



Deconstruction of Hifdzun Nasl in Maqasid Syari'ah: Analysis of the *Childfree* Phenomenon from the Perspective of Islamic Family Law

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Abstract: *This study examines the conceptual transformation of Hifdzun Nasl (protection of offspring) within the Maqasid Sharia framework as a response to the Childfree phenomenon that is increasingly prevalent in contemporary society. Through a deconstructive approach to classical interpretation, this study aims to map the paradigmatic shift of the concept of Hifdzun Nasl from traditional formulation to modern contextualization, and analyze its implications in the reformulation of Islamic family law. The research methodology combines substantive content analysis with comparative literature studies sourced from classical and contemporary ushul fiqh books. The results identify an epistemological limitation in the conventional interpretation of Hifdzun Nasl, which dominantly emphasizes aspects of biological procreation alone. Contemporary reorientation offers a conceptual expansion that includes dimensions of generational quality, ecological sustainability, and non-biological manifestations of offspring. The analysis shows that the reconceptualization of Hifdzun Nasl opens a discursive space for the legitimization of Childfree choices in an Islamic juridical perspective, with significant implications for the reconfiguration of fundamental aspects of marriage law, inheritance, and alternative parenting. This research contributes to the development of Maqasid epistemology that is more inclusive and responsive to contemporary social dynamics, as well as offering a theoretical framework for integrating the phenomenon of Childfree into the discourse of Islamic family law without distorting the fundamental principles of Sharia. These findings emphasize the urgency of a progressive-contextual approach in the interpretation of Maqasid to answer the complexity of family law problems in the modern era.*

Keywords: *Childfree; Deconstruction; Hifdzun Nasl; Maqasid Sharia*

Introduction

Maqasid Sharia, as the ultimate goal of Islamic law, has long been a fundamental cornerstone in the formation and interpretation of Islamic family law.¹ One of the crucial elements in Maqasid Sharia is the concept of *Hifdzun Nasl* or the protection of offspring, traditionally interpreted as the obligation to have and maintain offspring. This principle has become a central pillar in the construction of Islamic family law, affecting various aspects such as marriage, divorce and inheritance.² In the classical context, *Hifdzun Nasl* was understood as an effort to maintain the continuity of the Muslim Ummah through the reproduction and education of children in Islamic values. This interpretation has shaped social and legal norms that require Muslim couples to have children as part of their religious and social obligations. However, in contemporary reality, the emerging phenomenon of *Childfree* challenges this conventional understanding, creating a gap between prevailing legal doctrines and evolving social practices.³

The phenomenon of *Childfree*, where individuals or couples consciously choose not to have children, has become a global trend that has also penetrated the Muslim community.⁴ This decision is based on various factors, ranging from career and economic considerations to personal beliefs about environmental and social responsibility. On the other hand, Islamic family law, which is built on the foundation of Maqasid Sharia, still strongly holds the principle of *Hifdzun Nasl* in its traditional sense. This creates a legal and ethical dilemma for individual Muslims who choose a *Childfree* lifestyle. This gap is further

¹ Asep Munawarudin, “*Childfree* Dalam Pandangan Maqashid Syariah,” *Jurnal Hukum Dan Hukum Islam Yustisi* 10, no. 2 (2023).

² F Mu'in, “*Childfree* in Modern Muslim Communities of Lampung and West Java Provinces: A Maqāṣid Al-Sharī'ah Perspective,” *El-Usrah* 7, no. 2 (2024): 860–77, <https://doi.org/10.22373/ujhk.v7i2.22400>.

³ Citra Widyasari Salahuddin and Taufiq Hidayat, “Tinjauan Masalah Mursalah Terhadap Fenomena *Childfree*,” *DIKTUM: Jurnal Syariah Dan Hukum* 20, no. 2 (2022), <https://doi.org/10.35905/diktum.v20i2.2924>.

⁴ Fadlan Nugraha Nur Pangestu and Jenuri Jenuri, “Fenomena *Childfree* Pada Keluarga Milenial Dalam Pandangan Islam: Kontroversi Atau Solusi?,” *Tabdzib Al-Akhlāq: Jurnal Pendidikan Islam* 6, no. 2 (2023): 323–30, <https://doi.org/10.34005/tahdzib.v6i2.3412>.

complicated by rapid demographic, economic and social changes in many Muslim countries, which are altering perceptions of the role of families and individuals in society. As a result, critical questions arise as to how Islamic family law can respond and adapt to these new realities without losing its essence and basic purpose.⁵ This gap between legal doctrine and social practice demands an in-depth study to deconstruct and reinterpret the concept of *Hifdzun Nasl* within a more contemporary and inclusive Maqasid Sharia framework.

Recent research has shown a significant increase in the number of individuals and couples choosing a *Childfree* lifestyle across various social and cultural contexts. The study by Mika Ela et al, revealed that the *Childfree* phenomenon in Japan has reached a rate of 20% among women of productive age, with an in-depth analysis using the perspective of existentialist feminism.⁶ Meanwhile, research by Pangestu et al, highlighted the dilemma faced by Muslim millennial families, with 25% of respondents expressing interest in the *Childfree* lifestyle, raising a debate between controversy and solutions in the Islamic context.⁷ Aulia et al, in their study, analyzed the unique case of Gita Savitri, a YouTuber who faced verbal abuse on social media due to her *Childfree* decision, showing the high social tension surrounding this issue.⁸ Furthermore, research by Uswatul Khasanah et al, who explored *Childfree* from the perspective of women's reproductive rights in Islam, found that 30% of Muslim women respondents viewed

⁵ Arinda Roisatun Nisa' et al., "Fenomena *Childfree* Dalam Tinjauan Masalah Mursalah (Studi Fenomenologi Terhadap Generasi 5.0)," *Psycho Aksara : Jurnal Psikologi* 1, no. 2 (2023), <https://doi.org/10.28926/pyschoaksara.v1i2.1026>.

⁶ Mika Ela et al., "Regalia: Jurnal Gender DALAM PERSPEKTIF TEORI FEMINISME EKSISTENSIALIS," *Regalia : Jurnal Gender Dan Anak* Vol. 1 No., no. 2 (2022): 61–72, <https://ojs.umrah.ac.id/index.php/jga/>.

⁷ Pangestu and Jenuri, "Fenomena *Childfree* Pada Keluarga Milenial Dalam Pandangan Islam: Kontroversi Atau Solusi?"

⁸ Aulia Azka Ariibah and Hamidah Zakiyyah, "Verbal Abuse by Netizens on Social Media Against A Youtuber's *Childfree* Decision Statement Named Gita Savitri," *RSF Conference Series: Business, Management and Social Sciences* 3, no. 2 (2023): 29–36, <https://doi.org/10.31098/bmss.v3i2.647>.

Childfree as a form of reproductive autonomy.⁹ A comprehensive study by Ayu Wulandari et al, analyzed the impact of the *Childfree* phenomenon on the projected Islamic demographic bonus in Indonesia, finding that this trend has the potential to reduce the productive Muslim population by 10% in the next two decades.¹⁰

While these studies have provided valuable insights into the development of the *Childfree* phenomenon among Muslims, there are significant gaps in the existing literature. First, the majority of studies focus on the sociological and demographic aspects of this phenomenon, without exploring in depth its implications for Islamic family law. Second, there is no comprehensive study that deconstructs the concept of *Hifdzun Nasl* within the Maqasid Sharia framework to respond to this contemporary reality. Third, existing studies tend to separate Islamic legal analysis from the modern socio-cultural context, creating a dichotomy between tradition and modernity that can actually be bridged. Fourth, there is still limited research that proposes a reformulation of Islamic family law that is responsive to the phenomenon of *Childfree* without sacrificing the fundamental principles of Islam. Fifth, there is no adequate theoretical framework to understand and apply the concept of *Hifdzun Nasl* in the context of an increasingly plural and globalized Muslim society. These gaps indicate the need for a study that not only analyzes the phenomenon of *Childfree* from the perspective of Islamic law, but also offers a more inclusive and adaptive reinterpretation of *Hifdzun Nasl*.

This study adopts a qualitative approach with a comprehensive literature review. The research design is descriptive-analytical, aiming to explore and interpret the concept of *Hifdzun Nasl* in the context of the *Childfree* phenomenon. Primary data sources include scientific

⁹ Uswatul Khasanah and Muhammad Rosyid Ridho, "CHILDFREE PERSPEKTIF HAK REPRODUKSI PEREMPUAN DALAM ISLAM," *Al-Syakhsyiyah: Journal of Law & Family Studies* 3, no. 2 (2021), <https://doi.org/10.21154/syakhsyiyah.v3i2.3454>.

¹⁰ Ayu Wulandari et al., "Fenomena *Childfree* Terhadap Bonus Demografi Islam Di Indonesia," *SOKO GURU: Jurnal Ilmu Pendidikan* 3, no. 1 (2023), <https://doi.org/10.55606/sokoguru.v3i1.2039>.

articles on Maqasid Syari'ah, contemporary fatwas related to *Childfree*, and recent scientific publications on Islamic family law. Secondary data sources include journal articles, books, research reports, and policy documents relevant to the topic. Data collection techniques involve systematic literature review. Data analysis is conducted through three stages: thematic coding, comparative analysis, and hermeneutic interpretation.¹¹ The coding stage involves categorizing data based on key themes such as the interpretation of *Hifdzun Nasl*, pro-and-con arguments regarding *Childfree* in Islam, and socio-legal implications. Comparative analysis is conducted to compare various perspectives of classical and contemporary scholars and identify patterns and trends in current academic discourse. Hermeneutic interpretation is applied to reflect the meaning of *Hifdzun Nasl* in the modern socio-cultural context, taking into account the principles of Maqasid Syari'ah. To ensure validity and reliability, this study employs source and method triangulation techniques, as well as peer review by experts in Islamic law and family studies.¹² The theoretical framework combines the theory of Maqasid Syari'ah, the concept of *maslahat* in *usul fiqh*, and a deconstructionist approach in contemporary Islamic studies, enabling a critical analysis that remains rooted in Islamic intellectual tradition.

This study aims to fill this gap by conducting an in-depth analysis of the concept of *Hifdzun Nasl* in the context of the *Childfree* phenomenon, focusing on the perspective of Islamic family law. Its primary objective is to deconstruct and reformulate the understanding of *Hifdzun Nasl* to make it more responsive to contemporary realities, without compromising the fundamental principles of Islam. Through an interdisciplinary approach combining Islamic legal analysis, sociology, and gender studies, this research seeks to identify elements

¹¹ Lexy J. Moelong, *Metodologi Penelitian Kualitatif*, PT. Remaja Rosdakarya, 2014.

¹² Arnild Augina Mekarisce and Universitas Jambi, "Teknik Pemeriksaan Keabsahan Data Pada Penelitian Kualitatif Di Bidang Kesehatan Masyarakat Data Validity Check Techniques in Qualitative Research in Public Health," *Jurnal Ilmiah Kesehatan Masyarakat* 12, no. 33 (2020).

of *Hifdzun Nasl* that can be adapted to accommodate the diversity of modern Muslims' life choices. Furthermore, this study aims to explore the legal and social implications of the *Childfree* phenomenon in the context of Muslim society, as well as to formulate a more inclusive approach in Islamic family law. Thus, this research not only contributes to the development of Islamic legal theory but also offers practical solutions for policymakers, legal practitioners, and Muslim communities in addressing ethical and legal dilemmas related to *Childfree* choices.

The main contribution of this research is the development of a new theoretical framework for understanding and applying the concept of *Hifdzun Nasl* in a modern context. By deconstructing traditional understandings and offering a more inclusive interpretation, this research has the potential to shift paradigms in Islamic family law, particularly regarding issues of reproduction and the role of the family. Practically, the findings of this research can serve as a foundation for family law reform in Muslim countries, helping to create a legal framework that is more accommodating of the diversity of individual Muslim life choices. For academics and researchers, this study opens new avenues in the study of Maqasid Syari'ah by introducing an interdisciplinary perspective that can be applied to other contemporary issues. Furthermore, the findings of this research can contribute to a more constructive dialogue between Islamic tradition and modern values, helping to bridge the gap between religious doctrine and the ever-changing social reality. Thus, this research is not only relevant in an academic context but also has significant implications for social and legal development in contemporary Muslim societies, offering new perspectives on understanding and responding to family dynamics in the global era.

Discussion

The Concept of *Hifdzun Nasl* in Maqasid Sharia

Hifdzun Nasl, which literally means "protection of offspring", is one of the five fundamental elements in the concept of Maqasid Sharia.¹³ Maqasid Sharia itself is the philosophical framework underlying Islamic law, aiming to realize the benefit (goodness) for humanity in this world and the hereafter. In the Maqasid Sharia hierarchy, *Hifdzun Nasl* is at the *dharuriyyat* (primary need) level, along with four other elements: protection of religion (*hifdzud-din*), soul (*hifdzun-nafs*), intellect (*hifdzul-'aql*), and property (*hifdzul-mal*).¹⁴ This position emphasizes the significance of the protection of offspring in the Islamic view, which is considered equally important to the protection of other fundamental aspects of human life. The concept of *Hifdzun Nasl* not only covers the biological aspects of human reproduction, but also encompasses the social, ethical and spiritual dimensions of the continuity of humanity.¹⁵

In the traditional context, *Hifdzun Nasl* is often interpreted as an attempt to preserve the sanctity of the bloodline through the institution of legal marriage and the prevention of extramarital relations. However, contemporary understanding has broadened this definition to encompass more comprehensive aspects, including child welfare, gender equality within the family, and even consideration of environmental sustainability as part of responsibility towards future generations. *Hifdzun Nasl*'s central position in Maqasid Sharia makes it an important foundation in the formulation of Islamic family law,

¹³ T Widiastuti, "Measuring the Corruption Measurement Model (CMM) Based on Maqasid Shariah Framework," *Humanities and Social Sciences Reviews* 7, no. 2 (2019): 282–86, <https://doi.org/10.18510/hssr.2019.7233>.

¹⁴ E Kepplinger, "The Maqāṣid Are the Qibla of the Jurists': A Critical Analysis of Contemporary References to and Usages of Abū Ḥāmid Al-Ghazālī's Dictum," *Religions* 15, no. 2 (2024), <https://doi.org/10.3390/rel15020165>.

¹⁵ Nirmalasanti Anindya Pramesi and Yusdani, "Implementation of Maqasid Syari'ah in the Concept of Reforming the Indonesian Marriage Law Based on Gender Equality: Study of the Counter Legal Draft Compilation of Islamic Law," *International Journal of Advanced Research in Islamic and Humanities* 3, no. 1 (2021).

reproductive ethics, and social policies related to population and family welfare.¹⁶

Furthermore, the main purpose of *Hifdzun Nasl* in Islam is to ensure the continuity and welfare of humanity in a sustainable manner.¹⁷ This function is manifested through several key interrelated aspects. First, *Hifdzun Nasl* aims to maintain the purity and clarity of lineage. This is realized through the institution of legal marriage and the prohibition against adultery. Clarity of lineage is considered important not only for social and psychological reasons, but also for legal certainty in terms of inheritance and family responsibilities. Second, *Hifdzun Nasl* functions as an ethical foundation for the establishment and maintenance of a harmonious family. Islam views the family as the basic unit of society, and through *Hifdzun Nasl*, sharia establishes the legal and moral framework for husband-wife relationships, the rights and obligations of parents towards children, and the responsibilities of children towards parents. Thirdly, the concept also aims to ensure the protection and welfare of children. This includes the child's right to proper care, education, and protection from exploitation or inhumane treatment.¹⁸

In a broader context, *Hifdzun Nasl* also serves as the basis for a responsible population policy. While Islam encourages procreation, the concept also recognizes the importance of a balance between the quantity and quality of the population. Therefore, modern interpretations of *Hifdzun Nasl* often include support for responsible family planning and efforts to ensure the well-being of future

¹⁶ Iffatin Nur, Ali Abdul Wakhid, and Lestari Handayani, "A Genealogical Analysis of the Concept and Development of Maqashid Syari'ah," *Al-'Adalah* 17, no. 1 (2020), <https://doi.org/10.24042/adalah.v17i1.6211>.

¹⁷ Zubair Rahman Saende, Lomba Sultan, and Abdul Syatar, "IJTIHAD ULAMA DALAM MERUMUSKAN METODE MEMAHAMI MAQÂSID AL-SYARĪAH," *Indonesian Journal of Shari'ah and Justice* 3, no. 1 (2023), <https://doi.org/10.46339/ijsh.v3i1.43>.

¹⁸ Saende, Sultan, and Syatar.

generations.¹⁹ Furthermore, in contemporary understanding, the function of *Hifdzun Nasl* has been extended to include the protection of individual reproductive rights, including the right to choose to have or not have children. This opens up space for discussion on phenomena such as *Childfree* within the framework of Islamic law. Another function that is increasingly recognized is the role of *Hifdzun Nasl* in maintaining ecological balance. Taking into account the impact of population growth on natural resources and the environment, modern interpretations of this concept also include the responsibility to maintain the sustainability of the planet for future generations.²⁰

In the context of the *Childfree* phenomenon, the purpose and function of *Hifdzun Nasl* faces significant reinterpretation. On the one hand, the decision not to have children can be seen as contradicting the traditional purpose of *Hifdzun Nasl* which emphasizes procreation. However, from a broader perspective, a *Childfree* decision taken with careful consideration can be in line with *Hifdzun Nasl*'s function of ensuring the welfare of future generations. For example, individuals who choose to go *Childfree* may do so out of awareness of limited resources or a desire to focus on other social contributions in this case, they can still be considered to fulfill the spirit of *Hifdzun Nasl* through maintaining ecological balance or contributing to the well-being of children already in society.²¹

Furthermore, the reinterpretation of *Hifdzun Nasl* in the modern context also considers complex socio-economic realities. For example, in an era where many couples face significant economic or health challenges, the decision not to have children can be seen as a form of

¹⁹ Muhamad Takhim and Mashudi, "MAQASHID SYARIAH MAKANAN HALAL," *Al-Mabsut: Jurnal Studi Islam Dan Sosial*, 2018.

²⁰ Ragil Friedenta Pantow and Shofiyun Nahidloh, "*Childfree* Dalam Perkawinan Perspektif Hak Asasi Manusia Dan Maqashid Asy-Syari'ah Hifdz An-Nasl," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2023), <https://doi.org/10.47467/as.v6i1.5622>.

²¹ A F A Hamid, "Is Maqāṣid Al-Sharī'a Sufficient? Reflections on Islam in Contemporary Malaysia," *Uloomuna* 24, no. 2 (2020): 205–31, <https://doi.org/10.20414/ujs.v24i2.406>.

responsibility not to bring children into adverse conditions. Thus, the function of *Hifdzun Nasl* in ensuring the welfare of future generations is still fulfilled, albeit through a different means than the traditional understanding. It is important to note that this reinterpretation does not deny the value of procreation in Islam, but rather broadens the understanding of how the purpose and function of *Hifdzun Nasl* can be realized in the complex context of modern life.

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

The phenomenon of *Childfree* refers to the conscious and voluntary decision taken by individuals or couples not to have children throughout their lives. It is important to distinguish the term '*Childfree*' from 'childless', where the former emphasizes active choice, while the latter can imply incapacity or undesirable circumstances.²² The background to this phenomenon can be traced to the significant socio-economic changes of the 20th century, especially in developed countries. The industrial revolution, urbanization, and increased access to education for women have changed traditional family dynamics. The feminism movement and the fight for reproductive rights in the 1960s and 1970s further reinforced the idea that having children is a choice, not an obligation.²³

In the Islamic sphere, although this phenomenon is relatively new and less common compared to Western societies, the trend of *Childfree* is gaining attention especially among urban and highly educated Muslims. Factors such as globalization, shifting social values, and economic challenges have contributed to the emergence of this

²² S Venkatesan, "‘Childless? *Childfree*? Neither, Just ME’: Pronatalism and (m)Otherhood in Paula Knight’s *The Facts of Life*,” *Journal of Graphic Novels and Comics* 12, no. 2 (2021): 108–26, <https://doi.org/10.1080/21504857.2019.1617179>.

²³ T França, "‘No Less of a Woman’: Examining the (Invisible) Life of *Childfree* Women Academics during the COVID-19 Pandemic,” *Journal of Gender Studies* 31, no. 8 (2022): 956–68, <https://doi.org/10.1080/09589236.2022.2125863>.

phenomenon in Muslim societies.²⁴ In the Indonesian context, for example, recent surveys show an increasing number of young urban couples considering a *Childfree* lifestyle, although it is still a minority. This phenomenon has generated debate among Islamic scholars and legal scholars, given the importance of the concept of family and offspring in traditional Islamic teachings. However, changing socio-economic realities and awareness of global issues such as climate change and overcrowding have prompted some contemporary Muslim thinkers to revisit traditional interpretations of the obligation of procreation in Islam.²⁵

The decision to live a *Childfree* lifestyle is influenced by a variety of complex and interrelated factors. First, economic factors play a significant role. The high cost of living, especially in urban areas, as well as the ever-increasing costs of childcare and education, encourage some couples to choose not to have children. In many Muslim countries, economic challenges such as unemployment and inflation are serious considerations for young couples. Secondly, changing career and lifestyle priorities also contribute. Many individuals, especially women, choose to focus on developing their professional careers. The mobility required in the modern working world is often difficult to reconcile with childcare responsibilities. Thirdly, environmental awareness and concerns about the future of the planet are becoming increasingly important factors. Some individuals choose to go *Childfree* in response to issues such as climate change, overcrowding and resource scarcity. They see this decision as a personal contribution to environmental sustainability.

Fourth, changing perspectives on self-fulfillment and happiness also play a role. Some people feel that they can achieve life satisfaction without having to become parents, through self-development, social

²⁴ Euis Zakiyyah and Hisan Mursalin, "Fenomena *Childfree* Dalam Perspektif Islam," *Mauriduna: Journal of Islamic Studies* 4, no. 2 (2023), <https://doi.org/10.37274/mauriduna.v4i2.840>.

²⁵ Rizki Ramdani and Rachmad Risqy Kurniawan, "Fenomena *Childfree* Di Tengah Masyarakat," *Ulumul Qur'an: Jurnal Ilmu Al-Qur'an Dan Tafsir* 10, no. 10 (2023).

relationships or other social contributions. Fifth, psychological factors and past experiences can also influence. Childhood trauma or concerns about being a good parent sometimes drive the *Childfree* decision. Sixth, physical or mental health issues are also a consideration. Some individuals may have genetic or health conditions that discourage them from having children. Seventh, in the Islamic context, the reinterpretation of religious teachings about responsibility towards society and the environment has also begun to influence some Muslims' decision to choose a *Childfree* lifestyle. They may see their social and spiritual contributions can be realized through means other than raising biological children.²⁶

The view of Islamic family law on the *Childfree* phenomenon reflects the complexity and dynamics of interpreting Islamic law in the face of contemporary reality. Traditionally, Islamic Family Law strongly emphasizes the importance of marriage and procreation. The hadith stating that the Prophet Muhammad was proud of his many people on the Day of Judgment is often used as a basis to encourage Muslims to have offspring. However, in the face of the *Childfree* phenomenon, there is a spectrum of views among contemporary Islamic scholars and lawyers. On the one hand, conservative views tend to see the decision to go *Childfree* as contrary to the purpose of marriage in Islam. They argue that procreation is one of the main purposes of marriage and is a form of worship. This view is based on a literal interpretation of Quranic verses and hadith that encourage procreation, such as Surah An- Nahl verse 72 which mentions childbearing as a favor from Allah.²⁷

On the other hand, a more moderate view recognizes that although Islam encourages procreation, there is no explicit command that obliges every couple to have children. They refer to the principle

²⁶ Ian Somerville and Emma Wood, "Public Relations and Corporate Social Responsibility," in *The Public Relations Handbook*, 2018, <https://doi.org/10.4324/9781315709918-9>.

²⁷ E Zuhriah, "*Childfree*, the Digital Era, and Islamic Law: Views of Nahdlatul Ulama, Muhammadiyah, and Gender Activists in Malang, Indonesia," *Jurnal Samarab* 7, no. 3 (2023): 1606–26, <https://doi.org/10.22373/sjhk.v7i3.17753>.

of no compulsion in religion and emphasize that reproductive decisions are personal matters that each couple should consider wisely. Some contemporary scholars even argue that under certain conditions, the decision not to have children can be in line with the broader maqasid of sharia, such as protection of the environment or a focus on other social contributions.²⁸

In the context of modern Islamic family law, some Muslim countries have begun to accommodate the reality of *Childfree* in their legal policies. For example, some countries have revised their marriage laws to no longer list procreation as the primary purpose of marriage. This opens up legal space for couples who choose a *Childfree* lifestyle. However, in many other Muslim countries, the family law framework is still very much oriented towards the traditional family model with children as a component. Debate has also arisen around the issue of permanent contraception. While some scholars allow the use of contraception for birth control, the use of permanent contraceptive methods for *Childfree* purposes is still a subject of controversy. Some scholars argue that this may be permissible if there are compelling reasons, while others see it as a form of rejection of Allah's destiny.²⁹

In the Indonesian context, the Indonesian Ulema Council (MUI) has not issued a specific fatwa on the *Childfree* lifestyle, reflecting the complexity of this issue in Indonesia's socio-religious context. Islamic legal views on *Childfree* are also influenced by considerations of *maslahat* (public good) and *mafsadat* (harm).³⁰ Some scholars argue that in the current global situation, where overcrowding and resource scarcity are serious concerns, the decision to limit the number of children or even

²⁸ W A Jafar, "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>.

²⁹ Nurhaliza et al., "Fenomena *Childfree* Di Dalam Pernikahan Perspektif Hukum Islam," *Yustisi: Jurnal Hukum & Hukum Islam* 10, no. 1 (2023).

³⁰ Sanusi ulath; Thalhah Thalhah; Much. Mualim, "Analisis Fatwa Syaikh Syauqi Ibrahim 'Abdul Karim 'Allam Tentang *Childfree*," *Tabkim*, no. Vol 18, No 2 (2022): 217–34, <https://jurnal.iainambon.ac.id/index.php/THK/article/view/3882/pdf>.

opt for *Childfree* can be seen as a form of social responsibility. They refer to the principle of fiqh which states that preventing harm takes precedence over bringing about good.³¹

In conclusion, Islamic Family Law's view on the *Childfree* phenomenon is still in the process of evolution. While traditional interpretations tend to be unfavorable to this lifestyle, contemporary interpretations are beginning to open up space for wider discussion and acceptance. It is important to note that in the Islamic tradition, it has always played an important role in dealing with contemporary issues. Therefore, it can be expected that the Islamic legal discourse on *Childfree* will continue to evolve along with changing social realities and a deeper understanding of the social, economic and environmental implications of reproductive decisions. The challenge for Muslim scholars and policymakers is to find a balance between traditional Islamic values and the needs of modern society, while still upholding the principles of justice, wisdom, and benefit that are at the core of Islamic sharia.

Deconstruction of the Concept of *Hifdzun Nasl* in Facing the *Childfree* Phenomenon

The concept of *Hifdzun Nasl*, as one of the main pillars in Maqasid Shariah, has long been understood as a mandate for procreation and protection of lineage in Islam.³² However, along with the emergence of the *Childfree* phenomenon and significant social changes, there is a need to deconstruct this traditional understanding. Deconstruction in this context does not mean a total rejection of the concept of *Hifdzun Nasl*, but rather an attempt to dismantle, re-analyze,

³¹ Jenuri et al., "Fenomena *Childfree* Di Era Modern: Studi Fenomenologis Generasi Gen Z Serta Pandangan Islam Terhadap *Childfree* Di Indonesia," *Sosial Budaya* 19, no. 2 (2022).

³² Yuni Safira H. Hasyim and Nunung Susfita, "TINJAUAN HUKUM KELUARGA ISLAM TENTANG FENOMENA *CHILDFREE* DAN PENGARUHNYA TERHADAP KETAHANAN KELUARGA," *Mahkamah: Jurnal Kajian Hukum Islam* 8, no. 1 (2023), <https://doi.org/10.24235/mahkamah.v8i1.13068>.

and reformulate this understanding to make it more relevant to contemporary reality. This deconstruction process involves critical analysis of traditional interpretations, reinterpretation in a modern context, and an assessment of its implications for Islamic family law. A critical analysis of the traditional interpretation of *Hifdzun Nasl* reveals several limitations that need to be reviewed. First, the conventional understanding tends to reduce *Hifdzun Nasl* to a mere drive to have as many biological offspring as possible. This interpretation is often based on a literal understanding of hadiths that express the Prophet Muhammad's pride in the number of his people. Secondly, traditional views often ignore the socio-economic and environmental context that has changed drastically since the early days of Islam. Overcrowding, resource constraints and the global environmental crisis are realities that early Muslim societies did not face. Thirdly, classical interpretations tend to view procreation as an absolute obligation in marriage, ignoring the possibility of social and spiritual contributions through non-biological means. Furthermore, critical analysis also reveals that traditional understandings of *Hifdzun Nasl* are often patriarchal, placing the burden of reproduction primarily on women. This can neglect women's reproductive rights and their potential contributions beyond motherhood. In addition, classical interpretations tend to overlook the complexity of reproductive decisions in modern contexts, including mental and physical health considerations, as well as the capacity to provide quality parenting.³³ Traditional views also often fail to consider the impact of unchecked population growth on the welfare of the ummah as a whole, which is also an important aspect of Maqasid Sharia.

In an effort to reinterpret *Hifdzun Nasl* for the modern context, several key aspects need to be considered. First, the concept can be expanded to include protecting the quality of life of future generations,

³³ G Shenkman, "Estimated Likelihood of Parenthood among Sexual Minority Individuals Associates with Interpersonal Vulnerability and Traumatic Outlook," *Journal of Reproductive and Infant Psychology* 42, no. 4 (2024): 636–52, <https://doi.org/10.1080/02646838.2023.2171563>.

not just the quantity. This means considering factors such as education, health and child welfare as integral parts of *Hifdzun Nasl*. Second, a reinterpretation could emphasize the collective responsibility of Muslims towards the welfare of existing children, including orphans and the disadvantaged. Thus, social contributions such as adoption, foster care, or dedication to the education of children in the community can be seen as a manifestation of *Hifdzun Nasl*. Furthermore, the reinterpretation of *Hifdzun Nasl* in the modern context needs to consider aspects of environmental sustainability. Maintaining ecological balance and ensuring a livable planet for future generations can be seen as a form of protection of offspring in a broader sense. This opens up space to understand *Childfree* decisions taken on the basis of environmental awareness as a form of positive contribution to *Hifdzun Nasl*. In addition, reinterpretation can also emphasize the quality of family and community relationships, not just the existence of biological offspring. Building a harmonious, supportive and just society can be seen as a way to protect and maintain 'offspring' in a broader sense.

The process of deconstruction and reinterpretation of *Hifdzun Nasl* has significant implications for Islamic family law. Firstly, it can encourage a more inclusive reformulation of marriage law, which no longer places procreation as the primary or obligatory purpose of marriage. A shift in focus to the quality of the relationship, mutual support, and social contribution of the spouses could provide a new basis for understanding the purpose of marriage in Islam. Secondly, this deconstruction could pave the way for legal recognition of *Childfree* decisions within the framework of Islamic family law. This may involve revisions to policies and fatwas relating to permanent contraception and voluntary sterilization. Other implications for Islamic Family Law include potential changes in inheritance and adoption laws. If social and spiritual contributions are recognized as a form of 'descent' in a broader sense, then there may need to be a reconsideration of how inherited property is distributed, especially in the case of *Childfree* couples who have contributed significantly to society.

Similarly, adoption laws in Islam may need to be reviewed to provide a more equal status for adopted children, recognizing the important role of adoption in the context of a reinterpreted *Hifdzun Nasl*. In addition, the deconstruction of *Hifdzun Nasl* also has implications for approaches to education and child welfare in Muslim societies. If the protection of offspring is understood in a broader context, then there can emerge a stronger push for collective investment in the education, health and welfare of children in society, irrespective of biological relationships.³⁴ This could encourage reforms in social and educational policies in Muslim countries, emphasizing shared responsibility for future generations.

In a global context, this deconstruction could influence the attitudes and policies of Muslim countries towards issues such as climate change and sustainable development. If environmental protection is seen as an integral part of *Hifdzun Nasl*, then this may encourage more active involvement of Islamic countries and organizations in global efforts to address the environmental crisis. It may also influence fatwas and policies relating to sustainable consumption and environmentally friendly practices in Muslim societies.³⁵ However, it is important to note that this process of deconstruction and reinterpretation is not without its challenges. Resistance from conservatives who uphold traditional interpretations is a significant obstacle. Constructive and inclusive dialogue between various stakeholders - scholars, scholars, activists and the general public - is required to achieve a broader and accepted understanding. Moreover, the practical implementation of this new understanding in legal systems and public policies in Muslim countries will require a long and complex process. Nonetheless, the urgency to respond to contemporary realities, including the phenomenon of *Childfree*, makes

³⁴ Pantow and Nahidloh, "*Childfree* Dalam Perkawinan Perspektif Hak Asasi Manusia Dan Maqashid Asy-Syari'ah Hifdz An-Nasl."

³⁵ Gusti Rian Saputra, "Fenomena *Childfree* Berdasarkan Perspektif Hukum Islam Progresif, Pancasila Dan Hak Asasi Manusia (HAM)," *Jurnal Keislaman* 7, no. 1 (2024), <https://doi.org/10.54298/jk.v7i1.3990>.

the deconstruction of *Hifdżun Nasl* a necessity. This process allows Islam to remain relevant and responsive to the needs and challenges of the times, while still maintaining its essence and fundamental values. Thus, the deconstruction of *Hifdżun Nasl* is not just about accommodating individual choices to go *Childfree*, but also about reformulating a more comprehensive and sustainable understanding of how Muslims can protect and nurture future generations in the broadest sense.

Conclusion

The deconstruction of the concept of *Hifdżun Nasl* in the face of the *Childfree* phenomenon has opened a new perspective in the understanding and application of Islamic family law. Critical analysis of traditional interpretations reveals the limitations of conventional understanding that tends to reduce *Hifdżun Nasl* to mere procreative urges. Reinterpretation in the modern context expands the meaning of offspring protection, including aspects of quality of life, environmental sustainability, and non-biological social contributions. The implications of this deconstruction for Islamic Family Law are significant, potentially changing the paradigm on the purpose of marriage, reproductive rights, and social responsibility in Islam. This deconstruction process demonstrates the flexibility and dynamism of Islamic law in responding to social change. However, its implementation requires intensive and inclusive dialog among Muslim thinkers. It is important to strike a balance between fundamental Islamic values and contemporary needs, ensuring that reinterpretation remains in line with the basic principles of Maqasid Shariah.

As a concluding statement, this research emphasizes the importance of a more holistic and contextual approach in understanding the concept of *Hifdżun Nasl*. The phenomenon of *Childfree* is not only a challenge, but also an opportunity to deepen our understanding of sharia's purpose in protecting and nurturing humanity. Going forward, further research needed to explore the practical implementation of this deconstructed concept of *Hifdżun Nasl* in various aspects of modern Muslim life. For future research projects,

it is recommended to conduct empirical studies on the perception and practice of *Hifdzun Nasl* among Muslims in different countries, especially those facing significant demographic and environmental issues. Comparative research between interpretations of *Hifdzun Nasl* in different schools of fiqh may also provide valuable insights. In addition, interdisciplinary studies combining the perspectives of Islamic law, environmental ethics, and public policy can help in formulating a more comprehensive approach to the protection of offspring in this interconnected global era.

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