

USHUL FIQIH DIALECTICS ON CHILDFREE IN INDONESIAN SOCIETY

Intan Septiana

Universitas Islam Negeri Sunan Kalijaga Yogyakarta

Email: Intanseptiana1519@gmail.com

Abstract

Childfree in Indonesia is a new controversial because of a diversity of opinions that arise such as in terms of social society and the implementation of its laws. It affects value changes in childfree actors and social communities to have children. The purpose of this study is to analyze how childfree can develop in Indonesia and how the legal validity is in the perspective of ushul fiqih. The theory of legal discovery used is Saddu aẓ-Dẓariah. It is to forbid something that the source may not be allowed. So that the emergence of childfree as a result of the development of increasingly advanced technology, such as social media affects changes in the mindset of the community to become freer without a filter on information from outside. In the childfree phenomenon that occurred in Indonesia, several influencers and artists began to publish their choice to do childfree. With this action, it seems to be a demonstration to do childfree. Therefore who choose to be childfree are increasingly emerging, such as with the existence of childfree groups on various social media, it is feared that if more and more people choose childfree, there will be a childfree trend that will be followed by people without paying attention to the impact in the future. Furthermore, if you look at the study of ushul fiqih childfree containing mafsadat which results in damage, due to the non-fulfillment of one of the purposes of marriage, namely having children, then with saddu aẓ-Dẓari'ah it becomes forbidden because it can cause a generational disconnection or inconsistency with maqasid Sharia.

Keywords: *Saddu Aẓ-Zari'ah, Childfree, Social Media*

Abstrak

Di Indonesia, Childfree menjadi kontroversi baru, karena keragaman pendapat yang muncul, seperti dari segi sosial dan juga pelaksanaan undang-undangnya. Ini mempengaruhi perubahan nilai pada aktor childfree dan komunitas sosial untuk memiliki anak. Tujuan dari penelitian ini adalah untuk menganalisis bagaimana tren bebas anak dapat berkembang di Indonesia, dan bagaimana hukumnya dalam perspektif ushul fiqih. Teori hukum yang digunakan adalah Saddu aẓ-Dẓari'ah. Itu untuk melarang sesuatu yang sumbernya mungkin tidak diizinkan. Sehingga munculnya childfree akibat perkembangan teknologi yang semakin maju seperti media sosial sehingga mempengaruhi perubahan pola pikir masyarakat. Dalam fenomena childfree yang terjadi di Indonesia, beberapa influencer dan artis mulai mempublikasikan pilihan mereka untuk melakukan childfree. Dengan aksi ini, seolah menjadi demonstrasi untuk melakukan childfree. Oleh karena itu, mereka yang memilih bebas anak semakin bermunculan, seperti grup bebas anak di berbagai media sosial. Dikhawatirkan, semakin banyak orang yang memilih bebas anak, maka akan terjadi trend bebas anak yang akan diikuti oleh orang-orang tanpa memperhatikan dampaknya di masa mendatang. Selanjutnya jika melihat kajian ushul fiqih, childfree mengandung mafsadat yang berakibat kerusakan, karena tidak terpenuhinya salah satu tujuan pernikahan yaitu memiliki anak, maka dengan saddu aẓ-Dẓari'ah menjadi haram karena dapat menyebabkan pemutusan generasi atau inkonsistensi dengan maqasid syariah.

Kata Kunci: *Saddu Aẓ-Zari'ah, Bebas Anak, Media Sosial.*

INTRODUCTION

Marriage is a strong contract or *mitsaqon ghalizān* to obey God's commands and carry them out in worship.¹ On the other hand, Marriage is the main foundation for the establishment of an ideal Muslim family, because the existence of offspring is an element that forms a living Muslim community.² In fact, there is currently a growing understanding of the choice to have no children or be childfree in the relationship of marriage in Indonesia.

¹ Departemen Agama, *Kompilasi Hukum Islam*, (Bandung: Humaniora Utama Press, 1991), 18.

² Mahmud Al-Mashri, *Bekal Pernikahan*, (Jakarta: Qisthi Press, 2010), 4

In addition, verses and hadiths mention the authenticity of a marriage relationship is the form of a child, such as in the Qur'an surah Al-Baqarah verse 187, An-Nhl verse 72, An-Nisa verse 1 in these verses it is explained in the relationship of marriage there is a child as a complement and in these verses also describes a nature possessed by a woman, namely being pregnant and giving birth.³ In addition, it can be seen in the purpose of Sharia or *maqosid sharia* where the purpose is mentioned to maintain the safety of religious beliefs, the safety of life, the safety of reason, the safety of family or descendants, and the safety of the property.⁴ Of course, if childfree develops in society, it will be deviant to the religious teachings and purposes of Sharia because it rejects the nature that has been given, while many out there who want children but can have not children, may there are hereditary or medical factors, then why being able to have children yet refusing to have children.

The childfree phenomenon in Indonesia has been published by one of the Muslim women's influencers named Gita Savitri Devi on her YouTube channel about why she decided to be childfree.⁵ Of course, there is a high possibility of being used as a role model by his followers, because today the development of technology and social media is influential on the formation of people's mindsets, especially with the pandemic which makes interactions only carried out in social media, where there is no filter so that understandings from outside are quickly absorbed.

Responding to the problem of being childfree, Indonesians respond childfree from various perspectives, for example as in the

³ Mustofa, Z., Naflah., Septianingrum. "Hukum Penggunaan Alat Kontrasepsi Dalam Perspektif Agama Islam." *Journal Pendidikan Islam*. Ma'alim.1(2) 2020

⁴ Muhammad Abu Zahrah, *Ushul Fiqih*, (Jakarta: PT. Pustaka Pelajar, 2010), 425

⁵ Karunia Haganta, Manusia, Terlalu Banyak Manusia: Kontroversi Childfree di Tengah Alasan Agama, Sains dan Krisis Ekologi, *Journal Prosiding Konferensi Integrasi Interkoneksi Islam dan Sains*, Vol 4 Tahun 2022, 309.

Perspective of Islamic Education mentioned that childfree rejects the existence of children. Even though they are psychologically and biologically capable in other words childfree referred to in this study is more about the refusal to be a mother, besides that another reason found in this study is related to career, jobs, the economy, and the fear of providing children's livelihoods that are not optimal. Of course, the choice of a spouse to do childfree is prohibited in Islam because obtaining offspring is a recommendation contained in several verses in the Qur'an.⁶

From a social perspective, people who choose childfree in Indonesia individually can benefit themselves, seen from a female perspective such as economic opportunities and jobs that are more beneficial to the individual because they are free to work anywhere without any ties to the affairs of the household. But on the other hand, it tends to get negative stigma and social pressure on its choice to be childfree because society demands or expects someone who has entered adulthood to marry and after marriage will be asked about the existence of the child, the pressure is not only given to the individual but also his extended family.⁷

Varied the perspective of women's reproductive rights, it states that women and men have the same rights in the household, so in Islam, it is stated that several reproductive rights are regulated including enjoying sexual relations, the right to refuse sexual relations, the right to refuse pregnancy, and the right to abort the womb (abortion), in this study, it was stated that the majority of fiqh josses mention that children are not only the rights of husbands but also wives, therefore, in deciding to childfree, there must be an agreement between the two parties to give rise to the principle of pairing, giving comfort to each other and

⁶ Abdul Hadi, Husnul Khotimah, Sadari, "Childfree dan Childless Ditinjau Dalam Ilmu Fiqih dan Perspektif Pendidikan Islam, *Journal Educational and Language Research*", Vol 1, No 6 Januari 2022.

⁷ Siti Mulya Rizka, Taat Kurnita Yeningsih Dkk, "Childfree Phenomenon in Indonesia, *Proceedings of The 11th Annual International Conference (AIC) On Social Sciences*", Universitas Syiah Kuala, September 29-30, 2021, Banda Aceh, Indonesia

enforcing each other properly so, in this perspective, childfree is allowed.⁸

So from some data about childfree, could be concluded there was difference opinion in legal identification, so no research yet discussing the rules or laws of doing childfree in Indonesia as a Muslim reference fortifying themselves to not break the rules of Islamic law. The purpose of this study is to find legal validity that the child-free phenomenon is not misused by the Indonesian people. The legal validity referred to by the researcher here is the existence of a form of binding rules or restrictions on a person not to do child-free in Indonesia.

RESEARCH METHOD

The data source in this study is a secondary data source. Because researchers collect data from various existing sources such as articles, journals, Youtube videos.⁹ Furthermore, the object of this study is the childfree phenomenon that develops in society which raises pros and cons related to its legal aspects. Departing from the source and object of the study, the researcher will elaborate it with the ushul fiqih approach to see how the legal construction is built to explain the childfree phenomenon and analyze it using the theory of Saddu Az-Dzari'ah, which is something that fact can be but becomes forbidden which is a manifestation of the direction of the forbidden or justified act.¹⁰ Dzari'ah is a tool to measure the level of benefit and prosperity that will be caused by the child-free phenomenon. The theory used is helpful for researchers in studying the problems that occur, and this research is what is expected.

DISCUSSION

Before discussing details, it is necessary to understand the basic definition of childfree as the primary basis of the study. As for the understanding, as follows, Childfree is a term that refers to a person or

⁸ Uswatul Khasanah, "Childfree Perspektif Hak Reproduksi Perempuan Dalam Islam", *Journal of Law and Family Studies*, Vol 3 No 2 Desember 2021

⁹ Sandu Suyoto, M Ali Sodik, *Dasar Metodologi Penelitian*, (Yogyakarta: Literasi Media Publishing, 2015), 58

¹⁰ Muhammad Abu Zahrah, *Ushul Fiqih*, (Jakarta: Pt Pustaka Firdaus, 2010), 3.

couple who chooses not to have children.¹¹ This means not having children in the context of childfree is a parent or married couple who decides not to have children despite they have an adequate economy and physical condition.¹² Meanwhile, the term didn't have children in the childless category is for those who want to have children, but can not due to biological or medical factors such as fertility, delayed pregnancy, and marriage too early which causes married couples to be unable to have children.¹³ The difference between the two terms is childfree told about rejecting the existence of children, and childless is reducing/delaying the existence of children. So this discussion emphasizes the child-free dialectic in Indonesian society.

Childfree is not a new thing, because western countries it has been studying these issues for a long time, it is following what has been written by Amy Blackstone¹⁴ and Shelly Volsche.¹⁵ in America the childfree numbers continue to rise and are increasingly narrowing on the level of one's economic success, and tend to be more equal in their division of labor to men within the household itself. So the term "no children voluntarily" emerged, known as childfree.

Childfree Law in Indonesian Thinking: Allowing Childfree in Indonesia

Childfree in the view of authors had significant differences as the options for childfree. Childfree viewed from the perspective of women's reproduction that talking about women's reproductive rights was not far from the discussion of *fiqhi Nisa'* or often referred to as

¹¹Siti Farida, Fenomena Childree dan Kontruksi Masyarakat Indonesia 2020, acceses on heylawedu.id/blog/childfree-fenomena-childfree-dan-kontruksi-masyarakat-Indonesia on the date 15 March 2022.

¹² *Ibid.*, ... 336

¹³ Vina Ayu Laksmi, Erin Ratna Kustanti, Hubungan Antara Dukungan Sosial Suami Dengan Resilensi Isteri Yang Mengalami Involuntary Childless, *Journal Empati*, Vol. 6, No. 1, January 2017, pg 432.

¹⁴ *Ibid.*, Amy Blackstone, pg 4

¹⁵ Shelly Volsche, A Comparison of Mothers and Childfree Woman On the Common Characteristics of Romantic Love, *Journal Sagepuh*, Vol 1. No 8 January-March 2017, 3

female fiqh, but it is not only women that are discussed but the reproductive relationship between women and men.¹⁶ In the discussion of *fiqih nisa* emphasizes women and their relationship with men about the relationship between husband and wife specifically on reproductive issues. As Allah Almighty said in Al-Baqarah verse 228 which means “.... *And they (the women) have the right to be balanced with their obligations properly. But husbands have advantages above them. Allah is Omnipotent, Omnipotent*”.¹⁷

From the verse can be underlined the word "women have equal rights with their obligations in an appropriate manner". So it can be understood that women have the right to regulate their production in a good/proper way, although women have the right to regulate their reproduction, it cannot be separated from the results of the agreement/partnership with her husband. Five rights are the main study in women's jurisprudence including, the right to life where women have the right to the safety of their lives at the risk of pregnancy, the right to freedom and security, which means the recognition of a decision to observe and regulate their reproduction, the right to equality and freedom from the description, the right to personal confidentiality, the right to freedom of thought.¹⁸

The right to freedom and security, according to Maria Ulfa, has implications for the right to enjoy and regulate reproduction, so women have the right to accept or reject the existence of a child, *fiqih nisa* discusses related to the relationship of husband and wife on reproductive issues, so in this case, the husband must be involved in determining the existence of a child or not. Nano states that the law of origin of childfree is likened to the law of origin of 'azl which is viewed by imam Al-Gazali and means “*It is precisely what qiyâs that legalizes it, that*

¹⁶ Mufidah. Ch, *Psikologi Keluarga Islam Bervawasam Gender*, (Malang: UIN Maliki Press, 2013), 219.

¹⁷ Yayasan Penyelenggara Penerjemah Al-Qur'an Depag RI, *Al-Qur'an Dan Terjemahannya*, (Semarang: Al- Waah, 1993), 55

¹⁸ Maria Ulfa Anshor, *Fikih Aborsi Wacana Penguatan Hak Reproduksi Perempuan* (Jakarta: Kompas, 2006), 4.

*is, it is not married at all, not related biologically after having a family, or removing sperm after inserting the penis into the vagina. For everything is only an act of abandoning primacy, not a work of a prohibitive nature”.*¹⁹

The implications in this hadith are a person rejects the existence of a child before sperm arrives in the ovum, then treated as being allowed, and judging by the laws of 'azl, but if rejects after a child in the womb or abortion, categorized is illegitimate.²⁰ The hadith is further corroborated by al-Zabidi by stating that “...*If he stabbed her, it was not obligatory for her to inẓâl or feed sperm into the wife's womb. Therefore, to leave all these things is only to leave the virtues, not to makruh let alone haram*”.²¹

Both of hadiths, it can be understood that rejecting before a child is allowed and is not makruh as alike 'azl, and if rejecting a child when pregnant (abortion) is illegitimate, it contained in the Criminal Code chapter 346 which reads: "A woman who deliberately aborts or turns off her womb or ordered others, shall be punished with a maximum penalty of four years".²² Chapter 348 reads: "Whoever intentionally aborts or turns off the womb of a woman with her agreement, shall be punished with threatened for prison approximately five years and six months".²³

From the results of Al-Baqarah verse 228, fiqhi Nisa', a historical hadith of imam Al-Gazali, corroborated by Az-*zabidi*, it can be seen that childfree is included in women's reproductive rights based on mutual agreement between husbands and wives or can be called *mu'amalah* activities between spouses. If one of them refuses to be childfree then would be grounded illegally, whereas if both of them accepted and choose to be childfree, it would be allowed and legal,

¹⁹ Muhammad ibn Muhammad al-Husaini al-Zabidi, *Ithâfu al-Sâdah al-Muttaqîn bi Syarh Ihyâ-i' 'Ulûm al-Dîn*, (Beirut: Muassasah al-Târikh al-'Arabi, 1994), 379-380.

²⁰ *Ibid.*, Nano Ramadlon Auliya Akbar, Muhammad Khatibul Umam, 160

²¹ *Ibid.*, Muhammad Ibn Muhammad Al-Husaini Al-Zabidi, 379.

²² Moeljatno, *Kitab Undang-Undang Hukum Pidana*, (Jakarta Timur: PT. Bumi Aksara, 2021), Cet 62, 30

²³ *Ibid.*, 62

because the Qur'an and hadith are not explicitly mentioned as requiring to have children.

Prohibition of Childfree in Indonesia

Childfree became a discourse of discussion among scholars and literati in Indonesia, various kinds of opinions and previlage among josses, literateurs, and society are ambivalent about this problem. In Islam Allah makes a marriage a charity of worship for the devotees. Suggestion to marry and have children, marriage and having children is a recommendation if it is possible externally and internally. In the case of marriage in Islam, the law of performing marriage can be *halal*, *sunnah*, *mubah*, *makruh*, and *haram*. It depends on a person's situation, for example, if a person is deemed capable as a whole, he must marry and if the person is incapable but forced to marry then is illegitimate. Even having children from the result of marriage as well as the law of marriage, it can be in the form of *halal*, *sunnah*, *mubah*, *makruh*, and *haram* because some verses in the Qur'an about marriage are always followed by news of offspring or the existence of children.

Furthermore, in Islam, there are shari'a goals called *maqasid Sharia* or the purpose of shari'a. As defined by ibn syur is things that Syar'i (Allah) desires to realize the useful purposes of men, or to preserve their general benefit in their actions in particular.²⁴

The purposes of this shari'a according to Abu Hamid Al-Ghazali are guarding religion, guarding the soul, guarding the *Nasab*/offspring, and finally guarding reason.²⁵ The purpose of this syar'i, stated that one of them is to maintain *nasab*/offspring, it is mean a guarantee of life and development for sustainability in the human population. Viewed from the purpose of shari'a the choice to be childfree is clearly violating the purpose of shari'a in Islam because mankind will be wiped

²⁴ Ahmad Sarwat, *Maqasid Syari'ah*, (Jakarta Selatan: Rumah Fiqih Publishing, 2019), 19

²⁵ Abu Hamid Al-Ghazali, *Al-Mustasfah Fi 'Ilm Al-Ushul*, (Kairo: Mathba'ah Al-Amiriyah, 1904), 285-286.

out if childfree or the choice not to have children develops rapidly without any rules that regulate.

Unlike the childlessness, Mustofa says childless caused by biological factors or delayed pregnancy to obtain a child is allowed in Islam by performing traditional contraception such as 'azl, calendar, temperature.²⁶ So the childless phenomenon referred to by Mustofa is used as the legal basis of *asbl* from childless as a delay in pregnancy. In this case childfree is not allowed if it is capable internally and externally while childless which is categorized as biologically and medically incapable is allowed and more accepted by the Indonesian people.

Childfree Analysis in Ushul Fiqih: The Power of theorem That Allows and Prohibit Childfree

Based on the childfree law in Indonesian society was childfree allowed because the reproductive aspect was positioned as a wife has the same rights as the husband, from *surah Al-Baqarab* verse 228 they know a woman's rights are balanced or equal to man in her marriage relationship. However, when viewed the general interpretation of the verse, it contains about the *iddah* period for divorced women, but when viewed in the verse part about women's rights that are balanced, it has an interpretation that in the hadith of Bahaz Bin Hakim, from Mu'awiyah Bin Haidah Al-Qusyairi, from his father, from his grandfather, that he asked:

*O Rasulullab what is the right of the wife of one of us? So he said: thou shalt feed him if thou eatest, clothe him if thou clothe, and thou shalt not strike him in the face, shall not insult him, and shall not isolate him except in the house. (HR. Abu dawud with sanad sahib and nasa'i).*²⁷

So the meaning of the right balance in this verse is, the same rights as her husband as the rights of the husband are the obligations of

²⁶ Mustofa, Z., Nafiah., Septianingrum., D.P. "Hukum Penggunaan Alat Kontrasepsi Dalam Perspektif Agama Islam." *Journal Pendidikan Islam*. Ma'alim.1(2) 2020, 85- 103.

²⁷ Abdullah Bin Muhammad Bin Abdurrahman Bin Ishaq Al-Sheikh, *Lubaabut Tafsir Min Ibn Katsir Jilid 1*, (Kairo: Mu-Assasah Daar Al-Hilal, 1994 M), 235

the wife and the rights of the wife are the obligations of the husband, such as the right to eat and drink, the right to receive a living born and mentally, and many others. However, in contrast to the intended right as mentioned in the women's fiqh in the previous discussion to corroborate the argument, if examined more deeply regarding the right of freedom and security to recognition of a decision to enjoy and regulate its reproduction, it means a wife or husband has the right to have the right to refuse a child even though it is capable internally and externally.²⁸

If the freedom of regulating reproductive rights intends to be temporarily suspended, it is permissible and corroborated by the postulate of 'azl narrated by Imam Al Gazali. However, if it aims not to have children for life even though it is capable internally and externally, of course, this is contrary to religious shari'a, including violating the purpose of marriage as mentioned in the *Kitab al-insyirah fi adabi an-nikah* it is stated that wanting children is the noblest purpose of marriage (*'andzomu maqasid an-nikah*).²⁹ Correspondingly as mentioned in the book of *maqasid an-nikah wa atsariha* mentions that the most important purpose of marriage is to reproduce or bear children (*al-injab*).³⁰

Furthermore, several assumptions prohibit childfree in Indonesia based on the existence of verses in the Qur'an that are clearly about the sustainability of offspring, such as in surah an-Nisa verse 1, an-Nahl verse 72, and al-Baqarah verse 187 which clearly states that god created humans in pairs aimed at realizing new offspring. This is in tune with the story of the prophet Zakariya which is enshrined in the holy book of the Qur'an where he asked God to give him a child even though he is old and it is impossible to have children.³¹ But because of his persistence and belief in God, he was blessed with a child at such a great age, in which case a lesson can be learned that a prophet alone yearns

²⁸ *Ibid*, Siti Mutia Rizki, 5

²⁹ Abu Sihaq Al-Huwayni, *Al Insyirah Fi Adabi An-Nikah*, (Beirut: Dar Al-Kitab Al-Arabiyy, 1987), 93

³⁰ *Ibid*, Hasan As-Sayyid Khitob, 12

³¹ This story can be seen within on Qur'an surah Maryam verses 1-15

for the presence of a child, then how can ordinary people even refuse to have children? In this case, it can be seen that having children is inherent in nature which can not be denied.

In determining the accuracy of understanding in determining whether having children is an obligation or just a rumor in the argument used, as mentioned in surah an-Nisa verse 1 mentions that from (man and woman God develops men and women), in the interpretation of the verse states that God was born of adam and eve, women and men who are scattered upfronts of the earth with different groups, nature, skin color, and language.³² Clearly, In this interpretation, God created man with all his diversity which makes him special and perfect in every difference from other beings.

So in some of these interpretations, it can be concluded that having children in the Qur'an is a message for *targhib* a suggestion that is the law of the sunnah. *Targhib* means a promise accompanied by persuasion and happiness. That becoming charitable and avoiding a vice to Allah.³³ So in these verses, there is good news and it is highly recommended to do so the law of having children becomes a sunnah which is highly recommended.

Analysis of *Saddu Az-Dzari'ah*

Saddu az-dzari'ah according to Islamic jurists is something that becomes leads to forbidden or justified deeds. In this case, the legal provisions imposed in *saddu az-dzari'ah* always follow the legal provisions contained in the acts to which they are subjected. shortly if the deed brings in the line of the mubah then the law is mubah, then if the deed brings towards the haram the law is haram.³⁴ The rules used in this case

³² Abdullah Bin Muhammad Bin Abdurrahman Bin Ishaq Al-Sheikh, *Lubabul Tafsir Min Ibn Katsir Jilid 2*, (Kairo: Mu-Assasah Daar Al-Hilaal, 1994 M), 227

³³ Syamsiyah Nur, Hasnawati, "Metode Targhib dan Tarhib Dalam Pendidikan Islam", Al-Liqo: Journal Pendidikan Islam, Vol 5, No. 1 Tahun 2020, 64

³⁴ Muhammad Abu Zahrah, *Ushul Fiqih*, (Jakarta: PT. Pustaka Firdaus, 2010), 438

are efforts to resist damage must take precedence over efforts to take advantage.³⁵

The phenomenon of people who choose childfree, some people on average are backgrounded by things born from their childhood experiences, as for the characteristics they experience such as violence both physically, verbally, and psychologically. They would not want the same for their offspring. Judging from the purpose, this does have a good motive, but if it is done continuously and educates everyone, the impact that will be caused, will be greater than the benefits, such as mass destruction due to the continuously decreasing population, so it can cause new economic problems in a country, as happened in several countries that have been mentioned on the previous page, namely Japan, Singapore, America, and South Korea that are experiencing a massive population crisis, to the point of causing an economic crisis for their country.

When viewed from the motive of doing childfree, it does have a good purpose but from this motive more damage that will be caused in real and clear examples from other countries. In addition, researchers found that people who choose to be childfree have several types of them, childfree when having a partner like Gita Savitri Devi, Chef Juna, and Cinta Laura, childfree who refuses to marry like Victoria Tunggono, childfree who makes a sex change is often called transgender as some artists like Lucinta Luna, Dorce Gamalama, Dena Ranchman does, Oscar Lawata and so on,³⁶ then childfree who is a same-sex lover is often called lesbian and homo as done by several Indonesian influencers.³⁷

³⁵ Duski Ibrahim, *Al-Qawa'id Al-Fiqhiyah (Kaidah-Kaidah Fiqih)*, (Palembang: CV Amanah, 2019), 84

³⁶ Astrid Prihartini, Putri Kususma Wardani, Bukan Hanya Dorce Gamalama, Berikut Ini Artis Transgender Indonesia, acces on the next link <https://solopos.com/bukan-hanya-dorce-gamalama-berikut-ini-artis-transgender-Indonesia-1257630> , On 28 May 2022

³⁷ Fabbiola, 5 Artis Berani Umbar Hubungan Sesama Jenis, acces on <https://www.intipseseb.com/lokal/26828-5-artis-berani-umbar-hubungan-sesama-jenis> , the date on 28 May 2022

Meanwhile, if you do 'azl continuously, it can pose a danger to health for men's, including weakening thinking power, collapsing bones, and joints, eating away at the strength of the body, reducing sexual arousal, premature ejaculation, feeling weak or weak, and even impotent.³⁸ So that if you use 'azl as the main tool for childfree, it can bring disease or mudharat to the body both psychologically and physically.

So that if you choose to be childfree, you must be ready to accept the risks that will be incurred, in biological terms, for example, by dr. Hasto Wardoyo, Sp., Og (K) head of the National Population and Family Planning Agency (BKKBN) in one of the interviews said that most women who have tumors and uterine cancers are those who do not have children because those who have uterine tumors tend to increase in those who have nulliparity (no children), besides that breast tumor and cancers attack many women who do not breastfeed because breast tissue is exposed to more estrogen for a longer period.³⁹ Therefore how dangerous it is to do 'azl continuously.

In psychological terms, not having children psychologically will cause stagnation in life.⁴⁰ People who do not have children tend to feel lonely in the future and cause prolonged conflicts with their spouses, and even trigger divorce because children are a form of strength in marital relationships.

Judging by some of the impacts that occurred, doing childfree not only affects the population crisis in a country but can cause diseases that are dangerous for one's own body so this is strictly prohibited to be done according to the rules in *ushul fiqih* which mean "Should not do something that harms yourself and others."⁴¹

³⁸ Thariq At-Thawari, *KB Cara Islam*, (Solo: PT Aqwa Media Profetika, 2007), 123.

³⁹ Arnidhya Nur Zhafira, "Ini Dampak Hingga Resiko Biologis Memilih Childfree" acces on <https://m.antaranews.com/veriita/2372946/in-dampak-hingga-risiko-biologis-memilih-childfree>. The Date 26 April 2022

⁴⁰ *Ibid.*, Amyblack Stone, 5

⁴¹ *Ibid.*, Duski Ibrahim, 34

In this rule is clear that Islam prohibits doing anything harmful or *mudharat* for oneself and others, so if it is seen that childfree brings more *mudharatan* than its benefit, besides that if childfree continues to be allowed to develop, the perpetrators of sexual inequality will also be more fertile in Indonesia so a rule that can control or bind childfree acts is not misused and misinterpreted by irresponsible individuals.

The Development of Childfree in Indonesia

The term childfree began to appear in public because one of the influencers Gita Savitri spoke up about her choice to do Childfree or not to have children.⁴² But in actual practice, the childfree carried out by Gita Savitri has long been spread by the Indonesian people themselves, it's just that the naming of childfree has been updated, even though the interpretations in practice have long been carried out by the community in applying the values or meanings contained in the word childfree.

In addition, the news about being childfree began to increase after being exposed by several Indonesian influencers and artists including Cinta Laura, Victoria Tunngono, and Chef Juna also chose to marry without children with different considerations including, Gita Savitri decided not to have children because of an opinion that having children was a big decision, so it was feared that she could not be responsible and would only hurt her children, besides his opinion of having offspring is not a concern because it is his right and choice of life.

Cinta Laura argues that what is it to have children while the population in Indonesia itself is larger and many do not take good care of it, so they decided not to have biological children but to use alternatives to adopt them, as well as Victoria Tunngono, one of the writers in Indonesia chose not to have children because it is a patriarchal

⁴² Parapuan.co, "Selain Gita Savitri, Ini 6 Public Figure yang Memutuskan untuk Childfree - Parapuan," acces on, <https://www.parapuan.co/read/532874233/selain-gita-savitri-ini-6-public-figure-yangmemutuskan-untuk-childfree>. The date on 16 March 2022

culture in Indonesian society, childfree is a person's life decision with all its considerations so it must be respected, Victoria also wrote a book about Childfree and Happy, In addition, Chef Juna does not want to have children, but if his wife decides not to have children then he does not force and accept the choice of his wife.⁴³

The consequences caused by some of these samples caused many people who chose childfree to start showing themselves in front of the public. On social media, for example, the latest data that researchers found, there was a childfree group on Facebook with 285 members, telegram with 9 members, and campaigning through Instagram with 622 followers, Twitter with 148 followers. And since Gita Savitri's statement that she had been popular with her choice for childfree, many tv companies and YouTubers have raised themes related to childfree and invited childfree actors to discuss their childfree choices.

This activity is included in the campaign for childfree because many people who did not know became aware and knew, at first the childfree perpetrator covered up his information now even more daring to publish himself. Of course, this can be the beginning or culprit of a liberal understanding of the unwillingness to have children and can influence people who do not know childfree to choose to be childfree under the pretext of being free themselves and free from the responsibility of having children.

Factors Affecting Childfree in Indonesia: The Effect of Gender Inequality On Childfree Offenders

Before discussing more deeply, it is necessary to first understand the differences between feminism and gender, Feminism is a women's movement demanding justice for women's rights to be equal to men.⁴⁴

⁴³ Dhia Amira, 4 Seleb Ini Putuskan Tak Ingin Punya Anak, accesed on, <https://m.kapanlagi.com/showbiz/celebriti/4-publik-figure-indo-yang-putuskan-tak-ingin-punya-anak-childfree--adopsi-628b88.html>, the date on 16 march 2022, 21:00 Wib Oclock.

⁴⁴ Wirasandi, "Wanita Dalam Pendekatan Feminism", Journal Imiah Rinjani, Vol 7, No.2, 2019, 48

Meanwhile, gender is a characteristic that is attached to women and men which is formed by socio-environmental influences in society.⁴⁵ It should be noted that gender is different from gender, gender is more about its characteristics and gender is more of a biological factor in the form of nature that cannot be changed. Seen in history, women have been subjected to oppression, marginalization, and injustice both in public and private aspects themselves.⁴⁶ So there is gender inequality that needs to be divided amid the patriarchal culture of Indonesian society.

The data released by BPS, it is stated that in 2021 the level of gender inequality in the GII count reached 0.480 in the world or around rank 121, while this inequality, one of which was measured using the indicator of the proportion of women who had married in the age range of 15-49 years who had given birth living in the last two years was not facilitated by health as a proxy for the internal mortality rate, then in terms of female workers, women who enter parliament, and in short the public sphere of women who are still constrained and limited.⁴⁷

Gender inequality can also be seen in the domestic sphere in patriarchal culture as a movement of social, cultural, and religious values, this is a tool to suppress family institutions to achieve family goals, and will unwittingly sacrifice women's rights and interests and even often carried out using violence both physically and psychologically.⁴⁸ For example, in cases of violence committed by the husband to the wife, violence during courtship, and much more. In reality, many women experience such violence but rarely does anyone

⁴⁵ Azka Al Azkiya, Illiana Praticia Vega Dkk, Kata Netizen Tentang Kesetaraan Gender Dalam Sentiment Warganet Twitter, *Martabat: Journal Perempuan Dan Anak*, Vol. 5, No. 2, December 2021, 436.

⁴⁶ Sugi, Sumarno, "Pemberdayaan Perempuan Melalui Pelatihan Pengolahan Bahan Pangan Lokal", *Journal Pendidikan dan Pemberdayaan Masyarakat*, Vol.2, No. 2 November 2015, 227.

⁴⁷ Badan Pusat Statistik, *Kajian Perhitungan Indeks Ketimpangan Gender 2021*, (Jakarta: BPS-Statistics Indonesia, 2021), 2-3

⁴⁸ Munandar Sulaman, Siti Homzah, *Kekerasan Terhadap Perempuan*, (Bandung: PT Refika Aditama, 2019), 17

dare to tell or even report the action, because it has received justification from the patriarchal culture, so many women choose to be silent because it is considered the act of reporting or telling it as a disgrace to themselves. In the public sphere, patriarchal culture affects the level of women's appreciation.⁴⁹ such as the frequent degradation of women or the differentiation of the level of work obtained. It gets justification for its environment, so there is no room to tell it.

As a result of this gender inequality, women's movements were born to equalize gender, so that their rights and roles could be fulfilled in a balanced way, then these understandings spread quickly through social media without any filter so that they received influence from outside movements that caused the understanding of equality to be freer and wider and even to the point of causing childfree actions as a form of one of the complete liberations on gender equality.

This can be seen in the opinion of Victoria Tunggono in her book which says that having children is a culture of patriarchy, so having children is not mandatory.⁵⁰ People who share a view of freedom of rights and roles that have been contaminated by outside cultures have begun to emerge and form a congregation to campaign for childfree as an act of freeing women entirely from the constraints of patriarchal culture. Whereas having children in Islam is one of the purposes of marriage, and is not included in the culture.⁵¹ As for Gita Savitri's opinion, having children in her opinion is not mandatory, and having children is a right to her life choices. This could have been the influence of his neighborhood since he was 18 years old until now when stepped on the head of three he was in German for graduate and master studies in Germany and worked there.⁵²

⁴⁹ *Ibid.*, 18

⁵⁰ Victoria Tunggono, *Childfree and Happy*, (Jakarta: Ea Book, 2021), 22

⁵¹ Hasan As-Sayyid Hamid Khitob, *Maqasid An-Nikah Wa Atsariba*, (Madinah: Universitas Taibah, 2009) 12

⁵² Analisa Widya Ningrum, "Kapan Punya Anak? Aku Pengen Punya Pnaan Online" Jawaban Dan Alasan Gita Savitri Untuk Pertanyaan Tersebut, Youtube Video, accesed on Link, <https://youtu.be/rwd5i9XXEKM>, the date on 25 April 2022

The opinions of the two people are nothing wrong, but the result of this is that the liberation movement against the confines of gender inequality has become wild and many are inconsistent with the prevailing Islamic law. The gender equality movement must indeed be supported and must also go hand in hand with Islamic shari'a to make it better. Because if the understanding of gender equality is not accompanied by Islamic law, it is feared that the gender equality movement will become more liberal and childfree actors will develop which leads to mass termination of offspring.

Social Media and Its Effect On Childfree in Indonesia

The condition of Indonesia at the beginning of society moved passively by patterns and values that prevailed for generations, but due to the entry of the advanced computerized era, people had broad insights because they could access the internet and social media easily such as Google, Instagram, Facebook, Twitter, and many more. thus making an initially passive society into a more critical and modern society with increasingly advanced science, it can result in slowly being abandoned culture and noble values. Along with this, a dynamic Indonesian society was formed.

The impact of cultural deterritorialism, causing outside cultures, such as understandings of the right of men and women not to have children, LGBT, and so on is quickly absorbed by society and is considered as if this understanding is a reform of the freedom of the right to life that must be echoed and must make people who do not know about these reforms aware. In developed countries such as America, which is non-Muslim, considers not having children is a form of life choice that is considered commonplace among them, but in Indonesia with a Muslim majority, this is contrary to the purpose of marriage, because the absence of offspring can cause economic crises, productive generation crises.

So the phenomenon of childfree is developing in Indonesia today occurs a lot due to changes in society and the structure of society that is undergoing modernization resulting in the use of drugs increasing, free sex is increasing, living with non-mahram in one house is increasing, liberal feminism understandings are increasing, freedom to lesbian, gay, and many others will emerge even more. As a result, society is changing slowly the cultural values of its ancestors that are difficult to accept, such as the life of society that was originally always socially interacting now instead lives individuals due to technology, such as headphones and cyberspace, initially getting married and having children is a necessity now even rejecting the existence of children, changes in the development of public figures that are used as role models by children today, sex is seen as a common thing, whereas previously sex was the biggest and embarrassing disgrace, these changes greatly influenced the formation of social patterns in society today. This will indirectly be difficult to accept by the wider community because it is contrary to the norms prevailing in the wider community.

CONCLUSIONS

The law regarding the prohibition of childfree in Indonesian Muslim communities needs to be followed up immediately to avoid harm to Indonesian society. It is necessary to realize that the Indonesian state has a community with the largest Muslim majority in various corners of villages throughout the existing City Regencies, so it can be seen from the practices of actions carried out by childfree actors in this case quite a large effect that will appear and also interfere with the norms or habits of the community in general, especially the perpetrators themselves.

One of the fundamental problems that will occur from this childfree activity violates human nature, namely giving birth to offspring, and can interfere with her identity as a woman / the value of her dignity will be damaged over time. In addition, being childfree can usher in the influence of negative views, such as the association of the younger generation with the opposite sex is free.

Even though this is far from the proper habits and associations, and the quality of faith has decreased, the tolerance of others has also decreased, and followers of the Islamic religion consider themselves the same as other religions. On the other hand, the long-term problems that will arise will also disturb a woman's paradigm that the value of marriage will become unimportant even though it will be contrary to the value of marriage in Islam itself. So it can be concluded that when viewed in terms of *dẓari'ah* there is a problem with childfree because it contains a lot of damage that will be caused, so in this case childfree is strictly prohibited to do so.

What researchers can offer to the government here are: As an Indonesian, the government needs to take strict action in this childfree phenomenon, including making a rule such as the rules that have been designed for LGBT perpetrators contained in the draft Criminal Code. If the first thing is deemed unsolvable, the government can issue a fatwa related to childfree so that at least there are clear rules that guide the Indonesian people.

REFERENCES

BOOKS

- Abdullah Bin Muhammad Bin Abdurrahman Bin Ishaq Al-Sheikh, *Labaabut Tafsir Min Ibn Katsir Jilid 1*, (Kairo: Mu-Assasah Daar Al-Hilaal, 1994 M.
- Abu Hamid Al-Ghazali, *Al-Mustasfha Fi 'Ilm Al-Ushul*, Kairo: Mathba'ah Al-Amiriyah, 1904.
- Abu Sihaq Al-Huwayni, *Al Insyirah Fi Adabi An-Nikah*, Beirut: Dar Al-Kitab Al-Arabiy, 1987.
- Ahmad Sarwat, *Maqasid Syari'ah*, Jakarta Selatan: Rumah Fiqih Publishing, 2019.
- Dadang Hawari, *Global Effect HIV/AIDS Dimensi Psikoreligi*, cet II, Jakarta: Balai Penerbit FKUI, 2009.
- Departemen Agama, *Kompilasi Hukum Islam*, Bandung: Humaniora Utama Press, 1991.
- Duski Ibrahim, *Al-Qawa'id Al-Fiqhiyah (Kaidah-Kaidah Fiqih)*, Palembang: CV Amanah, 2019.
- Hasan As-Sayyid Hamid Khitob, *Maqasid An-Nikah Wa Atsariba*, Madinah: Universitas Taibah, 2009.
- Mahmud Al-Mashri, *Bekal Pernikahan*, Jakarta: Qisthi Press, 2010.
- Maria Ulfa Anshor, *Fikih Aborsi Wacana Penguatan Hak Reproduksi Perempuan*, Jakarta: Kompas, 2006.
- Moeljatno, *Kitab Undang-Undang Hukum Pidana*, Jakarta Timur: PT. Bumi Aksara, Cet 62, 2021.
- Mufidah. Ch, *Psikologi Keluarga Islam Berwawasan Gender*, Malang: Uin Maliki Press, 2013.
- Muhammad abu zahrah, *Ushul Fiqih*, Jakarta: pt pustaka Firdaus, 2010.
- Muhammad ibn Muhammad al-Husaini al-Zabidi, *Ithâfu al-Sâdah al-Muttaqîn bi Syarh Ihyâ-i' 'Ulûm al-Dîn*, Beirut: Muassasah al-Târîkh al-'Arabi, 1994.
- Munandar Sulaman, Siti Homzah, *Kekerasan Terhadap Perempuan*, Bandung: PT Refika Aditama, 2019.

Thariq At-Thawari, *KB Cara Islam, Solo*, PT Aqwa Media Profetika, 2007.

Victoria Tunggono, *Childfree and Happy*, Jakarta: Ea Book, 2021.

Yayasan Penyelenggara Penerjemah Al-Qur'an Depag RI, *Al-Qur'an Dan Terjemahannya*, Semarang: Al- Waah, 1993.

JOURNAL

Abdul Hadi, Husnul Khotimah, Sadari, Childfree Dan Childless Ditinjau Dalam Ilmu Fiqih Dan Perspektif Pendidikan Islam, *Journal Educational and Language Research*, Vol 1, No 6 January 2022.

Amy Blackstone, Choosing to Be Childfree: Research On The Decision Not To Parent, *Sociology Compass* Vol 1, No 10, 2012

Azka Al Azkiya, Illiana Praticia Vega Dkk, Kata Netizen Tentang Kesetaraan Gender Dalam Sentiment Warganet Twitter, *Martabat: Journal Perempuan Dan Anak*, Vol. 5, No. 2, December 2021

Badan Pusat Statistic, *Kajian Perhitungan Indeks Ketimpangan Gender 2021*, Jakarta: BPS-Statistics Indonesia, 2021.

Karunia Haganta, Manusia, Terlalu Banyak Manusia: Kontroversi Childfree Di Tengah Alsaan Agama, Sains Dan Krisis Ekologi, *Journal Prosiding Konferensi Integrase Interkoneksi Islam Dan Sains*, Vol 4, 2022.

Mustofa, Z., Naflah., Septianingrum., D.P. "Hukum Penggunaan Alat Kontrasepsi Dalam Perspektif Agama Islam." *Journal Pendidikan Islam. Ma'alim.*1(2) 2020.

Shelly Volsche, A Comparison of Mothers and Childfree Woman On The Common Characteristics Of Romantic Love, *Journal Sagepuh*, Vol 1. No 8 January-March 2017.

Siti Mulya Rizka, Taat Kurnita Yeningasih Dkk, Childfree Phenomenon in Indoneisa, *Proceedings of The 11th Annual International Conference (AIC) On Sosial*

Sciences, Universitas Syiah Kuala, September 29-30, 2021,
Banda Aceh, Indonesia

Sugi, Sumarno, Pemberdayaan Perempuan Melalui Pelatihan Pengolahan Bahan Pangan Lokal, *Journal Pendidikan Dan Pemberdayaan Masyarakat*, Vol.2, No. 2 November 2015.

Syamsiyah Nur, Hasnawati, Metode Targhib Dan Tarhib Dalam Pendidikan Islam, *Al-Liqo: Journal Pendidikan Islam*, Vol 5, No. 1, 2020.

Uswatul Khasanah, Childfree Perspektif Hak Reproduksi Perempuan Dalam Islam, *Journal of Law And Family Studies*, Vol 3 No 2 December 2021.

Vina Ayu Laksmi, Erin Ratna Kustanti, Hubungan Antara Dukungan Sosial Suami Dengan Resilensi Istri Yang Mengalami Involuntary Childless, *Journal Empati*, Vol. 6, No. 1, January 2017.

Wirasandi, Wanita Dalam Pendekatan Feminism, *Journal Imiah Rinjani*, Vol 7, No.2, 2019.

INTERNET

Analisa Widya Ningrum, Kapan Punya Anak? Aku Pngen Punya Pnaan Online” Jawaban Dan Alasan Gita Savitri Untuk Pertanyaan Tersebut, Youtube Video, Acces on Link, <https://youtu.be/rwd5i9XXEKM> , The Date On April 25, 2022

Arnidhya Nur Zhafira, Ini Dampak Hingga Resiko Biologis Memilih Childfree” Acces on Link <https://m.antaranews.com/verriita/2372946/in-dampak-hingga-risiko-biologis-memilih-childfree>. The Date On April 26, 2022

Astrid Prihartini, Putri Kususma Wardani, Bukan Hanya Dorce Gamalama, Berikut Ini Artis Transgender Indonesia, Acces on Link <https://solopos.com/bukan-hanya->

- dorce-gamalama-berikut-ini-artis-transgender-Indonesia-1257630 , tanggal 28 mei 2022
- Dhia Amira, 4 Seleb Ini Putuskan Tak Ingin Punya Anak, Acces on Link, <https://m.kapanlagi.com/showbiz/selebriti/4-publik-figure-indo-yang-putuskan-tak-ingin-punya-anak-childfree--adopsi-628b88.html>, The Date On March 16, 2022, 21:00 Wib Oclock
- Fabbiola, 5 Artis Berani Umbar Hubungan Sesama Jenis, Acces on Link <https://www.intipseseb.com/lokal/26828-5-artis-berani-umbar-hubungan-sesama-jenis> , The Date On May 28, 2022.
- Gita Laras Widyaningrum, Warga Tolak Punya Anak, Tingkat Populasi Di 6 Negara Ini Tidak Stabil, Acces on Link <https://nationalgeographic.grid.id/amp/131919036/warganya-tolak-punya-anak-tingkat-populasi-di-6-negara-ini-tak-stabil?page=3>, The Date On May 29, 2022.
- Parapuan.co, “Selain Gita Savitri, Ini 6 Public Figure yang Memutuskan untuk Childfree - Parapuan,” Acces on Link, <https://www.parapuan.co/read/532874233/selain-gita-savitri-ini-6-public-figure-yangmemutuskan-untuk-childfree>. The Date on March 16, 2022
- Siti Farida, Fenomena Childree Dan Kontruksi Masyarakat Indonesia 2020, Acces on Link <http://heylawedu.id/blog/childfree-fenomena-childfree-dan-kontruksi-masyarakat-Indonesia>, The Date On March 15, 2022.
- Ahmad, jumlah LGBT lebih satujuta, Muhammadiyah rumuskan strategi penanganan, Acces on Link <https://hidayatullah.com/brita/nasional/red/2022/08/04/234636/jumlah-lgbt-lebihsatu-juta-muhammadiyah-rumusakan-strategi-penanganan.html> , The Date On October 10, 2022.