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Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

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Abstract: *A paradigm shift in choosing not to have children (childfree) occurred in the communities of Lampung and West Java as well as in other areas. On the one hand, this choice is recognized as the right of every individual guaranteed by statutory regulations, on the other hand, this is considered not fully in accordance with one of the goals of marriage, procreation. Based on this, this problem becomes interesting to study in more depth in order to understand the phenomenon of childfree from the perspective of Human Rights (HAM) and maqashid shari'ah. The research method used is a qualitative method with an ethnographic approach, with data sources coming from childfree practitioners, books and scientific articles. The research results found that childfree practitioners choose not to have children based on various factors, such as economics, mental health, personal considerations, outlook on life, and environmental factors. From a human rights perspective, childfree is permitted because every individual has the right to privacy, including in making decisions about their personal and family lives, as mandated in Article 12 of*

the Universal Declaration of Human Rights. However, from the maqashid shari'ah point of view, childfree in normal husband and wife conditions is contrary to Islamic teachings because one of the goals of Islamic law is to preserve offspring.

Keywords: *Childfree, Human Rights (HAM), Maqashid Shari'ah.*

A. Introduction

Changes in culture and values in society have encouraged some individuals to choose a path that is different from general social norms. One example is the paradigm shift towards the decision to live without having children or what is known as childfree. Childfree refers to a view where an individual or couple does not want the presence of children in their lives. The decision to become childfree is the result of a joint discussion between the husband and wife and both parents. The childfree trend has been growing recently in developed countries, in line with the progress of modernity,¹ including in Indonesia. In the midst of the dynamics of social change and societal values, the choice to live without children is increasingly becoming a relevant topic of discussion and a life choice for some married couples.

There are various views among scholars regarding the determination of having children in the context of marriage. Al-Ghazali from the Syafi'i School emphasized that the authority to determine the matter rests exclusively with the husband, while the wife does not have the authority to reject her husband's decision. On the other hand, the majority of ulama from the Hanafiyah School believe that the right to decide whether to have children or not is an equal right for husband and wife. Meanwhile, some Hanafiyah and Shafi'i scholars are of the view that this decision is not only the right of the husband and wife, but also takes into account the opinion of society, although the final right remains in the hands of the husband and wife. On the other hand, the view held by hadith experts

¹ Chandni Bhambhani and Anand Inbanathan, "Examining a Non-Conformist Choice: The Decision-Making Process Toward Being Childfree Couples," *International Journal of Sociology* 50, no. 5 (September 2, 2020): 339–368, <https://doi.org/10.1080/00207659.2020.1797265>.

Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

emphasizes that the decision to have children or not should take into account the interests of society or the state.²

Choosing not to have children is a choice made by every family. Childfree practitioners believe that this decision is part of Human Rights (HAM) which must be protected. Human rights are fundamental rights inherent in every human individual, because these rights are not a gift from an individual, organization or state, but an invaluable gift from Allah SWT.³ However, many people, including Muslims, are often unaware of these rights. The al-Quran and as-Sunnah, as life guides for mankind, have provided regulations regarding these rights.⁴ Therefore, it is important for each individual to understand their rights well so as not to exceed the established limits.

Regarding the factors that influence the decision not to have children, there are several reasons that are often stated by households that choose to be childfree. One of them is the Human Rights (HAM) factor, where individuals consider that this decision is a right that must be respected and protected. Apart from that, we are worried about the risk of stunting in children and economic problems,⁵ mental health, and other considerations are also factors that influence the decision. In fact, some of the younger generation, or Gen Z, chooses to postpone marriage because they are worried about not being able to meet the needs of their children in the future.⁶ Apart from that, some

² Desi Rahman *et.al.*, "Childfree dalam Perspektif Islam: Solusi atau Kontroversi?," *Jurnal Wanita Dan Keluarga* 4, no. 1 (July 13, 2023): 3, <https://doi.org/10.22146/jwk.7964>; See also Uswatul Khasanah and Muhammad Rosyid Ridho, "Childfree Perspektif Hak Reproduksi Perempuan dalam Islam," *Al-Syakhsyiyah: Journal of Law & Family Studies* 3, no. 2 (December 11, 2021): 104–128, <https://doi.org/10.21154/syakhsyiyah.v3i2.3454>.

³ Muhammad Monib and Islah Bahrawi, *Islam dan Hak Asasi Manusia* (Jakarta: Gramedia Pustaka Utama, 2013), 81; See also Audina Putri *et.al.*, "Hak Asasi Manusia dalam Perspektif Islam," *Al-Wasathiyah: Journal of Islamic Studies* 2, no. 2 (February 3, 2023): 196, <https://doi.org/10.56672/alwasathiyah.v2i2.75>.

⁴ Nur Asiah, "Hak Asasi Manusia Perspektif Hukum Islam," *Diktum: Jurnal Syariah Dan Hukum* 15, no. 1 (2017): 57, <https://doi.org/10.35905/diktum.v15i1.425>.

⁵ Salman Al Farisi, "Childfree dalam Perspektif Fiqh al-Aulawiyat," *Maqashid* 10, no. 2 (November 20, 2021): 1–9, <https://doi.org/10.30651/mqsd.v10i2.16059>.

⁶ Devita Komala and Maria Tri Warmiyati D.w, "Proses Pengambilan Keputusan pada Pasangan Suami Istri Yang Memilih untuk tidak Memiliki Anak," *Jurnal Muara Ilmu Sosial, Humaniora, Dan Seni* 6, no. 1 (April 30, 2022): 119, <https://doi.org/10.24912/jmishumsen.v6i1.13536.2022>.

people also view childfree as a solution to various problems that may arise in the household.⁷ Research data shows that the number of couples choosing childfree has increased by 15-25% in various countries around the world.⁸ This development cannot be separated from the important role of social media which facilitates the dissemination of ideas and information regarding the childfree lifestyle to the wider community.⁹

In Indonesia, the childfree phenomenon has become a trend due to comments made by influencers such as Gita Savitri and other public figures via social media.¹⁰ Lampung and West Java provinces are also areas that have a significant number of childfree followers or supporters. Some individuals who choose childfree in Lampung make this decision for economic reasons, while in West Java; this decision is often influenced by environmental factors and the influence of social media.

The childfree phenomenon that appears in society is a problem that requires careful resolution. This is because childfree's decision is contrary to religious values which emphasize the importance of the continuity of offspring.¹¹ In Islam, nasab is very important¹² because it is closely related to issues of inheritance and family identity. Apart from that, one of the main goals of marriage in Islam is to form a family that is harmonious (*sakinah*), full of love (*mawaddah*), and full of grace (*rahmah*), as well as being a vehicle for giving birth to

⁷ Khasanah and Ridho, "Childfree Perspektif Hak Reproduksi Perempuan dalam Islam," 104–128.

⁸ Amy Blackstone and Mahala Dyer Stewart, "Choosing to Be Childfree: Research on the Decision Not to Parent," *Sociology Compass* 6, no. 9 (2012): 718–727, <https://doi.org/10.1111/j.1751-9020.2012.00496.x>.

⁹ Stuart Basten, "Voluntary Childlessness and Veing Childfree," *The Future of Human Reproduction: Working Paper* 5 (June 2009): 1–23.

¹⁰ Saras Bening Sumunarsih, "Selain Gita Savitri, Ini 6 Public Figure yang Memutuskan untuk Childfree," Parapuan, accessed March 5, 2024, <https://www.parapuan.co>.

¹¹ Joanne Doyle, Julie Ann Pooley, and Lauren Breen, "A Phenomenological Exploration of the Childfree Choice in a Sample of Australian Women," *Journal of Health Psychology* 18, no. 3 (March 1, 2013): 397–407, <https://doi.org/10.1177/1359105312444647>.

¹² Fathul Mu'in and Meli Yanti, "Pengaruh Pemahaman Masyarakat terhadap Pergantian Nasab Anak oleh Ayah Angkat perspektif Hukum Islam," *Syakhshiyah Jurnal Hukum Keluarga Islam* 3, no. 2 (December 29, 2023): 176–192, <https://doi.org/10.32332/syakhshiyah.v3i2.7926>.

Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

the best generation for the survival of humanity.¹³ The family is also seen as the main environment for learning, growing and developing, as well as a place where the principle of mutual assistance (*mubadalah*) is applied.¹⁴

However, choosing to be childfree is not in line with the basic purpose of marriage itself, because in essence, having children in the context of marriage is human nature that has existed since ancient times until now. Couples who choose childfree are often considered an anti-natalist group who carry out actions that deviate from social norms, because society views that women who do not give birth cannot fully fulfill their nature as women. In fact, in Islamic teachings, having good offspring is considered one of the main goals of marriage, as confirmed in the Qur'an Surah an-Nisa verse 1 which states that Allah created Adam and created his partner, Eve, and from both of them Allah multiply male and female humans.¹⁵

Children, apart from being natural things to be grateful for, are also a means of worship because they can be a way for parents to achieve rewards and happiness both in this world and in the afterlife. From a religious perspective, having children is considered part of human obligations to expand humanity and carry out the mandate from God. Psychologically, the presence of children also strengthens the relationship between couples, providing opportunities to grow and learn together.¹⁶ From the perspective of *maqashid sharia*, the most important thing in marriage is the fulfillment of benefits related to *al-kulliyatu al-khamsah*: the continuity of religion, soul, reason, offspring and property.¹⁷

¹³ Abdul Rahman Ghozali, *Fiqh Munakahat* (Jakarta: Kencana Prenada Media Group, 2010), 22.

¹⁴ Efa Rodiah Nur, Fathul Mu'in, and Hamsidar, "The Reconstruction of The Livelihood Concept from A Mubādalāh Perspective in Lampung Province," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (November 30, 2023): 1897, <https://doi.org/10.22373/sjhk.v7i3.17613>.

¹⁵ Lily Faizal *et al.*, "Age Limit for Marriage in Indonesia from The Perspective of Maqashid Sharia," *Analisis: Jurnal Studi Keislaman* 22, no. 2 (December 30, 2022): 298, <https://doi.org/10.24042/ajsk.v22i2.14068>.

¹⁶ Karen Horney, M.D., *Feminine Psychology*, Penerjemah: Aquarina Kharisma Sari (New York: W.W. Norton & Company, 2023), 130.

¹⁷ Faizal *et al.*, "Age Limit for Marriage in Indonesia from The Perspective of Maqashid Sharia," 312.

Based on the above, this problem is very interesting to research. Previous research revealed that textually there is no verse in the Koran that definitely prohibits childfree.¹⁸ Meanwhile, other research reveals that people who apply this view think that childfree can be a solution and answer to their concerns about family economics, psychology and environmental damage.¹⁹

This research is important to understand the social and cultural dynamics that influence an individual's decision to choose childfree. By exploring two main perspectives, human rights and *maqashid shari'ah*, this research can reveal how individual freedom in determining family life is respected and protected within the framework of human rights, while still paying attention to the principles of *maqashid shari'ah* which protect religion, life, mind, offspring, and wealth. This study also helps identify the response of society and religious institutions to the childfree phenomenon, and provides important insights for policy makers to create an inclusive environment and respect diverse life choices. Thus, this research not only enriches academic discourse, but also contributes to empowering society in respecting the personal decisions of each individual.

This study uses qualitative methods with an ethnographic approach,²⁰ which is included in the type of field research. Data collection was carried out through observation and interviews with childfree practitioners and followers in Lampung and West Java. Primary data was obtained directly from informants, childfree perpetrators in these two areas. Meanwhile secondary source data was obtained from sources such as books, journals and previous research relevant to the childfree phenomenon.²¹ Conclusions are drawn

¹⁸ Eva Fadhilah, "Childfree dalam Perspektif Islam," *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)* 3, no. 2 (2021): 71–80, <https://doi.org/10.20885/mawarid.vol3.iss2.art1>.

¹⁹ Khasanah and Ridho, "Childfree Perspektif Hak Reproduksi Perempuan dalam Islam," 104–128.

²⁰ Suryaning Setyowati *et al.*, *Memahami Fenomenologi, Etnografi, Studi Kasus, dan Metode Kombinasi dalam Jagat Metode Riset* (Riau: CV. Dotplus Publisher, 2023), 87.

²¹ Michael Huberman and Matthew B. Miles, *The Qualitative Researcher's Companion* (London: Sage Publications Ltd., 2002), 393; See also Matthew B. Miles and A. Michael Huberman, *Qualitative Data Analysis: An Expanded Sourcebook*, Second Edition (London: Sage Publications Ltd., 1994), 12.

Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

through in-depth analysis of primary and secondary data, by connecting them with previous studies and relevant theories, resulting in significant research findings.

B. Childfree in Islamic Law and Positive Law in Indonesia

Childfree is actually not a new terminology, but has existed in the practice of some married couples in various countries for a long time.²² Childfree is the view of both husband and wife who agree not to have children as a result of their marriage.²³ In the Islamic context, having children from a valid marriage is a recommendation emphasized by religion. Islam also emphasizes that after having children, there is an obligation to educate them well and provide for them. In the al-Qur'an Surah an-Nisa verse 9, Allah SWT advises humans to multiply offspring and pay attention to the welfare of children, not to marry with the aim of being childfree. Even though there are no verses in the Qur'an or Prophetic hadith that specifically discuss the prohibition of childfree, Islam provides a clear view that having children from a valid marriage is a recommendation that is recommended for creating a *sakinah, mawadah, wa rahmah* family. Meanwhile, the practice of childfree is considered similar to the practice of *'azl*, which is an action to prevent fertilization by removing sperm outside the vagina so that there is no meeting between the sperm and the wife's egg cells, which in the end will not result in pregnancy.²⁴

Imam Al-Ghazali is of the opinion that the practice of *'azl* or delaying pregnancy is permissible (*ja'iz*) in Islam and is not included in the *haram* category, because it is categorized as *tarkul afdhal* or

²² Jenna Healey, "Rejecting Reproduction: The National Organization for Non-Parents and Childfree Activism in 1970s America," *Journal of Women's History* 28, no. 1 (2016): 131–156, <https://muse.jhu.edu/pub/1/article/613015>.

²³ Karunia Haganta, Firas Arrasy, and Siamrotul Ayu Masruroh, "Manusia, Terlalu (Banyak) Manusia: Kontroversi Childfree di Tengah Alasan Agama, Sains, dan Krisis Ekologi," *Konferensi Integrasi Interkoneksi Islam Dan Sains* 4, no. 1 (February 23, 2022): 309–320, <https://ejournal.uin-suka.ac.id/saintek/kiiis/article/view/3189>.

²⁴ Wahbah Al-Zuhaili, *Fikih Islam Wa Adillatahu*, Alih Bahasa: Abdul Hayyie al-Kattani, dkk., vol. Jilid I (Jakarta: Gema Insani, 2011), 104; See and read more Abdul Aziz Dahlan (ed), *Ensiklopedi Hukum Islam* (Jakarta: Ihtiar Baru Van Hoeve, 1996), 108.

abandoning virtue but does not amount to *haram* law.²⁵ However, it is important to note that this permissibility is not the same as *childfree* practices, which involve the complete removal or elimination of the reproductive system. This is because in Islam, completely eliminating the reproductive system is considered a prohibited act (*haram*). Islam only allows delaying pregnancy for certain purposes, such as birth control (KB), in order to maintain or distance pregnancy with the aim of caring for and educating children so that they can grow healthily and receive quality education.

Childfree, according to Imam Maliki, involves several motives underlying a person's decision not to have children. Imam Malik stated that the practice of *'azl* is only permitted if it is carried out with the consent of a free woman and while still providing rights or money to the woman.²⁶ Meanwhile, according to Imam Syafii, the practice of *'azl* can be carried out to protect human sustainability (*hifdzu annasl*), both for wives and servants, provided that the women involved have given their consent.²⁷

Based on the description above, childfree is permitted because it is associated with the practice of *'azl*. This similarity is formed because both of them reject the presence of children in the household for certain reasons. There is no text that specifically prohibits childfree options. Even though having children is recommended, it is not an obligation, so it is not included in what is forbidden or prohibited. However, the birth of children in the context of a legal marriage remains one of the main goals, which is also a manifestation of Allah SWT's love for humans. Therefore, humans do not need to worry about the future of their children.

²⁵ Muhammad Khalidin, "Status Hukum Praktik Childfree dalam Perspektif Ulama Syafi'iyah," *Jurnal Al-Nadhair* 2, no. 1 (June 23, 2023): 109, <https://doi.org/10.61433/alnadhair.v2i1.29>; See also Rifdatus Sholihah, "Hukum Mencegah Kehamilan Perspektif Imam Ghazali dan Syekh Abdullah Bin Baaz," *Al-Hukama: The Indonesian Journal of Islamic Family Law* 9, no. 1 (June 3, 2019): 81, <https://doi.org/10.15642/alhukama.2019.9.1.76-102>.

²⁶ Imam Malik bin Anas, *Al-Muwaththa'*, Penerjemah: Nur Alim, dkk. (Jakarta: Pustaka Azzam, 2006), 845.

²⁷ Al-Hafizh Ibnu Hajar al-Asqalani, *Fathul Baari*, Alih Bahasa: Amiruddin (Jakarta: Pustaka Azzam, 2010), 705.

Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

According to positive law in Indonesia, marriage issues are regulated in Law Number 1 of 1974 concerning Marriage. This law stipulates that marriage is a physical and spiritual bond, one of the aims of which is to form a happy and prosperous family.²⁸ Although this law does not specifically discuss childfree, its main emphasis is on creating a *sakinah, mawaddah* and *rahmah* family. To achieve this goal, serious efforts are needed from husband and wife based on the principles of mutuality (*mubadalah*). Both husband and wife have their respective rights and obligations in order to realize domestic happiness.

In the context of Indonesian law, the decision not to have children is a personal choice that is legally recognized. There are no laws in Indonesia that force couples to have children or prohibit them from deciding not to have children. In positive law in Indonesia, childfree is included in personal rights and freedom of choice. Every individual or couple has the right to determine whether they want to have children or not. This is part of the human rights recognized by Indonesian law, including the right to personal freedom and freedom of choice in family life.

There are no provisions in Indonesian law that provides sanctions for couples who decide not to have children. This decision is completely personal and is not specifically regulated by law. The decision not to have children is also protected by laws governing family and human rights. For example, Article 28B paragraph (1) of the 1945 Constitution states that "Everyone has the right to form a family and continue their offspring through legal marriage," but this does not mean that a person is obliged to continue their offspring.

Although the law does not specifically regulate childfree decisions, social norms and cultural views may influence society's view of couples who choose not to have children. However, this aspect is more of a social and cultural issue than a legal one. Overall, Indonesian law respects personal decisions regarding family life, including the decision not to have children, and there are no regulations that hinder or obstruct such decisions.

²⁸ Tim Penulis, *Kompilasi Hukum Islam* (Yogyakarta: Pustaka Widyatama, 2004), 40.

C. Childfree Paradigm in Lampung and West Java Communities

Based on the results of research interviews with childfree practitioners in Lampung Province, there are a number of factors that encourage married couples to choose not to have children. According to R, he and his wife chose to be childfree because of economic factors. R is worried about not being able to meet his children's needs due to difficult economic conditions. Children's living and education costs, from needs during pregnancy, childbirth costs, to savings for the child's future, do require quite a large amount of funds. R views childfree as a solution for his family amidst difficult economic conditions. According to R, financial maturity is a must if you have children, especially at a time when the prices of basic necessities and property are increasing every day.

According to another childfree actor, U, he is of the view that the factors that influenced his decision to choose childfree were mental factors. U believes that being a good parent is not easy. There are many problems that will be faced and must be prepared carefully, including mental readiness. Lack of knowledge and mental readiness made him choose not to have children. U is also worried and afraid that her child will experience trauma due to parents who are not mentally prepared. U made the decision to be childfree because of fear arising from various cases she saw, such as fear of pregnancy, fear of failing to educate her child, fear of her child being born with a disability, or fear of her child experiencing stunting.

The reason for choosing childfree was also expressed by E. The reason was only related to personal factors. Not everyone likes the presence of children, some of them even feel uncomfortable being around children. Likewise, in marriage, there are married couples who think that children can be a burden and hinder their career success. The presence of children is seen only as a difficulty in their lives. However, there are quite a few people who don't want to have children because of bitter experiences in childhood which later turned into trauma. So, they worry that they will not be able to be good parents for their children in the future.

Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

Another reason is related to perspective, as expressed by a woman with the initials N. The view of someone who chooses not to have children is influenced by the idea that having children is a woman's right, because women will be the ones to conceive, give birth, breastfeed and are responsible for raising children. The role of a mother does require strong mental readiness. If a woman doesn't feel ready, then men cannot force her to have children because they understand that the woman will bear it all.

N's view on having children is that he finds it difficult when the child starts talking and is difficult to control. This may have happened because he had seen the problems that arise when having children, both through the experiences of his immediate family and from reported cases of violence against children. So the choice of not having children is the best solution in his opinion.

Meanwhile, in West Java, the reasons for choosing not to have children are related to environmental factors and social media, as expressed by W. In the current social environment, there are people who choose to be childfree because they have seen the reality around them. Many parents neglect their children and consider children only as investment assets that can care for them in old age.

For some people, such actions are considered selfish and unwise because children should not only be seen as an investment tool, but also as a gift that has the right to determine and choose its own path in life. Some people who choose childfree also consider that current global conditions are not conducive to children's growth, especially with the increasing world population which raises concerns about competition and availability of resources.

Apart from that, psychological factors also play a role in the decision to go childfree. D, a childfree actor, said that the reason behind his decision was because of his unstable psychological condition. D felt protected by choosing childfree because he did not want his child to experience the same treatment as he had experienced. This decision helped D to feel free from psychological pressure so he could focus on his career and personal well-being.

Another factor is health factors. According to M, the reason he is childfree is because his health condition makes it impossible to have healthy children. Because, to get children who are healthy and have good growth and development, it must be preceded by parents who are in prime condition and do not have congenital diseases.

Apart from the factors explained above, issues related to parenting are also one of the reasons why husbands and wives choose not to have children or be childfree. Being a parent is a big responsibility because parents have an important role in the survival of every child, such as moral, physical and rational responsibilities. Apart from that, parents also have an obligation to care for, guide and educate their children.²⁹

With the increasing duties and responsibilities assumed by parents, many worry that they may not be able to be good parents to their children in the future. This concern is one of the reasons why many people choose childfree as a solution to avoid various problems and worries in their family life. In Islam, it is also recognized that not all couples have the ability or desire to have children. In this case, couples who do not have children can use their time and energy to carry out other forms of worship and do well to society.

The facts about the childfree decision above, if analyzed, are certainly due to personal reasons. When choosing a decision based on personal reasons, it usually arises because of emotions in a person's mind. This condition is also influenced by various factors, such as family conditions, friendship environment, education, work, and other factors felt by the individual. People who choose childfree for personal reasons usually have certain conditions and personally reject the presence of a child based on their own experiences or seeing the experiences of others.

Meanwhile, psychological and medical factors related to things that influence a person's thoughts; feelings and motivation can also influence the decision to be childfree. There are several psychological

²⁹ Islahuddin, Roslan Bin Yahya, and Zulkifli Bin Awang Besar, "Parenting in Educating Children in Accordance with Sunnah Guidance," *Religio Education* 1, no. 2 (December 24, 2021): 86–96, <https://doi.org/10.17509/re.v1i2.41344>.

Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

conditions that make someone choose to be childfree, such as trauma, anxiety, fear, and other mental health disorders that can affect daily activities and the life of the individual who experiences it.

Meanwhile, economic reasons are more realistic than other reasons. Because taking care of children, caring for children and providing a proper life for the child is a responsibility and a very big obligation for parents. Economic conditions can determine whether a child is provided for in various ways, such as adequate nutrition, adequate education, guaranteed health and many other things. However, this shows that childfree perpetrators are not sure about the sustenance from Allah SWT.

D. Childfree Human Rights Perspective

By nature, humans as God's creation are given basic rights called human rights, without discrimination between one individual and another.³⁰ Through these human rights, humans have the ability to develop themselves, their roles and contributions to the welfare of humanity, including in carrying out their responsibilities and roles as caliphs of Allah. Human rights are rights inherent in every individual because they are not a gift from a human entity, organization, or state, but are an invaluable gift from Allah SWT. However, unfortunately, many people, including Muslims, are not aware of the existence of these rights.

In the context of the modern world, human rights are a concept that is universally recognized and regulated in various international documents. One of the most famous documents explaining human rights is the Universal Declaration of Human Rights (UDHR), which was adopted by the United Nations General Assembly on December 10, 1948.³¹ The UDHR covers a variety of rights, including the right

³⁰ Achmad Suhaili, "Hak Asasi Manusia (HAM) dalam Penerapan Hukum Islam di Indonesia," *Al-Bayan: Jurnal Ilmu al-Qur'an Dan Hadist* 2, no. 2 (October 14, 2019): 177, <https://doi.org/10.35132/albayan.v2i2.77>.

³¹ Alexis A. Aronowitz, *Human Trafficking: A Reference Handbook* (California: Bloomsbury Publishing USA, 2017), 1967; See also M. Eggersdorfer *et al.*, *The Road to Good Nutrition* (Switzerland: Karger Medical and Scientific Publishers, 2013), 21.

to dignity and equality, the right to life, personal freedom and security, freedom of thought, belief, religion, and other rights.

Based on this principle, human rights are rights given to humans naturally by God as creator so that they cannot be revoked by any power. However, the existence of this right does not imply that humans can act as they wish and violate the law.³² Therefore, from a human rights perspective, the childfree phenomenon can be considered as an expression of individual freedom and the right to determine one's own course of life. This also includes the principle of gender equality, where men and women have equal rights in making their life choices.³³

Protection and respect for these decisions is an important part of respect for human rights as a whole. Rights are normative elements that function as rules and guidelines for behavior in providing protection against freedom and failure, as well as guaranteeing human honor and dignity. Meanwhile, human rights have fundamental characteristics as human nature, so that no individual or group can intervene or intimidate them.

Protection and respect for the above decisions is an important part of respect for human rights as a whole. Rights are normative elements that function as rules and guidelines for behavior in providing protection against freedom and failure, as well as guaranteeing human honor and dignity. Meanwhile, human rights have fundamental characteristics as human nature, so that no individual or group can intervene or intimidate them.³⁴

Childfree from a human rights (HAM) perspective includes the right to privacy and personal autonomy. Every individual has the right to privacy, including decisions regarding his personal and family life. This is stated in Article 12 of the Universal Declaration of Human Rights (UDHR), which states that no one may be subjected to

³² Lopa Baharuddin, *Al-Quran dan Hak-Hak Asasi Manusia* (Yogyakarta: Dana Bhakti Prima Yasa, 1999), 1.

³³ Luluk Masruroh *et.al.*, "Perbedaan Quadrati dan Persamaan Hak Gender dalam Perspektif al-Quran (Studi Analisis Tafsir al-Mishbāh)," *Analisis: Jurnal Studi Keislaman* 21, no. 1 (June 30, 2021): 75–108, <https://doi.org/10.24042/ajsk.v21i1.8234>.

³⁴ Marion Albers, Thomas Hoffmann, and Jörn Reinhardt, *Human Rights and Human Nature* (New York - London: Springer Science & Business Media, 2014), 235.

Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

arbitrary interference in their private life, family, household or correspondence.³⁵

Everyone has the right to control their own body and make decisions about their reproductive health without coercion, discrimination or violence. This right is recognized in various international human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Apart from that, the choice not to have children is part of freedom of thought, belief and opinion. This includes the right to make decisions that reflect personal beliefs and values. Article 2 of the Universal Declaration of Human Rights (UDHR) also confirms that everyone is entitled to all rights and freedoms without distinction of any kind. Discrimination against individuals who choose not to have children is a violation of human rights.³⁶

In Indonesia, childfree behavior is still considered taboo by most people and is not in accordance with noble cultural values. In fact, this choice is still viewed negatively by some people. Some people who choose childfree even experience discrimination. In fact, from a Human Rights (HAM) perspective, discrimination against the rights of individuals who choose to be childfree is a violation of human rights. Everyone must respect and respect the human rights of every other citizen. Society must recognize equality and give equal treatment to every person's life choices, including the decision not to have children. Even though the choice not to have children is different from most people's, where one of the goals of marriage is to have children, this decision must still receive fair treatment in the life of the nation and state.

Regulations regarding Human Rights (HAM) in Indonesia are contained in Law no. 39 of 1999. Human rights here include the private rights that every individual has, including those relating to reproduction and sex. Therefore, the choice not to have children or be

³⁵ Humberto Cantu Rivera, *The Universal Declaration of Human Rights: A Commentary* (Leiden, Netherlands: Brill, 2023), 138; See also Gudmundur Alfredsson and Asbjørn Eide, *The Universal Declaration of Human Rights: A Common Standard of Achievement* (Cambridge: Martinus Nijhoff Publishers, 2023), 251.

³⁶ Rivera, *The Universal Declaration of Human Rights*, 153.

childfree is purely a personal right and the right of every household, including in relation to determining the number and timing of having children. From a human rights perspective, these rights cannot be interfered with or invaded by other individuals, religions or countries. Every individual and family is given the freedom to determine their own future as long as they do not violate the law. Apart from the Human Rights Law, marriage regulations in Indonesia also do not prohibit childfree options.³⁷

Humans have the same position, rights and obligations, including the choice to be childfree or not. Therefore, the limits of individual rights, including the right to choose childfree, must be determined precisely. This human rights perspective can be used as a guide in choosing childfree.³⁸ The main principle of human rights is the preservation and prevention of violence. Human rights theory includes fundamental and natural rights, and is in line with the theories of positivism and cultural relativism, so that it can provide guarantees for every individual.

Based on this, the choice to be childfree is a personal decision of a person or family that receives legal protection. Every individual has the right to determine his own life path, including the decision not to have children. This right is guaranteed by the principles of Human Rights (HAM) which emphasize the importance of respecting personal freedom and autonomy. Therefore, every member of society must respect this choice without judging or discriminating against it. Discrimination against people who choose to be childfree not only injures individual dignity, but also constitutes a serious violation of the principles of equality and human rights that underlie social life. Respecting this decision also means supporting diversity and inclusiveness in society, and ensuring that everyone can live according to their beliefs and choices without fear of oppression or discrimination. Only in this way can we build a truly just and civilized society.

³⁷ Eko Riyadi, *Vulnerable Groups: Kajian dan Mekanisme Perlindungannya* (Yogyakarta: Pusham-UII, 2012), 17.

³⁸ Davidson Scott, *Hak Asasi Manusia : Sejarah, Teori, Dan Praktek Dalam Pergaulan Internasional*, Penerjemah: Alysius Hadyana Pudjaatmaka (Jakarta: Pustaka Utama Grafiti, 1994), 9.

Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

E. Childfree *Maqashid Shari'ah* Perspective

Maqashid shari'ah consists of two words, *maqashid* and *shari'ah*. *Maqashid* is the plural of *maqad* which means aim or purpose. In the dictionary it is explained that *maqashid* is related to *masalah* and is related to damage.³⁹ Then, the word *shari'ah* is a way to get to the spring.⁴⁰ Meanwhile, *shari'ah* in the Munawir dictionary means regulation, law or statute.⁴¹ According to the term, *maqashid* has a number of meanings. Ahmad Hasan explained that *shari'ah* is a holy text and includes *aqidah*, *amaliyah* and *khulukiyah*.⁴²

Imam As-Syatibi explained that *maqashid shari'ah* is a *shari'ah* which aim is to bring about benefit and goodness for humans. In order to make this happen, clear evidence and arguments are needed.⁴³ *Maqashid shari'ah* includes the wisdom behind the laws established by Allah SWT or in the sense that it is a good goal desired by Islamic law and in order to cover harm.⁴⁴ The commands and prohibitions from Allah SWT contained in the al-Qur'an and the Prophet's hadith have a noble purpose, there is even wisdom behind the laws revealed. On the other hand, for those who reject and even deny it, they are among the people who will lose their lives, both in this world and in the afterlife.⁴⁵

As-Syatibi divided *maqashid shari'ah* into three levels: *daruriyyah*, *hajjiyah* and *tahsiniyyah*. *Dharuriyah* is the primary goal or main goal. If this basic goal is not realized, human welfare will be threatened, both in this world and in the afterlife. There are at least five goals from this first level: religion, soul, reason, offspring

³⁹ Muhammad Hamid Usman, *Al-Qāmūs al-Mubīn Fī Iṣṭilāhi al-Uṣūliyyin* (Riyadh: Dar al-Zahm, 2002), 282.

⁴⁰ Mardani, *Hukum Acara Perdata Peradilan Agama dan Mahkamah Syariah* (Jakarta: Sinar Grafika, 2010), 20.

⁴¹ Ahmad Warson Munawwir, *Kamus Al-Munawwir: Arab-Indonesia* (Surabaya: Pustaka Progresif, 1997), 711.

⁴² Kutbuddin Aibak, *Metodologi Hukum Islam* (Yogyakarta: Pustaka Pelajar, 2008), 50.

⁴³ Abu Ishaq Al-Syathibi, *Al-Muwafaqat Fī Ushul As-Syariah*, Jilid II (Kairo: Mustafa Muhammad, tt.), 6.

⁴⁴ Jasser Auda, *Membumikan Hukum Islam melalui Maqasid Syariah*, Terj. Rosidin dan Ali Abd El Mun'im (Jakarta: Mizan, 2015), 32.

⁴⁵ Ibn Katsir, *Tafsir Ibnu Katsier*, Terj. H. Salim Bahreisy dan H. Said Bahreisy (Surabaya: Bina Ilmu, 2004).

and wealth. Then, *hajjiyah* is a secondary level, or the second need that humanity needs. If this is not realized, it will not reach the point of threatening human safety in the world, but humans will face difficulties. That Islamic law actually aims to eliminate difficulties by providing relief or *rukhsah* for humans.

Meanwhile, *tahsiniyyah* is a human need which, if this need is not met, does not result in threatening the existence of one of the five principles, and does not cause difficulties. In simple terms, this need is only complementary. In modern times like today, maintenance of *ushul al-khams* is in order to maintain these five things:

First: maintaining religion or *hifz al-din* is the main goal that must be maintained so that *maqashid shari'ah* can be achieved. However, some Islamic scholars or legal experts set the preservation of the soul as a top priority.⁴⁶ In this context, the choice to be childfree is considered to be contrary to religious teachings. Islam places great emphasis on the importance of family and children. In many interpretations, having children is considered an obligation and a blessing. Children are considered the successors and sources of happiness and blessings in the family. They are also expected to be the inheritors of religious and cultural values, as well as help their parents in their old age. In this perspective, the decision not to have children could be considered ignoring one of the important religious commandments.

Apart from that, Islamic teachings view children as a trust from God who must be looked after and educated well. Having children is also considered a way to maintain the continuity of the Muslim community and ensure that the teachings of the religion remain alive through future generations. Therefore, in the view of many ulama, childfree is not only contrary to religious teachings, but also to the great goals promoted by *maqashid shari'ah*. However, it should be noted that these views may vary based on different cultural and social interpretations and contexts. There are also scholars who believe that

⁴⁶ Hasbi Ash-Shiddieqy, *Falsafah Hukum Islam*, Cet. III (Jakarta: Bulan Bintang, 1993), 188.

Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

the decision to have children must be adjusted to the abilities and conditions of each individual or family. Thus, discussions regarding childfreedom in Islam require a deep understanding and are open to various existing interpretations and contexts. The aim is to find a balance between respecting religious teachings and respecting human rights in the context of modern life.

Second: preserving the soul or *hifz al-nafs*, is an important principle in Islam which mandates maintaining life with respect and avoiding all actions that could endanger the life, such as abuse or murder.⁴⁷ This principle reflects the values of individual safety and welfare which are highly upheld in religious teachings. In this context, the decision to be childfree is generally considered to be inconsistent with the concept of preserving the soul. Most religious understandings emphasize the importance of continuing offspring as a form of preserving life and continuing the human race. Therefore, in the view of many clerics, the decision not to have children without strong health reasons can be considered contrary to fundamental religious values.

However, it should be emphasized that there are exceptions if the childfree decision is taken on the basis of strong health considerations, such as a medical condition that poses a risk to the mother or prospective child. In this situation, childfree is considered a step in accordance with the principle of preserving the soul, because it aims to protect the health and life of the individual. However, discussions regarding childfree in Islam still require careful assessment and a deep understanding of the context and applicable religious values. The aim is to find a balance between religious principles and individual needs, as well as to ensure that decisions taken are in line with the values upheld in Islamic teachings.

Third: maintaining reason, or *hifz al-'aql*, is a fundamental principle in Islam which emphasizes the importance of maintaining intelligence, wisdom and sound thinking in every action and

⁴⁷ Muhammad Abu Zahra, *Ushul Fiqh*, Terj. Saefullah Ma'sum, dkk.Cet. VI (Jakarta: Pustaka Firdaus, 2000), 549.

decision.⁴⁸ This principle demands that individuals use their minds wisely in all aspects of life, both in religious and world affairs. In the context of mind maintenance, the decision to be childfree can also be analyzed. Although not directly related to intellectual quotient, this decision involves deep consideration and mature reflection on the possible consequences of the choice. This includes considerations about financial readiness, emotional readiness, social impact, and contribution to society as a whole.

In Islam, individuals are expected to use their minds as a gift from God that must be maintained and developed. Therefore, in the context of choosing to be childfree, it is important for individuals to carefully consider religious values, personal needs, and the impact on their lives and the surrounding community. Thus, the principle of preservation of reason in Islam provides an important framework in understanding and evaluating the issue of childfreedom. It emphasizes the importance of using common sense, deep reflection, and wise judgment in making decisions that are complex and have a major impact on the lives of individuals and communities.

Fourth: maintaining descendants or *hifz al-nasl*, is a fundamental principle in Islam which emphasizes the importance of maintaining the continuity of descendants or bloodlines.⁴⁹ Heredity and honor must be maintained in order to realize human benefit, maintaining the preservation of creatures called humans, as well as maintaining a good mentality from generation to generation to avoid bad generations. This principle has a broad meaning, including continuity of reproduction and care for offspring so that they can continue the family and maintain family identity and values.

In the context of *hifz al-nasl*, the decision to be childfree becomes relevant because it involves consideration of the continuity

⁴⁸ Mohd Ma'Sum Billah, *Islamic Wealth and the SDGs: Global Strategies for Socio-Economic Impact* (Switzerland: Springer Nature, 2021), 561; See also Hanif, *et.al*, "The Impact of the Existence of Universitas Islam Negeri Raden Intan Lampung on the Economy of the Surrounding Community According to Maqasid Al-Shari'ah Perspective," *Analisis: Jurnal Studi Keislaman* 23, no. 1 (June 7, 2023): 152, <https://doi.org/10.24042/ajsk.v23i1.19295>.

⁴⁹ Christopher Candland, *The Islamic Welfare State: Muslim Charity, Human Security, and Government Legitimacy in Pakistan* (United Kingdom: Cambridge University Press, 2024), 241.

Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

of offspring. In Islamic teachings, having children is considered a trust that must be guarded and maintained, as well as a means of maintaining and spreading religious teachings. Thus, in considering childfree decisions in Islam, it is important to pay attention to various interpretations and cultural contexts as well as applicable values. Although nurturing offspring is a value upheld in Islamic teachings, however, there is room for a broader interpretation and deeper understanding of this concept in contemporary life.

Fifth: maintaining wealth or *hifz al-mal*, is a principle that is upheld in Islam because wealth is considered a gift from God that must be guarded, managed and used wisely.⁵⁰ This principle not only covers the physical aspects of maintaining assets, such as protecting assets from damage, theft or misuse, but also regarding aspects of halalness and justice in obtaining and using these assets. In the context of property preservation, the decision to be childfree can have significant economic implications. Not having children can mean having greater financial resources to invest, save, or use to improve the family's well-being. However, this can also raise long-term considerations regarding care in old age, as well as the continuity of the family and offspring.

In this case, the decision to be childfree may conflict with the principle of preserving wealth in Islam. This is because having children is considered a way to pass on and expand wealth, as well as maintaining family sustainability financially and socially. However, it needs to be emphasized that every decision in Islam must be considered carefully, taking into account various factors including the financial readiness, health and emotional readiness of the individual or couple. Apart from that, the principle of flexibility in Islamic law also allows for exceptions or adjustments to special situations that might justify a childfree decision. Thus, in considering the decision to be childfree in Islam, it is important to evaluate the economic implications as well as adherence to religious principles, while taking into account the unique needs and conditions of each individual or family.

⁵⁰ Billah, *Islamic Wealth and the SDGs*, 563.

Based on the *maqashid sharia* concept above, in the case of childfree, normal conditions are not in line with the concept of caring for offspring. The childfree paradigm, if analyzed, is not in accordance with the objectives of Islamic law. This is because there are at least five objectives of the religion brought by Rasulullah Saw on this earth, one of which is to care for offspring. Therefore, proponents or followers of childfree are contrary to sharia principles. However, the concept of childfree must be differentiated from the concept of delaying pregnancy. Thus, in the case of delaying having children, Islam still allows it, because it is still in accordance with the reasons or expiry of the Sharia. Meanwhile, childfree is not included in the permitted age category.

Under normal conditions, having children is a dream for married couples and it is natural for every individual to have children, because one of the goals of marriage is to give birth to the next generation. Therefore, it is very unfair when there are married couples who want to have children but have not been given the opportunity by God, while there are those who deliberately choose to be childfree. Economic factors are the reason for some couples to choose childfree, considering children as a burden and career obstacle, contrary to religious teachings. If childfree practices become more widespread in society, this will have a negative impact on the continuity of generations on this earth.

Overall, the decision not to have children can be analyzed and understood through the principles of *maqashid shari'ah*, as long as the decision is based on rational considerations and does not violate Islamic teachings. The *maqashid shari'ah* perspective allows for flexibility in understanding and respecting individual choices, while ensuring that these decisions support the welfare and benefit of humanity.

In responding to the childfree phenomenon which is not in line with *maqashid shari'ah*, preventive steps need to be taken. Prevention of childfree can be done by educating the public about the fact that childfree is actually very contrary to Islamic teachings, especially the principles of *maqashid shari'ah*. Therefore, every Muslim must try to

Childfree Paradigm in Lampung and West Java Communities from Human Rights and *Maqashid Shari'ah* Perspectives

avoid childfree practices carried out by some people in Lampung, West Java and Indonesia in general. Not only educating, people, especially Muslims, need to be encouraged to maintain the tradition of having children. By having children, life will become more meaningful and full of enthusiasm because you are driven by the motivation to foster and pass on values to the next generation.

The next step is to have children, which is an effort to calm the soul and enable individuals to get closer to Allah SWT. The presence of offspring brings enthusiasm for the family to live life as a continuation of the function of *khalifatatullah fil ardhi*, both in the context of mahdoh worship and ghiru mahdoh. However, of course, it must be acknowledged that sometimes Allah SWT has not provided offspring even though humans have tried. Apart from that, every Muslim needs to follow the sunnatullah and stay away from everything that is contrary to the teachings set out in the text. It is believed that these steps can contribute to curbing the childfree paradigm in Indonesian society.

F. Conclusion

The results of the study found that there was a paradigm shift in society. Some people in Lampung and West Java choose to be childfree due to various factors such as economics, mental health, personal considerations, views on life, and environmental factors. From a human rights perspective, childfree practices are permitted because they are part of the right to privacy and personal autonomy. Every individual has the right to privacy, including in making decisions about his personal and family life, as explained in Article 12 of the Universal Declaration of Human Rights. However, from the perspective of *maqashid shari'ah*, childfree in normal husband and wife conditions is contrary to Islamic law because one of the goals of Islamic law is to preserve offspring. Therefore, the recent childfree phenomenon needs to end in order to maintain the sustainability of life on earth.

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