *fiqh* of jihad specifically relating to women in modern religious extremist groups based on the methodology of Islamic law arguments and contemporary reality considerations.

METHODOLOGY

Researchers have conducted a two-phased investigation, firstly, the analysis of documents including books, theses, journals, papers, and collections of *Dabiq* magazine to understand the problems and develop an objective framework of the study. Malaysia prohibits the possession of *Dabiq* magazine collection. Consequently, the researchers only made online browsing to study the magazine. The researchers have requested and received special permission from the Malaysian Ministry of Home Affairs to browse the magazines online to avoid future problems. Concurrently, at this stage, the theoretical foundation relating to Counterterrorism *Fiqh* has been built as a result of the analysis of the works of distinguished Islamic scholars.

Second, interviews were conducted with selected informants to classify specific codes as important themes based on the interviews' responses. This method was employed to obtain information concerning the reality of women's involvement in religious extremist groups;

significant information through the process of deradicalisation that has been carried out by the authorities; and legal justification from the perspective of experts in Islamic law. A semi-structured in-depth interview was carried out to obtain information directly from the informants (Merriem, 2002). This method is essential as the data and information obtained are impartial, up-to-date, and more accurate than from the parties that have direct involvement in the problem under study. In this study, the informants are individuals who have been identified as having a significant background to the scope of the research and have expressed consent to be interviewed. Finally, the qualitative research methodology's deployment, especially the library and interview methods, produced relevant data and information. The data were then organised and analysed using Atlas.ti software to solve the research problems and achieve the research objectives set at the initial stage.

RESULTS AND DISCUSSION

Statistics of Women's Involvement in Daesh Group

The following is the official data shared with the researchers on 16 July 2018, by the Assistant Director of Counter-Terrorism Division, Special Branch (E8), Royal Malaysian Police (PDRM), Datuk Ayob Khan Mydin Pitchay.

Table 1: Statistics of women related to Daesh group arrests in Malaysia

Year	Detainees
2013	2 people
2014	14 people
2015	8 people
2016	10 people
2017	5 people
2018	4 people
Total	43 people

Source: PDRM

Referring to the involvement of Malaysians in Syria, statistical data released by the Malaysia Research Institute of Strategic Studies (MyRISS), as published in May 2017 reported, a total of 53 Malaysians became members of the Daesh group. The members involved 12 women, 17 children, and 24 men. The data are in line with the data confirmed by PDRM on 26 February 2018.

Selected Cases of Malaysian Women's Extremism

- i. The case of Ummi Khalsom Bahak. Ummi Khalsom is the first woman accused in court of being involved with a Daesh group in 2014. Ummi Khalsom was detained by Malaysian authorities and charged with supporting Daesh by taking a flight to Brunei

and then to Turkey to marry a Daesh fighter she knew through social media (Utusan Malaysia, 2014).

- ii. The case of Siti Noor Aishah Atam. This case is famous in Malaysian mass media. It involved a former University of Malaya student, Siti Noor Aishah Atam, who was sentenced to five years in prison after she was found guilty of possessing 12 books related to terrorist groups in March 2016 (Farah Marshita, 2017; Ayob Khan, 2018). In the trial, Siti Noor Aishah, who was terminated by the University of Malaya in January 2014, was said to threaten suicide if her intention to jihad in Syria was thwarted. She was also invited to flee to Thailand by a man named Muammar Gadafie (Ahmad Johari 2017; Zamihan 2018).
- iii. Case of Syamimi Faiqah Sulaiman. In 2015 a former student of Selangor International Islamic University College (KUIS), Syamimi Faiqah Sulaiman left for Syria to participate in Daesh group activities (Ayob Khan, 2018). The student was expelled from his college before.

she was found to be involved in the activity due to her failure to maintain a Cumulative Grade Point Average (CGPA). She reportedly fled to Syria to marry a Daesh fighter known as Aquil Zainal, whom she met through the social networking site, Facebook (Zamihan 2018; Ahmad El Muhammadiyah 2018).

Based on the analysis of the three cases involving the women together with the statistics of women's involvement with the Daesh group in Syria, the most prominent finding to emerge from this study is marriage is the main factor of women's participation in the Daesh group among other factors. The involvement of women due to the marriage factor is somewhat unsurprising because one of the primary purposes of women recruitment in the Daesh group is to become a fighter's wife, then a mother who gives birth to future members of the group (Strommen, 2017).

Jihad among Women Fiqh Issues

Accordingly, there are two legal issues relating to the jihad of selected women identified in the study: marriage jihad and travellers without *mahrams*. 'Jihadi brides' refers to the actions of women who migrated to Syria and Iraq to become wives of Daesh fighters. Various worldwide studies on 'jihadi brides' found at least two trends. First, the research that states women's role in marriage jihad is confined to fulfilling the Daesh male fighters' sexual desire. They see women under Daesh rule as living in fear, sex slaves, and can be traded with their fellow fighters (Insfandiari et al., 2014). Second, the study found that women play a conservative role in the household, namely managing house chores and children, including providing education to children in producing future Daesh fighters. This type of study sees women, not as victims but are more susceptible to choose the lifestyle (Strommen, 2017). In addition to educating children, they are responsible for recruiting new members through social media, working in specific departments, and taking up arms if necessary (Sara Mahmood, 2015). Relatively, both study trends are based on the researchers' point of view on marriage jihad issues. The first trend was influenced by the perspective of enslavement among the women apprehended by the Daesh group. While the second study trend assesses the role of women who voluntarily want to be the

wives of Daesh fighters. In general, the concept of jihad of marriage is closely related to the concept of *Hijrah* as understood by the Daesh group. Encouragement and propositions for women to seek protection and patronage of the Islamic state ala Daesh through migration have a direct impact on this activity.

Next, the legal problem relating to women travelling without *mahrams* leads to their involvement in jihad. It refers to the concept of jihad of marriage and *Hijrah* from *Dar al-Kufr* to *Dar al-Islam* as understood by the Daesh group. They claimed that travel is done to perform jihad of marriage and migration to a region that is said to be the only one acknowledged by Islam. According to *Dabiq* magazine, their statements and stances about non-mahram travellers are firm and harsh. This can be seen from the following statements:

"The first obstacle the muhājirah faces is the family. And what can make you know what the family is! In most of the cases, the families are from the laymen Muslims, and with these people, merely thinking about proposing the subject of hijrah to them is like butti a rock with your head. Yes, the sister is their honor and it is their right to fear for her, but why do they not fear for their honor when the sister wants to travel to Paris or London to specialise in some worldly field of knowledge? Rather, you see them hailing this, supporting it, and being proud of it! But if the direction is towards the Islamic State, then suddenly they all become fuqahā', saying this is permissible and that is not permissible. By Allah, I know of a sister who left in the accompaniment of her husband for hijrah and was surprised to be stopped by the soldiers of the tāghūt in the airport after her parents had sent a notice to the police! This is a story of a woman with a mahram, so what of a woman without a mahram?" (Dabiq 7, 2015)

They disputed with the community who attempted to justify the law in the aspect of travellers without *mahrams*. At the same time, they disagree on the concept of migration. Discussion about the law is just an excuse, while it is not a subject when their daughters travel to non-Muslim countries (Dabiq 7, 2015).

Analysis of Women's Jihad Fiqh Law Based on Selected Malaysian Women's Extremism Cases

The actions of women, including Malaysian women who migrated to support the Daesh group's endeavours are closely related to the concept of migration that they understand. They support the idea of migration (*hijrah*) by manipulating selected Islamic propositions and viewed it as an obligation, that is, the migration from *dar al-kufr* to *dar al-Islam*. The concept of migration that they uphold can be established as a misunderstanding by referring to the following arguments:

- i. The terms *dar al-Islam* and *dar al-harb* are found in the books of *fiqh* highlight the Islamic state or *dawlah Islamiyyah*. However, scholars disputed and disagreed about the concept in the current context. Wahbah al-Zuhaili (1989), in his book *Atharu al-Harb fi al-Fiqh al-Islami* states that the categorisation of the typology is not based on the Qur'an and Sunnah but only advocated the reality in the past. This study supports

evidence from previous observations (e.g., Muhammad Abu Zuhrah, 'Abd al-Wahhab al-Khallaf (1989), and Razak (2018). Al-Qaradawi, in his book *Fiqh al-Jihad* (2009), on the other hand, asserted that the *fuqaha* of the past who always practised and understood the Islamic arguments would not express an opinion without a reliable reference. He is convinced with the significant contribution of the categorisation made by the *fuqaha* in the past. However, al-Qaradawi, who agreed with the country's division into three parts, namely *dar al-Islam*, *dar al-harb* and *dar al-'ahd* asserts

That Israel is the only *dar al-harb* while other countries are *dar al-Islam* or *dar al-'ahd* (Al-Qaradawi, 2009). The meeting point of the two views can be seen in their agreement that the terms used are best reviewed in the current context to maintain good relations with other countries and promote global peace. Thus, the Daesh's standpoint to keep the old typology and refers to the whole country as *dar al-harb* excepts their territory is a clear misinterpretation.

- ii. These studies indicate that the *Fuqahas* have different opinions in determining the transformation from *dar al-Islam* to *dar al-harb*. The first opinion suggests that *dar al-harb* is impermanent. The second opinion promotes that a region is transformed to *dar al-harb* once it is conquered or colonised by the infidels. The third opinion suggests that the region is transformed to *dar al-harb* when the infidel laws transpire in the country. The fourth suggests a region only changes its status if there are no more Muslims defending the religion and implementing the Islamic teachings (al-Dusuqi, n.d), while the fifth opinion delineates three conditions a region's status may change, namely, i) execution of infidel laws and neglecting the Islamic laws, ii) the region and *dar al-harb* are allied territories and, iii) no Muslim or *dhimmah* member is given patronage in the country (al-Qaradawi, 2009). Referring to the above sentiments, only the third opinion or the most unpopular view proposed by the two *fuqahas*, Hanabilah and Abu Yusuf thoroughly denotes the Daesh group's endeavours. However, the *fuqahas* support this belief for its definition of 'state'. They believe that state must execute the Islamic laws, or vice versa, without being associated with other conditions. The claim by the Daesh group that the whole country other than their territorial jurisdiction as *dar al-harb* is not based on the proponents of Islamic laws. The sentiment is solely constructed by their *takfir* practices against all Muslims who disagree with their endeavours. From a broader perspective, the *fuqahas* give their best not to punish an Islamic territory as *dar al-harb*. Its objective is to let Muslims retain their homeland and execute the Islamic laws rather than easily concede defeat.
- iii. The literal interpretation of the propositions relating to the migration of Muhammad saw and his companions. The Daesh group's methods identified in Dabiq magazine, especially the arguments about the obligation of migration, are invalid because of the shallow exposition while not based on reality. Back in the day, the proposition of jihad can be found because of maintaining the only Islamic state that existed, Madinah. At that time, Muslims who did not migrate were tortured by the infidels in their homeland and prohibited to practice the teachings of Islam openly (al-Zuhaili, 1998). When the event of fath al-Makkah took place, Ibn' Abbas narrated that Muhammad saw said, which means: "there is no more migration (after the opening of the city of Mecca), but

there is only jihad and intention, then when you are asked to jihad, then hurry up" (Hadith Narrated by Bukhari and Muslim). This implies that the propositions work jointly with the context that needs to be understood. The Daesh group's literal interpretation violates the discipline of understanding Islamic laws.

- iv. The reality of today's world: borders and citizenship. This consideration of reality is the *fiqh al-waqi* discipline, which aids the issuance of a *hukm*. In the absence of fact, the sealed and assented national and international laws will be violated. A breach of agreement is a major offence in Islam regardless of the agreement made with non-Muslims (al-Zuhaili, 1998). Further, it results in more significant harm, for instance, being detained in a foreign country, imprisoned, exiled, etc. These are ill-treatments, especially to women.
- v. The urges of married women to leave their husbands or young unmarried girls to leave their parental household is a call that does not comply with the Shari'ah requirements. The law commands to do good to the parents and obey the husband. The action does not come into the equation of the real women's jihad *fiqh*. The case of Siti Noor Aishah that threatens to commit suicide if the family disapproved her desire to migrate to Syria, is a story that should not occur to any Muslim woman who understands their essential role and function in the family. Similarly, the story of a woman who resold her car that was purchased with the family handouts on the pretext of fulfilling the obligation to migrate. The woman should understand her priorities and her family's expectations of her future (Zamihan, 2018).

Regarding women traveling without *mahrams*, the earlier *fuqahas* agreed on one law for women who intend to travel. Generally, they must be accompanied by their respective *mahrams*. The ban is based on the hadith of Muhammad SAW, which means: "it is not permissible for a woman to travel except with her *mahram*" (Hadith narrated by Bukhari). This means that women are forbidden to travel alone. For women who want to travel, the *fuqahas* Hanafiah and Hanabilah (Ibn Qudamah, 2003) proposed, they must be accompanied by their husband or *mahram* only.

Meanwhile, according to Malikiyyah and Shafi'iyyah, in addition to husband and *mahrams*, a group of trusted women can ensure their safety (*rufqah ma' munah*) are also allowed as companions (Al-Nawawi, n.d.). Some Islamic scholars proposed that a woman only needs a female companion and a safe journey, while other scholars suggest a safe trip as a prerequisite. However, it is only permissible for performing Hajj or other obligatory acts of worship (al-Mawardi, 1994). Contemporary scholars are found to be opened for deliberations. According to them, women should not be restricted from traveling only to perform Hajj and other obligatory worship acts. They argue that in this borderless world, women should be allowed to travel to distant places safely and peacefully (al-Qaradawi, t.th). However, the argument cannot be used as a justification for women joining Daesh. They are exposed to various threats to security, defamation, and the risk of being caught by the authorities is high.

Further, the discussion of *fiqh* relating to women travelling without a mahram is also associated with the law of migration and jihad for women. During the time of Rasulullah's migration from Mecca to Yathrib, Muslim women were compelled to take part in the migration even if they did not get permission from their parents or husbands because only non-believers

stayed in Mecca and did not migrate (al-Qaradawi , 2009). The participation of women in jihad *al-talab* is not mandatory while travelling with a mahram is an obligation according to the agreement of earlier *fuqahas*. These studies collectively provide essential insights into the context of migration of al-Rasul and jihad *al-difa'* and women's duties to be accompanied by their mahram in any journey.

CONCLUSION

These findings have significant implications for the understanding of how Muslim women around the world are susceptible to be recruited by the Daesh group. This study has shown that women should not be deceived into migrating to the territory controlled by the Daesh as it is a false call. Merely, the term 'jihad' should not be associated with marrying Daesh fighters, especially when the reason for migration is unacceptable (*batil*). The act of migration by women, including Malaysia, can be described as an erroneous manipulation of the term 'jihad' and marriage by the Daesh group. Even though the marriage's legal status is valid when it meets the legal requirements and Islamic pillars of marriage, a union that causes more substantial harm to women is forbidden. The purpose of marriage is to bring happiness, fulfilment, and not persecution nor harm. Besides, the law prohibited women from travelling on the factor of being part of the Daesh's jihad endeavour. The principles and *maqasid* of Islamic law preserve the safety and honour of women. Ultimately, the involvement of Malaysian women in activities in the name of jihad should be prevented to avoid greater harm either to the women themselves or to be a threat to national security in the future.

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