

Childfree Phenomenon in Urban Muslim Society: An Islamic Family Law Perspective

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Abstract

This study examines the adaptation of Islamic family law in responding to the childfree phenomenon among urban Muslim communities through the framework of maqāṣid al-sharī'ah, particularly the principle of ḥifẓ al-naṣl. The increasing acceptance of the childfree lifestyle within contemporary urban society has generated significant legal, social, and religious debates, as the voluntary decision not to have children is often perceived as contradicting Islamic values and the pro-natalist culture of Indonesian Muslim society. This research employs a normative juridical method using statutory, conceptual, and maqāṣid al-sharī'ah approaches, supported by qualitative analysis of legal materials and contemporary socio-religious discourse. The findings reveal that Islamic law does not explicitly obligate every married couple to have children; however, the preservation of lineage remains a fundamental objective of Islamic family law due to its close relationship with family continuity, social welfare, and the sustainability of Muslim civilization. The study further demonstrates that childfree decisions motivated solely by radical individualism and hedonistic orientations tend to conflict with the substantive values of ḥifẓ al-naṣl, whereas decisions grounded in reproductive health concerns, psychological readiness, economic limitations, environmental considerations, and responsible parenting may still be accommodated through contextual and maqāṣid-oriented ijtihād. The novelty of this study lies in reconstructing the interpretation of ḥifẓ al-naṣl from a purely biological-procreative orientation toward a qualitative-humanistic framework emphasizing psychosocial well-being, family welfare, and reproductive dignity within contemporary Islamic family law discourse.

Keywords: Childfree; Ḥifẓ al-naṣl; Islamic Family Law; Maqāṣid Al-Sharī'ah; Urban Muslim Society

1. INTRODUCTION

Marriage constitutes a noble and fundamental institution in human life because it unites men and women within a physical and spiritual bond aimed at establishing a harmonious and prosperous family. Within this framework, the presence of children is often regarded as an essential element that strengthens marital relationships and ensures the continuity of lineage, as emphasized by Imam al-Ghazālī in his discussion of the objectives of marriage in Islamic thought.¹ However, a growing number of couples deliberately choose a childfree marriage due to various multifaceted factors, including genetic predispositions, financial constraints, psychological preparedness, and environmental concerns.² While this phenomenon has become increasingly normative in Western societies, it remains highly contested and stigmatized within the Indonesian context, where it directly conflicts with

¹ Rizkia Nabila, Roswiyani Roswiyani, and Heryanti Satyadi, "A Literature Review of Factors Influencing Early Marriage Decisions in Indonesia," *Proceedings of the 3rd Tarumanagara International Conference on the Applications of Social Sciences and Humanities (TICASH 2021)* 655, no. Ticash 2021 (2022): 1392–1402, <https://doi.org/10.2991/assehr.k.220404.223>.

² Bunyamin Bunyamin et al., "Reforming Indonesia's Correctional System: The Role of Maqāṣid Al-Syarī'ah in Ensuring Justice and Rehabilitation," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (2025): 52–71, <https://doi.org/10.18860/j-fsh.v17i1.29258>.

deeply entrenched cultural and religious values that prioritize and sanctify lineage.³ Indonesia is classified as a pro-natalist country with a birth rate (total fertility rate) of 2.26, and 93% of the population believes that having children is important in a marriage.⁴ With strong pronatalist values, children are important to most Indonesians. The presence of biological children is considered to provide a sense of security when parents age.⁵ Sociologist Amy Blackstone explains that one reason partners choose *childfree* among other reasons experience observing changes in other people's lives after their own children, and desire to maintain emotional proximity without the disturbance of the parental role as parents.⁶

In the context of Islamic law, which is recognized as being responsive to changing times and circumstances (*ṣāliḥ li kulli zamān wa makān*), the childfree phenomenon should be addressed through a contextual and adaptive legal approach. This phenomenon may be associated with four forms of attitudes discussed in Islamic jurisprudence: remaining unmarried; being married without engaging in sexual relations; engaging in sexual relations without ejaculation (*inzāl*); and practicing *'azl* (coitus interruptus) as a method of preventing pregnancy.⁷ Everything related to methods of preventing descendants or avoiding childbirth may form part of the legal discourse concerning the childfree lifestyle. This research aims to examine the legitimacy of childfree choices from the perspective of Islamic jurisprudence and to evaluate whether such principles and practices can be religiously justified within Islamic legal reasoning.⁸

The childfree phenomenon within urban Muslim society has generated new dynamics in the relationship between religious values, cultural norms, and contemporary lifestyles. On the one hand, Muslims living in urban environments are increasingly exposed to modern values emphasizing individual autonomy and freedom of choice. On the other hand, they remain bound by religious norms that highly value progeny and the continuation of lineage within marriage.⁹ This tension creates an urgent need to re-examine how Islamic family law responds to childfree practices in an objective, contextual, and socially relevant manner. Considering the limited number of jurisprudential studies specifically addressing childfree

³ Irfan Fauzi et al., "Analisis Fenomena *Childfree* Dalam Hukum Fiqih Islam (Studi Pendekatan Konsep Niat)," *Jurnal El-Thawalib* 6, no. 1 (2025): 97–111.

⁴ Joanne Doyle, Julie Ann Pooley, and Lauren Breen, "A Phenomenological Exploration of the *Childfree* Choice in a Sample of Australian Women," *Journal of Health Psychology* 18, no. 3 (2013): 397–407, <https://doi.org/10.1177/1359105312444647>.

⁵ Fauzi et al., "Analisis Fenomena *Childfree* Dalam Hukum Fiqih Islam (Studi Pendekatan Konsep Niat)."

⁶ Imam Syafi'i et al., "*Childfree* in Islamic Law Perspective of Nahdlatul Ulama," *Al-Ahkam* 33, no. 1 (2023): 2, <https://doi.org/10.21580/ahkam.2023.33.1.14576>.

⁷ Syafi'i et al., "*Childfree* in Islamic Law Perspective of Nahdlatul Ulama."

⁸ Muhammad Faqih Nidzom and Fiqhi Akbar Rafsanjani, "The Historical Criticism and Causality in The Philosophy of History: Ibn Khaldun's Perspective," *Tsaqafah* 18, no. 2 (2022): 227, <https://doi.org/10.21111/tsaqafah.v18i2.8118>.

⁹ Muhammad Arafat and Asmuni Asmuni, "Implementation of Maqashid Al-Syariah in Islamic Criminal Law in Muslim Countries: A Comparative Study in Saudi Arabia, Iran, Malaysia, and Indonesia," *Al-Sulthaniyah* 14, no. 1 (2025): 45–68, <https://doi.org/10.37567/al-sulthaniyah.v14i1.3577>.

as a social phenomenon within urban Muslim communities, this research is important to fill the existing gap in contemporary Islamic legal discourse.¹⁰

The first previous study was conducted by Fauzi (2025), which examined the *childfree* phenomenon from the perspective of Islamic fiqh law by emphasizing the concept of intention (*niyyah*) as the primary basis for assessing the legality of couples' decisions not to have children. The strength of the study lies in its fiqh-oriented approach that positions motive and intention as the main considerations in determining the permissibility of *childfree* practices within Islamic law.¹¹ The second previous study was conducted by Syafi'i (2023). This study examined the *childfree* phenomenon from the perspective of Nahdlatul Ulama Islamic law by employing the *bahtsul masā'il* approach and the opinions of classical Islamic scholars. The strength of this research lies in its ability to systematically and comprehensively explain the traditional foundations of Islamic law related to *childfree* practices, particularly through the analysis of the concept of '*azl* and the objectives of marriage in Islam.¹² The third previous study was conducted by Ma'mun (2023), which examined the *childfree* phenomenon among urban Muslims through a multidisciplinary approach that connected moral, social, psychological, and religious dimensions. The strength of this study lies in its ability to integrate social science perspectives with Islamic values in understanding the emergence of *childfree* as a modern lifestyle within urban Muslim communities.¹³

A fundamental limitation of previous studies, whether based on the conceptualization of intention Fauzi (2025) or the collective decisions of religious organizations Syafi'i (2023), lies in their tendency to place the *childfree* phenomenon in a *sociological vacuum*. These studies are trapped within the boundaries of classical normative fiqh, which views the decision to remain *childfree* purely as a matter of individual legal obligation (halal-haram).¹⁴ Consequently, a conceptual gap emerges where the dynamics of urban Muslim sociology, such as shifts in economic structures, urban spatial pressures, and rising awareness of mental health, are not integrated into legal reasoning. This study fills that gap by offering a new articulation that brings together urban sociology and the transformation of Islamic family law, an academic field that has not yet been adequately explored. To bridge this conceptual gap, this article reconstructs the interpretation of the principle of *ḥifẓ al-naṣl* through a dialectic between the classical and contemporary approaches to maqāṣid.¹⁵

¹⁰ Muhammad Arafat and Asmuni Asmuni, "Implementation of Maqashid Al-Syariah in Islamic Criminal Law in Muslim Countries : A Comparative Study in Saudi Arabia , Iran , Malaysia , and Indonesia," *Al-Sulthaniyah* 14, no. 1 (2025): 45–68, <https://doi.org/10.37567/al-sulthaniyah.v14i1.3577>.

¹¹ Fauzi et al., "Analisis Fenomena *Childfree* Dalam Hukum Fiqih Islam (Studi Pendekatan Konsep Niat)."

¹² Syafi'i et al., "*Childfree* in Islamic Law Perspective of Nahdlatul Ulama."

¹³ Sukron Ma'mun, Sheikh Adnan Ahmad Usmani, and Ibnu Akbar Maliki, "The *Childfree* Phenomenon Among Urban Muslims: A Multidisciplinary Examination of Science and Morality," *Akademika : Jurnal Pemikiran Islam* 28, no. 1 (2023): 111, <https://doi.org/10.32332/akademika.v28i1.6773>.

¹⁴ Auda, Jasser. (2008). *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought.

¹⁵ Mir-Hosseini, Ziba. (2015). *Muslim Family Law: International Perspectives*. I.B. Tauris.

In the classical maqāṣid discourse shaped by Al-Ghazali and Al-Syatibi, *ḥifẓ al-naṣl* is rigidly interpreted as a *procreative imperative* that is, a biological obligation to preserve the quantity of the human population and the validity of lineage. Conversely, the contemporary maqāṣid paradigm transcends this biological reductionism by shifting the focus from quantitative protection (protection) toward qualitative *development* (*development*). *Ḥifẓ al-naṣl* in the modern landscape must be deconstructed as a guarantee of quality parenting, child welfare, and the stability of the family institution, which opens the space for *ijtihad*, as refusing reproduction to avoid parenting failure is an action in line with the essence of Sharia. This reorientation of the maqāṣid aligns with the views of contemporary Islamic scholars who are beginning to integrate issues of reproductive rights and marital autonomy into Islamic family law. Progressive thought asserts that the institution of marriage in Islam must not be reduced merely to a “reproductive factory,” but rather to a space of autonomous partnership that prioritizes psychosocial well-being (*sakīnah*). Amid the socio-ethical transformation of urban Muslim societies, women have the right to autonomy over their own bodies, where reproductive decisions must be made on the basis of mutual consent (*tarāḍin*) and consideration of mental capacity.

In addition, through the *maqāṣid al-sharī‘ah* approach and the integration of contemporary Islamic legal thought, this study is expected to provide an argumentative basis for fatwa formulation, family policy, and public understanding regarding the *childfree* lifestyle within an adaptive Islamic family law framework. Previous studies have discussed the *childfree* phenomenon from various perspectives. Fauzi examined *childfree* through the concept of intention in Islamic jurisprudence, but focused mainly on normative fiqh analysis. Syafi’i analyzed *childfree* from the perspective of Nahdlatul Ulama and classical Islamic law, yet their discussion remained limited to traditional fiqh discourse. Meanwhile, Ma’mun explored *childfree* among urban Muslims through multidisciplinary perspectives but did not specifically examine the adaptation of Islamic family law through the principle of *ḥifẓ al-naṣl*. Therefore, this research fills the existing gap by analyzing the *childfree* phenomenon in urban Muslim society through the framework of maqāṣid al-sharī‘ah and adaptive Islamic family law. The novelty of this study lies in integrating contemporary urban social dynamics with the principle of lineage protection (*ḥifẓ al-naṣl*) to develop a contextual and *humanistic* understanding of Islamic family law.

This study aims to map the socio-ethical transformations and structural factors driving the adoption of a *childfree* lifestyle among contemporary urban Muslim communities. Second, this study aims to analyze the doctrinal shift of the principle of *ḥifẓ al-naṣl* from a classical maqāṣid approach based on a *procreative imperative* toward a contemporary maqāṣid approach based on qualitative considerations. This paper is expected to provide a new theoretical contribution to the *development* of the discourse on contemporary Islamic family law. Accordingly, this study aims to analyze the adaptation of Islamic family law in

responding to the *childfree* phenomenon in urban Muslim society from the perspective of *maqāṣid al-sharī‘ah*.¹⁶

2. METHOD

This study employs a juridical-normative legal research method with three main approaches: the statutory approach, the conceptual approach, and the *maqāṣid al-sharī‘ah* approach. The operationalization of the statutory approach focuses on the vertical and horizontal synchronization of Islamic family law regulations in Indonesia (such as the Marriage Law and the Compilation of Islamic Law). The conceptual approach is specifically used to build an epistemological bridge between the sociological phenomenon of the “*childfree*” urban society and the doctrine of marital autonomy as well as women’s reproductive rights.¹⁷ Meanwhile, the *maqāṣid al-sharī‘ah* approach is employed not merely as a normative supplement, but as the primary analytical tool to deconstruct classical legal texts (unveiling the *ratio legis*) through a paradigm shift of *ḥifẓ al-naṣl* from a quantitative-biological dimension toward a qualitative-well-being dimension. Secondary data collected through literature review was rigorously screened via textual criticism and categorization of legal materials. The legal reasoning process employed in this study was developed through a systematic deductive–inductive approach designed to integrate normative legal analysis with contemporary socio-religious realities.¹⁸

The qualitative analysis of legal materials was carried out through three interrelated stages. First, the contextualization of social phenomena was undertaken by identifying and categorizing contemporary arguments emerging within urban Muslim communities concerning the *childfree* decision, particularly those related to economic considerations, psychological readiness, and spatial or environmental limitations, which were subsequently treated as secondary legal facts. Second, a doctrinal deconstruction process was conducted through *maqāṣid*-based testing using Jasser Auda’s contemporary *maqāṣid al-sharī‘ah* framework in order to assess whether such sociological motives fulfill the criteria of genuine public benefit (*maṣlaḥah*) or instead potentially generate harm (*mafsadah*). Third, the study applied a teleological interpretation oriented toward the objectives of Islamic law to reconstruct a more adaptive and *humanistic* understanding of *ḥifẓ al-naṣl*. Through this analytical synthesis, the research formulates a contextual legal conclusion regarding the legitimacy of the *childfree* decision within contemporary Islamic legal discourse.¹⁹

¹⁶ Ending Solehudin et al., “Transformation of Shariah Economic Justice: Ethical and Utility Perspectives in the Framework of Maqashid Shariah,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (2024): 101–15, <https://doi.org/10.30631/alrisalah.v24i1.1467>.

¹⁷ Muhammad Alif, “Eksistensi Tuhan Dan Problem Epistemologi Dalam Filsafat Agama,” *Aqlania* 12, no. 2 (2021): 209, <https://doi.org/10.32678/aqlania.v12i2.2108>.

¹⁸ Jabbar Sabil, “Fiqh Reform in the Sultanate of Aceh Darussalam : Is It Modernism or Moderatism? A Study of the Hareuta Sihareukat Custom,” *The Indonesian Journal of the Social Sciences* 13, no. 1 (2025): 569–98.

¹⁹ Johnny Ibrahim, *Normative Law Research Theory and Methodology* (Malang: Bayumedia Publishing, 2012), 57.

3. RESULT AND DISCUSSION

3.1 *Childfree* Phenomenon in Urban Muslim Society

Urban Muslim thought refers to *development* method views and practices Islamic values by Muslim communities living in urban areas, which are influenced by encounters with modernity, pluralism, and global change. Rooted in the centers of Islamic civilizations such as Baghdad and Cairo, Islamic thought This develop more continuously in the colonial and postcolonial periods when Muslims in cities start respond idea rationalism, democracy, and social justice.²⁰ In the contemporary era, intellectuals, activists, and the younger generation of young urban Muslims are involved in various issues like gender equality, digital religiosity, halal consumption, ethics environment, as well as the reinterpretation of the role of family, including reception style life *childfree*, via a progressive approach like *maqashid al-shariah* and *mubadalah*. *Development* is supported by institutions based in urban areas, Islamic universities, digital platforms, and network of public civil society that allows Islamic thought to develop in a way responsive to the complexity of modern life in urban areas.²¹

This transformation of the urban Muslim intellectual landscape did not occur in a vacuum, but is intertwined with a process that Ulrich Beck refers to as “individualization” in contemporary modernity. In specific urban Muslim communities, urbanization and the penetration of capitalism have not only altered spatial structures but also loosened the traditional social control that was once firmly held by the extended family in rural areas.²² Urban Muslims now possess greater autonomy in defining their identities and life choices. From the perspective of the sociology of the family, there has been a shift in the function of the family from a collegial reproductive-economic institution to a space for the pursuit of personal emotional happiness.²³ Consequently, *career orientation* and the pursuit of *self-actualization* among the urban Muslim middle class, especially female members, are no longer viewed as a betrayal of religious nature, but rather as a form of rationalization in navigating the complexities and risks of modern life.

The term *childfree* linguistically refers to the deliberate choice not to have children based on personal preference, which differs from *childless*, a condition generally caused by circumstances beyond an individual’s control, such as medical or biological factors. This phenomenon has become increasingly visible amid the global decline in birth rates,

²⁰ E. Zuraidi, I. Caesarina, and Z. Fuady, “The Islamic Public Space Concept in the Southeast Asia Region as a Friendly Urban Design and Planning Enlightening,” *IOP Conference Series: Earth and Environmental Science* 452, no. 1 (2020), <https://doi.org/10.1088/1755-1315/452/1/012146>.

²¹ Samsu Hendra Siwi, Yandi Andri Yatmo, and Paramita Atmodiwirjo, “Maintaining Social Sustainability through the Boundary Formation of Sacred Spaces in Moslem Dwellings,” *International Journal of Technology* 11, no. 1 (2020): 133–43, <https://doi.org/10.14716/ijtech.v11i1.3764>.

²² Nurul Fadhilah Binti Ismail and Adibah Binti Abdul Rahim, “Ibn Khaldun’s Theory of ‘Asabiyyah and Its Impact on the Current Muslim Community,” *Journalism and Mass Communication* 8, no. 6 (2018): 287–94, <https://doi.org/10.17265/2160-6579/2018.06.002>.

²³ & Amaliyah Musarrofa, Muttaqin, “The Problems of Islamic Family Law in the Digital Era and Its Relevance to Renewal of the Compilation of Islamic Law,” *Jurnal Hukum Islam* 22, no. 1 (2024): 89–124, <https://e-journal.uingusdur.ac.id/index.php/jhi/index>.

including in Indonesia, where data from the Central Statistics Agency (BPS) and the World Bank indicate a decreasing population growth rate over the past decade. Although the childfree lifestyle has become relatively common in many Western countries, the decision not to have children often continues to receive negative stigma in Indonesia, a society that still strongly upholds conservative cultural and familial values.²⁴ Motivation for *childfree*, various, starting from from reason economy, concerns for the environment, up to the desire for freedom life without not quite enough answers as parents. The term *childfree* Alone was first introduced by the National Organization for Non-Parents in 1972, and since that the, more women in the west who choose no become mothers.²⁵

Being *childfree* refers to the deliberate decision to avoid assuming the role of parenthood, which differs from being *childless*, a condition generally associated with infertility or social circumstances, such as not yet finding a suitable partner or not being prepared for parenthood.²⁶ Over the past several decades, the number of individuals and couples choosing a childfree lifestyle has increased significantly worldwide, becoming a demographic phenomenon that contributes to declining birth rates. One notable example can be observed in India, one of the world's most populous countries.

In 2021, India's total fertility rate (TFR) declined to 2.0 children per woman, falling below the replacement level, and reflecting a decrease of nearly two-thirds compared to the 1950s. This decline has been influenced by various factors, including family planning campaigns, improvements in women's education, and changing perspectives regarding marriage and family size.²⁷

The childfree phenomenon, defined as the conscious decision not to have children, is not a new issue and has existed since the sixteenth century in Europe due to philosophical, health-related, and lifestyle considerations. In contemporary global developments, this lifestyle has become increasingly widespread, including in Asian countries such as Japan and South Korea.²⁸ In Western countries, the *childfree* option is often associated with effort. Women chase career and independence, while in Indonesia, the norm culture still emphasizes the importance own child in marriage.²⁹ From an Islamic perspective, there is no explicit text requiring one's own children, but mark preservation descendants still become part of the objective sharia (*maqashid al-shariah*).³⁰

From Figure 1, it can be explained that the *childfree* phenomenon in urban Muslim society is influenced by various interconnected factors, including modernization,

²⁴ Fauzi et al., "Analisis Fenomena *Childfree* Dalam Hukum Fiqih Islam (Studi Pendekatan Konsep Niat)."

²⁵ Fauzi et al.

²⁶ Rhea Jaikumar Menon, "Reimagining Ageing and Later-Life Care: The Perspectives of *Childfree* Adults in Urban India," *Society* 62, no. 2 (2025): 184, <https://doi.org/10.1007/s12115-025-01065-0>.

²⁷ Menon, "Reimagining Ageing and Later-Life Care: The Perspectives of *Childfree* Adults in Urban India."

²⁸ Ma'mun, Ahmad Usmani, and Maliki, "The *Childfree* Phenomenon Among Urban Muslims: A Multidisciplinary Examination of Science and Morality," 112.

²⁹ Wahyu Abdul Jafar et al., "The *Childfree* Phenomenon Based on Islamic Law and Its Respond on Muslim Society," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 (2023): 389–406, <https://doi.org/10.29240/jhi.v8i2.7865>.

³⁰ Ma'mun, Ahmad Usmani, and Maliki, "The *Childfree* Phenomenon Among Urban Muslims: A Multidisciplinary Examination of Science and Morality."

individualism, economic considerations, environmental concerns, *career orientation*, and changing perceptions regarding marriage and family institutions. The Analytical Framework presented in Figure 1 is an original conceptual framework constructed by the author through an analytical synthesis of the dialectic between empirical reality and Islamic legal theory. This figure maps the causal and correlative relationships (analytical relations) among variables at the macro and micro levels. At the macro level, the variables of Modernization and Globalization act as triggers (independent variables) that give rise to shifts in values at the meso level (career choices, environmental anxiety, and sociological *individualism*). This analytical relationship then culminates at the micro level, namely, Perceptual Changes toward the Institution of Marriage among urban Muslims. The author constructs this line of reasoning to demonstrate that the decision to remain *childfree* is not a singular, isolated phenomenon, but rather the outcome of structural-modernity pressures that require theoretical resolution through the reconstruction of the principle of *hifz al-naʿsl* within the realm of adaptive jurisprudence.

The *childfree* phenomenon in Indonesia has also been researched by Indonesian Media Research and *Development*, with results following:

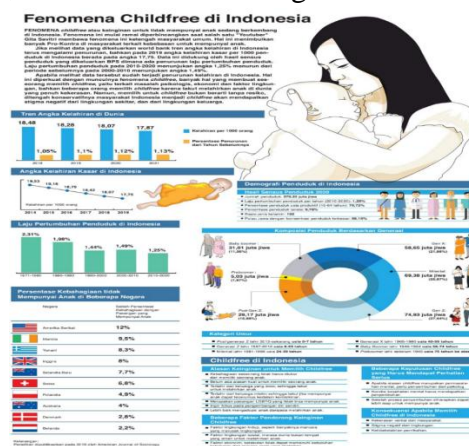


Figure 1. *Childfree* Phenomenon in Indonesia

Furthermore, a close examination of Figure 1 in the section detailing the driving factors dispels the assumption that the *childfree* choice among urban Muslims is driven solely by *hedonistic* motives. Through a philosophical and sociological analysis, variables such as “fear of bringing a child into a violent world” (environmental/social concerns) and “fear of being unable to meet a child’s needs” (economic anxiety) indicate the presence of a well-considered ethical calculation. Amid an Indonesian society characterized by pro-natalist tendencies and a tendency to impose negative stigmas on *childless* couples, this voluntary decision is taken as a form of psychosocial defense against the complexities of modernity. This data reinforces the theoretical urgency of a qualitative expression of *hifz al-naʿsl*: when reality shows that mental and economic limitations risk giving rise to *toxic parenting*, the choice to delay or not have children actually serves as a preventive measure (*sadd al-zarī‘ah*) to protect the future well-being of the Muslim generation.

3.2 Related Islamic Family Law Regulations on the Protection of Descendants (*Ḥifẓ al-naṣl*)

Modern Islamic family law emphasizes empirical and rational modes of thought, in which progressive jurisprudential principles are employed as methods for producing responsive and solution-oriented Islamic legal products capable of addressing contemporary issues.³¹ This approach highlights the importance of integrating jurisprudential principles with other disciplines, including science, philosophy, culture, and economics, while remaining grounded in the primary sources of Islamic law, namely the Qur'an and Hadith. Yusuf al-Qaradawi describes this integrative method as *indimājī*, an approach that not only focuses on the linguistic dimensions of legal texts but also emphasizes the value of public benefit (*maṣlaḥah*) as developed within the framework of *maqāṣid al-sharī'ah*. Through this approach, Islamic law is expected to continue evolving in accordance with contemporary social dynamics and the needs of modern society.³²

Within the framework of *maqāṣid al-sharī'ah*, *ḥifẓ al-naṣl* (the protection of lineage) constitutes one of the principal objectives of Islamic law, emphasizing the importance of preserving human dignity and the continuity of lineage through legally recognized relationships in accordance with both religious and state regulations. Islam views progeny not merely as a biological matter, but also as a form of moral and social responsibility. Consequently, all forms of relationships outside lawful marriage, such as adultery, are strictly prohibited because they are considered capable of damaging the structure of lineage and disrupting social order.³³

Ḥifẓ al-naṣl is classified within the category of *ḍarūriyyāt* (necessities), as formulated by al-Ghazālī and systematically developed by al-Shātibī in *al-Muwāfaqāt*. This principle positions the protection of lineage as an integral component of human welfare, alongside the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), and property (*ḥifẓ al-māl*). Therefore, contemporary social discourses and practices, including the childfree phenomenon, must be carefully examined within the framework of *ḥifẓ al-naṣl* to ensure that they do not contradict the fundamental principles of Islamic law governing family structure, lineage preservation, and the maintenance of moral and social equilibrium within society.³⁴

The contemporary academic debate regarding *ḥifẓ al-naṣl* no longer revolves around the simplistic prohibition of adultery, but rather centers on the epistemological tension between the preservation of collective lineage and individual reproductive autonomy within marriage.³⁵ Thinkers such as Khaled Abou El Fadl and Azizah al-Hibri challenge the

³¹ Siti Nurjanah and Iffatin Nur, "Childfree: Between the Sacredness of Religion, Law, and the Social Reality," *Al-Adalah* 19, no. 1 (2022): 7, <https://doi.org/10.24042/adalah.v19i1.11962>.

³² Nurjanah and Nur, "Childfree: Between the Sacredness of Religion, Law, and the Social Reality."

³³ Jihan Shafa Salsabila and Zeni Lutfiyah, "Tradisi Momulang Dalam Perspektif Maqashid Syari' Ah Dan Prinsip Keadilan Hukum Nasional," *Jolsic* 13, no. 1 (2025): 14–30.

³⁴ Salsabila and Lutfiyah.

³⁵ Asep, "Hidayat" 'Syarifuddin, "The Dilemma of Settlement of Sharia Economic Disputes in the Religious Courts," *Mimbar Agama Dan Budaya* 39, no. 2 (2022): 57–66.

dominance of classical patriarchal fiqh, which often reduces women's wombs to public reproductive instruments for the sake of the community's numbers. They argue that the institution of marriage in Islam is a realm of autonomous partnership (*tarāḍin*) where a wife's rights to reproductive health and mental stability hold equal standing with procreative rights. In the landscape of modern society, the deconstruction of *ḥifẓ al-naṣl* shifts from a procreative-imperative interpretation (the obligation to give birth) toward the sociocultural right to *family planning* to avoid *toxic parenting* and child neglect, an argument that positions individual autonomy as a manifestation of inner well-being protected by Sharia.³⁶

This dynamic interpretation takes concrete form in comparative legal analysis of the family laws of modern Muslim nations.³⁷ For instance, through the Code du Statut Personnel (CSP), Tunisia has long integrated women's reproductive rights and birth control (*family planning*) as part of safeguarding the well-being of a harmonious family (*sakinah*), transcending classical Maliki fiqh doctrine. Similarly, in Morocco, through the 2004 reform of the *Mudawwanah*, the concept of the husband's sole leadership was deconstructed into shared responsibility (*joint responsibility*), which indirectly grants the wife a balanced veto right in determining reproductive decisions. Even in Iran, a progressive national *family planning* program was once fully supported by contemporary clerical fatwas through a *maslahat* approach, which views birth control or postponement amid an urban economic crisis as a contextualization of *ḥifẓ al-naṣl* to preserve the quality of life for Muslim generations, not to undermine it. Using this paradigm, *ḥifẓ al-naṣl* is not interpreted atomistically and textually as a child-producing machine, but rather systemically as the protection of a child's right to be born into a healthy, stable, and prosperous family ecosystem (*qualitative parenting*). When an urban Muslim couple decides to remain *childfree* based on psychological readiness and the protection of women's reproductive rights from structural depression, that decision transforms into a form of legal interpretation that is adaptive, *humanistic*, and *gender-responsive*.³⁸ Thus, contemporary Islamic family law successfully breaks free from the shackles of medieval normativity to become an emancipatory, contextually relevant law attuned to modern sociological realities.

In this context, the *childfree* phenomenon among urban Muslims should not merely be interpreted as a manifestation of Western secular *individualism*, but rather as a sociological consequence of structural transformations within contemporary urban life. The increasing cost of living, spatial limitations in metropolitan environments, intensifying professional competition, and growing awareness of mental health have collectively

³⁶ Bunyamin Bunyamin, "Reforming Indonesia's Correctional System: The Role of Maqāṣid Al-Syarī'ah in Ensuring Justice and Rehabilitation," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (2025): 52–71.

³⁷ Jabbar Sabil, "Fiqh Reform in the Sultanate of Aceh Darussalam: Is It Modernism or Moderatism? A Study of the Hareuta Sihareukat Custom."

³⁸ Agung Nugroho, Reformis Santono, and Umar Chamdan, "Maqāṣid Al-Sharī'ah and the Prohibition of Incest in Indonesian Legislation: An Analysis of the Protection of Lineage and Public Morals," *Al-Manahij* 19, no. 2 (2025): 205–26.

reshaped the meaning of marriage and parenthood among urban Muslim communities. Consequently, the institution of marriage is no longer perceived solely as a reproductive institution, but also as a partnership aimed at achieving emotional stability, psychological well-being, and mutual *self-development*. This transformation demonstrates that contemporary Muslim societies are experiencing a shift from traditional collectivist family paradigms toward more reflexive and negotiated family structures. Therefore, the *childfree* phenomenon requires not only moral or theological judgment, but also a multidisciplinary understanding that incorporates sociological, psychological, economic, and legal dimensions in order to formulate a more contextual and responsive Islamic family law discourse.

3.3 Analysis The *Childfree* Phenomenon from the Perspective of Islamic Family Law

The childfree phenomenon has generated considerable debate within contemporary society. Some regard it as a reflection of increasing individualism and selfishness that may contribute to demographic problems, particularly declining birth rates.³⁹ Conversely, from a feminist perspective, the decision not to have children is often interpreted as a form of women's autonomy and liberation from traditional social constructions surrounding motherhood and domestic roles. In a global context, the emergence of the childfree lifestyle is influenced by various modern considerations, including individual freedom, environmental concerns, economic pressures, and the desire to pursue educational or professional careers.

Amid its growing prominence as a contemporary lifestyle discourse, the childfree phenomenon has also provoked debate when examined in relation to Islamic values, particularly within the framework of Islamic family law and the objectives of the *Sharī'ah* (*maqāṣid al-sharī'ah*), especially *ḥifẓ al-naṣl* (the protection of lineage).⁴⁰ Historical religious discourse likewise records various efforts to regulate reproductive and family-related practices. Nevertheless, Islamic teachings do not explicitly obligate Muslims to have children, although they strongly support the preservation of lineage as one of the fundamental objectives of Islamic law.

Urban Muslim communities in Indonesia cannot be separated from the influences of modernity, globalization, and social pluralism.⁴¹ Contemporary Muslim intellectuals and younger generations increasingly respond to contemporary issues, including lifestyle choices and family relations, through progressive approaches such as *maqāṣid al-sharī'ah* and *mubādalah*.⁴² Within this context, the decision to adopt a childfree lifestyle is not always interpreted as resistance to religious values, but rather as part of the dynamic interaction

³⁹ Sitti Muliya Rizka et al., "Childfree Phenomenon in Indonesia," *Proceedings of AICS-Social Sciences*, 2021, 336–41.

⁴⁰ Ma'mun, Ahmad Usmani, and Maliki, "The *Childfree* Phenomenon Among Urban Muslims: A Multidisciplinary Examination of Science and Morality."

⁴¹ Mukhtar Gozali, "Agama Dan Filsafat Dalam Pemikiran Ibnu Sina," *Jaqfi: Jurnal Aqidah Dan Filsafat Islam* 1, no. 2 (2017): 22–36.

⁴² Fauzi et al., "Analisis Fenomena *Childfree* Dalam Hukum Fiqih Islam (Studi Pendekatan Konsep Niat)."

between textual interpretation and contemporary social realities.⁴³ However, such choices continue to encounter dominant cultural and religious values that position children as an inseparable component of the purpose of marriage. In many traditional Muslim societies, having children is commonly viewed as a form of family continuity, a social and spiritual investment—such as through the concept of *ṣadaqah jāriyah*—and an essential aspect of familial and communal identity.

From the perspective of *ḥifẓ al-naṣl*, the permanent decision to remain *childfree* potentially affects generational continuity and may weaken the social function of marriage in Islam, which traditionally emphasizes family continuity, collective responsibility, and the preservation of Muslim civilization.⁴⁴ A *childfree* choice grounded solely in radical *individualism*, *hedonistic* values, or the rejection of social responsibility tends to conflict with the substantive objectives of *maqāṣid al-sharī'ah*, particularly the principle of lineage preservation. Nevertheless, Islamic law does not explicitly impose a doctrinal obligation upon every married couple to have children. What becomes central within Islamic legal reasoning is not merely the absence of offspring, but rather the underlying motives and the broader social consequences arising from such a decision. In this regard, when the *childfree* decision is motivated by legitimate considerations, such as reproductive health concerns, psychological unpreparedness, economic instability, or the awareness of an inability to provide proper parenting and child welfare, Islamic family law still provides interpretative space through contextual *ijtihād*.

The *childfree* phenomenon, therefore reflects the complex interaction between religious norms, modern urban culture, and individual reproductive autonomy. Within the framework of Islamic family law, the issue should not be approached through rigid textualism alone, but rather through a *maqāṣid*-oriented interpretation that balances the preservation of lineage with the protection of human dignity, mental well-being, and family welfare. Accordingly, *ḥifẓ al-naṣl* in contemporary Islamic legal discourse should be understood not merely in a quantitative-biological sense, but also in a qualitative-*humanistic* dimension that prioritizes the creation of healthy, stable, and responsible family structures. Consequently, a balanced approach between normative Islamic principles and contemporary social realities is essential to ensure that Islamic family law remains adaptive, contextual, *gender-responsive*, and capable of addressing the sociological complexities of modern Muslim society.

Under the framework of *maqāṣid* contextualism, the conflict between the *childfree* lifestyle and *ḥifẓ al-naṣl* is objectively assessed based on the theory of *maslahah*. The

⁴³ Anindi Lu'luil Maknun and Arini Rufaida, "Upaya Pencegahan Perkawinan Anak Sesuai Dengan Undang-Undang Nomor 16 Tahun 2019 Tentang Perkawinan," *AL-ASHLAH: Jurnal Hukum Keluarga Dan Hukum Islam* 2, no. 1 (2023): 36–48, http://www.ejournal.iaiiibrahimy.ac.id/index.php/al_ashlah/article/view/1353%0Ahttp://www.ejournal.iaiiibrahimy.ac.id/index.php/al_ashlah/article/download/1353/956.

⁴⁴ Yuliatin et al., "Reciprocity and Debt in Marriage Traditions in Jambi: An Inheritance Calculation Analysis from The Perspective of Maqāṣid Al-Sharī'Ah," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 154–71, <https://doi.org/10.29240/jhi.v10i1.11127>.

decision to remain *childfree* is categorized as conflicting with the essence of sharia (tata'arud) if that choice is driven by the exploitation of absolute freedom without risk calculation, leading to the neglect of the family institution as the foundation of public morality. Conversely, the *childfree* choice transforms into a legally tolerable act (ma'fūw 'anhu) and is even deemed beneficial if it arises as a defensive mechanism (sadd al-zarī'ah) against the potential for *toxic parenting*, mental unpreparedness, or structural financial emergencies in urban society, as mapped out in Chapter 3.1. These interpretations demonstrate a significant shift in Islamic legal reasoning, moving the focus of legal analysis from mere literal compliance with textual provisions toward the protection of substantive justice and social welfare. Such an approach reflects the evolution of contemporary Islamic jurisprudence, which increasingly emphasizes contextual interpretation (*ijtihad contextual*) and the realization of *maqāsid al-sharī'ah* in addressing modern social realities. In this regard, legal legitimacy is no longer determined solely by rigid textual formalism, but also by the extent to which Islamic law is capable of safeguarding human dignity, equality, and public benefit within changing societal contexts.

This analytical integration highlights the urgency of developing an adaptive framework of Islamic family law capable of negotiating the tension between individual autonomy and collective religious norms. From the perspective of legal pluralism, Islamic family law should not be understood as a monolithic and static legal system; rather, it should be viewed as a living law that continuously interacts with social transformation, cultural diversity, and contemporary human rights discourse. Such an understanding is particularly relevant within urban Muslim communities, where modern consciousness regarding reproductive rights, gender equality, and personal autonomy increasingly shapes individual decision-making in marital and family life.

As demonstrated in the comparative legal analysis in Chapter 3.2, Islamic jurisprudence possesses substantial epistemological flexibility to recognize marital autonomy, provided that it is based on the principle of mutual consent (*tarāḍin*) and does not result in harm (*ḍarar*) to either party. This indicates that contemporary Islamic family law should no longer function merely as a prescriptive and pro-natalist instrument that imposes reproductive obligations upon married couples. Instead, it should operate as a humanistic, gender-responsive, and socially contextual legal framework that simultaneously seeks to preserve the quality and welfare of future generations while protecting the existential and reproductive rights of individuals within marriage. In this sense, the implementation of Islamic family law becomes more aligned with the broader objectives of justice, compassion, and social balance envisioned within the framework of *maqāsid al-sharī'ah*.

The reinterpretation of *ḥifẓ al-naṣl* within contemporary Islamic family law ultimately signifies a paradigmatic transition from rigid textual legalism toward a substantive justice-oriented legal framework. In the context of modern Muslim societies, the preservation of lineage can no longer be narrowly reduced to biological reproduction alone, but must also

encompass the protection of family quality, children's welfare, women's reproductive dignity, and psychological stability within marriage. This broader understanding aligns with the systemic approach of contemporary maqāsid al-sharī'ah, which emphasizes human welfare (maṣlaḥah) as the central objective of Islamic law. Accordingly, Islamic family law possesses the epistemological flexibility to accommodate evolving social realities without abandoning its normative foundations. Such an approach is crucial to ensure that Islamic legal discourse remains relevant in addressing emerging issues of marital autonomy, reproductive rights, and changing family structures within increasingly pluralistic and urbanized Muslim societies.

4. CONCLUSION

This study demonstrates that the *childfree* phenomenon in urban Muslim society reflects a complex socio-legal transformation shaped by modernization, individual autonomy, economic pressure, psychological awareness, and changing perceptions of marriage and family institutions. From the perspective of maqāsid al-sharī'ah, particularly the principle of *ḥifẓ al-naṣl*, the decision to remain *childfree* cannot be universally categorized as contrary to Islamic teachings, since Islamic law does not explicitly impose an absolute obligation upon every married couple to have children. Nevertheless, lineage preservation remains an essential objective of Islamic family law because it is closely related to social welfare, family continuity, and the sustainability of Muslim civilization. This research finds that *childfree* decisions motivated solely by radical *individualism*, *hedonistic* orientations, and the rejection of collective responsibility tend to conflict with the substantive values of *ḥifẓ al-naṣl*, whereas decisions based on reproductive health concerns, psychological readiness, economic instability, environmental considerations, and the inability to ensure responsible parenting may still be accommodated through contextual and maqāsid-oriented *ijtihād*. The novelty of this study lies in reconstructing the interpretation of *ḥifẓ al-naṣl* from a purely biological-procreative orientation toward a qualitative-*humanistic* approach emphasizing family welfare, psychosocial stability, women's reproductive dignity, and responsible parenting. Accordingly, contemporary Islamic family law should function not merely as a rigid normative instrument, but as an adaptive, contextual, *gender-responsive*, and *humanistic* legal framework capable of balancing individual autonomy, collective responsibility, and the broader objectives of sharī'ah in modern Muslim society.

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