
Choosing Not to Have Children in the Perspective of Hadits and Maslahah

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Salah satu tujuan pernikahan adalah untuk memiliki anak. Seiring waktu, memiliki anak tidak lagi menjadi tujuan dalam pernikahan, hal ini disebabkan oleh faktor-faktor yang mendasar baik secara internal maupun eksternal. Artikel ini bertujuan untuk menjelaskan posisi fenomena childfree dalam pandangan masalah dan hubungannya dengan hadis yang menjelaskan anjuran untuk menambah keturunan. Penelitian ini adalah penelitian kepustakaan dengan menggunakan metode analisis deskriptif. Dalam hadis yang diriwayatkan oleh Imam Ahmad, terdapat nasihat dalam pernikahan untuk memilih wanita yang penuh cinta dan kasih sayang serta wanita yang subur dengan tujuan dan niat untuk menciptakan generasi berkualitas. Bagi Muslim yang memiliki komitmen untuk tidak memiliki anak setelah menikah, perlu dipertimbangkan apakah pilihan tersebut didasarkan pada dharurot atau tidak, jika terkait dengan hadis mengenai anjuran untuk menambah jumlah keturunan, pilihan untuk tidak memiliki anak setelah menikah (childfree) dianggap makruh. Namun, jika terdapat faktor-faktor lain yang bersifat dhoruriyah, seperti ancaman terhadap kelangsungan hidup, maka status hukum childfree dapat berubah, yang awalnya makruh menjadi diperbolehkan karena 'ilat' di baliknya.

Kata kunci: Childfree, Hadis, Maslahah

ABSTRACT

One of the goals of marriage is to have children. Over time, having children is no longer a goal in marriage, this is due to the underlying factors both internally and externally. This article aims to explain the position of the childfree phenomenon in the view of masalah and its relation to the hadith which explains the recommendation to increase offspring. This research is a literature research using descriptive analysis method. In the hadith narrated by Imam Ahmad there is advice in marriage to choose women who are filled with love and affection as well as women who are fertile with the aim and intention of trying to create a quality generation. For Muslims who have a commitment not to have children after marriage, it is necessary to consider whether the choice is

based on dharurot or not, if it is related to the hadith regarding the recommendation to increase the number of offspring, the choice is not to have children after marriage (childfree) is considered makruh. However, if there are other factors that are dhoruriyah in nature, such as the threat of survival, then the legal status of childfree can change, which was originally makruh to become permissible due to the 'ilat' behind it.

Keywords: Childfree, Hadith, Maslahah

INTRODUCTION

One of the impacts felt from the very rapid development of technology is that it is increasingly easy to obtain various kinds of knowledge and other information. For example, the concept of *childfreedom* or the decision of a husband and wife not to have children is quite popular recently. This concept emerged and developed in western countries and then spread to various countries, including Indonesia. Actually, this understanding is not a new understanding, but in Indonesia this understanding became quite a public conversation when the YouTuber artist Git a Savitri expressed her and her husband's decision not to have children or adhere to *childfreeism*.

Right now *childfree* is one of the hot topics to be discussed. This phenomenon is of concern to many Indonesian people in particular, scientific experts have also provided their responses regarding this *childfree phenomenon*, both from a psychological perspective as well as from a religious perspective, which basically seems to deviate from the natural flow of the goal of marriage.

According to Professor of Sociology at Airlangga University Bagong Suryanto, *childfree* arises because the paradigm in ancient times determined that the status and existence of a woman was seen from the number of times she gave birth to a child. However, these paradigms and indicators have changed over time, that at present the existence of a woman is not only measured from the domestic side but also from the public side such as career, achievements and other indicators. “So, it's only natural that now a woman appears who announces her wish not to have children, that is a new development. It's just that at some point there will be a longing to have children,” he explained (Humaniora, n.d.).

Several existing studies show that the proportion of currently married women in the age range of 15-49 who wish not to have children has experienced a spike in fluctuations in recent years. In 2007 married women aged 15-49 reached a percentage of 59%, then in 2012 it decreased to 56% and in 2017 it reached 58%. Meanwhile, the proportion of men who wish not to have children has also increased from a percentage of 52% in 2007 to 53% in 2012 and has not increased until 2017 (Umam & Akbar, 2021).

Also, the world bank data shows that the birth rate in Indonesia has decreased. In 2019 the number of births per 1000 population is 17.75. This is also supported by the results of the population census conducted by the Central Statistics Agency (BPS), which shows that the census results show a decrease in the population growth rate of 0.24% from 1.49% in the period 2000-2010 and in 2010-2020 to 1.25% (Badan Pusat Statistik, 2020).

Nowadays, the *childfree phenomenon* has become a new paradigm in marriage in modern society, where a husband and wife choose and commit to having a family not to have children. Basically, the term *childfree* is still relatively new to the ears of Indonesian people, so this word does not yet have a word form that can be translated into standard Indonesian. However, as a term, *Childfree* is used by society to refer to marriages without children (Al-Farisi, 2021).

childfree paradigm is embedded in people's minds due to several factors, including the couple's concerns about their inability to care for children, the orientation towards career achievement of each husband and wife as well as several other problems that influence it (Mardiyan & Kustanti, 2016 (Mardiyan & Kustanti, 2016). Apart from that socially, *childfree* has the consequence of silting family functions, which has an impact on social functioning in society, also in the dimension of legality of family integrity and social psychology, it can be seen that *childfree* can affect family resilience (Syahriar et al., 2016).

In relation to satisfaction in marriage, it can be interpreted as the extent to which the husband and wife feel fulfilled and fulfilled in the current relationship. However, it cannot be denied that the presence of a child in a marriage has a very important role in marital satisfaction. In several cases, couples who are sentenced to not be able to have children have quite heavy sadness, full of suffering, feelings of unhappiness, stress, and so on, which ultimately become the background for the husband and wife to choose to separate (Amiri et al., 2016).

The emergence of *childfree*, which at first glance does not appear to be in accordance with the teachings of Islamic law, has given rise to various pros and cons among society. The reason is that in the Qur'an and hadith basically it has provided a portrait that among the goals of marriage is a means to maintain human existence, besides that children who are blessed by Allah are a very great fortune and gift.

With this, of course the *childfree* phenomenon is quite interesting to study in depth using a normative approach to Islamic law, because basically in Islam children are a very great gift, especially as many scholars state that the purpose of marriage is to have children. For this reason, in this study we will discuss how the *childfree* phenomenon is related to the hadith which explains the increase in offspring and viewed from a *maslahah* perspective.

RESEARCH METHODS

In the research, the method used is the descriptive analysis method, or what can be said to be research that provides an overview of the understanding of hadiths connected to the *childfree phenomenon*, then analyzed using *maslahah* theory and also taking into account the *maqashid al-syari'ah theory*. This research is library research, with data sources obtained from several literature related to the *childfree phenomenon* as well as literature related to the theory used for analysis.

LITERATURE REVIEW

According to the meaning *maslahah* is seeking goodness (Khalaf, 1972). In this section, what is meant by *maslahah* is goodness which is used as the goal of Islamic law, not goodness or benefit which is based on human will (Pasaribu, 2014). Accommodation in the context of *maslahah* is related to humanity and ethics (Iffatin Nur, 2020). In the end, what is meant by *maslahah* will lead to the context of *maqasid al-shari'ah* which is the goal of Islamic law. Looking at existing needs, beneficial interests can be divided into *maslahah dharuriyyah*, *maslahah hajiyyah*, *maslahah tahsiniyyah* (Dahlan, 1984).

Maslahah dharuriyyah or primary needs are basic needs and are related to the realization and maintenance of the existence of the five principles of Islamic Law, namely: the preservation of religion, the preservation of the soul, the preservation of reason, the preservation of descendants and the preservation of property. The *hajiyyah maslahah* is a benefit need which is intended to perfect the five previous basic *maslahah*, with the form of relief in relation to

maintaining basic human needs. *Maslahah tahsiniyyah* is a need for *maslahah* which is a complement to complement existing benefits (Dahlan, 1984).

In marriage, there are many aims and objectives that form the basis of a family, including having children. This is intended so that there is regeneration of the successor to the struggle of the offspring of the husband and wife. And with marriage Allah SWT recognizes lineage, so does the surrounding community. It's different if marriage is not considered, then the surrounding community and Allah certainly do not recognize the existence of lineage. As a result, honor is not created either vertically or horizontally from existing descendants. If there is clarity in heredity, related laws can apply, such as the law of inheritance, kinship and so on. Therefore, looking after offspring is one of the main things that every human being must pay attention to (Busyro, 2019).

RESULTS AND DISCUSSION

1. Hadith about Increasing Procreation

حَدَّثَنَا حُسَيْنٌ وَعَفَّانُ قَالَا: حَدَّثَنَا خَلْفُ بْنُ خَلِيفَةَ حَدَّثَنِي حَفْصُ بْنُ عُمَرَ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ:
: (تَزَوَّجُوا الْوُدُودَ الْوَالِدَةَ، إِنِّي مُكَاتِرٌ كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَأْمُرُ بِالْبَا
يَكُمُ الْأَنْبِيَاءَ يَوْمَ الْقِيَامَةِ)

"Anas Ibn Malik Radliyallaahu anhu said: Rasulullah SAW ordered us to have families and strictly forbade us to be celibate. He said: "Marry women who are fertile and loving, because with your large number I will be proud before the Prophets on the Day of Resurrection."

2. Matan Hadith Analysis and Hadith Explanation

(التَّبَتُّلُ) determine the choice of desire not to get married, only to make up your mind only to worship solely Allah.

(الودود) It means loving and gentle in speech, speech, living together, and on screen. It is worth mentioning that affection is an adjective for both genders, men and women, so it is said: friendly husband and friendly wife.

(الولود) Some scholars have explained that what is meant is those who have many offspring, and there are also those who say that what is meant by giving birth is the possibility of giving birth, namely to those who are young and not old, because old women cannot give birth to children and multiply.

(المكاثرة) It means to be proud, and the meaning here is to boast about the Prophet SAW by many adherents of the Muslim community.

From the explanation of the meaning of the hadith matan above, it shows that the Messenger of Allah strongly encourages his people to marry women who love their partner (*Wadud*) and women who are productive (*Wadud*), this is nothing but to create a harmonious atmosphere between the two partners and to be a means to carry out syara' guidance which is in the form of suggestions to multiply offspring (al Qary, 2002).

Apart from that, there are also other narrations which explain the Prophet's warning to his people not to be like Christians who chose the path of not marrying and neglecting wealth (al Qahiry, 1988). Thus it can be seen clearly that having offspring is the main goal in the hadith mentioned above and the hadith above is also the basis for determining *maqasid shari'ah* in the form of *Hifdzl Nasl* (Safeguarding Offspring).

Thus, it can be understood that in marriage, if a husband and wife have good qualities, they will be able and able to create a sakinah family because by loving everything will feel light and this shows a peaceful family situation. Apart from that, by having children the function of the family has been realized , which is basically one of the goals of the family is having children. No less important is looking after, caring for and educating children so that they are able to provide good qualities to a child so that in the future they can benefit society and the nation.

3. The goal is to increase offspring

In Islam, marriage is considered important, as evidenced by the various aspects related to marriage that always receive attention, both pre-wedding and post-wedding. Also by Allah the status of marriage is placed in a special position even in relation to a person's faith. If he wants to perfect all his religion then he should marry. In this way, marriage is not seen as an ordinary agreement or contract as in other rituals, more than that, marriage is considered a sacred and noble contract. As in the Qur'an:

.....فَلَنْ يُسْرِوهُنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ ١٨٧

..... *So now interfere with them and follow what Allah has ordained for you,* QS al-Baqarah:187

From the verse above, it can be understood that Allah's relief for the Prophet to have intercourse with his wife at night during the fasting month was not just to give vent to lust, but also to carry out what Allah had decreed, namely in this context, to have children.

Therefore, Rasulullah advised his people to marry and forbade celibacy, with the aim of and to implement the provisions of religious sharia as a mandate carried out by the prophet and his people.

The recommendation to increase offspring in Islam is none other than to encourage its followers to obtain various benefits, which benefits can be found by having many offspring.

In reality, there are various assumptions and assumptions behind not having many offspring. Like worrying about the inability of a partner to provide for him, following the trends of the times, especially assuming that having children will add to the burden of life in the family. Even though Allah SWT has stated emphatically that all creatures that He created have their own proportion of sustenance in the life they experience. Seen in the word of God:

وَمَا مِنْ دَابَّةٍ فِي الْأَرْضِ إِلَّا عَلَى اللَّهِ رِزْقُهَا وَيَعْلَمُ مُسْتَقَرَّهَا وَمُسْتَوْدَعَهَا كُلٌّ فِي كِتَابٍ مُبِينٍ ٦

"And there is not a single creeping animal on the earth but Allah is the One who provides its sustenance, and He knows the place where the animal lives and where it is stored. Everything is written in a real Book (Lauh mahfuzh " QS Hud : 6

In this verse, Allah SWT shows His love and compassion as a creator by promising sufficient sustenance for all His creatures, without discriminating between His creatures.

Especially humans, Allah confirms that each of His servants will surely get what is their respective portion. Thus in meeting the needs there is no clear reason for the inability or insufficient sustenance. Because sustenance in fulfilling needs will always be sufficient, and it will always be lacking if only for lifestyle. For this reason, Muslims are encouraged to have many offspring with the intention of testing whether they are able to prepare good generations of successors so that they are able to manage life in the world.

4. Keeping Descendants in Maslahah's Sight

In relation to needs or hajjat, caring for offspring can be classified into three, namely : *First*, maintaining offspring that reach the level of *Dharuriyyah* , this is proven by the law on marriage and the prohibition of committing adultery. Marriage is a legal way to get offspring, in contrast to the case where children from adultery are not recognized as legitimate offspring, even according to some scholars, it is permissible to marry children resulting from an adultery relationship. Therefore, denying or ignoring the Shari'ah regarding procreation includes destroying and destroying the existence of offspring, both in this world and the

hereafter. Having a clear lineage like this is very important not only in world affairs but is even very important for later life.

Second, maintaining offspring who reach the level of *al-Hajiyah* , such as requiring sanctions in marriage, mention of dowry at the time of the contract, and the right to divorce the husband. When this is done, of course it will causing problems in the recognition of marriage which has an impact on the offspring, difficulties arise for husbands because they have to give Mitsli's dowry, and difficulties arise in ending the marriage relationship when maintaining a marriage has been deemed impossible. In connection with this, marriage registration in Indonesia is categorized as a need with *the al-Hajiyah ranking* . Ibn Taimiyah's opinion is that it is forbidden to marry an adulterous woman unless she has repented, in an emergency situation, whether a religious emergency or it is not permissible to give divorce. Also the prohibition will waste children's education. The purpose of all these prohibitions is to avoid the possibility of difficulties experienced in relation to raising offspring.

Third, namely caring for descendants who have reached the level of *Tahsiniyyah* , with the existence of the Shari'ah khitbah, the ability to see the woman being proposed to, and the provision of a marriage guardian. Also in a form that prohibits such as the prohibition on marrying close relatives. All of this is done as a form to make the marriage more aesthetically pleasing. If this is not done, it will not have a negative impact on the existence of the marriage as well as the offspring.

5. Childfree in Hadith and Islamic Law

The majority of scholars regarding the hadith above understand that there are orders and recommendations for marriage and prohibitions against being single, also understand the conditions for a person to marry a fertile woman in order to have the next generation. As there is an opinion that explains the law of marriage is a sunnah mu'akadah for everyone who wishes to have offspring from the results his marriage (Manan, 2011).

In the study of Islamic law, the recommendation to have children in the marriage room can be punished not up to the obligatory law. However, there is also no strict prohibition against the refusal of a husband and wife to have children in the family, so that the choice not to have children absolutely or not be bound by any factors such as illness, infertility and so on can be seen as makruh or not in accordance with Islamic teachings. '.

With the normative approach of the Qur'an and Sunnah, it can be understood that having children or offspring is a recommendation in Islam, not an obligation (Fadhilah, 2021).

Regarding this matter, the scholars basically have different opinions, however, the desire to marry and have children is a natural fitrah for humans, so that if there is a refusal to choose not to have children, then this can be categorized as going outside the basic nature of a human being (Nugraheni, 2021).

The law of makruh in relation to the choice not to have children can be different if the decision is made in order to avoid greater madhorot, such as in the case of women who are in a weak condition so that if they are forced to conceive and give birth it will be fatal to the survival of the prospective baby. or prospective mothers, as well as medical problems that threaten the lives and mental health of prospective mothers (Oktavia et al., 2020). If various cases are like this, then the legal status of the choice not to have offspring which was originally makruh can become permissible or may be caused by a factor or ' *ilat* behind it. And of course this mubah law cannot be applied to anyone who chooses the decision not to have offspring without being caused by the underlying factors.

The phenomenon of *childfree* in the perspective of *fiqh al-aulawiyat* has a position that does not have to be prioritized in married life under any conditions, in fact it should not be done as much as possible because it is contrary to human nature and can limit the benefits that will arise in the family with the presence of offspring. The economic, mental/psychological, personal and overpopulation factors that are the basis for someone choosing *childfree* as a solution are problem factors that can be sought to provide other solutions such as making optimal efforts to improve the family economy, increasing parenting knowledge so that the mind is better prepared for the dynamics of the home. steps and educate people to be more productive so that overpopulation becomes a demographic bonus for a civilization, so prioritizing *childfree* as a solution to existing problems is an inappropriate priority for solving existing problems (Al-Farisi, 2021).

In the midst of discussing the *childfree phenomenon* today, it has even become a paradigm concept adopted in a Muslim marriage so that it is very concerning from a social perspective. So that this phenomenon needs and deserves to be reconstructed if the reason for following the concept of *childfree* is only based on reasons of fear of being unable to educate

children, still focusing on careers or other underlying reasons and actually can still be reconsidered (Mardiyan & Kustanti, 2016). In Islam it has been taught that a good marriage is like the marriage exemplified by the Prophet Muhammad SAW. Besides that, Islam also teaches about how to raise children contained in the Qur'an as the story of Rasulullah and his daughter Fatimah, the story of Prophet Ibrahim and his son Prophet Isma'il, the story of Prophet Ya'qub and his son Prophet Yusuf, and other stories. contained in the Qur'an. However, if there really is a better and more important benefit, such as a problem that endangers reproduction or something else that can only be prevented or minimized only with a childfree attitude, then this Childfree view or attitude is permissible (Umam & Akbar, 2021).

As alluded to in the hadith of the Prophet Muhammad above, the suggestion to have children or offspring is also supported by several other hadiths. In the hadith narrated by Imam Bukhori and Imam Muslim, for example:

عن أمِّ سُلَيْمٍ أَنَّهَا قَالَتْ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : أَنَسُ خَادِمُكَ ادْعُ اللَّهَ لَهُ قَالَ : اللَّهُمَّ أَكْثِرْ مَالَهُ وَوَلَدَهُ وَبَارِكْ لَهُ فِيمَا أُعْطِيَته

" From Anas bin Malik may Allah be pleased with him, from Umm Sulaaim that he said, Yes, Rasulullah SAW that Anas is your servant, ask Allah for him; He prayed: "O Allah, increase his wealth and offspring, and bless him in what You bestowed on him." (HR Bukhari and Muslim)

The hadith narrated by Imam an-Nasa'i relates to the recommendation of multiplying the previous offspring to be stronger with the hadith narrated by Imam Bukhori and Imam Muslim. In addition, the Prophet Muhammad SAW ordered his people to teach, pay attention to and educate their children so that one day they will become a generation that is rabbani and has good qualities.

In addition, for the sake of and to reduce and overcome the worries and fears of having children who ultimately choose to follow the *childfree trend* , both partners should always and always try their best and pray that if the gift of a baby can be a comfort and become the hope of both parents . With this in mind, Islamic law provides flexible guidance regarding the phenomenon of *childfreeness* , depending on the underlying motivation for the couple to choose *childfree* .

One of the efforts for husband and wife in overcoming the worries and fears of having children with various backgrounds who instead of choosing the path to follow the

childfree ideology, is to always and always pray in the hope that if they are blessed with a baby it will be a calmer, an encouragement.

Substantially *Childfree* is equated with the practice of *'azl* because both of them have in common that is rejecting the formation of a child before it has the potential to exist (Muntaka, 2021). Sexual intercourse between husband and wife is the most likely cause for someone to experience pregnancy. This husband's relationship is the most powerful cause in the creation of humans, only in certain cases humans are created without sexual relations such as the Prophet Adam As, Siti Hawa and the case of Prophet Isa As.

Imam al-Ghazali views that the practice of *'azl* is permissible, neither makruh nor unlawful. *'Azl* is an act that falls into the category of tarkul afdhal or abandons virtue but does not reach the law of haram. Imam Al-Ghazali stated in his book *Ihya 'Ulumuddin*: " *I am of the opinion that 'azl law is not makruh with the meaning of makruh tahrîm or makrûh tanzîh, because to determine the prohibition of something can only be done on the basis of the text or qiyas in the text, even though there is no text or the origin or source of qiyâs which can be used as an argument for making 'azl. In fact, what exists is the origin of qiyas that allows it, namely not getting married at all, not having intercourse after marriage, or not inzal or spilling sperm after inserting the penis into the vagina. Because everything is just an act of abandoning virtue, not an act of prohibiting it. Everything is no different because a new child will potentially exist by placing sperm in a woman's uterus* " (Muntaka, 2021).

Based on the opinion of Imam al-Ghazali above, then *childfree* which is carried out by means of *'azl* is permissible but the law will be different when *childfree* is carried out by completely and intentionally eliminating the reproductive system, because the law eliminating the reproductive system is haraam. This is in accordance with Sayid Abi Bakr's opinion in the book *I'aaanatu at-Thaalibiin* which explains that the use of a tool that can terminate a pregnancy from its source is illegal (Fauzi, 2017).

CONCLUSION

From the discussion above, it can be concluded that the meaning contained in the hadith narrated by Imam Ahmad above recommends for all Muslim men to marry women who are in fertile condition and women who are full of love and affection with the aim and purpose of providing for the next generation. for the struggles of family and descendants.

Apart from that, it is also necessary to pay attention to every Muslim who is committed to having a family, that without any reason, dharurot chooses not to have children , so this is not frowned upon. Thus, the *Childfree Law* , based on the information and explanation of the hadith above, is considered Makruh. However, if there are other factors that are *dhoruriyah in nature* , such as threats to survival, then the legal status of *childfree* can change from being previously makruh to being permissible due to the 'ilat that is behind it.

The author hopes that this paper can provide benefits in the development of scientific treasures, especially in the field of Islamic Law and Hadith, as well as practical guidance in dealing with the trend of *childfree phenomena* in the current era. Of course in this writing there are still various limitations both in the fields of takhrij, syarah and analysis of Islamic Law, for this reason it is necessary to have various relevant approaches in his studies in various other fields.

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