



The Impact of Social Change on the Childfree in the view of Sadd al-Zarī‘ah

History of Author	Abstract
<p>Rodhotun Nimah^{1*}, Achmad Tahir²</p> <p>¹²Universitas Islam Negeri Sunan Kalijaga, Yogyakarta</p> <p>Corresponding Author: ✉ *rodhotunnikmah17@gmail.com</p> <p>DOI: https://doi.org/10.24090/el-aqwal.v3i1.10871</p>	<p><i>Economic and ideological structural changes resulted in demographic shifts. Current economic constraints, including the demand for higher levels of education and concerns about future jobs, are driving a demographic shift towards delaying having children. In Indonesia, the public has been excited about the child-free phenomenon. Childfree is a decision made by humans, both male and female, not to have children in a life that goes on, be they biological children or adopted children. Eastern culture, social construction, and stigma have not been able to accept the concept of childfree. This research library uses an Islamic law approach (Sadd al-Zarī‘ah). The type of research used is qualitative research. Using a normative approach (Sadd al-Zarī‘ah) shows that having offspring is a recommendation in Islam and not necessary. Childfree is not an act that is prohibited because every couple has the right to regulate their domestic life, including having children. However, we also do not need to worry about our survival if we have many children because Allah has guaranteed the lives of his servants.</i></p> <p>Keywords : Social change; Childfree: Sadd al-Zarī‘ah</p>

Introduction

Marriage is highly recommended by the Prophets because the main goal in marriage is to perfect worship as a human being. One more important thing is to have children. Having offspring is a precious blessing or sustenance Allah SWT gives, which is part of human nature. Having children and educating children is also a sunnah that we must do as our charity later after we are gone.

In Islam, having children is the decision and will of Allah SWT. Therefore, children are considered God’s will and must be treated with love and education to become individuals with morals for society, the state, and religion. The concept that children are heirs to Islam means that every child is considered a manifestation of the values held by the family, society, nation, and state.¹

Recently, people in Indonesia have been shocked by the childfree phenomenon. Childfree is a decision made by humans, both men and women, not to have children in an ongoing life, be it biological or adopted children. The term childfree only appeared at the end of the 20th century, attracting the attention of many people, especially in developed and developing countries.

¹ Eva Fadhilah, “Childfree Dalam Pandangan Islam,” *al-Mawarid Jurnal Syariah dan Hukum (JSYH)* 3, no. 2 (June 17, 2022): 73, <https://doi.org/10.20885/mawarid.vol3.iss2.art1>.not a requirement, according to the normative approach of the Qur’an and Sunnah. Because every married couple has the right to organize and govern their domestic life, including having children, childfree is not listed in the category of forbidden conduct. Even if there is no passage specifically prohibiting child-freedom, as a human being who believes in Allah SWT, being child-free is an unwise option because Allah SWT ensures the survival of every one of His followers. In Islam, children are viewed as a blessing to be grateful for since they are a gift from God. Every human being who is given the responsibility of being a parent must fulfill it completely.”,”container-title”:”al-Mawarid Jurnal Syariah dan Hukum (JSYH

Childfree arises because of world problems concerning the human population, which is increasing in every country. Childfree is widely applied by developed and developing countries such as Indonesia. Usually, people who decide to be childfree tend to have problems with the personal person concerned.

Then the problems above need to be studied using the perspective of Islamic law, one of the *istinbat* methods of Islamic law is *Sadd al-Ẓarī'ah*. *Sadd al-Ẓarī'ah* consists of two words *sadd* and *dzariah*. The meaning of *sadd* is to close, meaning to prevent damage from happening, while *Dzari'ah* means an intermediary to get to a case.² Badran defines *Ẓariah* as an intermediary for arriving at something that is prohibited which contains damage.³

He meant that preventing or withholding something permissible as long as it was legal could lead to a prohibited case that would cause damage. Wahbah Zuhaili argues that *Zariah* prohibits or rejects everything that makes things unlawful or prohibited. This is meant to prevent harm.⁴ *Sadd al-Ẓarī'ah* is a method of taking law (*Istinbath Al-hukm*) in Islam which is not explicitly written in the *Qur'an* and *Sunnah*. Then the problem of childfree must be viewed from the perspective of sharia or Islamic law where the aim of sharia here is for the benefit desired by *syara'* to gain a comprehensive understanding so as not to judge one another. Even though the original law of having offspring is permissible or permissible. However, the existence of several factors can make something that is permissible become "*haram*". Because here is the rule of *fiqh* which reads:⁵

درء المفسد أولى من جلب المصالح، فإذا تعارض مفسدة ومصالحة قدم دفع المفسد غالباً

Meaning: "Preventing harm is prioritized over bringing benefit, if there is a conflict between benefit and harm, then in general what is put forward or takes precedence is preventing harm".

The editor of this rule explains that if there are benefits and benefits, However, there are also benefits or damage, it must take precedence over eliminating the benefit because, in the future, it can expand and spread everywhere, and it will result in more significant damage. Based on the introduction above, the authors formulate two problem formulations: How is the phenomenon of childfree in community construction? and how do we review childfree in the view of *Sadd al-Ẓarī'ah* perspective?

Results and Discussion

The Childfree Phenomenon in Community Construction

Even though the majority of Indonesia's population is Muslim, the child-free phenomenon also has the potential to grow. The decline in the number of births in Indonesia from 2010 to 2020 is clear evidence of the childfree phenomenon. According to data from the Central Statistics Agency, Indonesia's population growth has only grown by 1.25% in the last ten years. This contrasts with 1.49% in 2000–2010. From the Central Statistics Agency's analysis, the country will experience a decline in the number of productive age population in the future if this seemingly insignificant difference is not addressed.

² Amir Syarifuddin, *Ushul Fiqh*, 2nd ed. (Jakarta: Kencana Premadia Grup, 2008), 449.

³ Syarifuddin, 499.

⁴ Wahbah Zuhaili, *Al Wajiz Fi Ushulil-Fiqh* (Damaskus: Suriyah, TT), 108.

⁵ Izzat Ubaid Ad-Du'aas, *Qowaid Fiqqiyah Ma'a As-Syarkhi Al-Mujaz* (Humsh: Dar At-Tirmizdi, 1989), 33.

Meanwhile, Indonesia needs a productive next generation of working age to impact Indonesian society and its economic growth positively.⁶ In Indonesia itself, ideas or perspectives regarding childfree are still widely opposed. Society will experience social consequences for those who adhere to childfree, such as experiencing verbal violence from people in their environment, being stigmatized by the general public, and living in an unstable household. Environmental problems are the main reason why people think about not having children. Better health and food availability around the world have not kept pace with an increase in global population.⁷

Several childfree trends abroad show that the feminist movement has greatly influenced women's lives. Women want to advance in their careers without feeling burdened, gain independent rights, and determine their path in life. A strong desire gives little hope to childless and unmarried couples as a solution to the high cost of living and couples who cannot guide and provide for their living needs. However, many problems arise with this demographic. Due to the decline in birth rates, various efforts must be made to ensure that population growth rates continue to increase and that there is no gender discrimination for women.⁸ Another thing that causes women to decide to be childfree is because of medical limitations, especially when it comes to the safety of the prospective mother and child while the pregnancy continues. Choosing to be childfree can lead women beyond the limits set by social and cultural norms that encourage having children. This understanding, known as pronatalism, implies that women who decide not to give birth are seen as rebelling against women's natural role and rejecting an essential aspect of women's identity in society. Research in 2000 found that society tends to have a negative view of individuals who voluntarily remain childless, more negatively than of individuals who may not be able to have children or who have no explanation for not having children.⁹ The very strong dominance of this pronatalist view in women results in rejection of the choice to be childfree, even when the reason is due to limited fertility.

In Indonesia, the idea of childfree did not appear out of thin air. Many factors will influence the desire to be childfree. A study involving several informants explained that childfree can be born due to personal problems. There is fear of being unable to care for and educate children. Feeling there is no mental readiness to become a parent. Being busy at work also makes him worry that he will be unable to give his children their rights and will ignore them. Some reasons that encourage someone to choose childfree include the lack of attention they experienced as a child, an unwillingness to face the obstacles that arise when having children, and the comfort felt when not having obligations to offspring. Other factors that influence the decision to become child-free include mental considerations and financial issues. Economic factors can also play an important role, especially if someone feels financially unable to care for their child. In the context of childfree family life, there are aspects such

⁶ Afthon Yazid, Suud Sarim Karimullah, and Arif Sugitanata, "Comparative Study on Childfree Marriage In Some Selected Countries," *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi*, November 28, 2023, 275, <https://doi.org/10.22515/jurnalalhakim.v5i2.7869>.

⁷ Yazid, Karimullah, and Sugitanata, 276.

⁸ Marsha D. Somers, "A Comparison of Voluntarily Childfree Adults and Parents," *Journal of Marriage and the Family* 55, no. 3 (August 1993): 643, <https://doi.org/10.2307/353345>.

⁹ Tammy D. Allen, "Rewarding Good Citizens: The Relationship Between Citizenship Behavior, Gender, and Organizational Rewards 1," *Journal of Applied Social Psychology* 36, no. 1 (January 2006): 120-43, <https://doi.org/10.1111/j.0021-9029.2006.00006.x>.

as resolving conflicts within the family, dividing roles between childfree couples, managing families without children, and planning for old age without children.¹⁰

Economic and ideological structural changes resulted in a demographic shift. Current economic constraints, including demand for higher levels of education and fears of future jobs, are driving a demographic shift towards delaying having children.¹¹ The increase in childless couples for women's groups is a reflection of an ideological shift related to women's identity.

Behavior and decisions to become parents are based on sociocultural and ideological norms. The birth of a child establishes a woman's identity as a mother and the symbolic association with the desire to love and nurture (Ruegemer and Dziengel 2021).¹² It is able to increase social status, continuity, and immortality. Women as mothers inherently provide meaning in life.

The decision to live without children after marriage is very vulnerable to societal stigma because they are considered to disturb the dominant construction, especially for women who are the center of motherhood. In contrast to men, they are far less scrutinized regarding their position in society because the stigma they face is often associated with the assumption of gender normality. Childfree is a term that refers to people or couples who choose not to have children. Childfree is different from Childless. Childless is more into a condition where a person without children is caused by circumstances.¹³ Simply put, childfree is a choice made by a person or partner, while childless is influenced by external factors such as miscarriage, as well as other physical and biological conditions.

In the construction of society in Indonesia, childless seems to be more tolerated compared to peers who choose and make decisions for childfree. It seems that eastern culture, social construction, stigma have not been able to clearly accept the concept of childfree.

Childfree marriage is a choice and freedom for everyone, including women, to choose. Because "*my body is my choice*" but more complex than it. The data in the field provide evidence that the public's knowledge about children being the bringer of good fortune for the family is wrong knowledge.

Some people admit that if children bring good fortune, then Indonesia does not have a poverty problem. If a family has children, the economic burden that is borne increases and income must also increase to balance expenses and income. A number of our people are still trapped in the cycle of poverty, so choosing to have children in conditions of poverty is a very unfortunate decision. It is still common to find parents who employ their children who are still underage.

There are many factors that cause married couples choose not to have children consciously. Some of them are: *First*, Economic factors, young people today feel unsure or worried that they will not be able to meet the children's living expenses, which are considered a lot and burdensome. For those who choose to go childfree, financial maturity financial maturity is a very important factor when want to have children. So, this contradicts with the term that we commonly hear so far "many children, many sustenance". For them, sustenance in the form of materials to support their children does not come out of nowhere.

¹⁰ Siti Zulaikha, "The Childfree Phenomenon in Some Influencers," *ARRUS Journal of Social Sciences and Humanities* 3, no. 1 (April 11, 2023): 59–64, <https://doi.org/10.35877/soshum1666>; "Fenomena Childfree Di Dalam Pernikahan Perspektif Hukum Islam."

¹¹ Tiara Hanandita, "Konstruksi Masyarakat Tentang Hidup Tanpa Anak Setelah Menikah" *January Vol. 11 No. 1* (2022): 132.

¹² Amy Murrell Ruegemer and Lake Dziengel, "Why DID They Have Children? Rural Midlife Women Who Are Childfree," 2021, <https://doi.org/10.1080/08952841.2021.1944002>.

¹³ Siti Farida, "Fenomena Childfree Dan Konstruksi Masyarakat Indonesia," 2021, <https://heylawedu.id/blog/childfree-fenomena-childfree-dan-konstruksi-masyarakat-indonesia>.

Second, Mental Factors, being a parent is certainly not an easy thing, there are many things that must be prepared by humans when he will become a parent. mental readiness is the most important thing for humans to be able to become a parent. Why is that? because a healthy mentality is the pillar of a happy life for both parents and for both parents and their children. Not a few couples who choose childfree motivated by childhood trauma caused by parenting and lifestyle caused by parenting and lifestyle toxic family lifestyle.

Third, Personal Factors and Personal Experiences, there are many who feel that the presence of children will be a burden and an obstacle to career success for both husband and wife. In addition, there are also those who claim to dislike children, feeling that the presence of children will only inconvenience his life. There are even those who argued that the desire to be childfree because they had a traumatic experience in traumatic experiences in her childhood that she fears she will not be able to be a good parent.¹⁴

Fourth, Cultural Factors, the presence of children has always been vital in Indonesian culture so that its presence is looked forward to. Unfortunately, it is not unfortunately, it is not uncommon due to a culture that considers the presence of the presence of children means that it burdens married couples with couples with questions that seem questions that seem cornering when they never have offspring so that they finally decide to choose childfree so that people no longer ask no longer ask questions or make small talk.

Fifth, Overpopulation, Cinta Laura Kiehl or popularly known as Cinta Laura revealed her reason for choosing childfree because of overpopulation. According to Cinta Laura, the earth is already full of with humans so to be able to stabilize the population, adoption can be an option to not “add” to the burden of the earth that comes from.

Based on research argues that having children is related to reproductive functions beyond personal fulfillment, such as fulfilling family obligations with the presence of a successor. One family in America was required to have children to continue the white race.¹⁵

All series of activities carried out by humans experience a habitualization process. Humans getting married and then having children is a habitualization that leads to reproduction. According to Peter L. Berger’s book, humans are in objective reality, which is influenced by their environment. The influence is then formed in the capitalization process.

Berger in his book argues that actions that become habitual will still retain their meaningful nature, even though the meaning contained in them is embedded as routine in general knowledge. Habituation that occurs causes the choice to be narrowed.¹⁶ Berger’s argument is in line with data in the field that living without children should be a choice, but the habitualization that grows in our society is that after marriage we must have children. This shows that human decisions begin to be narrowed down with habituation. In fact, data in the field shows that living without children in developing country societies is a manifestation of the development of people’s mindsets.

As time has progressed, the mindset of a small number of married couples in Indonesia has chosen not to have children and sociologists consider this change in mindset to be an interesting

¹⁴ A Mayssara, “Abo Hassanin Supervised, Affiifi. IAQ in Hospitals—Better Health through Indoor Air Quality Awareness,” *Paper Knowledge. Toward a Media History of Documents*; Duke University Press: Durham, NC, USA, 2014.

¹⁵ Elizabeth A Hintz and Clinton L Brown, “Childfree and ‘Bingoed’: A Relational Dialectics Theory Analysis of Meaning Creation in Online Narratives about Voluntary Childlessness,” *Communication Monographs* 87, no. 2 (2020): 244–66.

¹⁶ Hanandita, “Konstruksi Masyarakat Tentang Hidup Tanpa Anak Setelah Menikah,” 133.

thing. The decision not to have children is considered contrary to the construction of Indonesian society regarding the ideal family concept. Couples who choose not to have children are considered to have a tenuous relationship between husband and wife. Community construction related to negative views of the decision not to have children begins to be marginalized by empirical evidence of couples who feel happy without children.¹⁷

There are several reasons why couples in Indonesia choose not to have children, they prefer to enjoy life for education and humanity which is considered more beneficial for them. People who choose childfree don't hate children. It's just that they have a commitment or decision not to have children in their personal lives.

The decision not to have children that people decide to be childfree is still very difficult for Indonesian people to accept because the ideal family form is embedded in the construction of society. The Childlessness in the United States study stated that the decision not to have children increased by 20% in the 2000s. The increase in percentage is based on historical reasons for family problems and considerations related to future child care. This increase is supported by the fact that initially the decision was based on economic difficulties and psychological pressures that affected family life. Psychologists and doctors in America explain that the reasons couples don't have children are their own subjective reasons. It is stated that there are several motivational sentences held by couples without children, namely: a. I love our life, our relationship is what it is and having kids won't affect it; b. I value freedom and independence; c. I want to focus my life on my own interests, needs and goals.

In the female aspect, the choice to forget motherhood and deviate from accepted social norms can be seen through the lens of developmental theory. At this stage, adults who do not become parents, or take on leadership roles in society will not reach their full potential and will instead become psychologically stagnant. However, empirical research shows little or no difference in psychological adjustment between women with and without children. This can be seen in the slight difference in the psychological adjustment of women who do not have children voluntarily compared to those who become parents. A study of 678 Australian women aged 22 to 27 years [who don't want children] shows little social or psychological difference when compared to their friends who want children.¹⁸ Furthermore, the research literature on socioeconomic status, health and social networks shows that adults without children are the group that experiences sadness in living their lives.

However, there are some positive differences - with childless women tend to be more highly educated, have little or no affiliation with religious beliefs, hold non-traditional sex roles, have high employment careers, and be more likely to live in urban areas than women with children. Childless women also challenge the idea that categorically normal adult development includes motherhood - and that they do not see themselves as unfit. Childless women voluntarily reject the idea of motherhood as an instinct and central to women's identity.¹⁹ Furthermore, childless women may characterize childbearing as a burden that demands the sacrifice of time, energy and identity - and includes social obligations that they do not want to bear. Most studies that focus on women with

¹⁷ Dhea Nila Aryeni, "Keharmonisan Keluarga Tanpa Sang Buah Hati (Studi Fenomenologi Pasangan Suami Istri Dalam Keluarga Kontemporer Di Kota Bandung)," 2020, <https://jurnal.uns.ac.id/jas/article/view/56920>.

¹⁸ K Park, 'Choosing Childlessness: Weber's Typology of Action and Motives of the Voluntarily Childless', *Sociological Inquiry*, 75 (2005), 375.

¹⁹ K Park, 'Stigma Management Among the Voluntarily Childless', *Sociological Perspectives*, 45 (2002), 30.

fertility problems rather than women who do not have children voluntarily differ from women who expressly choose not to have children.²⁰

Community construction and academics view having children as being able to increase satisfaction and happiness in life, but on the other hand there is recognition that having children involves significant time and financial costs and can reduce life satisfaction and happiness.²¹ This is supported by research on the relationship between parental status and life satisfaction which shows a positive relationship between being a parent and life satisfaction but there are several studies showing no relationship between being a parent and life satisfaction.

Sadd Ad-Dzari'ah's Review of Childfree

Sadd Adz-zariah consists of two words namely *sadd* and *dzariah* the word *sadd*, means:²²

السّدّ بمعنى: إِغْلَاقُ الْخَلَلِ وَرَدْمُ الثَّمَمِ، وبمعنى المنع

Meaning: “cover reproach, and cover damage, and also means to prevent or prohibit”.

While the word *dzari'ah* in language means:²³

الْوَصِيْلَةُ الَّتِي يَتَوَصَّلُ إِلَى الشَّيْءِ سَوَاءً كَانَ حَسَبًا أَوْ مَعْنَوِيًّا

Meaning: “A matter that delivers something both historically and meaningfully”.

This lughawi meaning contains a neutral connotation without giving results to actions. Based on the meaning of Luqhowi above, Ibn Qayyim gives an understanding of *adzariah* according to him, *adz-dzariah* contains two definitions, namely *Sadd al-Zarī'ah* (something that is prohibited) and *Fath Ad-dzariah* (demand to carry out something). According to Imam Syatibi, the essence of the *dzari'ah* rule is a matter that leads to something good that leads to damage. That is someone who initially does something that is permissible because it contains goodness in it, but in the end the goal achieved causes harm or damage. Meanwhile the definition of *dzaria'ah* according to Badran is:

هِيَ الْمَوْصِلُ إِلَى الشَّيْءِ الْمَنْعُوعِ الْمَشْتَمِلِ عَلَى مَفْسَدَةٍ

Namely the arrival of something forbidden which contains *kamafsadatan* in it. Whereas *Sadd Ad-dzari'ah* according to Qarafi (w: 684 H) is defined as an intermediary or means for a case to prevent and avoid a path that seems permissible but ends in a case which is prohibited. Not much different from the *ushul* experts above, Wahbah Zuhaily defines *Sadd al-Zarī'ah* by prohibiting or rejecting all matters that mediate something that is forbidden, with the aim of preventing harm.²⁴

According to Hasyim Al-Burhani *dzari'ah* has three pillars including the following:²⁵ a. Things that are not prohibited by themselves; b. There is a strong allegation of the relationship between

²⁰ Siti Nurjanah and Iffatin Nur, “Childfree: Between the Sacredness of Religion, Law and the Reality of Society,” *Al-Adalah* 19, no. 1 (June 20, 2022): 15–16, <https://doi.org/10.24042/adalah.v19i1.11962>.

²¹ Jennifer Watling Neal and Zachary P Neal, “Prevalence and Characteristics of Childfree Adults in Michigan (USA),” June 16, 2021, 1–21.

²² Hifdhotul Munawwaroh, “Sadd Al- Dzari’at Dan Aplikasinya pada Permasalahan Fiqih Kontemporer,” *Ijtihad : Jurnal Hukum dan Ekonomi Islam* 12, no. 1 (April 10, 2018): 64, <https://doi.org/10.21111/ijtihad.v12i1.2584>.

²³ Syarifuddin, *Ushul Fiqh*, 449.

²⁴ Zuhaily, *Al Wajiz Fi Ushulil-Fiqh*, 108.

²⁵ Muhammad Hasyim Al Burhani, *Sadd Adz-Dzara'at Fi As-Syariah Al-Islamiyah* (Bairut: Dar Al-Fikr, 1985), 103.

intermediaries and prohibited acts, where these actions will bring damage; c. Prohibited actions (*mutawasil divine*), if the action is prohibited then the thing that becomes an intermediary or wasilah towards the action is also prohibited. Vice versa if the action is permissible or permissible then the intermediary leading to the act is not prohibited.²⁶

In terms of implementation, *Sadd al-Ẓarī'ah* is one of the methods of *ijtihād* in Islam for establishing a law. However, there are some “*ulama*” who classify *Sadd al-Ẓarī'ah* as a series of *syara'* arguments that are not agreed upon by the ‘*ulama*’. In this case, even though there is a dispute between scholars regarding the position of *Sadd al-Ẓarī'ah* as one of the methods of legal *istinbath* in Islam, it indicates that *syara'* does not provide clear legal provisions for an action, but because the act is determined as an intermediary for an action that is not clearly permissible. , then this becomes an indication or argument that the *wasilah* law is the same as the law stipulated by the *syara'* for principal actions.²⁷ The Qur'an also hints at this as in Surah Al-Nur, verse 31:

وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنْ زِينَتِهِنَّ

Meaning: “And let them not strike their feet so that the jewels they hide are known.”

Actually, for a woman, stamping her feet on the ground is permissible, but if it causes the hidden sensation she is wearing to be known by people and causes stimulation for those who hear, then stomping her feet is not allowed or prohibited.

The example of the verse above, it appears that there is a prohibition for cases that can lead to prohibited actions, even though the case was originally permissible. The legal rationale according to the scholars' includes two sides, the first is the urge to act and the second is the goal or target which becomes the *natijah* (conclusion) of the action. good or bad. If the final conclusion is good, then everything that leads to a case is required to be done. Vice versa if the *natijah* or final conclusion is bad or creates danger, then everything that leads to that goal is prohibited.

There are also *fiqhiyyah* principles that form the basis of *sadd-al-zari'ah* as a method of making law in Islam, namely:²⁸

دَرْءُ الْمَفْسِدِ أَوْلَى مِنْ جَلْبِ الْمَصَالِحِ

Meaning: “Rejecting evil (*mafsadah*) is more prioritized than achieving goodness (*maslahah*)”.

This rule serves as a basis for *sadd-al-zari'ah* because in *Sadd al-Ẓarī'ah* there is an element of danger (damage) that must be avoided or prevented.

If you think about it logically, if someone is allowed to do an action, then anything that becomes an intermediary to arrive at that action is also permissible. Vice versa, if someone is prohibited from carrying out a case, then anything that becomes an intermediary for arriving at the case is also prohibited. In the opinion of Ibn Qayyim that, “when Allah prohibits something, then Allah will also prohibit and prevent all roads and intermediaries that can lead to it. This is to strengthen and confirm the prohibition. However, if Allah allows all of these paths and intermediaries, of course this is contrary to the prohibitions that have been set.

²⁶ Munawwaroh, “Sadd al-Dzari'at Dan Aplikasinya Pada Permasalahan Fiqih Kontemporer,” 67.

²⁷ Syarifuddin, *Ushul Fiqh*, 451.

²⁸ Ad-Du'aas, *Qowaid Fiqqiyah Ma'a As-Syarkhi Al-Mujaz*, 34.

It has been explained above that Childfree is a term for people who decide not to have children. In language, childfree is defined as child-free. There are some people who consider the decision as a selfish decision. Some people choose childfree for reasons including; inadequate finances, have congenital diseases, mental readiness that has not been met, or even have childhood injuries. Even so, there are also those who consider that the decision was not a selfish decision, but a decision based on mature and conscious thought. Deciding to have children also means that you have to be ready to assume all the responsibilities that come with being a parent. Likewise if you choose to be childfree.

The concept of childfree in *fiqh* studies is illustrated as a form of agreement to refuse the birth or appearance of a child, either before a potential child exists or after. In the study of *fiqh* there are several equivalent cases, namely rejecting the existence of a child before the sperm is in the woman's womb, either by means of, first, not getting married at all. Second, by refraining from having intercourse after marriage. Third, by not inzal or not spilling sperm in the uterus after inserting the penis into the vagina. Fourth, by way of 'azl or spilling sperm outside the vagina. The four things above are substantially the same as childfree choices in terms of both rejecting the child's existence before it potentially exists. If what is meant by childfree is rejecting the child's existence before the potential exists, that is, before the sperm is in the woman's womb, then the law is permissible.

The decision to choose childfree in a household life is a right for husband and wife. The decision to choose childfree is one form of application of the right to refuse pregnancy. The right to refuse pregnancy is given by Islam to women. This is proof that Islam really respects the position of women. Women are given the right to refuse the pregnancy because it is women who bear the responsibility and all the risks in conceiving, giving birth and breastfeeding. Allah has also described the three responsibilities that can only be borne by women in the Qur'an surah Al-Ahqaf verse 15:

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ إِحْسَانًا حَمَلَتْهُ أُمُّهُ كُرْهًا وَوَضَعَتْهُ كُرْهًا وَحَمْلُهُ وَفِطْلُهُ ثَلَاثُونَ شَهْرًا حَتَّىٰ إِذَا بَلَغَ أَشُدَّهُ وَبَلَغَ أَرْبَعِينَ سَنَةً قَالَ رَبِّ أَوْزِعْنِي أَنْ أَشْكُرَ نِعْمَتَكَ الَّتِي أَنْعَمْتَ عَلَيَّ وَعَلَىٰ وَالِدَيَّ وَأَنْ أَعْمَلَ صَالِحًا تَرْضَاهُ وَأَصْلِحْ لِي فِي ذُرِّيَّتِي إِنِّي تُبْتُ إِلَيْكَ وَإِنِّي مِنَ الْمُسْلِمِينَ

Meaning: “ We command humans to do good to their two mothers and fathers, their mothers conceive them with difficulty, and give birth with difficulty (also). Containing him until weaning him is thirty months, so that when he is mature and reaches forty years of age he prays: “O my Lord, guide me to be grateful for Your favors that You have bestowed on me and on my parents and so that I can do good deeds that you are pleased; do good to me by (giving kindness) to my children and grandchildren. Indeed, I repent to You and indeed I am of those who surrender . “

Dharuriyah need, namely an essential interest which is the main, main or most basic need in human life (primary needs) both regarding the maintenance of the benefit of religion or the benefit of the world. If this benefit is not fulfilled, it will result in mafsadah (damage or loss) so that from this it can cause human life to become injured, disabled and even to extinction. However, all of these provisions may change in accordance with certain circumstances.

Having children or offspring is a good thing or brings maslahah, and the law as long as having children is permissible and is not an obligation, but if having children or offspring can bring harm or danger then the law of having children becomes prohibited. Allah says in a fragment of surah an-Nahl verse 72, which means: “And He made for you through your wives, in the form of children and grandchildren.”

It was explained that the verses of the Koran about producing offspring in a marriage are *khaboriyah* (information) and *targhib in nature*. In the book *Fiqh of Medicine* by Endy Astiwarana it is explained, Imam al-Qurthubi interprets this verse into five points. Among other things, it shows the magnitude of God's grace because of the existence of children in the household. This verse also shows that it is prescribed for the husband to (also) serve his wife. This is as exemplified by the Prophet Muhammad SAW who sewed his own clothes and cleaned the shoes he wanted to use himself. Allah says in the Qur'an surah al-Kahf : 46, which means: "Wealth and children are the world's jewels."

The verse above is a subtle rejection of Uyainah bin Husain who is proud of children and wealth. Thus, the statement about children here is *khaboriyah in nature*, as well as a prohibition to be proud of both. So if viewed from the perspective of *Sadd al-Zarī'ah*, it is childfree law that is permissible if there are provisions that fulfill the benefit so that it requires the couple to take this childfree path. The general argument that explains having off spring is:

الْوَدُودَ الْوَلُودَ اشْرَ الْأَنْبِيَاءِ الْقِيَامَةِ

Meaning: "Marry a loving woman and can have many children; because in fact I will be proud of you because there are many of you in the presence of the prophet later in the future" (Shahih Riwayat Ahmad, Ibnu Hibban dan Sa'id bin Manshur from Anas bin Malik).

At a glance the meaning that we can take from this hadith is the recommendation to find a wife who has a loving nature and is fertile in reproduction. Then there is a special argument from Jabir bin 'Abdillah and the *azl* opinion from Imam Ghazali:

كُنَّا نَعْزِلُ وَالْقُرْآنُ يَنْزِلُ

Meaning: "We used to do 'azl at the time of the Prophet sallallaahu 'alaihi wa sallam and the Qur'an came down at that time."

And Imam Al-Ghazali explained what this means: "I am of the opinion that the law of 'azl is not *makruh* with the meaning of *makruh tahrīm* or *makruh tanzih*; because to set a prohibition against something can only be done on the basis of the text or *qiyas* on the text. Even though there are no texts or origins or sources of *qiyas* that can be used as evidence for the *makruh* of 'azl. In fact, what exists is the origin of *qiyas* which allows it, namely not to marry at all, not to have intercourse after marriage, or not to inzal or spill sperm after inserting the penis into the vagina.

Because everything is just an act of abandoning virtue, not an act of prohibiting it. Everything is no different because a new child will potentially exist by placing sperm in the woman's uterus. So the childfree law is permissible if there are benefits or provisions as I have stated above. And what is not permissible, namely eliminating the reproductive system totally, is unlawful.

Conclusion

Childfree is a term that refers to people or couples who choose not to have children. Some people choose childfree for reasons including inadequate finances, congenital diseases, mental readiness that has not been met or even childhood injuries. In the construction of society in Indonesia, childlessness is more tolerated than peers who choose and make decisions for children. Eastern culture, social

construction, and stigma have not been able to accept the concept of childfree. Childfree, when viewed from the perspective of Sadd al-Žarī‘ah, having children or offspring is a good thing or brings benefits. The law of origin of having offspring is permissible. It is not a necessity to maintain religious benefits or the benefits of the world. However, if having children or offspring can bring harm or danger, the law of having offspring is prohibited. So, if viewed from the perspective of Sadd al-Žarī‘ah, it is a childfree law that is permissible if provisions fulfil the benefit, requiring the couple to take this childfree path.

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