

Reinterpretation Contraception in Fiqh Contemporary Perspective: Analysis Maqashid al-Shari'ah on Control Birth

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Abstract: This study aims to reinterpret the legal status of contraception in contemporary Islamic jurisprudence using the maqāṣid al-sharī'ah framework. With the advancement of technology and growing social challenges, contraception has become a central issue in Muslim reproductive health discourse. This research uses a qualitative approach through library research, examining classical and contemporary literature as well as authoritative fatwas. The findings reveal that contraception is permissible in Islam if it is non-permanent and used for legitimate reasons such as maternal health or birth spacing. The maqāṣid principles of preserving life (ḥifẓ al-nafs) and lineage (ḥifẓ al-nasl) serve as the core justification. Classical scholars generally allowed the method of 'azl under specific conditions, while contemporary scholars show broader acceptance of modern contraceptive methods. The study concludes that contraception can be a legitimate instrument of public welfare (*maṣlahah*) in Islam if implemented responsibly and in line with syarī'ah objectives.

Keywords: contraception, maqāṣid al-sharī'ah, contemporary fiqh, birth control

Abstrak: Penelitian ini bertujuan untuk mengkaji hukum kontrasepsi dalam perspektif fiqh kontemporer dengan pendekatan maqāṣid al-syarī'ah. Seiring dengan perkembangan teknologi dan tantangan sosial, penggunaan kontrasepsi menjadi isu penting dalam kesehatan reproduksi umat Islam. Metode penelitian ini menggunakan pendekatan kualitatif dengan metode studi pustaka (library research), melalui penelaahan literatur klasik dan kontemporer serta fatwa lembaga resmi. Hasil kajian menunjukkan bahwa kontrasepsi, selama tidak bersifat permanen dan digunakan dengan alasan syar'i seperti menjaga kesehatan ibu atau menjarangkan kehamilan, diperbolehkan. Prinsip maqāṣid al-syarī'ah terutama dalam aspek ḥifẓ al-nafs dan ḥifẓ al-nasl, menjadi dasar justifikasi kebolehan ini. Ulama klasik umumnya membolehkan metode 'azl dengan syarat tertentu, sedangkan ulama kontemporer lebih terbuka terhadap kontrasepsi modern. Penelitian ini menyimpulkan bahwa

kontrasepsi merupakan instrumen maslahat dalam syariat Islam bila digunakan secara bertanggung jawab dan tidak bertentangan dengan tujuan utama syariah.

Kata kunci: kontrasepsi, maqāṣid al-syarī'ah, fiqh kontemporer, Pengendalian Kelahiran

Introduction

In the modern era today this, contraception be one of issue important in health reproduction and planning family. Along with progress knowledge and technology, various method modern contraception such as birth control pills, injections, implants, intrauterine devices (IUDs), and sterilization permanent has developed with effectiveness and effects diverse side effects. Reports *World Health Organization (WHO)* 2021 recorded that about 49% of women age Lush all over the world uses various method contraception For arrange birth, care health mother, and improve quality life children.¹ In Indonesia, data from *Population and Family Agency Planning National (BKKBN)* mention that level participation family planned (CPR) to reach 64.4% in 2023, with improvement use contraception term long such as IUDs and implants.²

However thus, in the middle global push towards contraception, Muslim society still faced with a dilemma theological about his abilities in a way Islamic law. This is cause question: How does Islam view control birth through contraception ? In history jurisprudence classical, the scholars have discuss method azl (coitus interruptus) as form contraception natural. The majority of scholars of the school of thought allow azl with condition agreement wife and not intended for in a way permanent reject descendants, in line with principle protection to descendants (*hifz al-nasl*).³ Even though Thus, the view classic This not yet of course sufficient for answer challenge contemporary, especially related with method modern contraception and context social today's economy.

In development jurisprudence contemporary, emerging approach new that places contraception in framework *maqashid al-syari'ah* (goals) sharia. Approach this focused on protection towards five aspects main life : religion (*hifz al-din*), soul (*hifz al-nafs*), reason (*hifz al-'aql*), offspring (*hifz al-nasl*), and wealth (*hifz al-mal*). Ulama such as Yusuf al- Qaradawi have an opinion that use modern contraception is permitted during no nature permanent and

¹ WHO, "Family Planning/Contraception," *Geneva*, 2021. 2

² Badan Kependudukan dan Keluarga Berencana Nasional (BKKBN), "Laporan Tahunan Program KB Nasional," *Jakarta*, 2023. 5

³ Al-Ghazali, *Ihya' Ulumuddin* (Beirut: Dar al-Ma'rifah, Jilid II 2005), 43-45

not endanger health, because can support objective sharia like guard safety soul and well-being family.⁴ In view this, contraception no only considered as prevention biological, but also as form not quite enough answer social and moral for create a healthy, planned and prosperous family.

Studies previously show existence diversity in see contraception from corner Islamic perspective. Hasanuddin in his research about law of `azl emphasize difference sects and limitations implementation method the in modern context.⁵ Temporary that, Nuraini examine contraception in perspective right reproduction women, but not yet touch in a way deep framework maqashid sharia.⁶ Research conducted by Rahmah, which focuses on the discussion law sterilization. He conclude that contraception permanent only allowed in condition emergency medical, with runway maqā ṣ id al- syar ī' ah, esp protection soul.⁷ As for Hidayatullah, in his studies, he emphasize that al-Qaradawi differentiate in a way firm between contraception temporary in nature benefits and contraception permanently prohibited except because reason sharia like danger to health mother.⁸ From literature the seen that approach maqashid al-syari'ah not yet reviewed in a way specific and comprehensive in understand and assess modern contraception in general contextual.

Based on matter said, can concluded that majority studies contemporary agreed that contraception can justified in framework maqā ṣ id al- syar ī' ah . However, still a little studies that are simultaneous compare in a way deep between views of classical and contemporary scholars with include analysis maqā ṣ id as bridge argumentative. Therefore that, article this own contribution important in fill in gap the with presenting dialectics classic-modern as well formulate limitation ethical and legal contraception in perspective benefit sharia. Research this expected can give contribution theoretical in development jurisprudence health reproduction and becoming

⁴ Al-Qaradawi, *Fiqh Al-Mu'Ashir* (Kairo: Maktabah Wahbah, 2001). 212-215

⁵ Hasanuddin, *Hukum Islam Dan Keluarga Berencana* (Yogyakarta: LKiS, 2020). 75

⁶ Nuraini, "Gender Dan Islam," *Jurnal Harkat* Vol. 17 No (2021). . 33-47

⁷ A. Rahmah, "Kontrasepsi Permanen Dalam Perspektif Fikih Kontemporer," *El-Qanun: Jurnal Hukum Islam Dan Perundang-Undangan* 5(1) (2022). 88-102

⁸ R. Hidayatullah, "Pemikiran Yusuf Al-Qaradawi Tentang Penggunaan Kontrasepsi Dalam Islam," *Jurnal Fiqh Kontemporer* 4(2) (2019). 200-215

references practical for Muslim society in face issue contraception in a way wise and religious.

Method

Study this use method library research or study bibliography, namely methods used with study various literature, good from classical books, works of contemporary scholars, journals scientific, as well as related fatwa documents with law contraception in islam. Method this chosen because topics discussed nature normative, namely discuss islamic law and views on contraception. Jurisprudence as knowledge Islamic law is a lot sourced from texts written, such as the Qur'an, hadith, and the opinions of scholars, so that study literature become the right approach.

Reason main the use of library research is because contraception is issue contemporary islamic law that needs to be analyzed through approach theoretical and textual methods this allows researchers understand the opinion of scholars from various eras and schools of thought, as well study contraception based on principles maqashid al- syari'ah, such as guard soul (*hifz al- nafs*), guarding offspring (*hifz al- nasl*), and guarding welfare family. Besides that, approach this also helps linking between view Islamic law with development medical and social moment this.

However, the method it also has limitations. Because only use source written, research this no can describe in a way direct how contraception practiced by muslim communities. In addition that, the result depending on quality and availability literature. If only use source from one view or sect, then the result can not enough balanced. Some figures and works the main thing that becomes primary sources in study this among others:

1. Imam al-Ghazali, *Ihya' Ulum al-Din* (Beirut: Dar al-Ma'rifah, 2005), discussion about `azl or prevention pregnancy in Islam.
2. Yusuf al-Qaradawi, *Fiqh al-Mu'ashir* (Kairo: Maktabah Wahbah, 2001) and *Al-Halal wal Haram fil Islam* (Beirut: Al-Resalah, 1994).
3. Wahbah az-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, Volume VII (Damaskus: Dar al-Fikr, 2003), especially chapter about family and family planning.

With this method research expected can give understanding more Islamic law contextual and balanced to issue contraception , as well as answer need modern Muslim society with a consistent approach stick to values sharia.

Results and Discussion

Contraception as Instrument Benefit in Maqā ṣ id al- Syar ṭ ah

In *maqāṣid al-syarī'ah*, Islamic law aims for realize benefit (*maṣlaḥah*) and reject damage (*mafsadah*) in life man. Imam al-Ghazali explained that the intended benefit covers protection on five principles basics: religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), offspring (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*).⁹ In Arabic, contraception own two meaning, namely *tanzhim an-nas* and *tahdid an-nasl*. *Tanzhim annas* means postpone birth or pregnancy, as well as arrangement existence descendants. Meanwhile that, *tahdid an-nasl* means limit offspring. Delay pregnancy means stop pregnancy For temporary time with objective give distance between birth. While limit pregnancy or birth refers to efforts prevent pregnancy in a way permanent after amount desired child has achieved.¹⁰

Various type tool contraception available for prevent or stop pregnancy. Based on method its work, contraception shared become two group, namely contraception traditional and modern contraception traditional covers method such as 'azl, calendar, measurement temperature basal body, observation mucus cervical (Billings method), as well as method sympto-thermal. As for modern contraception includes hormonal contraception, such as pills, injections, implants, birth control implants, and devices contraception in uterus (IUD), as well as non-hormonal contraception, such as use condoms and procedures sterilization (vasectomy and tubectomy).¹¹

In context contraception, its use can reviewed through two *maqāṣid* main: *ḥifẓ al-nafs* (guarding soul) and *ḥifẓ al-nasl* (guarding descendants). Reason medical, social, and psychological factors that encourage partner For space or postpone pregnancy enter in category guard soul. For example, a mother who is medical risky tall If pregnant again, then use contraception become effort For prevent harm. Principle This in harmony with rules jurisprudence:

رُءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

"Reject damage more prioritized than reach benefit."

On the side other, postpone pregnancy so that the child can get optimal breast milk during two years (QS. Al-Baqarah: 233) and educated with good

⁹ Al-Ghazali, *Al-Mustashfa* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1993). 286–289

¹⁰ Gemy Nastity Handayany, "Kontrasepsi Dalam Kajian Islam," *Jurnal Ushuluddin: Media Dialog Pemikiran Islam* 17, no. 1 (2019): 231–44.

¹¹ Fitri Afifah Nurullah, "Perkembangan Metode Kontrasepsi Di Indonesia," *Cermin Dunia Kedokteran* 48, no. 3 (2021): 166, <https://doi.org/10.55175/cdk.v48i3.1335>.

is part from guard descendants (*h if z al- nasl*). If child born too meeting the distance, then can impact negative on health child, mother's mentality, and parenting family in a way as a whole. This is also in line with with Allah's word in QS. An Nisa verse 9:

وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَفًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا ۙ

"It should be feel fear of people who (die) leaving after them, their (the) weak offspring worry towards him . So, have faith to God and speak with correct speech (in matter guard rights his descendants)".

From the angle view these are contemporary scholars, such as Yusuf al-Qaradawi, allows it use modern contraception (during no nature permanent), because aim reach benefit and prevent evil. Al- Qaradawi state:

" Use tool contraception the law may If intended For guard health wife, manage distance pregnancy, or repair quality life children. This is in harmony with maqāṣ id al- syarī'ah."¹²

However, contraception permanent like vasectomy or tubectomy, which results in infertility permanent, generally forbidden, because contradictory with principle guard continuity descendants (*h if z al- nasl*), except if done in condition emergency like threat life.¹³ Therefore that, in framework maqāṣid al- syar ī'ah, contraception can understood no only as action technical medical, but as instrument for guard balance life family, health mother and child, and push birth the next generation strong and high quality. When contraception used with the right intention and method, he no just allowed, but can become part from worship social in guard welfare people.

Dialectics Views of Classical and Contemporary Scholars to Contraception

1. The View of Classical Scholars

In jurisprudence classic, practice prevent pregnancy has known with term' *azl* (coitus interruptus), ie emit sperm outside the vagina to avoid pregnancy. The opinion of classical scholars related prevent pregnancy or use contraception very diverse, they base view they are on principles Islamic law originating from from the Al-Quran, Hadith, and the ijtihad carried out based

¹² Yusuf al-Qaradawi, *Fiqh Al-Mu'Ashir* (Kairo: Maktabah Wahbah, 2001). 213-215

¹³ Zakariyya al-Anshari, *Asna Al-Mathalib* (Beirut: Dar al-Kutub al-'Ilmiyyah, 2006). 92-93

on the context of their time. Part great classical scholars allow method prevention pregnancy during no nature permanent and still in corridor guard health family. Scholars such as Imam al-Nawawi in *al- Majmu'* state that 'azl allowed with condition get permission from wife, because concerning right reproduction.¹⁴ This view show that form contraception traditional already recognized since the early days of Islam and not fully prohibited, but assessed based on intention and its impact. This strengthened by Ibn Qudamah in *al-Mughni* who stated that although No recommended in a way absolute, 'azl allowed if there is reason certain, such as condition economy or health.¹⁵ A number of classical scholars' opinions about How law prevent pregnancy.

First, According to Imam Abu Hanifah, the practice azl allowed during get agreement from wife. However, if done without the wife's permission, then the law become makruh. In situation certain, such as when husband must do journey far or go at war in long time, azl can done without need permission wife. This is consider that, if wife give birth to moment husband no present, then husband possible no capable give proper protection and attention to wife and his son. Opinion this is also supported by the students of Imam Abu Hanifah, including Ibn Nujaim, who emphasized that `azl allowed with condition existence agreement from wife of Ibn Nujaim even add that practice similar during the time of the prophet, where one woman close her uterus with permission her husband, is considered legitimate Because based on on consideration welfare.¹⁶

The arguments used in discuss issue this based on generality meaning the word of Allah SWT in Surah An- Nisa verse 19.: "*And associate with they (the wives) with the right way...*". Besides That, in surah al-Baqarah verse 226 Allah says: "*And above every woman That There is equal rights with a virtuous way, but husbands own the above advantages right wives they. Allah is Mighty again Maha Wise.*" Second paragraph the become base law on it is permissible practice `azl according to school of Imam Abu Hanifah and his students, with consider factor welfare and conditions emergency.

Second, Imam Malik uses practice the people of Medina as one of the proof in method istinbath the law.¹⁷ For he, his practice the people of Medina became one of the source Islamic law after the Qur'an and the Sunnah. In set

¹⁴ Al-Nawawi, *Al-Majmu' Syarh Al-Muhadzdzab* (Beirut: Dar Al-Fikri, 2003). 342

¹⁵ Ibn Qudamah, *Al-Mughni* (Kairo: Dar al-Hadis, 1997). 325

¹⁶ Martua Nasution and Putra Dedisyah, "Penggunaan Alat Kontrasepsi Dalam Pandangan Fikih Empat Mazhab," *Al-Syakhshiyah: Jurnal Hukum Keluarga Islam Dan Kemanusiaan* Vol. 3, No (2017): 3264-68.

¹⁷ Abdullah Musthofa Al-Maraghi, *Pakar-Pakar Fiqih Sepanjang Sejarah* (Yogyakarta: LPPPSM, 2000).

law, Imam Malik accepted hadith Munqathi' and Mursal during No contradictory with practice residents of Medina. The ijtihad process he carried out started with referring to the text in the Qur'an. If no found, he will look for solution through hadith. Besides that, Imam Malik considered that the fatwa of the companions, the decision law, as well as practice the people of Medina are part from the sunnah of the Prophet Muhammad. When sources the no give answer, law set through Qiyas.

School of thought Malikiyah allow use tool contraception if reason its use in accordance with Sharia. The underlying proposition is the practice of the companions, which Imam Malik considered as part from the Sunnah and can made into proof. According to Imam Malik, every actions carried out by the companions of the Prophet SAW. own implications law. One of the for example is practice 'azl (*coitus interruptus*), which was carried out by the companions even moment revelation Still lowered to the Prophet SAW. Permissibility 'azl based on considerations welfare and conditions emergency.

Third, Imam Shafi'i allow the practice of `azl (*coitus interruptus*, namely emit sperm outside uterus For prevent pregnancy), provided that get permission from wife. According to him, because in wedding wife own right For get descendants, then obstructive action pregnancy, like `azl, requires agreement wife. Without permission wife, practice the considered no valid. Imam Syafi'i also emphasized that `azl No including forbidden act, because no decide descendants in a way permanent, different with sterilization. He stick to history that the companions of the Prophet SAW also did it azl , and the Prophet SAW knew it without prohibit, as indication his abilities.

In a way general, Imam Syafi'i allow prevention pregnancy that is while (like ` azl), however still prioritize existence agreement from second split parties, as well as consider goals sharia like guard welfare family. However, the view the cause difference opinions among other scholars who hold opinions that agreement wife no is condition absolute. They argue that in connection husband wives, each own balanced rights, even though in the process of relationship said, wife no always must reach climax if husband Already more formerly experience ejaculation.¹⁸

The arguments used referring to generality the word of Allah SWT in Surah An- Nisa verse 3, which commands husband for valid fair to wives they, well in connection intimate and aspect life House ladder others. This verse also emphasizes that if a man worry no capable valid fair with own more

¹⁸ Mursyid Djawas, Misran Misran, and Cut Putrau Ujong, "'Azl Sebagai Pencegah Kehamilan (Studi Perbandingan Antara Mazhab Hanafi Dan Mazhab Syafi'I)," *El-USRAH: Jurnal Hukum Keluarga* 2, no. 2 (2020): 234, <https://doi.org/10.22373/ujhk.v2i2.7657>.

from one wife, then recommended for enough own one wife. According to Imam Syafi'i, the concern will inability valid fair to wife is form from harm that must be avoided. With analogy this, if own Lots child however rights they no fulfilled, things is also considered as harm. Therefore that, the law 'azl allowed in context this.

Fourth, School of thought Hambali have an opinion that al-'azl practice allowed during get agreement from wife. Method istinbath the law used by Imam Ahmad bin Hanbal lots influenced by his teacher, Imam Syafi'i. Therefore that, in problem the law of al-'azl, Imam Ahmad bin Hanbal in line with opinion of Imam Muhammad bin Idris al-Shafi'i.

Fifth, Imam Ghazali stated that "prevention pregnancy is things that are allowed or permissible" with consider a number of reasons, one of them is for the sake of alleviating the burden experienced by mothers consequence often giving birth. Besides that, there is a number of other supporting motives ability practice `azl, among them: *first*, health women, *second*, protect woman from difficult situation and *third*, avoid fatigue physique consequence own too lots child. According to Al-Ghazali, the use of modern tools such as birth control pills or method contraception other for arrange amount child allowed, as long as No aim For fully stop descendants in a way permanent. Based on law `azl, Al-Ghazali stated that practice family planning for prevent pregnancy allowed and not allowed considered makruh, because no there is nash which is firm forbid or make it forbidden.¹⁹

Imam Ghazali refers to Jabir's history which states: that part the Prophet's companions once do 'azl and the Prophet did not forbid it. "From Friend Jabir said that they do `azl during the time of the Prophet while the Koran was still down, then news This until to The Messenger of Allah, and he No forbid us."

2. Contemporary Scholars' Views

Contemporary scholars generally more open to use contraception as prevent pregnancy, with emphasis on welfare, health, and communication in family. Like Yusuf al-Qardawi allow family planning with condition as following:

- a. Concerns to life or health Mother consequence pregnancy or childbirth, which has supported by the results study from a trusted doctor. For example, a 40 year old mother, then pregnant with age over 30 have high risk to Mother

¹⁹ Rifdatus Sholihah, "Hukum Mencegah Kehamilan Perspektif Imam Ghazali Dan Syekh Abdullah Bin Baaz," *Al-Hukama'* 9, no. 1 (2019): 76-102, <https://doi.org/10.15642/alhukama.2019.9.1.76-102>.

- b. Worry will occurrence dangers that can bother affairs worldly, which sometimes can make things difficult somebody in worship, until make it forced accept things that are forbidden and doing prohibited acts for the sake of interests his children. In matter this, interest child covers health and education they
- c. It is permissible do 'azl in sharia based on concerns to condition woman who is breastfeeding, if she pregnant and giving birth child again.²⁰

The 2000 fatwa of the Indonesian Ulema Council (MUI) stipulated a number of points important: (1) Islam is basically allow arrangement birth children, as long as aim positive, such as guard health mother and child, and done with good and bad ways dangerous; (2) Infertility, good through vasectomy (cutting) or closing channel sperm in men and tubectomy (cutting) or closing channel eggs in women with objective limit offspring, is considered haram; (3) Tubectomy allowed if on consideration valid medical from doctor professional and trustworthy, especially If pregnancy or labor risky endanger safety mother or child.²¹

Shaykh Abu Muhammad bin Salih bin Hasbullah in his book, contraception in context Islamic law with principle that its use allowed provided the goal nature while, such as postpone pregnancy For reason certain legitimate according to sharia. He linking method modern contraception, such as pill or tool other, with draft 'azl (issuing sperm outside womb), which the Prophet Muhammad SAW knew and which he did not know forbidden during objective its use no contradictory with sharia. However, if contraception intended for prevent pregnancy in a way permanent without reason emergency, such as reason health or other recognized conditions sharia, then matter the considered haram.²²

Use contraception with reason like worry about being poor or worry No capable bear cost life children is considered haram absolute. This is Because reason the show prejudice bad towards God, as if doubtful fortune that has been guaranteed by him to every creature life . Prejudice like this contradictory with belief to God's grace and wisdom are deep arrange life his servant. As God has said in surah Adz- Dza riyat (51:58) which means: Indeed, Allah is He Maha giver fortune that has strength Again very sturdy.²³

²⁰Sudirman, *Fiqh Kontemporer (Contemporary Studiens of Fiqh)* (Yogyakarta: Grup Penerbitan CV Budi Utama, 2018). 57

²¹ Emilia Sari, "Keluarga Berencana Perspektif Ulama Hadis," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 6, no. 1 (2019): 55-70, <https://doi.org/10.15408/sjsbs.v6i1.10452>.

²² Handayani, "Kontrasepsi Dalam Kajian Islam." 240

²³ Sudirman, *Fiqh Kontemporer (Contemporary Studiens of Fiqh)*. 58

According to Sheikh Abdul Aziz bin Abdullah bin Baaz, law prevent pregnancy or use tool contraception reviewed based on goals and conditions its use. He differentiate between effort prevent pregnancy in a way permanent (such as sterilization) with effort prevent pregnancy in a way while (such as use tool modern contraception or method natural). In in his view, sterilization is aimed at for remove ability reproduction in a way permanent is haram, except If there is condition justified emergency in a way sharia, such as when pregnancy endanger life mother or threaten health in a way serious. Meanwhile that, use contraception temporary allowed If done on base agreement between husband and wife, no cause danger, and not intended For reject descendants in total. This is based on authentic hadith narrated that the friends do 'azl (spilling) semen outside womb) during the time of the Prophet Muhammad ﷺ, and he no prohibit it, as there is in history Sahih Bukhari and Sahih Muslim. Sheikh bin Baaz also emphasized this that action prevent pregnancy Because reason afraid of being poor or concern no capable provide for children contradictory with principle trust to God and is form distrust to guarantee sustenance from him. In framework maqashid sharia, he emphasize that guard descent (ḥ if z al- nasl) is one objective main sharia, so that reject descendants in a way absolute contradictory with mark the.²⁴

The majority of contemporary scholars allow use contraception while, as long as fulfil a number of conditions. First, the contraception used no may endanger health husband or wife. Second, the use of contraception must based on agreement together between husband and wife, without existence coercion from one of third party, contraception the no may used with intention For reject descendants in a way permanent. The scholars also agree that sterilization permanent without reason emergency is haram, because matter the contradictory with objective sharia For guard offspring (hifzh an-nasl). Guard continuity descendants is one of the principle base in Islam, so that elimination descendants considered in total no in accordance with values sharia.

Table 1. Comparison Views of Classical and Contemporary Scholars to Contraception

Aspect	Classical Scholars	Contemporary Scholars
Term	Known with term	Use term modern contraception
Contraception	'azl (coitus interruptus)	(birth control pills, IUDs,

²⁴ Abdul Aziz bin Abdullah Bin Baaz, “Hukm Tashfiyah Al-Rahim Wa Man’ Al-Haml,” *Diakses* 25 April, 2025, <https://doi.org/https://binbaz.org.sa/fatwas/4359>.

		condoms, etc.), is associated with draft 'azl in jurisprudence classic
Law General	Mubah, as long as No nature permanent and existing reason sharia	permissible with condition certain: no damage health, nature temporary, and not Because afraid of being poor, even can be sunnah/obligatory when emergency (medical)
Condition Use	Must with agreement wife (Abu Hanifah, Syafi'i.)	Must there is agreement husband and wife, reasons must sharia (medical, social), no may on base rejection descendants permanent
Reason Allowed	Health, condition social distance pregnancy, departure husband, etc.	Health mother, economy, education child, condition breastfeeding, and considerations benefit family (Yusuf al- Qaradawi, Bin Baaz, MUI)
Contraception Permanent	Generally no discussed explicit, but concluded no recommended because cut off descendants	Haram unless because emergency medical (MUI Fatwa 2000; Bin Baaz; Hasbullah)
Evidence	QS. An- Nisa: 19, QS. Al-Baqarah: 226, QS. An- Nisa: 3; hadith about friend do 'azl and not forbidden by the Prophet	QS. Al-Isra ': 31, QS. Adz-Dzariyat : 58; Hadith narrated by Jabir (HR. Bukhari & Muslim); principle maqā ṣ id syar i'ah: ḥ if ṣ al- nafs and ḥ if ṣ al- nasl
View School of thought	Hanafi: Yes, but makruh without permission wife	

Ethical and Legal Limitations to Practice Contraception: Between Agreement and Permanence

In discourse jurisprudence contemporary, practice contraception no only assessed from aspect validity law (ḥukm) only, but also from aspect ethics Islam which concerns objective marriage, rights husband and wife, and

continuity descendants. Therefore that, the limit ethical and legal use contraception in Islam demands existence clarity in two matter the main thing, namely element agreement between husband and wife, and characteristic contraception that alone, whether nature temporary or permanent.

1. Agreement between Husband and Wife

In a way principles of contraception used by couples husband and wife must based on agreement together, because concerning right reproduction both of them. In jurisprudence classic, this depicted in conditions put forward by the ulama towards practice 'azl (coitus interruptus). For example, Imam al-Nawawi in *al- Majmū* 'explain that husband No may do 'azl without permission his wife because right get descendants is part from right wife in contract wedding.²⁵ View similar confirmed by Imam al- Shafi'i, who stated that contraception that is carried out unilateral without deliberation including violation to principle justice in house stairs. In contemporary, Sheikh Abdul Aziz bin Baz also emphasized importance agreement this, especially For method more modern contraception complex, because the impact to physical and psychological partner.²⁶ In context social, agreement this also becomes form respect to justice relational in family . Agreement no only legal-formal, but also ethical-spiritual in Islam, because guard harmony and trust family including maqā ṣ id syar ī'ah in dimensions hif ṣ al- 'ird (guarding honor).

2. Permanence: Contraception Temporary vs Permanent

Another issue that becomes limitation ethical is characteristic contraception: what is it? temporary (reversible) or permanent (irreversible). In Islamic law, contraception permanent like sterilization (vasectomy) or tubectomy) basically forbidden, except in condition emergency medical who has proven in a way Scientifically proven and approved by trusted doctors. Indonesian Ulema Council (MUI) through Fatwa Number 3 of 2000 stated that:

"Sterilization for prevent pregnancy in a way permanent it is forbidden, except If there is indication clear medical based on information from power medical trusted professional that pregnancy will endanger life or health mother."

View This in line with a fatwa from Dar al-Ifta al-Mishriyyah , which states that sterilization without indication emergency medical contradictory with maqā ṣ id hif ṣ al-nasl (guarding descendants), which is one of the

²⁵ Imam Nawawi, *Al-Majmu` Syarh al-Muhadzdzah*, Jil.3 (Beirut : Dar al-Fikr, 1997). 158

²⁶ Syekh Abdul Aziz bin Baz, *Majmū' Fatāwā* (Riyadh: Dar al-Watan, 2002). 175-176

objective main Sharia. Contemporary scholars like Yusuf al-Qaradawi also refused use contraception permanent If without because sharia. In *Fiqh al- Mu' ā ṣ ir* , he confirm:

"If contraception nature while, used with consideration benefit family, health, or education child, then the law permissible. However, if contraception used For stop descendants in a way absolute without reason emergency, then "It is forbidden by law."

3. Ethics Purpose: No Allowed Because Fear of Poverty

Ethics in practice contraception is also related with intention or objective its use. If motivation main is afraid of poverty or doubtful sustenance children, so its use in a way absolute considered No valid. This is based on QS. Al- Isra': 31:

"And do not You kill your children Because afraid of being poor. We are the ones who give sustenance to them and you. Truly kill they is a great sin".

Objective permitted contraception in a way sharia is For guard welfare, not For avoid burden in a way egoistic or pessimistic to guarantee sustenance from God. In context this, Abu A'la al-Maududi confirm that all form rejection to child with reason economy is form weakness faith and not in accordance with monotheism in life social.²⁷

Conclusion

Contraception in Islam not solely question technical medical, but is part from not quite enough moral, social and spiritual responsibilities in form a healthy and prosperous family. In perspective jurisprudence contemporary based maqāṣid al-syarī'ah, contraception allowed during no aim stop descendants in a way permanent without reason syar'i . Approach maq ā ṣ id which emphasizes protection soul (ḥ if ṣ al- nafs), offspring (ḥ if ṣ al- nasl), and wealth (ḥ if ṣ al- m ā l) provide strong foundation For see contraception as form benefits. Classical scholars allow 'azl method with conditions, while contemporary scholars as Yusuf al-Qaradawi and Abdul Aziz bin Baz gave limitation ethical to modern contraception. Sterilization only allowed in condition emergency medical research this recommend that the Muslim community understand contraception no as prohibition absolute, but as instrument planning family that can justified in framework maqā ṣ id al-syar ī'ah, with still put forward principle agreement, legitimate intent, and consideration benefit.

Bibliography

²⁷ Maududi, *The Islamic Way of Life* (Lahore: Islamic Publications, 1992). 67

- Afifah Nurullah, Fitri. "Perkembangan Metode Kontrasepsi Di Indonesia." *Cermin Dunia Kedokteran* 48, no. 3 (2021): 166. <https://doi.org/10.55175/cdk.v48i3.1335>.
- Al-Ghazali. *Al-Mustashfa*. Beirut: Dar al-Kutub al-'Ilmiyyah, 1993.
- — —. *Ihya' Ulumuddin*. Beirut: Dar al-Ma'rifah, 2005. [https://doi.org/Jilid II](https://doi.org/Jilid%20II).
- Al-Maraghi, Abdullah Musthofa. *Pakar-Pakar Fiqih Sepanjang Sejarah*. Yogyakarta: LPPPSM, 2000.
- Al-Nawawi. *Al-Majmu' Syarh Al-Muhadzdzab*. Beirut: Dar Al-Fikri, 2003.
- Al-Qaradawi. *Fiqh Al-Mu'Ashir*. Kairo: Maktabah Wahbah, 2001.
- Baaz, Abdul Aziz bin Abdullah Bin. "Hukm Tashfiyah Al-Rahim Wa Man' Al-Haml." *Diakses* 25 April, 2025. <https://doi.org/https://binbaz.org.sa/fatwas/4359>.
- BKKBN), Badan Kependudukan dan Keluarga Berencana Nasional (. "Laporan Tahunan Program KB Nasional." *Jakarta*, 2023.
- Dedisyah, Martua Nasution and Putra. "Penggunaan Alat Kontrasepsi Dalam Pandangan Fikih Empat Mazhab." *Al-Syakshiiyyah: Jurnal Hukum Keluarga Islam Dan Kemanusiaan* Vol. 3, No (2017): 3264–68.
- Djawas, Mursyid, Misran Misran, and Cut Putrau Ujong. "'Azl Sebagai Pencegah Kehamilan (Studi Perbandingan Antara Mazhab Hanafi Dan Mazhab Syafi'i)." *El-USRAH: Jurnal Hukum Keluarga* 2, no. 2 (2020): 234. <https://doi.org/10.22373/ujhk.v2i2.7657>.
- Handayani, Gemy Nastity. "Kontrasepsi Dalam Kajian Islam." *Jurnal Ushuluddin: Media Dialog Pemikiran Islam* 17, no. 1 (2019): 231–44.
- Hasanuddin. *Hukum Islam Dan Keluarga Berencana*. Yogyakarta: LKiS, 2020.
- Hidayatullah, R. "Pemikiran Yusuf Al-Qaradawi Tentang Penggunaan Kontrasepsi Dalam Islam." *Jurnal Fiqh Kontemporer* 4(2) (2019).
- Ibn Qudamah. *Al-Mughni*. Kairo: Dar al-Hadis, 1997.
- Imam Nawawi. *Al-Majmu' Syarh Al-Muhadhab*. Jeddah: Dar al-Kutub al-'Ilmiyah, 1997.
- Maududi. *The Islamic Way of Life*. Lahore: Islamic Publications, 1992.
- Nuraini. "Gender Dan Islam." *Jurnal Harkat* Vol. 17 No (2021).

- Rahmah, A. "Kontrasepsi Permanen Dalam Perspektif Fikih Kontemporer." *El-Qanun: Jurnal Hukum Islam Dan Perundang-Undangan* 5(1) (2022).
- Sari, Emilia. "Keluarga Berencana Perspektif Ulama Hadis." *SALAM: Jurnal Sosial Dan Budaya Syar-I* 6, no. 1 (2019): 55-70. <https://doi.org/10.15408/sjsbs.v6i1.10452>.
- Sholihah, Rifdatus. "Hukum Mencegah Kehamilan Perspektif Imam Ghazali Dan Syekh Abdullah Bin Baaz." *Al-Hukama'* 9, no. 1 (2019): 76-102. <https://doi.org/10.15642/alhukama.2019.9.1.76-102>.
- Sudirman. *Fiqh Kontemporer (Contemporary Studiens of Fiqh)*. Yogyakarta: Grup Penerbitan CV Budi Utama, 2018.
- Syekh Abdul Aziz bin Baz. *Majmū' Fatawā*. Riyadh: Dar al-Watan, 2002.
- WHO. "Family Planning/Contraception." *Geneva*, 2021.
- Yusuf al-Qaradawi. *Fiqh Al-Mu'Ashir*. Kairo: Maktabah Wahbah, 2001.
- Zakariyya al-Anshari. *Asna Al-Mathalib*. Beirut: Dar al-Kutub al-'Ilmiyyah, 2006.