

## Islamic Jurisprudence on Women's Reproductive Health (Indonesian Review)

Alimatul Qibtiyah,<sup>1</sup> Wika Andeska,<sup>2</sup> Azka Salsabila<sup>3</sup>

<sup>1</sup> Sunan Kalijaga State Islamic University Yogyakarta-Indonesia

<sup>2</sup> Department of Quran and Tafsir Science, Universitas Muhammadiyah Surakarta, Indonesia

<sup>3</sup> Department of Islamic Studies, Al Azhar University, Kairo, Egypt

alimatul.qibtiyah@uin-suka.ac.id

g108249021@student.ums.ac.id

azkasalsabila425@gmail.com

### Submission Track:

Received: 24-10-2024

Final Revision: 09-02-2025

Available Online: 18-02-2025

Copyright © 2025 Authors



**Abstract.** This paper explores the role of Islamic jurisprudence (fiqh) in addressing women's reproductive health issues in Indonesia, particularly in emergency contexts where rising sexual violence is prevalent. Islamic jurisprudence, as part of the turats (heritage), provides a moral and legal framework that can bridge traditional Islamic principles with contemporary reproductive health challenges. The formulation of women's reproductive health jurisprudence in Islam must be grounded in the fundamental values of benefit (*maṣlaḥah*), justice, and freedom, which are in alignment with the principles of *maqāṣid al-sharī'ah*, particularly *hifẓ al-nafs* (protecting the soul) and *hifẓ al-nasl* (protecting offspring). Women's reproductive health encompasses not only the prevention of disease but also the safeguarding of reproductive rights in accordance with Islamic values, including the right of women to make medical decisions regarding their health. Consequently, access to safe and quality reproductive health services must be regarded as harmful practices such as child marriage, female genital mutilation/cutting (FGM/C), and restrictions on contraception that endanger the mother's health. It is imperative to recognize that all practices detrimental to women's reproductive health are considered haram, as they contradict the principle of benefit. To address this critical issue, there is a necessity to reformulate fiqh to align more closely with the contemporary needs of women. This reformulation must affirm women's rights to their reproductive health and ensure the development of inclusive health policies based on *maqāṣid al-sharī'ah*. These policies must protect women's health from harmful and discriminatory practices. This paper underscores the pressing need to integrate Islamic legal principles to safeguard women's reproductive rights, aligning Islamic jurisprudence with contemporary reproductive health needs, particularly during times of crisis, to achieve a more comprehensive approach to safeguarding women's health and dignity.

**Keywords:** Islamic Jurisprudence; Reproductive Health; Women's Rights.

## 1 Introduction

Women's reproductive health is a critical concern within the framework of Islamic law, particularly in the context of *maqāṣid al-sharī'ah*, which underscores the safeguarding of the soul (*hifẓ al-nafs*) and offspring (*hifẓ al-nasl*), representing the profound wisdom and divine intention articulated by Allah Sw. This is reflected in the majority of Islamic legal principles.<sup>1</sup> From a normative perspective (*das sollen-bayani*), Islam upholds women's rights to reproductive health, including access to maternal health services, contraception, and protection from harmful practices such as female genital mutilation and cutting (FGM/C) and child marriage. However, the empirical evidence (*das sein-empirical experience-burhani*) reveals a discrepancy between these normative principles and practices within the community. This discrepancy frequently deviates from universal human values and ethical principles (*bayani*). A substantial proportion of Muslim women encounter constrained access to reproductive health services due to cultural impediments, discriminatory legal policies, and juridical interpretations of fiqh that are less favorable to women's rights.<sup>2</sup>

The number of maternal deaths (MMR) from the records of the Nutrition and Maternal and Child Health program at the Ministry of Health from 2019-2021 exhibited an upward trend, while from 2021-2023 the number of maternal deaths fluctuated. The number of maternal deaths in 2023 was 4,482.<sup>3</sup> The National Women's Life Experience Survey (SPHPN) in 2024 showed that 46.3 per cent of women aged 15-49 years had undergone FGM/C.<sup>4</sup> The rate of child marriage in Indonesia remains high; in 2022, there were 52,388 cases were documented in 2022, and 41,852 cases were recorded in 2023.<sup>5</sup> Following the enactment of the Sexual Violence Law No. 12 of 2022, there has been an increase in reported cases of sexual harassment and rape. In 2023, Komnas Perempuan received 2,078 cases of sexual violence.<sup>6</sup> These data indicate that reproductive health issues experienced by women remain a significant concern.

A number of prior studies have examined particular aspects of women's reproductive health within the context of Islam. For instance, research by Beddu et al.<sup>7</sup> and Edy

---

<sup>1</sup> Risdayani Risdayani et al., "Maqāṣid Al-Syarī'ah Analysis of the Implementation of Food Social Assistance on Multidimensional Welfare in Indonesia (2020-2023)," *AL-IKTISAB: Journal of Islamic Economic Law* 8, no. 2 (November 5, 2024): 139–56, <https://doi.org/10.21111/aliktisab.v8i2.12972>.

<sup>2</sup> Fatimatus Zahro' Jihan Fitri, Alimatul Qibtiyah, and Ro'fah, "Child Marriage: Taboo, Religion, and Women in Symbolic Violence," *HIKMATUNA: Journal for Integrative Islamic Studies* 8, no. 2 (2023), <https://doi.org/10.28918/hikmatuna.v8i2.6028>.

<sup>3</sup> Kementerian Kesehatan, *Profil Kesehatan Indonesia 2023* (Jakarta: Kementerian Kesehatan RI, 2024).

<sup>4</sup> Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, *Kondisi Perempuan Indonesia 2024* (Jakarta: Kemen-PPA, 2024).

<sup>5</sup> Komisi Nasional Anti Kekerasan terhadap Perempuan, *Catahu 2023* (Jakarta: Komnas Perempuan, 2024).

<sup>6</sup> Komisi Nasional Anti Kekerasan terhadap Perempuan.

<sup>7</sup> Muhammad Juni Beddu et al., "Caesarean Section in the Perspective of Family, Health, and Islamic Law," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 31, 2024): 359, <https://doi.org/10.29240/jhi.v9i1.8373>.

Setyawan et al.<sup>8</sup> focused on caesarean section and marriage age limit in Islamic law, while the study of Aida Humaira et al.<sup>9</sup> discussed Betawi scholars' perceptions of contraception. Other studies have highlighted discrepancies between the age of majority in classical fiqh and women's psychological readiness, as discussed by Isroqunnajah et al.<sup>10</sup> Wahid et al.<sup>11</sup> have also examined the transformation of religious practices in the digital era. To the best of the author's knowledge, there is no study that has holistically linked women's reproductive health with *maqāṣid al-sharī'ah* and its impact on the formulation of more inclusive fiqh. The present study seeks to fill the aforementioned gap by highlighting how *maqāṣid al-sharī'ah* can be used as a basis in formulating fiqh that is more responsive to women's reproductive health needs. The study methodically examines the normative aspects and the reality, investigating the extent to which Islamic values such as benefit, justice, and freedom are implemented in legal policies related to reproductive health. Additionally, it discusses how policies regarding contraception and the prevention of FGM/C, viewed through the lens of *maqāṣid al-sharī'ah*, serve to protect women's health rights.

The findings of this study indicate that access to safe and quality reproductive health services should be categorised as an obligation (*wajib*) in Islamic law, as it is part of protecting the soul and heredity. Conversely, the practice of MRT, a medical technique employed to avert inherited mitochondrial diseases by, among other methods, extracting the nucleus of an egg from a woman harboring a mitochondrial mutation and transferring it into a donor egg that has undergone the same procedure, can be classified as *mu-bah* if it aligns with the principle of *maṣlaḥah* without engendering adverse impacts on *nasab* and inheritance law. Conversely, restrictions on contraception that jeopardize maternal health, along with practices such as child marriage and FGM/C, are classified as *haram* due to their contravention of the principle of safeguarding life and offspring. This research puts forth a reformation of reproductive fiqh that encompasses not only the health of couples within matrimony but also women's rights to their reproductive health within an Islamic legal system that is more inclusive and responsive to contemporary challenges.<sup>12</sup>

This research aims to contribute to the discourse of reproductive fiqh by underscoring the necessity for a reinterpretation of Islamic law based on *maqāṣid al-sharī'ah*. By adopting this approach, legal policies can more effectively safeguard women's rights,

---

<sup>8</sup> Edy Setyawan et al., "Legal Age for Marriage: SDGs and Maslahah Perspectives in Legal Policy Change in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam*, September 22, 2023, 183–98, <https://doi.org/10.24090/mnh.v17i2.9506>.

<sup>9</sup> Aida Humaira et al., "Betawi Ulama's Perception of The XXI Century Against Contraception Law Controversy in Population Control," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (December 31, 2022): 934, <https://doi.org/10.22373/sjhk.v6i2.12936>.

<sup>10</sup> Isroqunnajah, Agus Iqbal Hawabi, and Umdatul Khoirot, "Legal Capacity and Legal Authority of Adult Age in Indonesia: Medical, Psychological and Islamic Law Perspectives," *Samarah* 8, no. 1 (2024), <https://doi.org/10.22373/sjhk.v8i1.19834>.

<sup>11</sup> Soleh Hasan Wahid, "Exploring the Intersection of Islam and Digital Technology: A Bibliometric Analysis," *Social Sciences & Humanities Open* 10 (2024): 101085, <https://doi.org/10.1016/j.ssaho.2024.101085>.

<sup>12</sup> I Isman and Ahmad Zainul Muttaqin, "Innovative Legal Modeling for Interdisciplinary Studies on Law and Economic Behavior," *Indonesian Journal of Islamic Economic Law* 1, no. 1 (2023): 60–71, <https://doi.org/10.23917/ijoel.v1i1.3437>.

ensure access to adequate health services, and prevent practices that harm women, such as child marriage and FGM/C. The integration of *maqāṣid al-sharī'ah* and human rights perspectives within this research framework is poised to establish a foundation for the development of more equitable and health-oriented policies for Muslim women in the contemporary era.

## 2 Literatur Review

In order to substantiate the pertinence and originality of this reproductive health fiqh research, it is imperative to articulate the findings that serve as the theoretical foundation for the literature review, thereby facilitating further exploration of this subject. Firstly, Rasyid et al.'s research found that factors in the Islamic perspective on marriage, such as the purpose of marriage for a *sakinah* family, fulfillment of legitimate sexual needs, and regeneration of offspring, are positively correlated with the emotional and physical health of couples, family quality, and social stability. This research serves as an initial database regarding the fiqh of reproductive health in Indonesia, which is strongly related to the religiosity of married couples. The primary distinction between this study and the author's research lies in the role of fiqh in addressing women's reproductive health issues that encompass the holistic sexual health of wives, extending beyond the scope of sexually transmitted infections, constrained contraceptive access, and sexual violence in marriage in Indonesia.<sup>13</sup>

Secondly, Isroqunnajah et al. concluded that there is a mismatch between the age of adulthood limits set by state law, medical, psychological, and fiqh with individual psychological, emotional, and social readiness that affects women's various social relations with reproductive health. This research provides significant data indicating that classical reproductive fiqh continues to prioritize the biological sign of *balig* as a marker of maturity, while the mental readiness of women to assume reproductive responsibilities requires adequate preparation. This results in a behavior that tolerates early marriage and has an impact on the limited rights of women as wives to access reproductive health services in a comprehensive manner. The present study aims to contribute to the ongoing discourse on the redefinition of the age of adulthood from multiple perspectives, with a particular focus on its implications for socio-economic policies. The author's research specifically examines women's reproductive health within the framework of a holistic fiqh perspective.<sup>14</sup>

Thirdly, Wahid et al.'s research found a strong correlation between the influence of social media and other online platforms and behavioral changes in religious practices, such as the formation of Muslim communities and their social media channel preferences. This research provides a database of religious behavior influenced by content that is prevalent on social media and greatly affects one's religious identity, including the absence of reproductive health topics for women. Another salient data point pertains

---

<sup>13</sup> Arbanur Rasyid et al., "Dynamics of Childless Marriage Through the Lens of Maqasid Al-Shari'a," *Jurnal Ilmiah Peuradeun* 12, no. 2 (May 30, 2024): 763, <https://doi.org/10.26811/peuradeun.v12i2.1182>.

<sup>14</sup> Isroqunnajah, Hawabi, and Khoirot, "Legal Capacity and Legal Authority of Adult Age in Indonesia: Medical, Psychological and Islamic Law Perspectives."

to the relationship between the role of traditional religious authority and digital authority in conservative Muslim communities. This research focuses on the transformation of religious practices and Islamic identity in the digital context, while the author's research focuses on women's reproductive health from a fiqh perspective more holistically in the building of reproductive fiqh of Indonesian fuqaha.<sup>15</sup>

Nur Insani et al.'s research concluded that the empowerment of Muslim women is influenced by the interaction of various identity factors, namely religion, ethnicity, social class, and gender, which correlate with efforts to harmonize fiqh principles and human rights, including legal and cultural barriers to encourage women's participation in economic health. This research serves as a comprehensive database on the intersection of Islamic law and human rights in the empowerment of Muslim women, including Islamic economics, equality of inheritance rights, the urgency of education and awareness of women's rights in Islam, and reproductive health. The present study focuses on the empowerment of Muslim women in the context of fiqh, particularly in relation to economic activities, emphasizing the nexus between variants of identity and human rights. The author's research, in contrast, is centered on holistic women's reproductive health within the framework of fiqh.<sup>16</sup>

Fifth, Beddu et al. concluded that caesarean section decisions in Muslim families are influenced by the interaction between social norms, religious views, and medical considerations, where fiqh has a role in shaping the decision. This study provides a database on how Islamic law responds to modern medical practices, particularly in the case of caesarean section, and how social factors and clerical fatwas influence Muslim families' decisions on maternal and child health. The present study focuses on the interaction between fiqh, medical decisions, and social factors in the context of caesarean section. It is important to note that the study's scope is limited to the decision to perform caesarean section, excluding the broader variable of Muslim women's reproductive health.<sup>17</sup>

Furthermore, Edy Setyawan et al. have demonstrated that changes in the age of marriage in Indonesia are influenced by the interaction between Islamic law, national legal policies, and global standards, such as the SDGs. The study's independent variables include religious, legal, and social factors, while the dependent variables take the form of changes in marriage age limit policies. Edy's research findings support the reproductive health database regarding how fiqh adapts to contemporary needs in determining the age of marriage, which not only considers biological aspects, but also the mental and psychological readiness of the bride and groom in the *maṣlaḥah* review. A notable distinction of the present study is its expansion beyond the scope of age-based limitations observed in prior research. The current research encompasses a more comprehensive evaluation of reproductive health, encompassing not only the age of marriage but

---

<sup>15</sup> Wahid, "Exploring the Intersection of Islam and Digital Technology: A Bibliometric Analysis."

<sup>16</sup> Nur Insani et al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (June 25, 2024): 88–117, <https://doi.org/10.18860/j-fsh.v16i1.26159>.

<sup>17</sup> Beddu et al., "Caesarean Section in the Perspective of Family, Health, and Islamic Law."

also access to contraception, the prevention of sexually transmitted infections, and the impact of sexual violence within the framework of fiqh in Indonesia.<sup>18</sup>

In their research, Smith and Wardatun (2023) sought to explore the ways in which Muslim women in Lombok utilize Sufistic practices, such as dhikr, Quran recitation, and prayer, as a means of spiritual agency in confronting domestic violence. The present study, guided by the principles of feminist research methodologies, sought to contribute to the existing body of knowledge by examining the relationship between the use of Sufistic religious practices and the psychological resilience and emotional health of women experiencing domestic violence. The correlational relationship found indicated that the stronger the women's engagement in these spiritual practices, the greater their resilience to psychological suffering from domestic violence. The research by Smith and Wardatun provides data on the role of spiritual approaches in Islam as a coping strategy for women experiencing domestic violence, as well as how religious agency can shape women's experiences of social injustice. This study delves into the mechanisms of spiritual coping in the context of domestic violence, while the author's research focuses on women's reproductive health from a broader fiqh perspective than sexual violence. This research also prioritizes a Sufistic approach in understanding women's experiences, while the author's research focuses on fiqh analysis in building the fiqh of Muslim women's reproduction in Indonesia.<sup>19</sup>

Eighth, research by Aida Humaira et al. concluded that there are significant differences in the perceptions of Betawi clerics towards the use of contraception in population control, which is influenced by spiritual, socio-economic, and globalization factors. In this study, the independent variable was the ulama's view on the law of contraception, while the dependent variable was community acceptance of family planning programs. The correlational relationship found showed that the more conservative the ulama's views, the lower the level of community acceptance of contraceptive policies, while more moderate ulama views tend to encourage higher acceptance. Humaira's research provides substantial data on the Betawi ulama's perceptions of contraception locally in Indonesia, particularly in relation to the principle of *hifz al-nasl* (protection of offspring), and how social and economic factors shape the ulama's views on population control policies. The study also underscores the variances in scholars' perceptions of contraception in the context of family planning and population control policies. The author's research, however, places greater emphasis on women's reproductive health in a more expansive sense, encompassing not only access to contraception but also the prevention of sexually transmitted infections (STIs and HIV), along with the impact of sexual violence from a fiqh perspective. Furthermore, this study places greater emphasis on aspects of family law and policy, while the author's research analyzes women's biological health within the scope of reproductive health fiqh in Indonesia.<sup>20</sup>

---

<sup>18</sup> Setyawan et al., "Legal Age for Marriage: SDGs and Maslahah Perspectives in Legal Policy Change in Indonesia."

<sup>19</sup> Bianca J. Smith and Atun Wardatun, "Domestic Violence and Islamic Spirituality in Lombok, Indonesia: Women's Use of Sufi Approaches to Suffering," *Contemporary Islam* 16, no. 2–3 (2022), <https://doi.org/10.1007/s11562-022-00495-5>.

<sup>20</sup> Humaira et al., "Betawi Ulama's Perception of The XXI Century Against Contraception Law Controversy in Population Control."

In the ninth study, research by Royan Utsany et al. concluded that Jasser Auda's thought highlights the need for reinterpretation of Islamic law in the issues of gender equality, early marriage, and women's reproductive health. The present study employs a correlational approach, with the independent variable representing Auda's perspectives on Islamic law reform and the dependent variable measuring the application of Islamic law in the context of gender equality and women's reproductive health. The findings reveal a positive correlation between the contextualization of fiqh in the interpretation of Islamic family law and the enhancement of gender equality and the protection of women's reproductive health in religious and social practices. Utsany's research offers substantial qualitative literature data, particularly in two domains: the influence of traditional interpretations in fiqh on Islamic family law policies in Indonesia and the development of *maqāṣid al-sharī'ah* to align more closely with social realities and women's health needs. This research is more concerned with Islamic legal thought from the perspective of Jasser Auda and its implications for Islamic family policy, while the author's research focuses more on women's reproductive health from a fiqh perspective that is not limited to analysing the challenges of women's reproductive health in Indonesia within the framework of contemporary fiqh.<sup>21</sup>

### 3 Research Method

This study employs a qualitative approach designed to analyze the complex relationship between fiqh frameworks and women's reproductive health issues in response to the rise of sexual violence. Utilizing an interdisciplinary model, this research aims to bridge classical fiqh principles with contemporary reproductive health challenges. It applies philosophical analyses based on interpretative and holistic methods to explore the relevance of integration-interconnection theory in understanding the interrelationship between Islamic law and women's reproductive health challenges. The study employs a *maqāṣid al-sharī'ah* based legal reasoning model to illuminate how fiqh can inform the formulation of reproductive health fiqh. It does so by emphasizing the nexus between fundamental values, overarching principles, and specific norms, as revealed by the correlational analysis between the dependent variable, which is women's reproduction, and the independent variable, which is the development and structure of classical fiqh. The primary focus of this research is fiqh modeling, which identifies the harmony between the application of *maqāṣid al-sharī'ah* and integration-interconnection theory in addressing women's reproductive health issues within the framework of Islamic law.<sup>22</sup>

---

<sup>21</sup> Royan Utsany, Afrizal Tw, and Khamim Khamim, "Women's Rights and Gender Equality: An Analysis of Jasser Auda's Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia," *JIL: Journal of Islamic Law* 3, no. 1 (February 7, 2022): 54–73, <https://doi.org/10.24260/jil.v3i1.530>.

<sup>22</sup> Isman and Muttaqin, "Innovative Legal Modeling for Interdisciplinary Studies on Law and Economic Behavior."

## 4 Result and Discussion

In regard to fundamental values (*qiyam al-asasiyah*), the reproductive health of women is inextricably linked to foundational principles such as tawhid, benefit, justice, and freedom. These values underscore the imperative to safeguard women's rights to their health. These values are further delineated in the overarching principles of *maqāṣid al-sharī'ah*, particularly *hifẓ al-nafs* (preserving the soul) and *hifẓ al-nasl* (preserving offspring), which necessitate access to safe and effective reproductive health services. Within the framework of Islamic law, the independent variables influencing women's reproductive health encompass social, cultural, and policy factors that impede women's autonomy in medical decision making. Conversely, the dependent variables encompass the level of access to reproductive health services, women's rights in determining medical actions, and the extent to which Islamic ethical principles are applied in medical innovation.

An example that lends itself to analysis is the case of mitochondrial replacement therapy (MRT), a medical technique used to prevent inherited mitochondrial diseases by, among other things, transferring the egg nucleus of a woman who carries a mitochondrial mutation into a donor egg cell that has had its nucleus removed. When assessed through the lens of fiqh concretization (*al-aḥkām al-far'iy*), the access to safe and quality reproductive health services is categorized as obligatory. This is due to the fact that it constitutes a component of the obligation to protect the soul and offspring. Conversely, the practice of MRT can be categorized as permissible if it fulfills the principle of *maṣlaḥah* without causing a negative impact on *nasab* and inheritance law. However, it becomes haram if it blurs the lineage or involves a donor who is not a legal partner. Furthermore, limited access to contraception that can cause harm to the health of the mother can also be categorized as haram because it contradicts the principle of protecting the soul. Consequently, women's reproductive health in Islam is intricately linked to the safeguarding of women's biological rights within the Islamic framework, which is not solely oriented towards disease prevention but also towards promoting social justice and maintaining a healthy family order.<sup>23</sup>

The principles of *maqāṣid al-sharī'ah*, particularly *hifẓ al-nafs* (safeguarding the soul) and *hifẓ al-nasl* (safeguarding offspring), serve as the foundational tenets in the establishment of policies that protect women's reproductive rights. These rights encompass access to appropriate maternal health services, protection from discriminatory practices, and rights in decision-making related to pregnancy and contraception. The independent variables that affect women's reproductive health include legal regulations, cultural norms, and access to health services, while the dependent variables are the quality of maternal health services, maternal mortality rates, and women's involvement in reproductive decision-making.

When fundamental norms and universal values are codified into specific legal frameworks (*al-aḥkām al-far'iy*), reproductive health, encompassing education and the provision of adequate maternal health services, is designated as an obligation. This is due

---

<sup>23</sup> Ülfet Görgülü and Fatma Zehra Özaslan, "Üç Ebeveynli Bebek: Mitokondri Değiştirme Yönteminin Fıkhi Açıdan İncelenmesi," *Hitit İlahiyat Dergisi* 23, no. 1 (June 30, 2024): 336–52, <https://doi.org/10.14395/hid.1433246>.

to the state's responsibility to safeguard life and offspring. The utilization of contraception to preserve maternal health and to regulate pregnancies within the boundaries permitted by sharia can be classified as *sunnah* or *mubah*, contingent upon the woman's intention and medical condition. Conversely, practices that inflict harm upon women, such as child marriage and female circumcision, lacking a medical foundation, can be designated as *haram* as they contravene the principle of benefit and potentially compromise health.<sup>24</sup>

The state and society have a responsibility to prevent harmful practices, such as early marriage and gender-based violence. In this context, the independent variables include health regulations, the level of reproductive education, and access to medical services. The dependent variables are maternal mortality rates, family health, and protection of women's rights in reproductive decision-making. The implementation of policies aimed at enhancing reproductive health is crucial, and these policies include the regulation of the Minister of Religious Affairs No. 19/2018 on Marriage Registration and the implementation of Law No. 19/2019 on marriage, a revision of Law No. 1/1974, particularly concerning the age of children, and with reference to the Convention on the Rights of the Child. Conversely, it is imperative to acknowledge the potential issuance of marriage dispensations for 'very urgent reasons,' as delineated in PERMA No. 5 of 2019 on Guidelines for Adjudicating Marriage Dispensation Applications. This 'very urgent' reason is presumably associated with the pregnancy of the child, necessitating immediate marriage. Another policy that supports women's reproductive health is Government Regulation (PP) No. 28 Year 2024, the Implementing Regulation of Law No. 17 Year 2023 on Health (PP Kesehatan). Article 100-102 of the Government Regulation on Health states that reproductive system health efforts need to include at least the following steps: a). eliminating the practice of female circumcision. Another pertinent regulation is the Sexual Violence Crime Law No. 12 of 2022.

In the context of Islamic jurisprudence, the concept of *al-aḥkām al-far'iy*, which encompasses concrete laws or regulations, is predicated on a correlational relationship. This relationship is said to extend to practices such as early marriage and female circumcision, which are characterized as *haram* due to their lack of medical basis. The rationale behind this categorization is that these practices contradict the principle of benefit, a fundamental tenet in Islamic law, and have the potential to compromise women's health. In Islam, women's reproductive health is not only grounded in the fundamental values and overarching principles of *maqāṣid al-sharī'ah*, but it is also codified in specific norms that govern the obligations of the state and individuals in ensuring the preservation of reproductive health rights within the framework of shariah.<sup>25</sup>

An additional case in point pertains to women's reproductive health concerns, specifically the practices of female genital cutting and maiming (FGM/C). In the context of this case study, the independent variables include access to health services, the level

---

<sup>24</sup> Mona Almaeen, "Motherhood and Memory in Najwa Bin Shatwan's *The Slave Yards*," *Journal of Literary Studies* 40 (November 7, 2024), <https://doi.org/10.25159/1753-5387/17667>.

<sup>25</sup> A. H. B. Chin et al., "Islamic Perspectives on Polygenic Testing and Selection of IVF Embryos (PGT-P) for Optimal Intelligence and Other Non-Disease-Related Socially Desirable Traits," *Journal of Bioethical Inquiry* 21, no. 3 (September 4, 2024): 441–48, <https://doi.org/10.1007/s11673-023-10293-0>.

of reproductive education, and policies that protect women's rights. The dependent variables encompass the female infant mortality rate, maternal health level, and protection from harmful practices such as female genital mutilation and cutting (FGM/C). The analysis of the correlational relationship underscores the significance of reproductive health services that are inclusive and grounded in religious values in ensuring women's overall health. This underscores the necessity of identifying regions where access to maternal health services is deficient and endangers the safeguarding of women's rights from harmful practices. Such an analysis is imperative in the formulation of specific fiqh norms.<sup>26</sup>

Accordingly, the concept of reproductive health encompasses not solely physical well-being, but also psychological equilibrium and the fulfillment of social obligations. A review of studies conducted on women afflicted with gynecological cancers reveals that their predominant challenges do not exclusively stem from medical conditions, but also from cultural gender role expectations and responsibilities. These expectations compel women to persist in fulfilling their roles as wives and mothers, despite the presence of physical and psychological limitations. From an Islamic legal perspective (fiqh), reproductive health is associated with the concept of *maqāṣid al-sharī'ah*, particularly the protection of the soul (*hiḏ al-nasl*) and offspring (*hiḏ al-nasl*). This concept underscores the significance of women's health in the context of family life.

The assessment of this health aspect can be facilitated by the consideration of variables such as the fulfillment of health rights, the availability of social support from partners and the environment, the quality of post-therapy marital relationships, and women's capacity to adapt to changes in their social roles. The Islamic legal concept of *maṣlaḥah* (benefit) offers a framework for women to obtain protection and equilibrium within the marital relationship, underscoring the prioritization of their health, particularly their reproductive health, over cultural expectations of gender roles and responsibilities that may compromise their well-being. Consequently, an Islamic law-based approach has the potential to contribute to the formulation of reproductive health policies that are more equitable and inclusive for women grappling with challenges to their reproductive health.<sup>27</sup>

The patriarchal perspective of fiqh necessitates reformulation, as it imposes limitations on women's reproductive rights, encompassing decision-making concerning pregnancy and access to safe maternity health services. The concept of *maqāṣid al-sharī'ah* (the purpose of Islamic law), which emphasizes the protection of the soul (*hiḏ al-nafs*), intellect (*hiḏ al-'aql*), and offspring (*hiḏ al-nasl*), can serve as a foundation for a more inclusive and pro-women reproductive health interpretation. To assess the attainment of this objective, it is imperative to consider variables such as equitable access to healthcare services, women's autonomy in making decisions regarding their reproductive health, protection from discriminatory social norms, and their involvement in the

---

<sup>26</sup> M.M. Blikhar et al., "The Right to Sexual and Reproductive Health of Adolescents: Problems of Achieving the Goals of Sustainable Development," *REPRODUCTIVE ENDOCRINOLOGY*, no. 73 (October 18, 2024): 14–20, <https://doi.org/10.18370/2309-4117.2024.73.14-20>.

<sup>27</sup> Atun Raudotul Ma'rifah et al., "Gender Role Conflicts Experienced by Indonesian Women with Gynecological Cancer: A Phenomenological Study," *Belitung Nursing Journal* 10, no. 1 (February 28, 2024): 78–86, <https://doi.org/10.33546/bnj.3064>.

formulation of public health policies. A comprehensive, interdisciplinary approach that integrates Islamic law with human rights principles and social research is necessary to establish a legal system that is more attuned to the reproductive health needs of women.<sup>28</sup>

A discussion of the aforementioned findings with those of Rasyid et al.<sup>29</sup> reveals a divergence in focus. While Rasyid et al.'s findings emphasize the correlation between partner religiosity and emotional health as well as social stability within marriage, the present study encompasses a more extensive array of aspects. These include the protection of women's reproductive health rights within the *maqāṣid al-sharī'ah* framework. This research underscores the pressing need for access to adequate reproductive health services, policies that bolster women's autonomy in medical decision-making, and the cessation of harmful practices such as FGM/C and child marriage, which have received less attention in previous literature. The imperative for reformulating reproductive fiqh is paramount, with the objective being the consideration of the health of partners in marriage and the affirmation of women's rights to their reproductive health within an Islamic legal system that is inclusive and responsive to contemporary challenges.

The findings of this study demonstrate that reproductive health is not exclusively associated with biological components, as previously examined in the study by Isroqunnah et al.<sup>30</sup> This earlier study concentrated solely on biological indicators of puberty, whereas the present study incorporates the safeguarding of women's rights in medical decision-making and access to healthcare services. This finding also complements the research of Wahid et al., who discussed the transformation of religious practices in the digital era by showing that the absence of reproductive health discourse on social media can affect women's access to reproductive health information. Furthermore, this study underscores the notion that the fundamental tenets of *maqāṣid al-sharī'ah* can serve as a foundational framework for a more inclusive reinterpretation of fiqh, aligning with the research of Nur Insani et al. which establishes a nexus between fiqh and human rights. Consequently, this study does not repudiate extant academic discourse but rather contributes to it by offering a more inclusive interpretation of fiqh that is oriented towards women's reproductive health in Islam.

The findings in this research data expand the scope of analyses related to women's reproductive health from a fiqh perspective. Concurrent studies, such as those by Beddu et al.<sup>31</sup> and Edy Setyawan et al.<sup>32</sup> have previously explored specific aspects, including caesarean section and marriage age limit in Islamic law. In contrast, the present study adopts a more comprehensive approach, examining reproductive health in a holistic

---

<sup>28</sup> Galym Zhussipbek, Assyltay Tasbolat, and Zhanar Nagayeva, "Interdisciplinary Approach to Overcoming the Persistence of Patriarchal Islamic Interpretations: Gender Equality, the Development of Empathy and Children's Rights, and Insights from the Reformist Eurasian Scholars of Early Twentieth Century," *Open Theology* 10, no. 1 (January 22, 2024), <https://doi.org/10.1515/opth-2022-0243>.

<sup>29</sup> Rasyid et al., "Dynamics of Childless Marriage Through the Lens of Maqasid Al-Shari'a."

<sup>30</sup> Isroqunnajah, Hawabi, and Khoirot, "Legal Capacity and Legal Authority of Adult Age in Indonesia: Medical, Psychological and Islamic Law Perspectives."

<sup>31</sup> Beddu et al., "Caesarean Section in the Perspective of Family, Health, and Islamic Law."

<sup>32</sup> Setyawan et al., "Legal Age for Marriage: SDGs and Maslahah Perspectives in Legal Policy Change in Indonesia."

manner. This includes maternal health rights, access to reproduction services, and the impact of fiqh formulations on women's health. Aida Humaira et al.'s study<sup>33</sup> highlights the perception of Betawi scholars towards contraception, while this study places contraception in the context of reproductive health more broadly, including the prevention of sexually transmitted infections and the impact of sexual violence. Moreover, the study proposes a reinterpretation of fiqh based on *maqāṣid al-sharī'ah* to ensure the protection of women's rights in a more inclusive manner, aligning with the perspective of Jasser Auda as analyzed in the research of Royan Utsany et al.<sup>34</sup> Consequently, this research contributes to the expansion and deepening of the understanding of the issue of Muslim women's reproductive health within the framework of contemporary Islamic law.

## 5 Conclusion

The findings indicate that the Islamic framework for women's reproductive health, as articulated in the fiqh, must be grounded in the fundamental values of tauhid, benefit, justice, and freedom. These values are in alignment with the principles of *maqāṣid al-sharī'ah*, particularly *hifẓ al-nafs* (preserving the soul) and *hifẓ al-nasl* (preserving posterity). Women's reproductive health encompasses not only the prevention of disease but also the safeguarding of reproductive rights in accordance with Islamic values, including a woman's right to make medical decisions regarding her health. In practical terms, this entails the recognition of access to safe and quality reproductive health services as an obligation. Harmful practices, such as child marriage, female genital mutilation and cutting (FGM/C), and contraceptive restrictions that compromise maternal health, should be regarded as haram, as they contradict the principle of benefit. Within the framework of legal formalization, the categorization of medical technologies such as mitochondrial replacement therapy (MRT) as permissible is contingent upon its non-detrimental impact on lineage and inheritance laws. Conversely, if MRT results in lineage confusion, it is deemed haram. Consequently, there is an imperative to recalibrate fiqh to be more responsive to contemporary women's needs by affirming their rights to reproductive health and ensuring inclusive health policies grounded in *maqāṣid al-sharī'ah*. These policies must safeguard women's health from detrimental and discriminatory practices.

## References

- Almaeen, Mona. "Motherhood and Memory in Najwa Bin Shatwan's *The Slave Yards*." *Journal of Literary Studies* 40 (November 7, 2024). <https://doi.org/10.25159/1753-5387/17667>.
- Beddu, Muhammad Juni, Novi Yanti, Noviyanti Noviyanti, Neri Aslina, and

---

<sup>33</sup> Humaira et al., "Betawi Ulama's Perception of The XXI Century Against Contraception Law Controversy in Population Control."

<sup>34</sup> Utsany, Tw, and Khamim, "Women's Rights and Gender Equality: An Analysis of Jasser Auda's Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia."

- Normadiah Daud. "Caesarean Section in the Perspective of Family, Health, and Islamic Law." *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 31, 2024): 359. <https://doi.org/10.29240/jhi.v9i1.8373>.
- Blikhar, M.M., I.I. Komarnytska, Y.S. Oliynyk, I.I. Shulhan, and M.M. Huchko. "The Right to Sexual and Reproductive Health of Adolescents: Problems of Achieving the Goals of Sustainable Development." *REPRODUCTIVE ENDOCRINOLOGY*, no. 73 (October 18, 2024): 14–20. <https://doi.org/10.18370/2309-4117.2024.73.14-20>.
- Chin, A. H. B., Q. Al-Balas, M. F. Ahmad, N. Alsomali, and M. Ghaly. "Islamic Perspectives on Polygenic Testing and Selection of IVF Embryos (PGT-P) for Optimal Intelligence and Other Non–Disease-Related Socially Desirable Traits." *Journal of Bioethical Inquiry* 21, no. 3 (September 4, 2024): 441–48. <https://doi.org/10.1007/s11673-023-10293-0>.
- Fatimatus Zahro' Jihan Fitri, Alimatul Qibtiyah, and Ro'fah. "Child Marriage: Taboo, Religion, and Women in Symbolic Violence." *HIKMATUNA: Journal for Integrative Islamic Studies* 8, no. 2 (2023). <https://doi.org/10.28918/hikmatuna.v8i2.6028>.
- Görgülü, Ülfet, and Fatma Zehra Özaslan. "Üç Ebeveynli Bebek: Mitokondri Değiştirme Yönteminin Fıkhi Açısından İncelenmesi." *Hitit İlahiyat Dergisi* 23, no. 1 (June 30, 2024): 336–52. <https://doi.org/10.14395/hid.1433246>.
- Humaira, Aida, Muh. Fudhail Rahman, Andi Yaqub, A. Zamakhsyari Baharuddin, and Nurul Adhha. "Betawi Ulama's Perception of The XXI Century Against Contraception Law Controversy in Population Control." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (December 31, 2022): 934. <https://doi.org/10.22373/sjhk.v6i2.12936>.
- Insani, Nur, Zumiyyati Sanu Ibrahim, Suud Sarim Karimullah, Yavuz Gönan, and Sulastri Sulastri. "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics." *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (June 25, 2024): 88–117. <https://doi.org/10.18860/j-fsh.v16i1.26159>.
- Isman, I, and Ahmad Zainul Muttaqin. "Innovative Legal Modeling for Interdisciplinary Studies on Law and Economic Behavior." *Indonesian Journal of Islamic Economic Law* 1, no. 1 (2023): 60–71. <https://doi.org/10.23917/ijoel.v1i1.3437>.
- Isroqunnajah, Agus Iqbal Hawabi, and Umdatul Khoirot. "Legal Capacity and Legal Authority of Adult Age in Indonesia: Medical, Psychological and Islamic Law Perspectives." *Samarah* 8, no. 1 (2024). <https://doi.org/10.22373/sjhk.v8i1.19834>.
- Kementrian Kesehatan. *Profil Kesehatan Indonesia 2023*. Jakarta: Kementerian Kesehatan RI, 2024.
- Kementrian Pemberdayaan Perempuan dan Perlindungan Anak. *Kondisi Perempuan Indonesia 2024*. Jakarta: Kemen-PPA, 2024.
- Komisi Nasional Anti Kekerasan terhadap Perempuan. *Catahu 2023*. Jakarta: Komnas Perempuan, 2024.
- Ma'rifah, Atun Raudotul, Yati Afyanti, Wisnu Djatmiko, Ida Ruwaida, and Ariesta Milanti. "Gender Role Conflicts Experienced by Indonesian Women with Gynecological Cancer: A Phenomenological Study." *Belitung Nursing Journal*

- 10, no. 1 (February 28, 2024): 78–86. <https://doi.org/10.33546/bnj.3064>.
- Rasyid, Arbanur, Jarudin Jarudin, Idris Saleh, and Rayendriani Fahmei Lubis. “Dynamics of Childless Marriage Through the Lens of Maqasid Al-Shari’a.” *Jurnal Ilmiah Peuradeun* 12, no. 2 (May 30, 2024): 763. <https://doi.org/10.26811/peuradeun.v12i2.1182>.
- Risdayani, Risdayani, Isman Isman, Syamsul Hidayat, and Yusuf Rohmat Yanuri. “Maqāṣid Al-Syarī’ah Analysis of the Implementation of Food Social Assistance on Multidimensional Welfare in Indonesia (2020-2023).” *AL-IKTISAB: Journal of Islamic Economic Law* 8, no. 2 (November 5, 2024): 139–56. <https://doi.org/10.21111/aliktisab.v8i2.12972>.
- Setyawan, Edy, Muhammad Chairul Huda, Afif Muamar, Didi Sukardi, and Muhammad Feby Ridho Pangestu. “Legal Age for Marriage: SDGs and Maslahah Perspectives in Legal Policy Change in Indonesia.” *Al-Manahij: Jurnal Kajian Hukum Islam*, September 22, 2023, 183–98. <https://doi.org/10.24090/mnh.v17i2.9506>.
- Smith, Bianca J., and Atun Wardatun. “Domestic Violence and Islamic Spirituality in Lombok, Indonesia: Women’s Use of Sufi Approaches to Suffering.” *Contemporary Islam* 16, no. 2–3 (2022). <https://doi.org/10.1007/s11562-022-00495-5>.
- Utsany, Royan, Afrizal Tw, and Khamim Khamim. “Women’s Rights and Gender Equality: An Analysis of Jasser Auda’s Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia.” *JIL: Journal of Islamic Law* 3, no. 1 (February 7, 2022): 54–73. <https://doi.org/10.24260/jil.v3i1.530>.
- Wahid, Soleh Hasan. “Exploring the Intersection of Islam and Digital Technology: A Bibliometric Analysis.” *Social Sciences & Humanities Open* 10 (2024): 101085. <https://doi.org/10.1016/j.ssaho.2024.101085>.
- Zhussipbek, Galym, Assyltay Tasbolat, and Zhanar Nagayeva. “Interdisciplinary Approach to Overcoming the Persistence of Patriarchal Islamic Interpretations: Gender Equality, the Development of Empathy and Children’s Rights, and Insights from the Reformist Eurasian Scholars of Early Twentieth Century.” *Open Theology* 10, no. 1 (January 22, 2024). <https://doi.org/10.1515/opth-2022-0243>.