

FAMILY PLANNING IN ISLAM

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Abstrak

Terdapat kontroversi di kalangan para ulama tentang keluarga berencana (KB) dalam Islam. Sebagian menyatakan bahwa keluarga berencana itu boleh, tetapi sebagian memandangnya tidak sesuai dengan ajaran Islam. Di samping itu, ia dicurigai sebagai agenda tersembunyi asing (non muslim). Selain itu, KB dicurigai karena berasal dari negara asing yang (mayoritas non - Muslim) dengan agenda yang tersembunyi untuk melemahkan umat Islam. Jadi, apa substansi keluarga berencana? Apakah metode dalam melakukannya? Apa tujuan melakukannya? Lalu, bagaimana jika hal ini dikaitkan dengan ekonomi dan ekosistem? Siapa yang berhak untuk menentukan pelaksanaan keluarga berencana? Apa keluarga berencana dalam hukum Islam? Tulisan ini akan membahas hal-hal tersebut dengan menggunakan metode deskriptif dan analisis terhadap argumen yang diajukan oleh kedua kalangan baik yang menerima maupun yang menolak. Penulis berpendapat bahwa dalam kondisi yang sangat tidak seimbangan antara pertumbuhan populasi manusia dan ekosistem, keluarga berencana tidak hanya diperbolehkan tetapi dapat diwajibkan oleh Pemerintah sebagai wakil dari masyarakat.

Kata kunci: *keluarga berencana, hukum Islam, populasi, ekonomi, ekosistem*

Abstract

There is a controversy amongst Islamic scholars regarding family planning in Islam. Some believe that it is lawful, while the rests consider that this is not in accordance with the teachings of Islam. In addition, it is suspiciously considered as a foreign (non-Muslims) hidden agenda to weaken the Muslims. So, what is the substance of the family planning? What is the method in doing so? What is the purpose of doing so? Then, how if it is linked to economic and ecosystem? Who has the right to determine the implementation of family planning? What is family planning in Islamic law? This paper addresses these issues by using descriptive and analytical method to the arguments put forward by both people who accept and those who reject. I argue that in the conditions of extremely inbalance between the human population growth and the ecosystem, the family planning is not only allowed but it must be obligated by the Government as a representative of the community.

Keywords: *family planning, Islamic law, population, economy, and ecosystem*

A. Introduction

Although family planning (KB) in Indonesia has long been implemented as a national program and accepted by most Indonesian people, however, lately it has often become a controversial issue. This controversy could weaken the commitment of the people in implementing the family planning, so it would in turn have an impact on the high rate of population growth. As a consequence, this would worsen the social, economical and environmental conditions. Although it is well recognized that the increasing percentage of the productive age in the population can be considered as an economical capital, on the other hand, if the government is unable to provide jobs and a means of self-actualization, this will have an impact on the social stability.

The controversy about the family planning happens because some people think that there are some issues on family planning program in relation to Islam. Among these are: the substance of the family planning, birth regulation or birth restriction, the method of the family planning, the purpose or motivation, what is the population, economy, and ecosystem, who has the right to decide the implementation of the family planning, and the context of family planning in Islamic law. This paper will address these issues by using descriptive analytical method to the arguments used by the people who accept and by those who reject the family planning.

B. Definition, Method, and Purpose of the Family Planning

1. The family planning definition

There are some meanings presented by experts on family planning. Among these are: Family planning is an effort to increase public awareness and participation through the maturation age of marriage, birth control, fostering family resilience, family welfare improvement prosperous in creating a

prosperous happy small family.¹ Family planning or planned parenthood, is an attempt to plan the number or increase spacing of pregnancies by using contraception. This is an attempt to help individuals or couples to: get certain objects, avoid unwanted births, get the expected birth, set the interval between pregnancies, and determine the number of children in the family.²

In Islamic literature there are two terms on family planning, the *tanzīm al-nasl* (birth control) and *taḥdīd al-nasl* (birth limitation). The first (*tanzīm al-nasl*) regulates pregnancy by using various ways which can prevent pregnancy, with the aim to prevent pregnancy in a certain period of time because of the beneficiaries. While the second (*taḥdīd al-nasl*) is to prevent pregnancy forever that may cause infertility (*ta'qīm*) and or abortion (*isqā' al-ḥaml*).

In practice, family planning generally means a concrete planning of married couples about when to get pregnant, how many children they want according to their capacity, the situation and the condition of the society and the country, with a variety of ways and tools such as condoms, IUDs, contraceptive pills, and so on. If it is associated with Islamic reference, the family planning practically in Indonesia can be categorized to the *tanzīm al-nasl* (birth control), in addition to the *taḥdīd al-nasl* (birth limitation). Even though in the beginning they tend to do *tanzīm al-nasl*, but when they have the desired children, they incline to do the *taḥdīd al-nasl*. The family planning is a national government program in many countries to regulate the balance between the population and the availability of jobs and national economic growth. This might be based on Thomas Robert Malthus's population theory which predicts that national population growth is not balanced with the availability of jobs and economic growth.

2. The family planning method

There are several methods of contraception, including the following:³

a. Simple method:

-Without tools: (1) natural family planning, with the calendar method (Ogino Knaus), basal body temperature (thermal) method, cervical mucus method (billings), and thermal Sympto method, and (2) KB coitus interruptus.

-With tools: (1) Mechanical (barrier): (a) condoms for men and (b) intra-vaginal barrier, namely the diaphragm, cervical cap (cervical cap), sponge (sponge), condoms for women, and (2) chemical (spermicides): (a) vaginal cream (b) vaginal suppositories

b. Modern methods:

-hormonal contraception: (1) oral pill,(2) injection,(3) sub cutis (implants),

-Intra-uterine devices (IUD), and

-Permanent contraception (MOW// MOP)

The contraception method works by preventing the sperm from reaching and fertilizing the egg (fertilization) or preventing the fertilized egg from implantation (attachement) and developing in the womb. In general, there are two kinds of contraception: reversible and permanent (fixed) contraception. The first one is a method of contraception that can be terminated at any time without any effect on the ability to restore fertility to have more children. While the second one or what we call sterilization is a contraceptive method that cannot be restored due to involved surgery. If it is associated with the notion of family planning in Islamic literature, the reversible contraception can be categorized as a birth control, while

permanent contraception can be classified as a birth limitation.

3. The purpose of family planning

The purpose of the family planning in general is to control the number of births and the distance between the child's birth. In detail, the purpose of a family planning is usually expressed as follows: a. A family with an ideal son/doughter, b. a healthy family, c. an educated family, d. a prosperous family, e. family resilience, f. a family that its reproductive right is fulfilled, and g. the balanced population growth.⁴In conclusion, the family planning is birth control or birth limitation either by using temporary (reversible) or permanent contraception, for the purpose as previously mentioned.

C. The Population, Economic, and Ecosystem

It is commonly said that a population can be described as a double-edged knife. On one side, a large population with low quality people will heavily burden the economic development, on the other hand, a large population with good quality people will become an asset that is very beneficial for the economic development. Until 1970s, there were two views on the impact of population growth on the economic development. The first view (pessimistic) states that rapid population growth can lead to poverty, under development and famine, as a result of the depletion of natural resources, environmental degradation, and ecological destruction. This is in accordance to Ehrlich and Ehrlich (2009) who state that:

“ Human beings and the natural world are on a collision course. Human activities inflict harsh and often irreversible damage on the environment and on critical resources. If not checked, many of our current practices put at serious risk the future that we wish for human society and the plant and

animal kingdoms, and may so alter the living world that it will be unable to sustain life in the manner that we know. Fundamental changes are urgent if we are to avoid the collision our present course will bring about.”⁵

On the other hand, the second view (optimistic) states that a rapid population growth is an asset that can lead to the improvement of social conditions that may promote economic development, technological and institutional innovation.⁶ The latter view is empirically proven in several countries such as Singapore, Hong Kong, Korea, Taiwan, Japan, and most of the developed countries in the world even though they do not have much natural resources, but they can grow and thrive because they have high quality human resources.

What about these issues in Indonesia? The quality of the Indonesian people as measured by the Human Development Index is low. In 1996, for example, Indonesia ranks 102; then, in 2000 it did not show an increase, even dropped to the level of 109⁷. Furthermore, in 2003, the quality of human resources based on the assessment of UNDP, was ranked 112 of 175 countries in the world.⁸ Then, on July 14, 2014, the United Nations Development Programme (UNDP) released the data is that Indonesia's position is still the same as the previous year (2013) which is at position 108 of 187 countries in the world , which is located below the position of Singapore which is ranked 9, Brunei 30, Malaysia 62, and Thailand 89. The other ASEAN member countries lower ranks with Myanmar on the ranking of 150, Laos 139, 136 Cambodia, Vietnam 121, and the Philippines 117.⁹

Regarding the population size, "A great number of people would be good if the quality of human resource is high, but in fact the quality of the Indonesian

people is a concern. Furthermore, a large population size, with low quality people will affect the carrying capacity of the environment¹⁰. Indeed, several studies from the year 2000 has obtained the following conclusions: 1. That the magnitude of population growth was negatively correlated to the rate of economic growth. 2. Rapid decline of fertility contributed significantly to poverty reduction. In conclusion, the high fertility in developing countries is one of the causes of poverty, both at the family (micro) and at the state (macro) level.¹¹ That's why, now there is a consensus among the experts that high population growth not only negatively impacts food supplies, but also hinders the economic and human resource development. The human population on Earth in 2000 has exceeded 6 billion people. In August 2013 reached 7.2 billion people, and is estimated to reach 8 billion people by the year 2020, and 10.9 billion in the year 2100.¹² To support such a high human number, the earth load will be too heavy, especially in supplying natural resources, in providing good quality environment, and livability for its residents.

Although the Population Bomb has been both praised and vilified, but there is no controversy over its significance to demographic issues. So, what is the responsibility of human beings to their environment? They must respond to the problems of environmental sustainability of the earth, by taking any action to save the earth to keep the capacity of the environment in order to perform its functions properly as a harmonious global ecosystem. One of its solution is birth control, because a population explosion will inevitably increase pollution and environmental damages, food shortages, harm the health, make difficulty in obtaining adequate housing, and may increase in unemployment, poverty, famine crime, and war.

D. Family Planning and Islam

1. The Decision Maker of Family Planning

Among the frequently debated aspects of family planning in Islam is about who has the right to decide to have children? According to Mahmud Syaltut there are four opinions among scholars: first, the father (husband) has the right to decide to have descendants as proposed by al-Ghazali (d. 505H.). Second, both parents (husband and wife) jointly have the right to decide to have descendants as presented by the Hanafiyyah. Third, both parents (husband and wife) and society (the government) have the right to determine the children, but the rights of both parents is greater than the rights of the society, as expressed by the Shafi'iyah, Hanabilah, and *jumhur ulama*'. Fourth, like the third opinion, the right of the government is greater than the right of both parents, as espoused by the scholars of Hadith.¹³

The first opinion states that the right to decide to have children belongs to the husband. It means that a wife may not refuse to get pregnant if her husband wants her to. In fact, in the Qur'an *al-Baqarah* verse 233 (two), it is stated that to wean the child before two years old was ordered to be deliberated between husband and wife.¹⁴ Al-Razi asserted that children should not be weaned before two years old unless with the willingness of their parents through deliberation.¹⁵ Where as, it is uneasy for a woman (wife) to be pregnant, to give a birth, to lactate and so forth. Therefore, it is unfair to give the right only to the husband who does not directly burdened by pregnancy, breastfeeding, and so forth.

Furthermore, for the second opinion which leaves the decision to have children to the spouses is more acceptable, because it is not only that the children inherit husband's sperm and wife's ovum, but also that the one who bears the burden of pregnancy and

lactation is the wife, the breadwinner is the husband, and both husband and wife grow up the children. Thus, both husband and wife deserve the right to decide to have children or not. Moreover, the Qur'an itself asks husband and wife to reason in family matters, such as for weaning children, as has been stated in the previous section.

Then, what about the third opinion that the decision to have offspring not only in the hands of husband and wife, but also in the hands of the society (which in this case can be represented by the government), although the spouses right is greater than the community (the government) rights? Likewise, the fourth opinion, but the right of people is greater than the right of husband and wife? The two last opinions are interesting to be explored, especially the last one. If having or not having children is only handed or emphasised on the personal wills (husband and wife), then it is not fair, while it is strongly related to the public goodness or harm, so the main priority is for public interest. For example, if the right to have offspring that is clearly associated with the population problem in one state is given to personal (husband and wife), then it will be difficult to control a personal will when it is not accompanied by social awareness. Thus, something that is strongly connected to demographic problem should not be determined by personal will.

2. Family Planning in Islamic Law

Scholars differ in their views regarding the family planning in Islamic law. Some state that family planning is allowed, because it is not clearly regulated both in the Qur'an and the Sunnah. In a principle (*kaidah*), it is stated that *الدليل على الاصل في الاشياء الاباحة حتى يدل تحريمها* (everything is principally allowed except if there is an argument that prohibit it). Some others declared that the law of family planning is unlawful

because it is not in agreement to the directions of Islamic law that prohibits the act *tabattul* (single life forever). So, there are various scholars views about the family planning: ranging from unlawful, lawful with some conditions, and fully lawful.

Some scholars who argued that the family planning is prohibited, stated that Islam forbids men to be single and orders them to marry women who are fertile in order to have many children so that the Prophet will be proud to have many *ummah* in the hereafter. Muslims need not to fear of poverty because Allah guarantees fortunes. The arguments put forward were as follows:

a. Allah forbids men to be single, as in the Hadith.

... Ibrahim bin Sa'd ... has apprised to us Ibn Shihab has heard to Sa'id ibn al-Musayyab that said, I heard Sa'd ibn Abi Waqqas said, the Messenger of Allah *saw.* prohibited to 'Uthman ibn Maz'ūn of celibacy (*tabattul*), and if the Prophet permitted him undoubtedly we will do castration (*al-ikhtisā*).¹⁶

b. The purpose of marriage is to have children, as in *al-Nahl*/16: 72,

“And Allah has made for you mates (and companions) of your own nature, and made for you, out of them, sons and daughters and grandchildren, and provided for you sustenance of the best: will they then believe in vain things, and be ungrateful for Allah's favours?¹⁷

c. The above verse is reinforced by the following Hadith,

...From Mu'awiyah bin Qurrat from Ma'qil bin Yassar he said: A man came (to see) the Messenger of Allah and said: "I am getting a woman (derived from) the honorable descent and has a beauty, but she can not have children (infertile), May I marry

her? "the Messenger of Allah replied: "Do not (be)", then the man came (and ask again) for the second time, then the Messenger of Allah reformed, then the man came (and ask again) for the third time, the Prophet said: "Marry women who are loving and fertile (many children), for verily I will boast (the large number of guys) in the presence of other peoples (on the Day of Resurrection)."¹⁸

d. Allah has guaranteed to give sustenance to the human beings and even to the animals

There is no moving creature on earth but its sustenance depends on Allah: He knoweth the time and place of its definite abode and its temporary deposit: All is in a clear Record.¹⁹

The verse is supported by the following verses

Say: "Come, I will rehearse what Allah hath (really) prohibited you from": Join not anything as equal with Him; be good to your parents; kill not your children on a plea of want;- We provide sustenance for you and for them;- come not nigh to shameful deeds. Whether open or secret; take not life, which Allah hath made sacred, except by way of justice and law: thus doth He command you, that ye may learn wisdom (*al-An'am*/6:151).²⁰

Kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin (*a-Isrā'*/17:31).²¹

Such arguments presented by those who refuse the family planning and see it as a forbidden (haram) in Islam.

The scholars who allow family planning argue that:

a. This is the verse that has to be understood that we have to pay attention to the future,

O ye who believe! Fear Allah, and let every soul look to what (provision) He has sent forth for tomorrow. Yea, fear Allah: for Allah is well-acquainted with (all) that ye do.²²

b. we are allowed to do 'azal in the hadith, so some scholars use *qiyas*, when 'azl is allowed, then other methods of birth control effort was certainly permitted.

"... Jabir said:" We did 'azal while the Quran is still down. Also it is be told from 'Amr from 'Ata', from Jabir, he said: "We did 'azal at the time of the Prophet., while the Qur'an is still down²³

c. the Qur'an (*al-Nisā'*/4:9) demands us not to leave weak offspring,

"Let those (disposing of an estate) have the same fear in their minds as they would have for their own if they had left a helpless family behind: Let them fear Allah, and speak words of appropriate (comfort)."²⁴

d. the Qur'an (*al-Baqarah*/2: 195) orders us to keep away from damage,

"And spend of your substance in the cause of Allah, and make not your own hands contribute to (your) destruction; but do good; for Allah loveth those who do good."²⁵

From the above arguments, it appears that the legal origin of the family planning is actually "allowed" based on the verses of the Qur'an and some Hadiths that instruct us to pay attention to the future, allowing to do 'azal, leaving no weak descendants, and keep away from annihilation.

3. Analysis of the views on family planning

The view that prohibit family planning based on the argument for the

prohibition of the Prophet Companions to do *tabattul*. *Tabattul* etymologically means people who decide and separate themselves from worldly life to worship God, not married (single),²⁶ rugged woven wear, deny good food and clothes, castrate themselves, *Qiyām al-Lail*, and fasting.²⁷ So, *tabattul* abstain from worldly life in some ways that deny lawful things, in order to worship God. Otherwise, one of the purposes of marriage is to worship, as mentioned in the hadith, (the one who married, then he has perfected his half faith, then let him look after himself on the other half).²⁸

The argument that the purpose of getting married is to have children, so it is not allowed for a person to marry an infertile woman, need to be discussed further. Because the purpose of marriage is not only to have descendants, but also for other goals, such as to worship God, to prove love, to fulfil the biological needs, to protect each other (as husband and wife), and to become an educational institution.²⁹ The Prophet's "prohibition" to men to marry infertile women as mentioned in the above *riwāyah*. should not be understood as a prohibition that it is unlawful, but it should be assumed with it is better to get married with a fertile women. Principally, the reason put forward to the Prophet by the man regarding the honor and beauty of a woman, is not about the religion of her as emphasized by the Prophet in one *riwāyah*.³⁰ If the motivation of that man proposed to the Prophet was the woman's religion, the Prophet might not likely to disallow it.

Furthermore, the argument that "There is no moving creature on earth but its sustenance dependeth on Allah (*Hūd*/11: 6)," should be understood that the nourishment from God is not always given for free. So God may or may not give the sustenance, so then there is a possibility that human and or animal are to get starved.³¹ In fact, in Indonesia, for example, till today there is a famine,

though Indonesia today have succeeded in reducing the number of people suffering from hunger, 37 million people in 1990 to 21 million in 2012, or only reached 43.8 percent.³²

Then, the verse 151 of surah *al-An'ām* and 31 *al-Isrā'* talks about the prohibition to kill children for fear of poverty, whereas God will give sustenance (*rizq*). Family planning is not synonymous with murder, because it is neither abortion nor murder. The verse also states '*naḥnu narzuqukum* (we will give you sustenance). The use of the word *we* shows that there is involvement of other parties (in this case human being), not just God that gives sustenance, so, family planning or birth control or even birth limitation (under certain conditions) can be part of the effort to acquire sustenance that has been provided by God.

Then, what about the arguments put forward by people who support family planning programs based on the verses of the Qur'an and Hadith that instructed us to pay attention to the future, allowing to do 'azal, leaving no weak descendants, and keep away from harm.

A Qur'anic verse which states that "... let every soul consider what he has done for tomorrow (Hereafter) (Sura 59:18)," does not really talk about a family planning, but speaking in a general context that each individual need to evaluate the deeds that he had done and then prepare himself with righteous activities to the afterlife. Ibn Kašīr, for example, explains that this verse contains the message: that human beings have to account their deeds, before calculating his credit in the end of the day. Also, that the human have to introspect to good deeds he had done as an investment in the hereafter before God.³³ If funds or investments in the hereafter, are understood as qualified sons/dughters (healthy, educated, and righteous/shalihah) as the priority, not quantity (many children) also thinkable,

although it looks artificial. Did not the Prophet said that the whole of human charity lost except three things, one of which is a righteous son/douughter who prayed for his/her parents.³⁴

Another argument put forward by people who support that family planning is not prohibited to do 'azal either by the Qur'an or Hadith. This argument is acceptable, for the reason that no forbidden during the prophet treatise in doing 'azal as long as there is a wife permission.

Furthermore, the argument not to leave weak offsprings (*al-Nisā'* 4:9), the verse seems to speak in the context of warning to those who are around the one who is sick with no affection or advising him to consider the welfare of his heirs, do not bequeath his property superfluously to another party. Thus, this verse reminds people to pay attention to the welfare of their offspring so they will become strong persons.³⁵ If this verse is then understood to have strong offspring physically, psychologically, and educationally by a way of family planning program can also be accepted in general by not explicitly interpret the verse.

The next argument is to avoid harm, so that one may follow the family planning program as in the verse 195 of *al-Baqarah*. This verse actually talks about the command to the believers to spend their wealth in Allah's way, so that the treasure will be preserved, not lost, and even increased. Furthermore, according to al-Rāzī, the verse can be diversely interpreted. One of view is the prohibition to consider that *infak* in the way of Allah will make someone perished, to avoid hopelessness of God's grace, and give *infak* in the way of Allah but then damaged or destroyed by mentioning it with *riyā'* (visible to others) and *sum'ah* (overheard).³⁶ Thus, this verse is not talking about family planning; so, it seems artificial to be a basis of the argument.

Family planning in certain conditions *i.e.* in terms of increasing pregnancy intervals, not restrictions, and under certain conditions related to health risk, according to Mahmud Syaltut, scholars agree that it is allowed or lawful.³⁷In general, scholars are more focused on the ability of the family, they do not relate it to the macro socio-economic conditions of the society in the region. Therefore, the right and responsibility to implement family planning programs should be given to each individual or family, not to the Government as a representative of the community. Under the conditions related to physical health or in a broader sense, related to the well being of the society, I think the government can enforce family planning programs to the citizens.

E. Concluding Remarks

In conclusion, family planning is a couple program about when to get pregnant, how many children that they want, by using certain methods (either reversible or permanent) to control the spacing or number of births. When family planning is linked to Islamic reference, some views can be categorized in *tanzīm al-nasl* and the others can be included *intaḥdīd al-nasl*. Family planning is very important as one of solutions to the problem of population explosion that harms the global ecosystem.

In the Islamic view, there is controversy about family planning, especially if it is meant birth control by using permanent methods. Prohibition of the Prophet to marry not for the purpose

of worship is something contradictory to the Sunnah, because in Islam with marrying someone will get a perfect religion. The purpose of married is not only to get offsprings. If then there is the Hadith which forbids marrying an infertile woman has to be seen in its context.

Furthemore, Islam take notice much to the balance (of justice) including the relation to the human population. As rational creatures, human being need to pay attention to the conditions that exists, whether there is the balance between the population and the ecosystem. If it is not, it is necessary to find a way, one of them is birth control.

Al-Quran and Hadith do not mention family planning explicitly. However, it implicitly found the permitted argument, such as not prohibiting the Companion who do 'azal in the time of the Prophet. The other arguments put forward in prohibiting the family planning as described above, some seem to be forced, and the others may be accepted if the arguments presented is generally understood and not understood only in context.

When there is out of balance between the number of human populations and the ecosystem, according to me the family planning is not only allowed but essentially required. In such circumstances, the party who deserve the right to determine the implementation of family planning is the community which is in this case can be represented by the government, not just the couples nor the husbands.

Endnotes:

¹Law (Act) number 10 of 1992 (10/1992) on the Population Growth and Family Welfare Development, Chapter 1, Article 1, point 12.

²WHO, Expert Committee, 1970. *whqlibdoc.who.int/.../EURO_R&S_89.pdf*, accessed 15 October 2013.

³www.bkkbn.go.id, accessed on 17 July 2013.

⁴ Training Materials Program for Managers MUIKKBDistrict City in Central Java, dated 4-7 February 2013.

⁵ Paul R. Ehrlich and Anne H. Ehrlich, "The Population Bomb Revisited," *The Electronic Journal of Sustainable Development* (2009) 1(3), p. 69.

⁶ Sutyastie Soemilto Remi. "Implikasi Proyeksi Penduduk Indonesia Tahun 2000-2025 Terhadap Pembangunan Berkelanjutan Bidang

Ekonomi, 2008” www.kemendagri.go.id , 29 September 2013.

⁷regional.kompasiana.com

⁸whatindonesia.com, Selasa, 16 Juli 2013

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⁹unic-jakarta.org, accessed on 11 August

2014.

¹⁰theglobejournal.com, Sabtu, 27 Juli

2013 20:43 WIB

¹¹Sutyastie Soemilto Remi, “Implikasi Proyeksi Penduduk Indonesia Tahun 2000-2025

¹²<http://www.antaraneews.com/berita>,

Jum’at, 14 Juni 2013 18:42 WIB.

¹³Maḥmūd Syaltūt, *Al-Islām ‘Aqīdah wa Syarī’ah* (Ttp.: Dār al-Qalam). III: 966, 207-208.

¹⁴فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ

عَلَيْهِمَا

(If they both decide on weaning, by mutual consent, and after due consultation, there is no blame on them), see in ‘Abdullah Yūsuf ‘Alī, *The Holy Qur’an: Text, Translation and Commentary* (Brentwood, Maryland: Amana Corporation, 1409 A.H./1989 A.C.), New Revised Edition, p. 96.

¹⁵Fakhr al-Dīn al-Rāzī, *Mafāṭīḥ al-Ghayb*, III: 355.

¹⁶حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ أَخْبَرَنَا

ابْنُ شِهَابٍ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ يَقُولُ سَمِعْتُ سَعْدَ بْنَ أَبِي وَقَاصٍ يَقُولُ رَدَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى عُثْمَانَ بْنِ مَطْعُونِ التَّبُّلَ، وَلَوْ أَدِنَ لَهُ لَأَخْتَصَمْتِنَا

(Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī, Bab mā Yukrah min al-Tabattul* (Bandung: Syirkah al-Ma’arif li al-ṭab‘ wa al-Nasyr, n.d)). III: 239.

¹⁷Abdullah Yusuf ‘Alī, *The Holy Qur’an*, pp. 655-656. The verses is

وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَيْنَ وَحَفَدَةً وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ

¹⁸حَدَّثَنَا أَحْمَدُ بْنُ إِبْرَاهِيمَ حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ أَخْبَرَنَا

مُسْتَلِمُ بْنُ سَعِيدِ ابْنِ أُخْتِ مَنْصُورِ بْنِ زَادَانَ عَنْ مَنْصُورٍ - يَعْنِي ابْنَ زَادَانَ - عَنْ مُعَاوِيَةَ بْنِ قُرَّةَ عَنْ مَعْقِلِ بْنِ يَسَارٍ قَالَ جَاءَ رَجُلٌ إِلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ إِنِّي أَصَبْتُ امْرَأَةً ذَاتَ حَسَبٍ وَجَمَالَ وَإِنَّهَا لَا تَلِدُ أَفَأَتَزَوَّجُهَا قَالَ « لَا ». ثُمَّ أَنَاهُ الثَّانِيَةَ فَتَهَاهُ ثُمَّ أَنَاهُ الثَّالِثَةَ فَقَالَ « تَزَوَّجُوا الْوُدُودَ الْوُلُودَ فَإِنَّي مُكَاتِرٌ بِكُمْ الْأُمَمِ

(Abū Dāwūd, *Sunan Abū Dāwūd, Bab al-Nahy al-Tazwīj mā lam Yalid*, VI: 228. hadis no. 2052).

¹⁹Q.S. *Hūd* (11): 6, in ‘Abdullah Yusuf ‘Alī, *The Holy Qur’an*, p. 511

وَمَا مِنْ دَانِيَةٍ فِي الْأَرْضِ إِلَّا عَلَى اللَّهِ رِزْقُهَا وَيَعْلَمُ

(مُسْتَقْرَرَهَا وَمُسْتَوْدَعَهَا كُلٌّ فِي كِتَابٍ مُبِينٍ)

²⁰ ‘Ali, *The Holy Qur’an*, p. 339 (Q.S.

al-An‘ām (6) : 151,

قُلْ تَعَالَوْا أَنَا مَا حَرَّمَ رَبِّي عَلَيْكُمْ إِلَّا شُرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِنْ إِمْلَاقٍ نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ وَلَا تَقْرَبُوا الْعَوَاجِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ ذَلِكَمْ وَصَّاهُمْ بِهِ لَعَلَّكُمْ تَتَّقُونَ.

²¹ ‘Ali, *The Holy Qur’an*, p. 339, Q.S. *al-Isra’* (17): 31,

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنَّ قَتْلَهُمْ كَانَ خِطْئًا كَبِيرًا

²² ‘Ali, *The Holy Qur’an*, p. 1448 (Q.S.

al-Hāsyir (59) : 18.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَلْتَنْظُرْ نَفْسٌ مَا قَدَّمَتْ لِغَدٍ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

²³ Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī, Bāb al-‘Azl*, III, 262.

حدثنا علي بن عبد الله حدثنا سفيان قال عمرو أحمري عطاء سمع جابر رضي الله عنه قال كنا نعزل والقرآن ينزل وعن عمرو عن عطاء عن جابر قال كنا نعزل على عهد النبي صلى الله عليه وسلم والقرآن ينزل.

See also in Muslim, *Ṣaḥīḥ Muslim, bāb Ḥukm al-‘Azl*, (Bandung: Dahlan, n.d.), I: 709.

حدثني هارون بن سعيد الأيلي حدثنا عبد الله بن وهب أحمري معاوية (يعني ابن صالح) عن علي بن أبي طلحة عن أبي الوداك عن أبي سعيد الخدري سمعه يقول سئل رسول الله صلى الله عليه وسلم عن العزل؟ فقال: ما من كل الماء يكون الولد وإذا أراد الله خلق شيء لم يمنعه شيء.

²⁴ ‘Ali, *The Holy Qur’an*, pp.185-186

وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوا مِنْ خَلْفِهِمْ ذُرِّيَّتَهُمْ ضِعْفًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا

²⁵ ‘Ali, *The Holy Qur’an*, p. 178,

وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

²⁶Louis Ma’lūf, *Al-Munjid fī al-Lughah wa al-A’lām* (Beirut: Dār al-Masyriq, 1986), p. 26.

²⁷ Ibnu Taimiyah, *Majmū‘ Fatāwā Ibnu Taymiyah*, III: 94.

عن أنس بن مالك قال : قال رسول الله صلى الله عليه وسلم : « من تزوج فقد استكمل نصف الإيمان ، فليتق الله

في النصف الباقي »

(Al-Ṭabrānī, *al-Mu‘jam al-Awsaṭ*, Bāb al Mīm man Ismuh Muhammad, XVI: 438)

²⁹ Read in Naqiyah Mukhtar, “Mengurai Nikah Sirri,” *Al-Manāhij*, Vol. VI, no. 12, Juli 2012, pp. 254-156.

³⁰ حَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ قَالَ حَدَّثَنِي سَعِيدُ بْنُ أَبِي سَعِيدٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ - رَضِيَ اللَّهُ عَنْهُ - عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ « تُنَكِّحُ الْمَرْأَةَ لِأَرْبَعِ لِمَالِهَا وَحَسَبِهَا وَجَمَالِهَا وَوَلَدِينَهَا ، فَأَظْفَرُ بِدَاتِ الدِّينِ تَرَيْتَ يَدَاكَ »

(Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, Bāb al-Ikfā’ fī al-Dīn, Hadis no 5090).

³¹ حدثنا القاسم قال، حدثنا الحسين، قال، حدثني حجاج، عن ابن جريج قال، قالنا: هده، فيقول: (ومما نداء في الأرض لا لعلا للهزها) ، قال: ماجاءها من رزق من الله، ورمالميرزقها حتتموتجووعا، ولكنما كاغمر رزقنا الله

Baca dalam al-Ṭabarī, *Tafsīr al-Ṭabarī*, XV: 240.

³² www.antaranews.com, Selasa, 18 Juni 2013 09:30 WIB

³³ Ibn Kaṣīr, *Tafsīr al-Qur’ān al-‘Aẓīm* (Ttp: Dār Ṭaibah li al-Nasyr wa al-Tawzī, 1999), VIII: 77.

³⁴ عن أبي هريرة : أن رسول الله صلى الله عليه و سلم قال (إذا مات الإنسان انقطع عنه عمله إلا من ثلاثة إلا من صدقة جارية أو علم ينتفع به أو ولد صالح يدعو له)

Muslim, *Ṣaḥīḥ al-Muslim*, Bāb mā Yalḥaq al-Insān min al-Ṣawāb Ba‘da Wafātih, III: 1255.

³⁵ Mengenai ragam pendapat tentang penafsiran ayat ini dapat dibaca dalam tafsir al-Rāzī, *Mafātīḥ al-Ghayb*, V: 72.

³⁶ *Ibid.*, III: 153.

³⁷ Mahmūd Syaltūt, *al-Fatāwā: Dirāsāt al-Musykilāt al-Muslim al-Mu‘āṣir fī Ḥayātih al-Yawmiyyah wa al-‘Āmmah* (Cairo: Dār al-Syurūq, 1421 A.H./2001), pp. 297-298

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