



| Research Article |

Analysis of the Childfree Phenomenon in the Framework of Sheikh Yusuf Al-Qaradhawi's Methodology

Muh Naufal Faaiq^{1*}, Delpa Firdaus² and M. Ali Marzuqi³

^{1,2,3}Islamic Family Law Study Program, Faculty of Islamic Religion, Darunnajah University Jakarta, Indonesia

*Correspondence: mumtaztotalitas@gmail.com

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Abstract: The phenomenon of childfree, which is a conscious decision made by a married couple not to have children, is increasingly becoming a topic of conversation in Indonesia and causing pro and con reactions, especially among Muslims who are bound by sharia rules. As a nation with a culture that supports the birth of children (pronatalist), where marriage is often interpreted as an obligation to have offspring, this phenomenon is an issue that deserves to be explored further through the perspective of jurisprudence, especially the thinking of modern scholars such as Sheikh Yusuf Al-Qaradhawi. The purpose of this study is to examine the perspective of Sheikh Yusuf Al-Qaradhawi on the practice of childfree for married couples that aims for the benefit, childfree practices that do not have sharia reasons, and childfree practices related to women with careers. The method used in this study is qualitative with a library research approach, the research uses primary data sources from Al-Qaradhawi's works such as Al-Halal wa Al-Haram fi Al-Islam and Fatawa Mu'ashirah, and secondary sources in the form of relevant books, journals, and theses. The findings of the study show that childfree based on clear benefits (both medical and psychological) gets legal tolerance through the concept of tanzhim al-nasl, while childfree without sharia reasons is included in the category of makruh tahrim because it is contrary to maqashid hifz al-nasl. On the other hand, women's careers do not necessarily justify childfree decisions, as they are conditional and do not negate each other within the framework of Shaykh Yusuf Al-Qaradhawi's thought.

Keywords: childfree; Shaykh Yusuf Al-Qaradhawi; maqashid sharia; tanzhim al-nasl



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Introduction

The family is a social entity formed through the relationship between a man and a woman based on the bond of the shari'i that is announced, which creates the rights and responsibilities of each to his or her partner. This relationship is known as marriage, which has been established by all the heavenly religions, is blessed, and is considered the only way to form a legitimate family. This marriage goes hand in hand with the sunnatullah that applies throughout the universe, which is to be paired in all aspects, as stated in the word of Allah:

وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ (الذَّارِيَّتِ: 49)

"And We have created all things in pairs so that you may remember (the greatness of Allah)". (Adz-Dzariyat: 49). (Cordoba, 2022)

Meanwhile, as the times develop and human civilization advances, several ideas have emerged that change the human perspective on marriage, one of which is widely heard is the phenomenon of *childfree* and *childless*. This phenomenon is seen as an issue because it causes many differences of views in various groups and scholars, especially among Muslims, which requires an in-depth analysis related to these two phenomena. The *childless* phenomenon itself occurs due to health problems that make it difficult for couples to have offspring. In addition, *childlessness* can occur with the aim of delaying having offspring or regulating the distance in obtaining offspring. Meanwhile, *childfree* occurs because of an agreement between a married couple not to have children for reasons of choice and agreement between husband and wife. (Rudi, 2023)

In Indonesia itself, the *childfree* phenomenon or the decision not to have children is similar to the feminism movement in foreign cultures. (Ana, 2023) The feminism movement aims to realize gender equality in the political, economic, personal and social spheres, they consider that women are not objects to produce many children and give women the freedom to choose whether they want to have children or not in their marriage. (Rio, 2023) So that excessive independence makes them think that getting married and having children will only add to the burden of their lives.

There are several factors used as a reason for choosing *childfree*, namely cultural factors, poverty, past trauma, work, health considerations, and not everyone has the desire to become a parent. (Afandi, 2023) In addition, overpopulation is also the cause of the emergence of the idea of *childfree*, because when someone chooses not to have children, they assume that adding one more person on earth will require more resources, which can ultimately result in increased pollution and waste. (Alfin, 2023)

This study aims to examine in depth the perspective of Shaykh Yusuf Al-Qaradhwai, especially in the realm of fiqh, regarding the phenomenon of *childfree*. There are various reasons that underlie an individual's decision to choose a *childfree* lifestyle, such as psychological factors, environmental problems, economic

disparities, and others. Therefore, the author will analyze whether these reasons are in line with the concepts described in the fiqh and fatwa issued by Shaykh Yusuf Al-Qaradhwai. Thus, this research will focus on the study of the works as well as evidence and fatwas of Shaykh Yusuf Al-Qaradhwai related to the practice of *childfree*.

Previous research has examined various aspects of *childfree*. Adytia (2023) the choice not to have children is a right for the couple. There is no text that explains the haram and prohibition of not having children. According to classical and contemporary jurisprudence contained in books and fatwas, the principle of *childfree* is carried out in the way of *azl*, then it is permissible. The majority of scholars agree that the law is permissible if both are willing to do so, and *makruh* if one of them is unwilling. Even so, there is still an encouragement for a person to have children and it is one of the main goals of marriage. However, this recommendation does not reach the degree of prohibition if it is abandoned. So even though fiqh is of the view that the practice of *childfree* is not prohibited, of course there must be careful consideration in responding to this phenomenon. If there is no sharia reason or reason for the benefit of doing this *childfree*, then it is better to abandon it. Because following the shari'a recommendation to have children is worth worship. Research by Rudi (2023), classical scholars do not prohibit married couples who agree not to have children (offspring). Because this is *qiyas*, with '*Azl*, whose law is allowed by Imam Ghazali, contemporary scholars also allow if husband and wife agree because of certain benefits. So *childfree* is not included in the prohibited act, because every married couple has the right to plan and manage family life, including having children. Nihayatul (2024) the purpose of pairing is to maintain human preservation, as this is implied in Q.S. An-Nahl 16:72, Q.S. Ar-Rum 30:21 and Q.S. Al-Furqan: 74, Q.S. Ali Imran; 38. Q.S. An-Nur; 32. The existence of the rules of pairing and explanations of the role of children in the Qur'an, as well as the benefits of offspring, show that children have a very important role in family life. Departing from this, it can be concluded that the law of *childfree* origin is permissible or simply *tarkul afdhal* (abandoning virtue), when viewed from the motive, the *childfree* law will be different. If the motive is good and acceptable in Islamic fiqh, then it is permissible, if not, it should not be because it is contrary to the Qur'an and Hadith. Therefore, there is a gap in the research that shows the need to examine more deeply the views of Shaykh Yusuf Al-Qaradhwai regarding the phenomenon of *childfree*, so that it can be understood the *istinbath* method and the arguments he used in responding to this case.

This research offers novelty to the object of research. The novelty of the research is not intended as a claim that the previous research did not discuss *childfree*, but lies in the way of approach and data collection techniques, while the data collection techniques in this study include deep analysis and mastery of the information that has been collected. Recording information related to *childfree* and verses relevant to *childfree*. And studying the information that has been collected about *childfree* and references related to *childfree*.

On the basis of this description, this study asks three questions. First, what is Shaykh Yusuf Al-Qaradhawi's opinion on the *childfree* practice for married couples with the aim of benefit? Second, what is Shaykh Yusuf Al-Qaradhawi's opinion regarding the *childfree* practice for married couples who do not have sharia reasons? Third, what is Shaykh Yusuf Al-Qaradhawi's explanation of *childfree* practices for career women?

Method

In this study, the author uses a qualitative approach method, using the type of *library research* as a search for the main data source in the material to be studied and clearly describes the concepts that have been found by experts and a researcher.

The approach applied in this study is a normative approach, which means that this research is carried out by observing the sources that govern this issue, by analyzing theories and concepts related to this research. This approach is also known as the literature approach, which is by studying books, books, and other documents that are relevant to this research.

The data used in this study comes from two sources, namely primary data sources and secondary data sources. The primary data used in this study includes books by Sheikh Yusuf Al-Qaradhawi, namely *al-Halal wal Haram fil Islam* and *Fatawa Mu'ashirah*, in the secondary data the author uses books, journals, articles, theses, and essays related to the themes in this study related to *childfree*, so the discussion about *childfree* is taken from the book *Childfree and Happy*.

Data analysis carried out in this study consists of data analysis and interpretation. Data analysis involves data contained in questions in an academic work. This method aims to explore the understandings of experts, the point of view of the community, and the views of scholars. On the other hand, *tafsir* is used to explore the meaning of verses related to the concept of *childfree*. The stages used in this analysis are first: the classification of relevant texts from the works of Sheikh Yusuf Al-Qaradhawi. Second, the identification of opinions about *childfree*. Third, analysis within the framework of Islamic law. Fourth, drawing legal conclusions.

The state of the analysis was strengthened through a comparison between primary legal sources, literature, and interview data. Thus, the study not only read the verdict textually, but also looked at the relationship between the judge's reasoning and the child's protection goals. This method is important because a verdict can look simple, while the legal reasons behind it show broader considerations about the needs and future of the child.

Result and Discussion

Sheikh Yusuf Al-Qaradhawi's Commentary on the Childfree Phenomenon with the Aim of Prosperity

Tanzhim An-Nasl as a Methodological Foundation

The most appropriate aspect of Shaykh Yusuf Al-Qaradhawi's approach to understanding his views on the restriction of progeny is his opinion on *tanzhim al-nasl* (hereditary arrangement). In the book *Fatawa Mu'ashirah*, Shaykh Yusuf Al-Qaradhawi allows thinning and birth restriction as long as it is based on mutual agreement between husband and wife and based on justifiable reasons, such as the mother's health condition, the family's economic ability, or the quality of care to be maintained. (Yusuf, 1996) This reason is used by the author as an analytical measuring tool to evaluate the extent to which *childfree* practices are still acceptable in the context of Shaykh Yusuf Al-Qaradhawi's thought.

Basis of Fiqhiyyah Rules

When the decision not to have children is based on factors that have been shown to bring good, such as the potential for serious health threats, genetic conditions, or severe mental disorders that have been identified, the author notes that the views of Shaykh Yusuf Al-Qaradhawi tend to show a high level of legal tolerance. This is consistent with his permissibility of *tanzhim al-nasl* on the grounds of health, which is therefore seen as a form of effort to protect the soul and body, not as a disobedience to the recommendations of the Shari'a. (Qaradhawi, 1996) As stated in a *fiqhiyyah* rule:

دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

"Refusing damage takes precedence over bringing benefits"

This rule is often used in *maqashidi manhaj* as a supporting argument that concrete *mafsadat* that threatens the safety of the mother or child is preferable to avoid rather than pursuing the benefits of regeneration that are general.

The author should emphasize one important note that Shaykh Yusuf Al-Qaradhawi in his analysis of *tanzhim al-nasl* speaks literally in the context of a temporary arrangement or restriction, not a total and permanent rejection of offspring as described in the concept of *childfree*. Therefore, the application of this framework to *childfree* for the sake of permanent interest still needs to be done with methodological caution, and should be placed as a *qiyas* (analogy) to the core of his *maqashidi* thought.

Legal Istinbath Against the Childfree Phenomenon with the Aim of Benefit

Based on the discussion that has been presented, the author believes that the choice not to have children, which is based on clear benefits and has been tested medically and psychologically, has the potential to be categorized as a form of conditional *mubah*, that is, an exception from the main rule that suggests having offspring. This does not necessarily make it the best option that should be chosen, because it remains

in the context of an emergency exception and not as a generally recommended life option.

The consequence of this approach is that the legitimacy of *childfree* with the aim of benefit is something that is context-dependent and tied to the sustainability of the underlying reasons if the circumstances on which the benefit is based change, for example if health conditions improve or genetic risks can be addressed through medical technology, then the relevant legal considerations should also be re-evaluated, which is in line with the principle:

الْحُكْمُ يَدُورُ مَعَ عِلَّتِهِ وَجُودًا وَعَدَمًا

"The law revolves around its 'illat, both in terms of existence ('illat exists, then there is law) and absence ('illat does not exist, then there is no law)".

Sheikh Yusuf Al-Qaradhawi's Commentary on the Childfree Phenomenon Without Sharia Reasons

Istinbath of the Law Against the Phenomenon of Childfree Without Sharia Reasons

In some literature related to *childfree*, the author analyzes that choosing not to have children without a valid reason according to the *istinbath* methodology of Shaykh Yusuf Al-Qaradhawi could be within the limits of *makruh tahrim*. This depends on how strong the refusal to have children is and whether there is a possibility to reconsider the option in the future. If the refusal is absolute and irreversible without any desire to evaluate, and is based solely on personal desires for comfort, then this has the potential to approach a more complicated status. This is because the decision directly ignores the *maqashid hifz an-nasl* which is a basic need.

Therefore, the reason behind the choice not to have children is the main determining factor regarding the legal status, not just the act of not having children itself without considering the context. This approach is in line with the character of *fiqh al-waqi'* which is a characteristic of its methodology, which is the need to consider empirical reality before imposing a law. The author considers this method based on this motive to be an important contribution methodologically, because it distances *fiqh* from a formalistic tendency that only evaluates physical actions without paying attention to the underlying *maqashid*. This approach is also in line with the rules of *fiqhiyyah*, namely:

الْأُمُورُ بِمَقَاصِدِهَا

"Everything is judged according to its meaning"

This rule is one of the most fundamental and consistent *fiqhiyyah* rules referred to in various works of Sheikh Yusuf Al-Qaradhawi.

Sheikh Yusuf Al-Qaradhawi's Perspective on Career Women

Conditions and Limitations of Women in Work

Shaykh Yusuf Al-Qaradhawi in a work clearly allows women to develop careers or work outside the home, but these abilities are not absolutely unconditional. He sets several criteria that must be met, such as the work that must be done in a work that is lawful by religion and does not lead to things that are forbidden, the perpetrator is obliged to maintain manners and ethics according to the sharia, and most importantly, these activities must not cause women to abandon their main obligations to their husbands and children. (Ririn, 2016) In certain contexts, he even opens up space for women to become leaders in the public sphere as long as the leadership does not clash with the broader social benefits. (Paris, 2022)

If analyzed carefully, the way Shaykh Yusuf Al-Qaradhawi argues here reveals the distinctive characteristics of moderate fiqh. He does not depart from the premise that the domestic realm is the only legitimate domain for women, as some classical scholars view, but also does not accept for granted the logic of absolute equality in the style of liberal feminist thought that negates the distinction of roles based on gender. (Jamal, 2016) This position is a compromise deliberately made to provide opportunities for women to be involved in the public sphere without the need to sacrifice their role in reproduction and emotional relationships within the family.

Women's Primary Responsibilities and Job Positions as Condition-Bound Options

An important point that is often overlooked when understanding the ideas of Shaykh Yusuf Al-Qaradhawi is the emphasis that although women are allowed to work outside the home, a woman's main task remains on household management and childcare, while the career is placed as an additional space, not a substitute for the domestic function. (Ririn, 2016) In other words, the ability of women to have a career in several fields according to Shaykh Yusuf Al-Qaradhawi's view is functional and conditional, this is permissible as long as it does not interfere with the interests of the family, not allowed automatically as a stand-alone right separate from household responsibilities.

The analysis of the composition of this discussion shows a significant consequence that will be the basis for the next discussion, because the ability to have a career is based on the condition of not neglecting responsibility for children, so the logic of the fiqh of Shaykh Yusuf Al-Qaradhawi fundamentally considers the existence of children as an element that is considered ordinary in domestic life, not something that can be renewed by negotiation. In his view, a career woman is a woman who continues to function as a mother, not an individual who completely replaces the role of mother with a professional role.

In-Depth Analysis of Career Women and Childfree

Shaykh Yusuf Al-Qaradhawi's thought on women's career abilities has always been linked to the condition of not to override responsibility towards the family, while the responsibility to have and educate children is actually one of the main benchmarks

of these conditions. This indicates that, in the internal logic of Shaykh Yusuf Al-Qaradhawi's thought, women's careers are never considered as a sufficient reason to neglect the reproductive function of the family but rather as an area of actualization that must follow family priorities. Thus, the argument about women in careers cannot be directly concluded as a justification for the *childfree* thinking that is only driven by career considerations alone.

This argument is even stronger when viewed in the context of other modern scholars' views on *childfree*. The Egyptian *Dar al-Ifta* fatwa under Shaykh Ibrahim Alam, for example, asserts that the decision not to have children due to certain considerations is not necessarily sinful as long as it is mutually agreed upon as he stated in his fatwa:

عدم الإنجاب هو حقٌّ للزوجين معًا، ويجوز لهما الاتفاقُ عليه إذا كان في ذلك مصلحةٌ تخصُّهما، ولا
يجوز لأحدهما دون موافقة الآخر، وهذا الجواز على المستوى الفردي

"Not having children is a right owned by both married couples together. Both are allowed to agree to choose not to have children if there is a benefit related to their interests. However, one of them is not allowed to decide not to have children without the consent of the other party. This ability applies at the individual level." (Dar al-Ifta, 2019)

Shaykh Yusuf Al-Qaradhawi provided ample opportunities for women to participate in the public sphere in a spirit that was considered progressive in his time when compared to the views of some scholars of his time, but at the same time he did not provide an ethical framework that was adaptive enough to cover current social conditions. The structural pressures of the modern world of work such as long working hours, the demands of mobility, the high cost of childcare, and the lack of support systems such as maternity leave and adequate childcare facilities have led some career women to see children as a structural burden, not just a personal choice. Sheikh Yusuf Al-Qaradhawi's thought, shaped in the social context of the mid-20th century, has not provided a direct answer on how one should deal with these structural burdens without being trapped in the double perspective of imposing reproductive obligations without considering the reality of working women or allowing the logic of career to completely overtake family priorities.

Therefore, it can be concluded that the relationship between women pursuing a career and the choice not to have children in the perspective of Al-Qaradhawi's thought is neither simple nor conditional: career is not automatically a reason for validating *childfree* choices, nor should it be considered as something that must be sacrificed in order to fulfill the obligation to reproduce without consideration. What is rejected in the framework of his jurisprudence is not the existence of a career woman, but rather the use of career status as an argument for permanently and without urgent reasons to abolish the role of progeny, which according to Al-Qaradhawi is one of the main goals of the institution of marriage itself.

Conclusion

First, the childfree phenomenon which is based on clear considerations and can be accounted for medically and psychologically, such as serious health risks, genetic conditions, or mental problems that have been diagnosed, has a fairly wide legal tolerance space in the view of Shaykh Yusuf Al-Qaradhawi. This discovery is not the output of an explicit fatwa that directly mentions the term *childfree*, but is the result of a logical elaboration of the concept of *tanzhim al-nasl* that he put forward in *Fatawa Mu'ashirah*, combined with the rules of *fihiyyah dar'u al-mafasid muqaddamun 'ala jalb al-mashalih* (avoiding something harmful is more important than bringing benefits).

Second, unlike a *childfree* based on *maslahat*, *childfree* which arises only from the individual's rejection of the demands of parenting, excessive worry for no apparent reason, or lifestyle choices without deep consideration, is in a much more complicated position in the perspective of Shaykh Yusuf Al-Qaradhawi. The advice of the Prophet PBUH to marry a woman who can give birth (*al-wadud wa al-walud*) in order to increase the population of the Ummah places the attitude of rejecting offspring without shari'i reasons as something contrary to the principle of *maqashid hifz an-nasl*, which according to Shaykh Yusuf Al-Qaradhawi is not only concerned with the personal interests of married couples, but also about the sustainability and benefit of the ummah collectively in various generations. The author concludes that the legal status of childfree without shari'i reasons is within the range of *makruh tahrim*. However, it is important to remember that the *wasathiyah* (moderate) character of Shaykh Yusuf Al-Qaradhawi's methodology makes him always avoid giving haram judgments in a hurry on issues that do not have *nash qath'i* that explicitly prohibits it.

Third, regarding the relationship between a woman's career and the decision not to have children, the author states that these two topics, within the framework of Shaykh Yusuf Al-Qaradhawi's thought, are not designed to replace or negate each other. Shaykh Yusuf Al-Qaradhawi clearly allows women to have a career and participate in public life, even to take on leadership roles, as long as the work is in accordance with the sharia, does not conflict with moral values, and which is the main condition of not neglecting their primary obligations to husband and children. Therefore, in his view, the existence of a career is conditional and functional, not as a right separate from domestic and reproductive responsibilities.

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