

**CHILDFREE IN THE PERSPECTIVE OF  
ABU HAMID AL-GHAZALI AND NUR ROFIAH**

**UNDERGRADUATE THESIS**

**By:  
Melinda Aprilyanti  
18210135**



**ISLAMIC FAMILY LAW DEPARTMENT  
SYARI'AH FACULTY  
STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM  
MALANG  
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MALANG  
2022**

## STATEMENT OF THE AUTENTICITY

In the name of Allah SWT,

With consciousness and responsibility toward the development of science, the writer declares that thesis entitled:

### CHIDFREE IN THE PERSPECTIVE OF ABU HAMID AL-GHAZALI AND NUR ROFIAH

Is truly writer's original work which can be legally justified. If this thesis is proven result of duplication or plagiarism from another scientific work, it as precondition of degree will be stated legally invalid.

Malang, 4<sup>th</sup> of April 2022  
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## APPROVAL SHEET

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








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1	Nov, 8 <sup>th</sup> 2021	Thesis Proposal	
2	Nov, 18 <sup>th</sup> 2021	Revision of Thesis Proposal	
3	Dec, 2 <sup>nd</sup> 2021	Thesis Proposal Approval	
4	Feb, 3 <sup>rd</sup> 2022	Chapter I, Chapter II	
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7	March, 11 <sup>th</sup> 2022	Revision of Chapter III, Chapter IV	
8	March, 21 <sup>st</sup> 2022	Chapter III Approval, Revision of Chapter IV	
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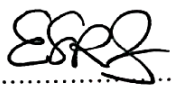
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## PENGESAHAN SKRIPSI

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Malang, 19 Mei 2022

Scan Untuk Verifikasi



## MOTTO

مَنْ عَمِلَ صَالِحًا مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاتًا طَيِّبَةًۭ وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ

بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

*“Whoever does righteousness, whether male or female, while he is a believer –  
We will surely cause him to live a good life, and We will surely give them their  
reward [in the Hereafter] according to the best of what they used to do”*

(An-Nahl [16] : 97)

## ACKNOWLEDGMENT

All praises are due to Allah SWT who has given His grace and guidance to the author so that the author can complete this thesis properly entitled “Childfree in The Perspective of Abu Hamid Al-Ghazali and Nur Rofiah”. Peace be upon the Prophet Muhammad SAW who had brought us from the darkness into the brightness in this life. May we be together with those who believe and receive intercession from Him on the Day of Judgment. Amin.

With all support and help, discussions, advice, guidance and helps of service from all parties involved during the process of completing this thesis, the author will express the gratitude which is unequalled to:

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7. Dr. Nur Rofiah, Bil. Uzm. and *Lingkar Ngaji KGI* Team for their dedication in providing a learning forum and sharing knowledge about gender, humanity and Islam.
8. All of my family, they are Khoiril Metrime Firmansyah, Sri Ageng Sukowati and Feplin Trifia Agustin who always give love and inspiration.
9. My beloved friends, especially Chadziqotil Fikriya, Sabrina Rezky Metiana, members of the Islamic Family Law Department in International Class Program (ICP) 2018 and Rifki Hirzumaula Muhammad who introduced me to *Lingkar Ngaji KGI*.
10. Member of *Bani Supoj* Dormitory, as my comrades in arms and my consolation during the thesis, they are Dela Puspita, Nibrosul Millah, Fathin Aqidatus Zahro, and Siti Hidayati Rosidha.

Hopefully, all the knowledge which had been learned during the study in Syariah Faculty of State Islamic University Maulana Malik Ibrahim Malang can provide the benefits of living in the world and the hereafter. The author realized that this thesis is far from perfection. The author hopes for all kinds of suggestions, pieces of advice and constructive criticism from all parties so this thesis can be a better improvement.

Malang, 21<sup>th</sup> of March 2022

Author,

A handwritten signature in blue ink, appearing to be 'Melinda Aprilyanti', written in a cursive style.

Melinda Aprilyanti  
18210135

## TRANSLITERATION GUIDANCE

### A. General

Transliteration is the transfer of Arabic script into Indonesian (Latin) writing, not Arabic translation into Indonesian. Included in this category are Arabic names from Arabs, while Arabic names from nations other than Arabic are written as the spelling of the national language, or as written in the reference book. Writing the title of the book in the footnote and bibliography, still use the provisions of this transliteration

### B. Consonant

Arab	Latin	Arab	Latin
ا	A	ط	Th
ب	B	ظ	Zh
ت	T	ع	‘
ث	Ts	غ	Gh
ج	J	ف	F
ح	H	ق	Q
خ	Kh	ك	K
د	D	ل	L
ذ	Dz	م	M
ر	R	ن	N
ز	Z	و	W
س	S	ه	H
ش	Sy	ء	‘
ص	Sh	ي	Y
ض	DI		

Hamzah (ء) which is often symbolized by alif, if it is located at the beginning of a word, then in its transliteration follows the vowel, it is not symbolized, but if it is located in the middle or end of a word, it is symbolized by the comma above (‘), turning around with a comma (‘) to substitute for the “ع” symbol.

### C. Vocal, long-pronounce and diphthong

Every Arabic writing in the form of Latin fathah vowels is written with “a”, kasrah with “i”, dlommah with “u”, while long readings are each written in the following way;

Vocal *fathah* =a

Vocal *kasrah* =i

Vocal *dlommah* =u

While long readings are each written in the following way;

Long-vocal (a) = Â e.g. â قال become Qâla

Long-vocal (i) = Î e.g. î قيل become Qîla

Long-vocal (u) = Û e.g. û دون become Dûna

Specifically for reading ya’ nisbat, it should not be replaced with “i” but it should still be written by “iy” to describe the ya’ nisbat at the end. Likewise for the diphthong, wawu and ya’ after fathah is written with “aw” and “ay”. Look at the following example:

Diphthong (aw) = نو e.g. قول become Qawlun

Diphthong (ay) = ني e.g. خير become Khayrun

#### D. Ta' marbutah (ة)

Ta' marbûthah translated as “t” in the middle of word, but if Ta' marbûthah at the end of word, it is translated as “h” e.g. الرسالة المدرسة become *alrisalat li al-mudarrisah*, or in the standing among two words that in the form of *mudhaf* and *mudla ilaih*, it transliterated as t and connected to the next word, e.g. الله يرحمة become *fi rahmatillâh*.

#### E. Auxiliary Verb and Lafadh al-Jalâlah

Auxiliary verb “al” (ال) written with lowercase form, except if it is located in the position and “al” in lafadh al-Jalâlah which is located in the middle of two or being or become *idhafah*, it removes from writing.

- a. Al-Imâm al-Bukhâriy said...
- b. Al-Bukhâriy in muqaddimah of his book said...
- c. *Masyâ Allah kâna wa mâ lam yasya ‘ lam yakun..*
- d. *Billâh ‘azza wa jalla..*

#### F. Name and Indonesianized Arabic Word

In principle, every word that comes from Arabic must be written using a transliteration system. If the word is an Indonesian Arabic name or an

Indonesianized Arabic language, it does not need to be written using a transliteration system. Consider the following example:

“... Abdurrahman Wahid, the former Indonesian President, and Amin Rais, former Chair of the MPR at the same time, have made an agreement to eradicate nepotism, collusion and corruption from the face of Indonesian earth, one way through intensifying prayers in various government offices, but ...”

Look at the writing of the name “Abdurrahman Wahid”, “Amin Rais” and the word “salat” written using Indonesian language procedures that are tailored to the writing of his name. Even if these words come from Arabic, they are Indonesian names and are Indonesianized, therefore they are not written by “Abd al-Rahman Wahid”, “Amîn Raîs”, and not written with “shalat”.

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## ABSTRAK

Aprilyanti, Melinda. 18210135. “**Childfree Dalam Perspektif Imam Abu Hamid Al-Ghazali dan Nur Rofiah**”. Skripsi. Jurusan Hukum Keluarga Islam. Fakultas Syariah. Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pemimbing: Erik Sabti Rahmawati, MA., M.Ag.

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**Kata Kunci:** *Childfree*; Pernikahan; Hak Reproduksi Perempuan.

*Childfree* adalah sebuah pilihan hidup untuk tidak memiliki anak, setelah atau sebelum menikah, baik itu anak kandung, anak tiri, ataupun anak angkat. Menurut Rachel Chrastil, professor sejarah di Universitas Xavier, kondisi tidak memiliki anak sama sekali (secara alami/ pilihan) telah ada sejak berabad-abad lalu. Dalam sejarah Islam, seseorang yang memilih untuk tidak memiliki anak juga ada sejak zaman jahiliyyah, hingga kemudian menjadi sebab turunnya ayat tentang keutamaan menikah (Ar-Rum [30]:21), memiliki anak (An-Nahl [16]:72), dan jaminan rezeki dari Allah (An-Nur [24]:32).

Penelitian ini merupakan jenis penelitian normatif atau biasa disebut dengan penelitian kepustakaan (*Library Research*) yang dilakukan dengan cara menelusuri, mencari, dan menelaah bahan berupa buku, jurnal, undang-undang dan sumber lainnya yang berkaitan dengan tema *childfree* terutama dalam pandangan Abu Hamid al-Ghazali (Al-Ghazali) dan Nur Rofiah dengan menggunakan pendekatan komparatif.

Hasil penelitian menunjukkan bahwa al-Ghazali tidak membahas *childfree* secara spesifik, namun pernyataan tentang memiliki anak sebagai tujuan utama pernikahan, penulis menyimpulkan keputusan *childfree* adalah meninggalkan keutamaan (*tarkul afdhal*), apabila untuk bersenang-senang hukumnya *makruh*. Di sisi lain, menurut Nur Rofiah *childfree* diperbolehkan (*mubah*), tetapi harus berdasarkan alasan yang bijak dan persetujuan kedua belah pihak (*tarodhin*). Nur Rofiah menekankan bahwa menjadi *childfree* tidak menghilangkan tanggung jawab sosial seseorang kepada anak-anak terlantar. Baik al-Ghazali maupun Nur Rofiah sama-sama menjelaskan keutamaan hingga masalah memiliki anak dan tidak menganggap *childfree* sebagai sesuatu yang haram. Suami istri harus saling memenuhi hak pasangannya untuk mendapatkan ketenangan jiwa. Perbedaannya, al-Ghazali sebagai ulama klasik menjelaskan menyatakan tujuan pernikahan adalah memiliki keturunan, sedangkan menurut Nur Rofiah tujuan pernikahan adalah untuk menemukan ketenangan, kasih sayang dan rahmat. Sebagai pihak yang akan mengalami dampak panjang dari kehamilan, keputusan wanita cenderung lebih mempengaruhi keputusan untuk *childfree* atau tidak. Al-Ghazali menjadikan hadits Rasulullah yang menyeru sahabat untuk menikah dan berketurunan serta memilih wanita yang pengasih dan subur sebagai dasar pentingnya keberadaan anak, berbeda dengan Nur Rofiah yang menyatakan bahwa tujuan pernikahan telah disampaikan dalam surah Ar-Rum [30]: 21. Selain untuk menciptakan ketenangan jiwa sebagai pasangan, pernikahan juga untuk berusaha bersama menciptakan dunia yang lebih baik sebagai *khalifah fi al-ardh*.

## ABSTRACT

Aprilyanti, Melinda. 18210135. “**Childfree in the Perspective of Abu Hamid Al-Ghazali and Nur Rofiah**”. Undergraduate Thesis. Islamic Family Law Department. Faculty of Shariah. State Islamic University Maulana Malik Ibrahim Malang. Supervisor: Erik Sabti Rahmawati, MA., M.Ag.

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**Keywords:** Childfree; Marriage; Women Reproductive Right.

Childfree is a life decision of a person or couple for not having children, before or after marriage, be it biological children, stepchildren, or adopted children. According to Rachel Chrastil, a professor of history at Xavier University, the condition of childlessness, whether by nature or choice has been made by women for centuries. In the history of Islam, someone who chooses not to have children has existed since the time of *Jahiliyyah*. It became the cause of the revelation of the verse about the virtues of getting married (Ar-Rum [30]: 21), having children (An-Nahl [16]: 72), and guaranteed sustenance from Allah (An-Nur [24]: 32).

The type of this research is normative legal research, commonly referred to as library research by tracing, searching, and examining materials in the various books, journals, and other sources related to the childfree especially in the view of Abu Hamid al-Ghazali (al-Ghazali) and Nur Rofiah by using a comparative approach.

The results show that al-Ghazali didn't discuss childfree specifically, but looking at al-Ghazali's statement about the main purpose of marriage is having children, the author concludes the decision to be childfree is leaving virtues (*tarkul afdhal*), and if it was chosen because of selfishness or for having fun, childfree is *makruh*. On the other hand, according to Nur Rofiah being childfree is permissible (*mubah*), but it must be based on wise reason and approved by both parties (*tarodhin*). She emphasizes that being childfree does not eliminate the social responsibilities of neglected children. Both al-Ghazali and Nur Rofiah explain the virtues and problems of having children and do not consider childfree as something forbidden (*haram*). Husband and wife must fulfill the rights of their partners to get peace of soul. The difference is, al-Ghazali, a classical Islamic scholar discusses the main purpose of marriage is to have children, while Nur Rofiah, a contemporary Islamic female scholar emphasized that Allah the main purpose of marriage is to find tranquillity, affection and mercy. As person who will get the long impact of pregnancy, the women's intentions tend to have more influence over the decision to be childfree or have children. The basis of al-Ghazali's perspective is the hadith of *Rasulullah*, which calls on his friends to get married and have children, and his recommendation to marry a loving and fertile woman. Unlike Nur Rofiah, she discusses that the main purpose of marriage is written in Surah Ar-Rum [30]: 21. Besides creating peace of mind as a couple, marriage is for making a better world together as *Khalifah fi al-ardh*.

## ملخص البحث

أبريلياتي، ميليندا، ١٨٢١٠١٣٥، ٢٠٢٢. التحرر من الأطفال (*Childfree*) من وجهة نظر الإمام أبو حامد الغزالي ونور ربيعة. المقالة. قسم الأحوال الشخصية، كلية الشريعة، الجامعة

مولانا مالك إبراهيم مالالنج. المرشدة: إيريك سبتي رحموتي، MA., M.Ag.

الكلمات المفتاحية: التحرر من الأطفال، النكاح، حقوق المرأة الإنجابية

يعد *childfree* خيارًا للحياة لعدم إنجاب الأطفال، بعد الزواج أو قبله، سواء أكان ذلك أطفالًا بيولوجيين أو أطفال غير متزوجين أو أطفال متبنين. وفقًا لراشيل كراستيل، أستاذة التاريخ في جامعة كزافييه، فإن حالة عدم إنجاب الأطفال على الإطلاق (بحكم الطبيعة / الاختيار) موجودة منذ قرون. في التاريخ الإسلامي، كان من يختار عدم الإنجاب موجودًا أيضًا منذ أيام الجهل، ذلك أصبح سبب نزول الآية عن فضائل الزواج (الروم [٣٠]: ٢١)، إذ الأبناء (النحل [١٦]: ٧٢)، وقوتهم مضمون من الله (النور [٢٤]: ٣٢).

هذا البحث هو نوع من البحث المعياري أو يشار إليه عمومًا باسم بحث المكتبة والذي يتم إجراؤه عن طريق تتبع المواد والبحث فيها ومراجعتها في شكل كتب ومجلات وقوانين ومصادر أخرى تتعلق بالموضوع الخالي من الأطفال (*childfree*)، لا سيما في وجهة نظر الإمام الغزالي ونور ربيعة باستخدام منهج مقارن.

نتيجة هذا البحث أن الإمام الغزالي لم يناقش مسألة *childfree* على وجه التحديد. لكن بالنظر إلى تصريح الإمام الغزالي والبيان حول إنجاب الأطفال كهدف رئيسي للزواج، خلص المؤلف إلى أن قرار عدم وجود أطفال كان ترك الأفضل، مكره إذا كان مجرد التسلية. من ناحية أخرى، ناقشت نور ربيعة إن الخلو من الأطفال مسموح به، ولكن يجب أن يكون على أساس أسباب حكيمة واتفق الطرفين. أكدت نور ربيعة أن عدم وجود أطفال لا يلغي المسؤولية الاجتماعية للفرد تجاه الأطفال المهملين. أوضح كل من الغزالي ونور ربيعة فضائل ومشاكل إنجاب الأطفال لا يعتبر *childfree* حرام. يجب على الزوج الوفاء بحقوق بعضهما البعض للحصول على السكينة. الفرق هو أوضح الغزالي كعالم كلاسيكي أن الغرض من الزواج هو إنجاب الأطفال، في حين أن الهدف من الزواج وفقًا لنور ربيعة هو إيجاد السلام والمحبة والرحمة. تميل قرارات المرأة إلى التأثير على القرار أكثر لأنها ستختبر التأثير الطويل للحمل. بحسب الغزالي، فإن وجود الأبناء كهدف أساسي للزواج هو حديث الرسول الذي دعا أصحابه إلى الزواج والإنجاب وتوصيته بالزواج من الودود والولود لإنجاب الكثير من الأطفال. على عكس نور روفيا الذي يناقش أن الغرض الأساسي من الزواج مكتوب في سورة الروم [٣٠]: ٢١ التي تنص على أن الله قد أمر الزواج ليجد السلام والمحبة والرحمة ليجعل العالم أفضل مثل خليفة في الأرض.

## CHAPTER I

### INTRODUCTION

#### A. Research Background

Marriage is highly valued and regarded as being half of one's faith in Islam. For Muslims, marriage is part of Rasulullah's Sunnah. It was created by Allah to provide a foundation for family life and the whole of society.

Narrated from Aishah:

حَدَّثَنَا أَحْمَدُ بْنُ الْأَزْهَرِ، حَدَّثَنَا آدَمُ، حَدَّثَنَا عَيْسَى بْنُ مَيْمُونٍ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ،  
قَالَتْ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - " النِّكَاحُ مِنْ سُنَّتِي فَمَنْ لَمْ يَعْمَلْ بِسُنَّتِي  
فَلَيْسَ مِنِّي وَتَزَوَّجُوا فَإِنِّي مُكَاتِرٌ بِكُمْ الْأُمَمَ وَمَنْ كَانَ ذَا طَوْلٍ فَلْيَنْكِحْ وَمَنْ لَمْ يَجِدْ فَعَلَيْهِ  
بِالصِّيَامِ فَإِنَّ الصَّوْمَ لَهُ وَجَاءٌ " .

*The Messenger of Allah said: "Marriage is part of my sunnah, and whoever does not follow my sunnah has nothing to do with me. Get married, for I will boast of your great numbers before the nations. Whoever has the means, let him get married, and whoever does not, then he should fast for it will diminish his desire."*<sup>1</sup>

In the book *Ihya' 'Ulum ad-Din*, Abu Hamid al-Ghazali (al-Ghazali) argues that marriage assists the belief (*deen*) therefore it was an important issue that is connected with the afterlife. There are also advantages of marriage in the chapter Manners of Marriage, among them are having children and descendants, satisfying the sexual desire (*shahwah*) through lawful sexual intercourse, comforting the tired soul by the companionship of

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<sup>1</sup> The Chapters on Marriage, *Chapter: What was narrated concerning the virtue of marriage.* Sunan Ibn Majah 1846, vol 2 book 9, Hadith 2 <https://sunnah.com/ibnmajah:1846>, Sept 28 2021

wife, multiplying family, and doing a virtuous deed by maintaining his family.<sup>2</sup> Allah tells us in the Qur'an.

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ۗ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

*And of His signs is that He created for you from yourselves mates that you may find tranquillity in them, and He placed between you affection and mercy. Indeed that are signs for people who give thought (Ar-Rum [30]: 21)<sup>3</sup>*

According to this verse, Allah created creatures in pairs to create peace of mind and love between husband and wife. Allah also gave instructions to the prophet Noah to bring animals in pairs. It means that pairing is the nature of all creatures, especially for the human to ensure the sustainability of offspring as vicegerents on earth, make the family the basis for building a safe, healthy society and a favorable environment for children's growth.

Having children are new responsibility and parents should raise them in the Muslim faith to be a righteous generation and their prayers will be a reward for parents in the life after.<sup>4</sup> From Abu Hurairah ra in a hadith narrated by Muslim, the Messenger of Allah (SAW) said:

<sup>2</sup> Al-Ghazali, *Mutiara Ihya' Ulumuddin* (Jakarta: PT. Mizan Pustaka, 2014), 142.

<sup>3</sup> Shahih International, <https://www.alquranenglish.com/quran-surah-ar-rum-21-qs-30-21-in-arabic-and-english-translation#Sahih-International>

<sup>4</sup> Ummu Shofi, *Kiat-kiat Mendidik Anak Ala Rasulullah Agar Cahaya Mahta Makin Bersinar* (Surakarta: Afra, 2007), 66.

*“When a person dies, all their deeds end except three: a continuing charity, beneficial knowledge and a child who prays for them,”*  
(Hadith, Muslim).

But behind many virtues of children, there are some people who choose to live without children, commonly called ‘voluntary childlessness’ or ‘childfree’.

For several decades now, the term childfree become a topic of conversation among various levels of society. Collins dictionary stated that childfree is a condition where a person does not have any children/ childless, especially by choice.<sup>5</sup> Cambridge dictionary mentions childfree is a term used to refer to people who choose not to have children, or a place or situation without children.<sup>6</sup>

Childfree is not a new concept. According to Rachel Chrastil, a professor of history at Xavier University, the condition of childlessness, whether by nature or choice has been made by women for centuries.<sup>7</sup> As stated by Adi Hidayat,<sup>8</sup> someone who chooses not to have children has existed since the

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<sup>5</sup> Collins Dictionary “Childfree”, <https://www.collinsdictionary.com/dictionary/english/childfree> accessed May 1, 2022

<sup>6</sup> Cambridge Dictionary “Definition of Childfree”. <https://dictionary.cambridge.org/dictionary/english/child-free> Accessed October, 15 2021

<sup>7</sup> Rachel Chrastil, “Not Having Kids is Nothing New. What Centuries of History Tell Us about Childlessness Today,” *The Washington Post*, September 5, 2019, accessed August 31 2021 <https://www.washingtonpost.com/outlook/2019/09/05/not-having-kids-is-nothing-new-what-centuries-history-tell-us-about-childlessness-today/>

<sup>8</sup> An Islamic scholar from Indonesia, a writer who has several works in Arabic and Indonesian, founder of Quantum Akhyar Institute, a foundation engaged in Islamic studies and the development of da'wah which has several outstanding programs: *Sekolah Terbuka* UAH, *Kaderisasi* Ulama, At-Taisir Learning Center (TFT program, Berbaq Program, Professional Class Program), Umrah and Tours and scholarships

time of *Jahiliyyah*.<sup>9</sup> It became the cause of the revelation of the verse about the virtues of getting married (Ar-Rum [30]: 21), having children (An-Nahl [16]: 72), and guaranteed sustenance from Allah (An-Nur [24]: 32).

By 2020, the world's population is growing at a rate of about 1.05% per year (down from 1.08% in 2019, 1.10% in 2018, and 1.12% in 2017). The annual growth rate peaked in the late 1960s when it was around 2%. The rate of increase has nearly halved since then and continues to decline in the years. Therefore, the world population will continue to grow in the 21st century, but at a much slower rate compared to the past. The world population has doubled (100% increase) in 40 years from 1959 (3 billion) to 1999 (6 billion). It is now estimated that it will take almost 40 years to increase by another 50% to 9 billion by 2037.<sup>1</sup> And this is also one of the reasons why some people choose to live without children.

Based on data from the World's Highest Childlessness Levels in East Asia written by Tomas Sobotka, over the past 3 decades, East Asia's most economically developed countries have experienced high childlessness rates (being childfree in their marriage until deciding to be single). In Singapore, 28% of women born from 1975 to 1980 were childless at the time of the 2020 census. Japan experienced a steady increase in childlessness among women born in the early 1950s until 1974–1976 when its level peaked at 28%. Childlessness is still higher in Hong Kong, where it peaked at 35% among

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<sup>9</sup> Adi Hidayat, “[Klik Adi] UAH Bicara Tentang Childfree - Ustadz Adi Hidayat”, *Adi Hidayat Official* <https://www.youtube.com/watch?v=HNgoRAPqSHc&t=10s> Aug 27, 2021

<sup>1</sup> Worldometer, <https://www.worldometers.info/world-population/>

women born in 1971, and then start to fall, reaching 30% among those born in 1979.<sup>1</sup>

The childfree phenomenon began to be discussed by the general public and caused many pros and cons. Based on data released by the World Bank, The decline in the rate of growth also occurred in Indonesia. According to the population census issued by BPS (Central Bureau of Statistics), the population growth rate in 2010-2020 shows a 1.25% decline from the previous period in 2000-2010 which was 1.49%.<sup>1</sup> The population in 1971 was only 119.21 million, then in 1990 it was 179.38 million, and in 2020 it was 270.20 million,<sup>1</sup> an increase of 32.57 million compared to the 2010 population census.

In the book *Childfree and Happy*, Victoria Tunggono said there are many reasons for being childfree, such as financial and mental concerns, career, hobby, physical capacity, philosophical objections and environmental reasons. What they most agree is, for them children are not an important part in achieving happiness in life.<sup>1</sup>

Although childfree can be the choice of men or women, but as people who have the ability to get pregnant and childbirth women get more negative views in society.<sup>1</sup> According to Professor of Sociology Universitas

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<sup>1</sup> Tomas Sobotka, "World's Highest Childlessness Levels in East Asia," *Ined*, no. 595 (2021) : 1 <https://doi.org/10.3917/popsoc.595.0001>

<sup>1</sup> Badan Pusat Statistik, <sup>2</sup> <https://www.bps.go.id/pressrelease/2021/01/21/1854/hasil-sensus-penduduk-2020.html>

<sup>1</sup> Badan Pusat Statistik, <sup>3</sup> <https://www.bps.go.id/pressrelease/2021/01/21/1854/hasil-sensus-penduduk-2020.html>

<sup>1</sup> Victoria Tunggono, *Childfree & Happy* (Yogyakarta: EA Books, 2021), 21.

<sup>1</sup> Shelvy Susanti, Nurchayati<sup>5</sup> "Menikah Tanpa Keturunan: Masalah Psikologis yang Dialami Perempuan Menikah Tanpa Anak dan Strategi Coping dalam Mengatasinya," *Character : Jurnal*

Airlangga (UNAIR) Bagong Suryanto, the reasons for childfree which come from women is because the indicators of women's social status and existence are changing with time, from what used to be seen from the domestic sphere (how many children they could bear), now based on the public sector (their success in pursuing a career, achievements and other new indicators).<sup>1</sup>

The 1945 Constitution of the Republic of Indonesia has guaranteed the freedom of a person to express his thoughts and attitudes in accordance with his conscience as stated in Article 28 E paragraph 2:

*“Every person shall have the right to the freedom to believe his/her faith, and to express his/her views and thoughts, in accordance with his/her conscience.”<sup>1</sup>*

Indonesia also regulated that everyone has the authority to use their rights to make the decision of marrying and being a parent. Having children is not an obligation.

*“Every person shall have the right to establish a family and to procreate based upon lawful marriage.”* Article 28B paragraph 1 UUD 1945.

But, as a country with a Muslim majority society, this phenomenon leads to some pros and cons. Because there are so many virtues of mothers mentioned in the Quran and hadith and many advantages of raising Muslim's

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*Penelitian Psikologi*, vol 06, no 01 (2019), 9-10  
<https://ejournal.unesa.ac.id/index.php/character/article/view/27773>

<sup>1</sup> Bagong Suryanto, “Profesor Bagong views childfree phenomenon as a new women development”, *Universitas Airlangga*, August 31 2021, accessed Sept, 6 2021, <http://news.unair.ac.id/2021/08/26/prof-bagong-nilai-fenomena-childfree-sebagai-perkembangan-baru-perempuan/>

<sup>1</sup> The 1945 Cõnstitution of the Republic of Indonesia, <https://jdih.bapeten.go.id/unggah/dokumen/peraturan/116-full.pdf>

children or raising the children to be Muslim. Mother has a significant role and she is described as an exemplary figure, the first school and the pillar of the state (*'imadu al-bilad*) in Islam.<sup>1</sup>

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It's the reason why most Indonesian with their local culture and social construction do not accept this concept. Being childfree is contrary to the human untainted nature (*fitrah al-salimah*) to ensure the sustainability of offspring as vicegerents on earth, one of them is to teach children's spirituality and character into self-disciplined, good character and independent adults.<sup>1</sup> This is also against<sup>9</sup> the purpose of marriage in procreating future generations who can realize goodness for country and religion.

The decision to be childfree raises a negative stigma from society. It is considered as a movement against the nature of women who has a womb to get pregnant and birth. This happened because Indonesian society requires someone who has entered adulthood to get married and have children immediately. Many couples get pressured if they have not been blessed with children, especially when they decide not to have children.<sup>2</sup>

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Indeed, the decision to not have children is contrary to the main purpose of marriage in al-Ghazali's perspective. However, there are some differences of opinion about childfree. According to Nur Rofiah, the contemporary

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<sup>1</sup> Wikan Galuh Widyarto dkk., *Mengambil Hikmah dari Cerita Penuh Inspiratif* (Magelang: Penerbit Pustaka Rumah C1nta, tt), 171.

<sup>1</sup> Faizal Kurniawan, *Keluarga dan Budaya dalam Tinjauan Sosiologis* (Jakarta, G4 Publishing, 2020), 15.

<sup>2</sup> Uswatul Khasanah, M. Rosyid Ridho "Childfree Perspektif Hak Reproduksi Perempuan dalam Islam", *e-Journal Al-Syakhsyiyah Journal of Law and Family Studies*, vol. 3 no. 2 (2021), 106 10.21154/syakhsyiyah.v3i2.3454

Islamic female scholar and Indonesian women's rights activist in her forum *Lingkar Ngaji KGI (Kesetaraan Gender Islam)* Islamic Gender Justice entitled "Childfree dan Childcare Perspektif Islam", the most crucial thing is, for men and women, married or single, childfree or not, they have an inherent mandate as vicegerents on earth (*Khalifah fi al-ardh*) who have to realize the broadest goodness on earth, provides the common good, both inside and outside the home.<sup>2</sup>

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Nur Rofiah as the women's rights activist conveys her thought through various considerations of goodness through 'the Lens of Substantive Justice', the perspective that consciously integrates the five biological experiences of women to be considered (menstruation, pregnancy, giving birth, puerperal, and breastfeeding) so as not to get sicker and the five social experiences (stigmatization, marginalization, subordination, violence, and double burden) so that they don't happen at all which has a goal to make a better life for men and women.<sup>2</sup>

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Deciding to be single and childfree seems leaves the prophet's advice to umah for marry and have many children. But, this is also related to women's reproductive rights as someone who will do and experience a long process of pregnancy and childbirth, as in the Quran (Al-Ahqaf [46]: 15) called it by pain (*adza*), fatigue (*kurhan*), also great pain and fatigue (*wahnin 'ala wahnin*). From these findings, the author is interested and feels it is important

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<sup>2</sup> Nur Rofiah, *Nalar Kritis Muslimah* (Bandung: Afkaruna, 2020), 40 & 189, and Nur Rofiah, "Childfree dan Childcare Perspektif Islam", Webinar Lingkar Ngaji KGI (Keadilan Gender Islam). Zoom Meeting: August 27 2021

<sup>2</sup> Ngaji\_KGI, "Hamil, Persalinan, dan Nifas Perspektif Islam", August 12 2021 <https://www.instagram.com/p/CKjROIYACYq/>

to conduct the research on the concept of 'purpose of marriage' to get the perspective on childfree of the two scholars. Therefore, in this research, the researcher identifies childfree in the view of al-Ghazali in his book *Ihya' Ulum ad-Din* and Nur Rofiah based on her perspective 'The Lens of Substantive Justice', examines the similarities and the differences between them, and analyze the basis of their perspective on childfree.

## **B. Statement of Problem**

To clarify the direction of the discussion, the author formulates the main problems:

1. How do Abu Hamid al-Ghazali and Nur Rofiah view childfree as a life choice?
2. What are the similarities and the differences between Abu Hamid al-Ghazali and Nur Rofiah's perspectives on childfree?
3. What is the basis of Abu Hamid al-Ghazali and Nur Rofiah's perspective on childfree?

## **C. Objective of Research**

The aims of this research are:

1. To identify the perspective of Abu Hamid al-Ghazali and Nur Rofiah on childfree
2. To examine the similarities and the differences between Abu Hamid al-Ghazali and Nur Rofiah's perspective on childfree

3. To analyze the basis of Abu Hamid al-Ghazali and Nur Rofiah's perspective on childfree

#### **D. Benefit of Research**

##### 1. The Theoretical Benefit

- a. This research can contribute to adding knowledge and academic insight that are useful for developing the field of Islamic Family Law studies, primarily related to childfree as a way of life.
- b. This research is hoped that it can provide any information and understanding to all parties regarding how Abu Hamid al-Ghazali as a classical Islamic scholar and Nur Rofiah as one of the contemporary Islamic female scholars respond to the concept of childfree as a life choice.

##### 2. The Practical Benefit

This research can be a reference for families who want to decide to have children or be childfree in the married life for the sake of creating a *sakinah* (peace of the soul), *mawaddah* (affection), and *rahmah* (compassion) family.

#### **E. Operational Definition**

The title of this undergraduate thesis is "Childfree in the Perspective of Abu Hamid al-Ghazali and Nur Rofiah". To avoid misunderstandings in understanding the title of this research, several terms need to be explained in more detail:

### 1. Childfree

In the Cambridge dictionary, childfree is a term that refers to people who choose not to have children, or a place or situation without children.<sup>2</sup> Childfree can also define as the decision of a person or a couple who chooses to not have children, before or after marriage, be it biological children, stepchildren, or adopted children.

### 2. Abu Hamid al-Ghazali

Abu Hamid al-Ghazali, known as al-Ghazali is one of the most prominent clerics, an Islamic expert who masters several disciplines (philosophers, theologians, jurists, and mystics) of Sunni Islam.<sup>2</sup>

### 3. Nur Rofiah

Nur Rofiah is a lecturer of Quranic Studies at the Graduate and Post-graduate Programme of *Perguruan Tinggi Ilmu Al-Quran (PTIQ)*, gender activists, researchers, writers and academics. She is also the founder of *Lingkar Ngaji KGI* and active as a speaker in seminars related to feminist, gender and child issues.<sup>2</sup>

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## F. Method of Research

To achieve optimal research objectives, research is done by collecting data objectively with clear procedures. The methods used in research must be

<sup>2</sup> Cambridge Dictionary <sup>3</sup> “Definition of Childfree”. <https://dictionary.cambridge.org/dictionary/english/child-free> accessed October, 15 2021

<sup>2</sup> Stanford Encyclopedia of Philosophy, “Al-Ghazali”, May, 8 2020, access 19 Feb 2022 <https://plato.stanford.edu/entries/al-ghazali/>

<sup>2</sup> Fachrul Misbahudin, “Qirâ’ah Mubadalah Sebagai Tafsir Keadilan Untuk Kemaslahatan Manusia”, Mubadalah Team Interview with Nur Rofiah-*Mubadalah.id*, April 2 2019, access Feb, 19 2022, <https://mubadalah.id/qiraah-mubadalah-sebagai-tafsir-keadilan-untuk-kemaslahatan-manusia/>

appropriate and can be scientifically justified. The things that need to be explained related to the research methods used in this study are as follows:

### 1. Type of Research

Based on the description of the problem from the author, this research is normative legal research. It was conducted by examining library research. The object of this research study consists of books, notes, and reports on research results from previous researchers<sup>2</sup> about Abu Hamid al-Ghazali and Nur Rofiah's perspectives, especially the issue of the purpose of marriage and the existence of children in the family.

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### 2. Research Approach

This research uses a comparative approach, it was done by examining the law by comparing the main purpose of marriage from the perspective of Abu Hamid al-Ghazali as a classical Islamic scholar and Nur Rofiah as a contemporary Islamic female scholar to get their response on childfree issues. The analysis technique used is qualitative so that the data required does not require samples and population data.

### 3. Law Material

The type of data that can be used in normative legal research is secondary data, consisting of primary legal materials and secondary legal materials. According to Peter Mahmud Marzuki, primary legal materials

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<sup>2</sup> Mahmud, *Metode Penelitian<sup>6</sup>Pendidikan* (Bandung: CV Pustaka Setia, 2011), 31.

are legal materials authoritative and secondary legal materials are legal materials that can explain primary legal materials.<sup>2</sup>

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The following sources of legal materials were used:

a. Primary Legal Materials

- 1) *Ihya' 'Ulum ad-Din* (Revival of Religious Sciences) by Abu Hamid al-Ghazali
- 2) *Nalar Kritis Muslimah* by Nur Rofiah
- 3) The material from KGI (*Keadilan Gender Islam*) Islamic Gender Justice webinar with the theme "Childfree dan Childcare Perspektif Islam"

b. Secondary Legal Materials

- 1) Childfree & Happy by Victoria Tunggono
- 2) Books, interpretation scripts and journals that discuss about the purpose of marriage and the existence of children in Islam

4. Law Material Collection

To get the concept of childfree the data collection to be used is the study of documents (library materials), by observing the data from library variables such as transcripts, books, journals, and so on related to the purpose of marriage, especially in the perspective of al-Ghazali and Nur Rofiah. The author also collects various data from *Lingkar Ngaji KGI* (*Keadilan Gender Islam*) Islamic Gender Justice.

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<sup>2</sup> Soerjono Suekanto, dan Sri<sup>7</sup> Mamudi, *Penelitian Hukum Normative Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2003), 23.

## 5. Analysis of Law

In processing legal materials in this study, the researcher must examine several sources and attend various webinars related to the study of the childfree issue. The techniques used here are:

### a. Content Analysis

Content analysis is a technique used to draw conclusions through efforts to bring out the characteristics of messages that are carried out objectively and systematically.<sup>2</sup> With this method, a result or understanding of the message content of the two scholars will be obtained objectively, systematically, and sociologically relevant. After all the data has been collected, then the data is then compiled using the following methods: First, the deductive method is used when analyzing general data, to draw specific conclusions. Second, the inductive method is used when illustrating specific data, analyzing it and drawing general conclusions.<sup>2</sup> This method is used to analyze the opinion of Abu Hamid al-Ghazali and Nur Rofiah regarding childfree.

### b. Comparative

The comparative technique is an analytical method which is done by examining certain factors related to the situation and phenomenon which investigated and comparing one factor with

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<sup>2</sup> Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 2016), 220.

<sup>2</sup> Sujono dan Abdurrahman, *Metodologi Penelitian, Suatu Pemikiran dan Penerapan* (Jakarta: Rineke Cipta, 1998), 13.

another.<sup>3</sup> In this study, the author compares the perspective of Abu Hamid al-Ghazali and Nur Rofiah about childfree, examine the similarities and the differences between them, and analyze the basis of their perspective on childfree.

### **G. Previous Research**

In this section, the authors explain the similarities and differences of the research to be conducted with previous studies that are related to the research problem to avoid duplication. Previous research is useful as a comparison material as well as a basis for mapping this research.

First, research by Ladan Rahbari, a student at Ghent University, a Center for Research on culture and gender in Belgium, in the Turkish Journal of Shiite Studies in 2020 with the title Politics of Non-Motherhood in Shi'a Islam: Imagery and Narratives around Fatemeh-Masoumeh of Qom.

This research uses a type of qualitative research with a library research approach, by observing the variables such as transcripts, books, journals, and so on. Data analysis was done in three stages: data reduction, data presentation, and concluding.

Ladan's research explains the various reasons why Lady Masoumeh as a woman with a high level of divinity and well-known among the Shi'ites is not married and has no children. This study also explains that there is no obligation for women to be biological mothers in the Quran, and allows

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<sup>3</sup> Iqbal Hasan, *Analisis Data Penelitian dengan Statistik* (Jakarta: Bumi Aksara, 2006), 5.

women to take part in the world of business and politics as Khadijah and Aisyah did.

Second, research by Ghea Teresa, a student of the Faculty of Psychology, the University of Sanata Dharma in 2014 with the title “Motif dan Generativitas Individu Voluntary Childlessness”.

This research is qualitative research, with criterion sampling as the technique used in the search for respondents. The approach used is a phenomenological approach and a psychological approach. Sources of data obtained from interviews

Both researches explain the family life of voluntary childlessness (childfree), but Ghea's research focuses on the life experiences of voluntary childlessness individuals (deciding to have a family without children) in prenatal society, starting from the impact of their commitment, to the reasons they persist with the decision, while the author's research refers more to Islamic law for the decision.

Third, research belonging to Dhea Nila Aryeni, a student of the Faculty of Social Science Education, Universitas Pendidikan Indonesia with the title *Keharmonisan Keluarga Tanpa Sang Buah Hati (Studi Fenomenologi Pasangan Suami-Istri dalam Keluarga Kontemporer di Kota Bandung)*.

This research is qualitative research, data collection methods are through interviews, observation, interviews and documentation studies, and using the phenomenological method because it focuses on the case phenomenon regarding the harmony of families who do not have children.

This study and the author's research both discuss the decision to have a family without children (childfree), but Dhea's research focuses on reasons and happiness in family life without children, while the author's research is more focused on legal identification of the decision not to have children in Islam.

No.	Researcher Name	Title	Similarities	Differences
1.	Ladan Rahbari (Journal, Ghent University Centre for Research on Culture and Gender, Belgium, 2020)	Politics of Non-Motherhood in Shi'a Islam: Imagery and Narratives around Fatemeh-Masoumeh of Qom	Both of them discussed women who are not obliged to become mothers, as long as they do something for the ummah. Women can choose to have a career, ranging from business people, to preachers until doing of politics.	Lahdan is focused on Syiah and Fatemeh-Masoumeh of Qom's life as a holy woman who has a high level of divinity and Aisyah as a childless, inspiring woman, and role model for ummah The Researcher is focused on the perspective of Abu Hamid al-Ghazali as a classical Islamic scholar and Nur Rofiah as a contemporary Islamic female scholar about being childfree
2.	Ghea Teresa, (Thesis, Sanata Dharma University, Yogyakarta, 2014)	Motif dan Generativitas Individu Voluntary Childlessness	Both explained the motives behind the desire of couples who choose not to have children	Ghea's research uses empirical research and reveals the reasons for the decision of both partners, while This research explores Islamic

				law from the decision of someone who does not want to have children
3.	Dhea Nila Aryeni, (Thesis, Sociology Education Study Program, Universitas Pendidikan Indonesia, 2020)	Keharmonisan Keluarga Tanpa Sang Buah Hati (Studi Fenomenologi Pasangan Suami-Istri dalam Keluarga Kontemporer di Kota Bandung)	Identify the factors of a married couple (contemporary family) who choose not to have children in Indonesia  Using this type of qualitative research,	Dhea's research focuses on tips for achieving happiness in family life without children, while the researcher focuses on identifying the law of the decision to not have children in Islam.

Thus, this study is different from previous research, besides discussing the reasons behind a person/couple deciding not to have children, this research also explains the response to the childfree phenomenon from the perspective of Abu Hamid al-Ghazali as a classical Islamic scholar and Nur Rofiah as a contemporary Islamic female scholar.

## H. Structure of Discussion

In this study, the researcher proposes a systematic writing which consists of four chapters:

Chapter I is an introduction consisting of research background, statement of problem, objective of research, benefit of research, operational definition, method of research, previous research, and structure of discussion.

Chapter II is a literature review, that contains the understanding of childfree, marriage and Islamic gender justice that are used as materials that will be the basis for analyzing the problems in this research.

Chapter III is a discussion of research findings. This chapter contains a biography of Abu Hamid al-Ghazali as a classical Islamic scholar and Nur Rofiah as a contemporary Islamic female scholar, their perspective on childfree, the analysis of the similarities, the differences and their basis in responding childfree phenomenon based on *Ihya' 'Ulum ad-Din* and The Lens of Substantive Justice.

Chapter IV is the closing. This chapter contains conclusions which are answers to the statement of the problem, suggestions and recommendations for research results.<sup>3</sup>

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<sup>3</sup> Tim Penyusun Pedoman Peahulisan Karya Ilmiah Fakultas Syariah, *Pedoman Penulisan Karya Ilmiah Fakultas Syariah Universitas Islam Negeri Maulana Malik Ibrahim Malang* (Malang, Fakultas Syariah, 2019), 22.

**CHAPTER II**

**MARRIAGE, CHILDFREE AND WOMEN'S REPRODUCTIVE RIGHTS**

**IN ISLAM**

**A. Marriage**

Marriage is a legal contract between two people to legitimize sexual intercourse between a man and a woman and limits rights and obligations as well as mutual assistance between a man and a woman<sup>3</sup> while Sayyid Sabiq<sup>2</sup> defines marriage as a way of God chosen as a way for humans to have children, reproduce and preserve their life after each partner is ready to play a positive role in realizing the goal of marriage.<sup>3</sup>

In the compilation of Islamic law (KHI) article 2, marriage is defined as a very strong contract or *mitsaqan ghalidzan* to obey Allah's commands and carry it out in worship.<sup>3</sup> The purpose of marriage<sup>4</sup> is to create a *sakinah mawadah wa warohmah* family which wrote in Article 3.

Marriage has great attention in Islam because the purpose is to fulfill religious instructions, establish a harmonious, prosperous and happy family to create inner and outer peace and love between family members. The Islamic term for marriage is “*nikah*” which means sexual intercourse. Islam provided extensive rules and regulations regarding sex because Islam has fully understood that sexual instincts cannot and must not be repressed.

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<sup>3</sup> Dahlan R, *Fikih Munakahat* (Yogyakarta: Deepublish, 2015), 4.

<sup>3</sup> Sayyid Sabiq, *Fikh al Sunnah*, terj. Nor Hasabuddin, *Fikih Sunnah* (Jakarta: Pena Pundi Aksara, 2006), 477.

<sup>3</sup> Kompilasi Hukum Islam, <http://203.77.248.52/slims/index.php?p=fstream&fid=136&bid=6377>

According to Ali 'Imran [3]: 14, marriage is also intended to fulfill sexual urges in lawful ways.<sup>3</sup> 5

زُيِّنَ لِلنَّاسِ حُبُّ الشَّهَوَاتِ مِنَ النِّسَاءِ وَالْبَنِينَ وَالْقَنَاطِيرِ الْمُقَنْطَرَةِ مِنَ الذَّهَبِ وَالْفِضَّةِ  
وَالْخَيْلِ الْمُسَوَّمَةِ وَالْأَنْعَامِ وَالْحَرْثِ ۗ ذَٰلِكَ مَتَاعُ الْحَيَاةِ الدُّنْيَا ۗ وَاللَّهُ عِنْدَهُ حُسْنُ الْمَآبِ

*“Beautified for people is the love of that which they desire – of women and sons, heaped-up sums of gold and silver, fine branded horses, and cattle and tilled land. That is the enjoyment of worldly life, but Allah has with Him the best return”* (Ali ‘Imran [3]: 14)<sup>3</sup> 6

Narrated Abdullah, We were with the Prophet while we were young and had no wealth. So Allah's Messenger said, "O young people! Whoever among you can marry, should marry, because it helps him lower his gaze and guard his modesty (i.e. his private parts from committing illegal sexual intercourse, etc.), and whoever is not able to marry, should fast, as fasting diminishes his sexual power. The Prophet said, *“O you young men! I recommend marriage to you.”*<sup>3</sup> 7

There are several principles of marriage in Islam that need to be considered. These principles are:<sup>3</sup> 8

<sup>3</sup> Abdul Rahman Ghazali, *Fiqh Munakahat* (Jakarta: Prenadamedia, 2003), 23.

<sup>3</sup> Shahih International, <https://www.alquranenglish.com/quran-surah-ali-imran-14-qs-3-14-in-arabic-and-english-translation>

<sup>3</sup> Sahih al-Bukhari 5066, Book 67, Hadith 4 <https://sunnah.com/bukhari:5066>

<sup>3</sup> Ghazali, *Fiqh Munakahat*, 32-43.

a. Fulfilling and carrying out religious orders

Religion regulates marriage and provides limitations on the pillars and conditions that need to be fulfilled, which if not fulfilled then the marriage is void or *fasid*.

b. Willingness and consent

Marriage should not be enforced

c. Marriage forever (does not have a certain period)

To get peace, tranquility and love between families, Islam forbids contract marriages for a certain period

d. Husband as the general responsibility in the household

In marriage, husband and wife have their respective rights and obligations that have been determined, but according to an-Nisa [4] : 34, husband has more position than wife:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۗ  
فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ  
وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنِ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ

عَلِيًّا كَبِيرًا

*“Men are in charge of women by (right of) what Allah has given one over the other and what they spend (for maintenance) from their wealth. So righteous women are devoutly obedient, guarding in (the husband’s) absence what Allah would have them guard. But those (wives) from whom you fear arrogance – (first) advise them; (then if they persist), forsake them in bed; and (finally), strike them. But if*

*they obey you (once more), seek no means against them. Indeed, Allah is ever Exalted and Grand.” (An-Nisaa’ : 34)<sup>3</sup>*

9

## B. Childfree

Based on the Macmillan dictionary, childfree is used to describe someone who has decided not to have children.<sup>4</sup> Cambridge dictionary<sup>0</sup> mentions childfree is a term referring to people who choose to not have children, or a place or situation without children.<sup>4</sup> 1

The state of not having children can be divided into two, involuntary childlessness and voluntary childlessness.<sup>4</sup> Involuntary childlessness is a condition of not having children when the individual or partner wants to have them, while voluntary childlessness (also called childfree) is a condition of not having children by choice due to the desire of the partner which can be due to several reasons

This childfree phenomenon is not a new thing. Living without children (either because of the childless situation or the childfree choice) has existed in the families of the United States, Canada and Australia for centuries ago,<sup>4</sup> even from the age of ignorance (*jahiliyyah*). That's why there are so many verses were revealed calling on people to marry and not be afraid of lack of

<sup>3</sup> Shahih International, <https://www.alquranenglish.com/quran-surah-an-nisa-34-qs-4-34-in-arabic-and-english-translation#Sahih-International>

<sup>4</sup> Macmillan Dictionary “Childfree” <https://www.macmillandictionary.com/dictionary/british/child-free> accessed May 1, 2022

<sup>4</sup> Cambridge Dictionary “Definition of Childfree” <https://dictionary.cambridge.org/dictionary/english/child-free> accessed October 15, 2021

<sup>4</sup> Grace Stephanie Panggabean, “Involuntary Childlessness, Stigma And Women’s Identity”, *Sosiologi Reflektif*, vol 9 no. 1 (2014): 53 <http://ejournal.uin-suka.ac.id/isoshum/sosiologirefleksif/article/view/1127/1038>

<sup>4</sup> Rachel Chrastil, “Not Having Kids is Nothing New. What Centuries of History Tell Us about Childlessness Today,” accessed Agustus 31 2021 <https://www.washingtonpost.com/outlook/2019/09/05/not-having-kids-is-nothing-new-what-centuries-history-tell-us-about-childlessness-today/>

wealth because of children,<sup>4</sup> such as An-Nisa [4]: 1,<sup>4</sup> Az-Zariyat [5]: 49, Ar-Rum [30]: 21, An-Nur [24]: 32, An-Nahl [16] : 72.

It's different from childfree which become a common phenomenon in western countries, in Indonesia it tends to be negatively stigmatized. Based on Prof. Bagong Suryanto, this happens because Indonesian are considered to respect group rights more than individual autonomy, unlike foreign community who highly respect privacy rights.<sup>4</sup> 5

This phenomenon occurs because the indicators of social status and the existence of women change over time, According to him, women's indicators of success are now no longer measured from the domestic sphere or from the number of children able to give birth in the family but based on the public sector, such as careers, achievements, and other new indicators.<sup>4</sup> 6

The choice to have children or not is personal freedom, but also the decision of the couple as a family. This is because for some people, having children is the purpose of marriage. Therefore, choosing to live without children needs a lot of thought, lest there be conflicts in a relationship about children between spouses.

In the book *Childfree and Happy* written by Victoria Tunggono, Corinne Maier mentions that there are five kinds of motives that affect a person's

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<sup>4</sup> Adi Hidayat, “[Klik Adi] UAH Bicara Tentang Childfree - Ustadz Adi Hidayat”, *Adi Hidayat Official* <https://www.youtube.com/watch?v=HNgoRAPqSHc&t=10s> Aug 27, 2021

<sup>4</sup> Bagong Suryanto, “Professor Bagong views childfree phenomenon as a new women development”, accessed Sept, 6 2021, <https://www.unair.ac.id/site/article/read/4365/professor-bagong-views-childfree-phenomenon-as-a-new-women-development.html>,

<sup>4</sup> Bagong Suryanto, “Professor Bagong views childfree phenomenon as a new women development”, accessed Sept, 6 2021, <https://www.unair.ac.id/site/article/read/4365/professor-bagong-views-childfree-phenomenon-as-a-new-women-development.html>

decision to be childfree. Among them are personal, psychological and medical, economic, philosophical and environmental reasons.<sup>4</sup>

7

a. Personal Reasons

The personal life, dan experiences of a person become a big influence in making this decision. Various factors such as busyness, needs, limited time and the many responsibilities that need to be carried out (work and education) make a person feel more comfortable living without children. There is also someone who really doesn't like children, such as A (26) who feels that he doesn't have a motherly instinct.<sup>4</sup>

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Unpleasant events as a child are also the reason for many childfree refusing to have children. They are afraid of being bad parents because they are not mentally prepared to nurture and educate their children.<sup>4</sup>

9

For some women, childfree is an option because of concerns about body transformations during pregnancy (expanding and painful belly, weight gain, stretch marks, a wide and dry vagina, skin changes (dull/acne skin), looser hip muscles that lead to looser hips<sup>5</sup> until death.

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<sup>4</sup> Tunggono, *Childfree & Happy*, 21.

<sup>4</sup> Tunggono, *Childfree & Happy*, 22.

<sup>4</sup> Tunggono, *Childfree & Happy*, 22.

<sup>5</sup> Dian R. Amalia, dkk "Body Dissatisfaction dan Harga Diri Pada Ibu Pasca Melahirkan," *Jurnal Ilmiah Psikologi*, vol 11 no. 2 (2018): 161-162 <https://doi.org/10.35760/psi.2018.v11i2.2261>

b. Psychological and Medical Reasons

Psychological and physical health affects a person's subconscious mind to make a decision. The physical limitations (including genetic disorders) that some childfree group has, one of them was C (34) who has bipolar make she afraid to pass the disorder to her children.<sup>5</sup> Poor treatment both psychologically and verbally in childhood can make a person afraid of having children. Some of the mental disorders (anxiety, bipolar, etc) also make a person choose not to have children.

c. Economic

Time makes technology, necessities of life, and costs of education higher. That's what makes many people, one of them was D (24) who prefers to get married, survive and be happy only with his partner.<sup>5</sup> They are afraid to have children with everything limited. According to them, children should live and be educated well, they do not want their children feel less prosperous.

d. Philosophical Reasons

The way of thinking about life, in general, is also an inseparable part of the childfree decision. Many childfree men and women, one of them was Ir (43) a gender and sexuality issues specialist, whoever worked in post-conflict issues. She thinks that choosing not to have children is her way of saving children from a terrible world which.<sup>5</sup>

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<sup>5</sup> Tunggono, *Childfree & Happy*, 26.

<sup>5</sup> Tunggono, *Childfree & Happy*, 27.

<sup>5</sup> Tunggono, *Childfree & Happy*, 32.

According to her, there are too many abandoned children in the world who need love, attention and support.

e. Environment Reasons

Some people who choose not to have children feel they have responsibilities to make the world become a better place. For them, the human population becoming too large to be sustained by its environment or resources, and they want to contribute, maintain the sustainability and balance the nature by not reproducing.

This is reinforced by the explanation of the National Development Planning Agency (Bappenas) Indonesia which estimates that Indonesia could lose Rp544 trillion until 2024 due to climate change and changes in temperature which cause extreme weather, both rain and drought which can cause floods, landslides, and forest fires which also have an impact to the social life of the community, and it causes economic losses for sure.<sup>5</sup>

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Childfree is considered as a life choice which can help to save the earth and children. They consider that giving birth to a baby in a world of many disasters, the possibility of war and much famine is same as allowing the next generation to live in misery,

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<sup>5</sup> Safyra Primadhyta “Bappenas Prediksi RI Rugi Rp544 T Gegara Perubahan Iklim” *CNN Indonesia*, January 6, 2022 <https://www.cnnindonesia.com/ekonomi/20220106151319-92-743434/bappenas-prediksi-ri-rugi-rp544-t-gegara-perubahan-iklim>

Besides some of the reasons, many other possibilities cause a person to choose to be childfree, some of these reasons are phobias, education, sexual orientation, sexual behavior and celibacy.<sup>5</sup>

### C. Women's Reproductive Rights in Islam

The decision to be childfree in marriage life cannot be separated from the role of husband and wife, especially regarding the discussion of their reproductive rights which have been regulated in Islam. According to Husein Muhammad, reproductive rights are divided into five, those are the right to enjoy safe sexual relations, the right to refuse sexual relations, the right to regulate the number of children, the right to receive good treatment from all parties (to receive information and proper health services), and the right to have an abortion.<sup>5</sup>

#### 1. The right to enjoy safe sexual relations

The pleasure of a sexual relationship must be felt by both parties. To realize this right, all matters relating to the marriage must be based on sincerity, mutual respect and mutual understanding. Sexual intercourse must be carried out without coercion.<sup>5</sup>

*“It has been made permissible for you the night preceding fasting to go to your wives [for sexual relations]. They are clothing for you and you are clothing for them.”* (al-Baqarah [2]: 187)

<sup>5</sup> Tunggono, *Childfree & Happy*, 44-69

<sup>5</sup> Husein Muhammad, *Fiqh Perempuan Refleksi Kiai atas Tafsir Wacana Agama dan Gender* (Yogyakarta: IRCiSoD, 2019), 203.

<sup>5</sup> Waliko Waliko, “Islam, Hak dan Kesehatan Reproduksi,” *Komunika: Jurnal Dakwah dan Komunikasi* vol. 7, no. 2 (1970): 64, <https://doi.org/10.24090/komunika.v7i2.384>.

This verse explains that the position of men and women are equal because they are clothing that give warmth to each other, both physically and psychologically.

2. The right to refuse sexual relations

This is the husband and wife's right to prevent sexual violence or sexual coercion, for example pursuing sexual activity when one partner is not fully aware or afraid to refuse it.<sup>5</sup>

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3. The right to regulate the number of children or refuse pregnancy

In the Qur'an, it is explained that pregnant women are getting sick and weak. Many women feel a bit down, tearful, or anxious in the first week before giving birth. This condition gets worse during childbirth because they face the risk of death. Therefore, it must be a common concern to fulfill women's right or choice to get pregnant or not.<sup>5</sup> The majority of fiqh scholars argue that children are the right of husband and wife, so women also have the right to determine when she wants to get pregnant and how many children she wants to give birth to.<sup>6</sup>

4. The right to receive good treatment from all parties (to receive information and proper health services)

In Quran it stated:

..... وَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ ..... ٥

<sup>5</sup> Hennita Sukmawati, "Hubungan Tingkat Kepuasan Pernikahan Istri dan Coping Strategy dengan Kekerasan dalam Rumah Tangga," *Psychological Journal: Science and Practice* vol 2 no. 3 (2014): 208 <https://ejournal.umm.ac.id/index.php/pjssp/article/view/2843>

<sup>5</sup> Uswatul Khasanah, M. Rosyid Ridho "Childfree Perspektif Hak Reproduksi Perempuan dalam Islam", 111 10.21154/syakhsyiyah.v3i2.3454

<sup>6</sup> Muhammad, *Fiqh Perempuan Refleksi Kiai atas Tafsir Wacana Agama dan Gender*, 214.

*“And due to the wives is similar to what is expected of them, according to what is reasonable.” (al-Baqarah [2]: 228)*

So women should get good health services, especially when they get pregnant. Husbands need to take care of their wives' health both physically and mentally.<sup>6</sup>

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَىٰ وَهْنٍ وَفِصَالُهُ فِي عَامَيْنِ أَنِ اشْكُرْ لِي

وَلِوَالِدَيْكَ إِلَىٰ الْمَصِيرِ

*“And We have enjoined upon man [care] for his parents. His mother carried him, [increasing her] in weakness upon weakness, and his weaning is in two years. Be grateful to Me and to your parents; to Me is the [final] destination.” (Luqman [31] : 14)*

##### 5. The right to have an abortion

Abortion is the termination of a pregnancy by removal or expulsion of an embryo or fetus. Some scholars allow this action in the condition before the fetus becomes a living soul. However, some scholars also forbid it because it is considered to kill babies, except in an emergency.<sup>6</sup> The scholar's view about the permissibility of abortion shows that there is a recognition of reproductive rights for the pain of pregnancy and childbirth experienced.

<sup>6</sup> Muhammad, *Fiqh Perempuan Refleksi Kiai atas Tafsir Wacana Agama dan Gender*, 212.

<sup>6</sup> Uswatul Khasanah, M. Rosyid Ridho “Childfree Perspektif Hak Reproduksi Perempuan dalam Islam”, 112 10.21154/syakhsyiyah.v3i2.3454

In addition to these five reproductive rights by Husein Muhammad, Masdar F. Mas'udi also explained that part of the reproductive rights for women includes the right of choosing a partner, regulate the spacing of pregnancies as well as the right to divorce a partner (khulu') and all of them have been regulated in Islam.<sup>6</sup> 3

Islam also regulates cooperative and mutual relations between men and women in fulfilling their rights.<sup>6</sup> 4

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ ۚ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ  
عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ ۚ أُولَٰئِكَ  
سَيَرْحَمُهُمُ اللَّهُ ۗ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

*The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah and obey Allah and His Messenger. Those – Allah will have mercy upon them. Indeed, Allah is Exalted in Might and Wise.<sup>6</sup> (At Taubah [9] : 71)*

<sup>6</sup> Nano R. Auliya, Muhammad K. Umam, “Childfree Pasca Pernikahan: Keadilan Hak-Hak Reproduksi Perempuan Perspektif Masdar Farid Mas’udi dan Al-Ghazali,” *Al-Manhaj: Journal of Indonesian Islamic Family Law*, vol. 3 no. 2 (2021), 167 <http://dx.doi.org/10.19105/al-manhaj.v3i2.5325>

<sup>6</sup> Faqihuddin Abdul Kodir, *Petempuan (Bukan) Sumber Fitnah!* (Bandung: Afkaruna, 2021), 27.

<sup>6</sup> Sahih International, <https://www.alquranenglish.com/quran-surah-at-taubah-71-qs-9-71-in-arabic-and-english-translation#Sahih-International>

## CHAPTER III

### CHILDFREE IN THE PERSPECTIVE OF ABU HAMID AL-GHAZALI AND NUR ROFIAH

#### A. Childfree in the Perspective of Abu Hamid al-Ghazali and Nur Rofiah

##### 1. Biography of Abu Hamid al-Ghazali

Abu Hamid Muhammad bin Muhammad bin Ahmad al-Ghazali ath-Thusi ash-Shafi'i, known as al-Ghazali was one of the most prominent and influential philosophers, Muslim theologians, jurists, and mystics of Sunni Islam (Tus, Iran 1058-1111 AD). Al-Ghazali's name comes from the word *ghazzal*, which means weaver of threads, because his father's job was weaving wool, others said his name was taken from the word *ghazalah*, the name of a village in Tus where he was born,<sup>6</sup> including the Khurasan region of Iran in the year 450 H at that time was one of the centers of knowledge and the area of Baghdad ruled by the Seljuq dynasty.<sup>6</sup> He died in the same city on Monday 14 *Jumadil Akhir* 505 H, at the age of 55 years.<sup>6</sup>

Al-Ghazali was a Persian Muslim scholar who was born from a religious family. His father was known as a lover of knowledge, practicing Sufism and givers. Nearing his death, al-Ghazali's father entrusted his two sons, al-Ghazali and his brother Ahmad, to a friend who was known as a

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<sup>6</sup> Hasyimiyah Nasution, *Filsafat Islam*, (Jakarta: Gaya Media Pratama, 1999), 77.

<sup>6</sup> A. Saefuddin, *Percikan Pemikiran Imam Al-Ghazali* (Bandung: Pustaka Setia, 2005), 96.

<sup>6</sup> Wildan Jauhari, *Hujjatul Iislam al-Imam Al-Ghazali* (Jakarta Selatan: Rumah Fiqih Publishing, 2018), 8.

Sufism to be educated and then gave him some of the wealth he had saved so far.<sup>6</sup>

Al-Ghazali was educated there, then went to Jurjan at his 15 years old, and he came to Nishapur for studying with al-Juwaini, a professor at Madrasa An-Nizamiyah Nishapur who earned the title *Imam al-Haramain*. Al-Juwaini is one of the theologians of the Ash'ariyah school, a well-known scholar of *fiqh* and *ushu al-fiqh* of the Shafi'i school, and the author of *ushu al-fiqh*, *Al-Burhan* and *Al-Waraqat*.<sup>7</sup> Based on al-Ghazali's extraordinary intelligence and will, Al-Juwaini gave him the title *Bahru al-Mughriq* (the drowning sea). At the end of the al-Haramain's life, Al Ghazali began to become a great scholar, and taught and wrote many books.<sup>7</sup>

Al Ghazali left Nishapur after al-Juwaini passed away in 478 H (1085 AD). He was invited to go to the court of Nizam al Mulk, the powerful vizier of the Seljuq sultans. In 181H/ 1090 AD Minister Nizam al Mulk appointed 34-year-old al-Ghazali as professor of theology in the Nidzamiyah College in Baghdad. During this time, Al-Ghazali also mastering and criticizing the Neoplatonist philosophies, wrote many scientific and philosophical books.<sup>7</sup>

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<sup>6</sup> Ramayulis dan Samsul Nizar, *Ensiklopedi Tokoh Pendidikan Islam di Dunia Islam dan Indonesia*, (Ciputat: Quantum Teaching, 2005), 56.

<sup>7</sup> Heris Hermawan, Yaya Sunarya, *Filsafat Islam* (Bandung: CV Insan Mandiri, 2011), 90.

<sup>7</sup> Sutisna, Neneng Hasanah dkk, *Panorama Maqashid Syariah* (Bandung: CV Media Sains Indonesia, 2021), 27.

<sup>7</sup> Heris Hermawan, Yaya Sunarya, *Filsafat Islam*, 90.

He passed through a spiritual crisis that rendered him physically incapable of lecturing for a time. He left Baghdad in *Dzulqa'dah* 448 H/ 1095 AD, abandoned his career and went on a pilgrimage to Mecca, then to Damascus and stayed there to worship, starting the life of Sufism.<sup>7</sup> Because of the pressure, in 1106 Al-Ghazali return to teaching at the Nidzamiyah college at Nishapur. He returned to his village Tus in 1110 AD, spending his days for teaching and worshipping, establishing a school for the jurists (*fuqaha*) and a monastery (*khangak*) for the mutasawwifin which he took care of until he died in 505 AH/ 1111 AD at the age of 55 years.<sup>7</sup>

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Dr. 'Abd al-Rahman Badawi pursued al-Ghazali's works in his book *Mu'allafat al-Ghazali* and found them to be 457 covering various scientific disciplines.<sup>7</sup> Some of the legacies of scientific works that have had the greatest influence on Muslim thought are:<sup>7</sup>

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- a. The Revival of Religious Sciences (*Ihya' 'Ulum ad-Din*).
- b. The Forty Fundamentals of Religion (*al-Ara'bin fi Usul al-Din*).
- c. Moderation in Belief (*al-Iqtisad fi al-I'tiqad*)
- d. Warding off the Masses from Natural Theology (*Iljam al-'Awam 'an 'Ilm al-Kalam*).
- e. Son! (*Ayyuha al-Walad*)
- f. The Beginning of Guidance (*Bidayat al-Hidayah*).

<sup>7</sup> Heris Hermawan, Yaya Sunarya, *Filsafat Islam*, 90.

<sup>7</sup> Ahmad Hanafi, *Pengantar Filsafat Islam* (Jakarta: Bulan Bintang, 1991), 135-136.

<sup>7</sup> Imam Ghazali Institute Team, "Imam Al-Ghazali: A Biography and Introduction" access Feb 4, 2022 <https://www.imamghazali.org/resources/imam-ghazali-biography>

<sup>7</sup> Nasution, *Filsafat Islam*, 79.<sup>6</sup>

- g. Expansive Treatment of Juristic Rulings (*al-Basit fi al-Furu'*).
- h. The Distinction between Islam and Clandestine Unbelief (*al-Tafriqah bayn al-Islami wa al-Zandaqah*).
- i. The Incoherence of Philosophers (*Tahafut al-Falasifah*).
- j. Deliverance from Error (*al-Munqidh min al-Dalal*)

From those several well-known books, in this thesis, the author uses *Ihya' 'Ulum ad-Din* as the main reference, because this book contains a lot of moral education, rules and advice on household matters, which have a strong relation to childfree.

## 2. *Ihya' 'Ulum ad-Din*

*Ihya' 'Ulum ad-Din* or *Al-Ihya* is one of al-Ghazali's masterpieces that discusses the rules and principles of purifying the human soul. This book discussed nature and Muslim life, such as ritual, moral, and social and household issues, including the purpose and manners of marriage in the second quarter (norms of daily life) which the researcher then make that basis of al-Ghazali's perspective on childfree. Al-Ghazali divides the discussion of *Ihya' 'Ulum ad-Din* into four major sections or known as *rubu'*,<sup>7</sup> where each *rubu'* consists of 10 chapters:

- a. First Quarter - Acts of worship (*Rub' al-'ibadāt*)

Discussing legal knowledge and the essence of faith

(1) Book of knowledge, (2) Foundations of Belief, (3) Mysteries of

*Taharah* (In The Mysteries of Purification (*Kitab asrar al tahara*),

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<sup>7</sup> Al Mursi Team, "Garis Besār Isi Kitab Ihya Ulumuddin Karya Imam Ghazali" *Al Mursi*, April 24 2018 accessed February 1 2022 <https://www.almursi.com/kitab-ihya-ulumuddin/>

(4) Mysteries of Worship, (5) Mysteries of Zakat (Charity), (6) Mysteries of Fasting (7) Mysteries of Pilgrimage (Hajj) (8) Etiquette of Qur'ānic Recitation, (9) On Invocations and Supplications, (10) On the Arrangements of Litanies and Divisions of the Night Vigil

b. Second Quarter - Norms of Daily Life (*Rub' al-'adat*)

Discussing people and social habits

(11) On the Manners Related to Eating, (12) On the Manners of Marriage, (13) On the Etiquette of Acquisition and Earning a Livelihood, (14) The Lawful and Prohibited, (15) On the Duties of Brotherhood, (16) On the Etiquette of Seclusion, (17) On the Etiquette of Travel, (18) On Music and Singing, (19) On Enjoining Good and Forbidding Evil, (20) Etiquette of Living and the Prophetic Mannerism (In the Book of Prophetic Ethics and the Courtesies of Living

c. Third Quarter - The Ways to Perdition (*Rub' al-muhlikat*)

Describe the bad qualities to avoid

(21) The Marvels of the Heart, (22) On Disciplining the Soul, (23) On Breaking the Two Desires, (24) Defects of the Tongue, (25) Condemnation of Rancor and Envy, (26) Condemnation of the World, (27) Condemnation of Miserliness and Condemnation of the Love of wealth, (28) Condemnation of Status and Ostentation,

(29) Condemnation of Pride and Conceit, (30) Condemnation of Self-Delusion

d. Fourth Quarter - The Ways to Salvation (*Rub ' al-munjiyat*)

Discuss the commendable traits that must be mastered

(31) On Repentance, (32) On Patience and Thankfulness, (33) On Fear and Hope, (34) On Poverty and Abstinence, (35) Faith in Divine Unity and Trust in Divine Providence, (36) On Love, Longing, Intimacy and Contentment, (37) On Intention, Sincerity, and Truth, (38) On Holding Vigil and Self-Examination, (39) On Meditation, (40) On the Remembrance of Death and the Afterlife

3. Marriage in Abu Hamid al-Ghazali's Perspective

In the chapter Manners of Marriage (*Aadaabu al-nikaah*) al-Ghazali explained that scholars have different opinions regarding marriage. Some scholars maintain that marriage is more important than celibacy. On the other hand, some scholars maintain celibacy is preferable.<sup>7</sup> In general, Al-Ghazali argues if a man has sexual desire and he is afraid of committing adultery, marriage is preferable for him. But if a man didn't need it, celibacy is preferable. Thus, al-Ghazali insists that the most important merit of marriage is lawful sexual intercourse, which is related to getting children and avoiding adultery.<sup>7</sup>

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<sup>7</sup> Imam al-Ghazali, *Ihya Ulmuddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub (Medan: Percetakan Imballo, 1965), 1113.

<sup>7</sup> Kaoru Aoyagi, "Al-Ghazali<sup>9</sup> and Marriage from The Viewpoint of Sufism" *Orient*, Research Fellow of the Japan Society for the Promotion of Science no. 40 (2005): 127 <https://doi.org/10.5356/orient.40.124>

There are many advantages in living with wife, because from it people can get the happiness of the world and the hereafter at the same time.

وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَزْوَاجِكُمْ بَنِينَ  
وَحَفَدَةً وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ ۗ أَفَبِالْبَاطِلِ يُؤْمِنُونَ وَبِنِعْمَتِ اللَّهِ هُمْ  
يَكْفُرُونَ

*“And Allah has made for you from yourselves mates and has made for you from your mates sons and grandchildren and has provided for you from the good things. Then in falsehood do they believe and in the favor of Allah they disbelieve?” (An-Nahl [16] : 72)<sup>8</sup>*

To build a harmonious and strong relationship, there are three stages that must be prepared well:<sup>8</sup>

#### a. Pre-Marriage

Before married, people should know the benefits of getting married, so they can prepare for everything well (mentally, responsibility and knowledge). According to al-Ghazali, the benefits of marriage are:<sup>8</sup>

- 1) Having children and descendants
- 2) Satisfying the sexual desire (*shahwah*) through lawful sexual intercourse

<sup>8</sup> Shahih International, <https://www.alquranenglish.com/quran-surah-an-nahl-72-qs-16-72-in-arabic-and-english-translation#Sahih-International>

<sup>8</sup> Abdullah, “Nikah Perspektif Al-Ghazali Telaah Konsep Dan Strategi,” *Al-Ihkam : Jurnal Hukum Keluarga*, no. 2 (2019): 156 <https://doi.org/10.20414/alihkam.v11i2.2167>

<sup>8</sup> Imam Ghazali, *Ringkasan Ilh̄ya’ Ulumuddin* Penerjemah ‘Abdul Rosyad Shiddiq (Jakarta: Akbar Media, 2008), 149.

- 3) Comforting the tired soul by the companionship of wife
- 4) Assisted in taking care of housework
- 5) Doing a virtuous deed by maintaining his family

Before getting married, the selection of a partner must also meet 2 criteria *halal* and ideal as desired. “*Halal*” to guarantee legal legitimacy and “ideal” to get maximum happiness in marriage.<sup>8</sup>

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#### b. Post-Marriage

In marriage, there are many possibilities for problems. For building a strong and happy family, al-Ghazali argues that husbands must pay attention to several things: holding *walimah*, association (*mu'asyarah*), joking, being authoritative and firm, proportional jealousy, providing a living, teaching religious law to the family, paying attention to *jima'*, and finding solutions to problems in the best way.<sup>8</sup>

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#### c. Problem solving method

The solution to the problems depends on its type. There are three types of problems in the family: problems that arise due to the behavior of the husband, problems caused by both parties, and problems caused by the wife.<sup>8</sup>

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<sup>8</sup> Abdullah, “Nikah Perspektif Al-Ghazali Telaah Konsep Dan Strategi,” 159 <https://doi.org/10.20414/alihkam.v11i2.2167>

<sup>8</sup> Imam al-Ghazali, *Ihya Ulun'uddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1167.

<sup>8</sup> Abdullah, “Nikah Perspektif Al-Ghazali Telaah Konsep Dan Strategi,” 171 <https://doi.org/10.20414/alihkam.v11i2.2167>

As written in surah an-Nisa [4]: 35, the way to solve the first and the second problem is to ask husband and wife's family to become judges of the problems to find a way out. If the problem is caused by wife, only husband who has the right to solve the problem wisely, starting with a good warning, a stern warning, separating the bed and if it has not changed then it is permissible to hit with a blow that does not dangerous, forbidden to break the bones, bleed, and face.<sup>8</sup>

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#### 4. Childfree in Abu Hamid al-Ghazali's Perspective

There are several equivalent cases in *Fiqh* that can be used as a way for husband and wife to refuse to have a child, including not marrying at all, the decision not to have penetrative sex, or with 'azl or releasing sperm outside the vagina.<sup>8</sup>

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In the Second Quarter (Norms of Daily Life or *Rub' al-'adat*) on the Manners of Marriage, Al-Ghazali explained preventing sperm from entering the vagina ('azl) is permissible, not to be *makruh* or *haram*, it same as choosing not to marry at which are just leaving the virtues (*tarku al-afdhal*):

وَأَمَّا فَلْنَا لَا كَرَاهَةَ بِمَعْنَى التَّحْرِيمِ وَالتَّنْزِيهِ، لِأَنَّ إِثْبَاتَ التَّنْهِي إِتْمَا يُمَكِّنُ بِنَصِّ أَوْ قِيَاسٍ عَلَى مَنْصُوصٍ، وَلَا نَصَّ وَلَا أَصْلَ يُقَاسُ عَلَيْهِ. بَلْ هَهُنَا أَصْلٌ يُقَاسُ عَلَيْهِ، وَهُوَ تَرْكُ النِّكَاحِ

<sup>8</sup> Abdullah, "Nikah Perspektif Al-Ghazali Telaah Konsep Dan Strategi," 170 <https://doi.org/10.20414/alihkam.v11i2.2167>

<sup>8</sup> Nano R. Auliya, Muhammad K. Umam, "Childfree Pasca Pernikahan: Keadilan Hak-Hak Reproduksi Perempuan Perspektif Masdar Farid Mas'udi dan Al-Ghazali," 160 <http://dx.doi.org/10.19105/al-manhaj.v3i2.5325>

أَصْلًا أَوْ تَرَكَ الْجَمَاعَ بَعْدَ النِّكَاحِ أَوْ تَرَكَ الْإِنزَالَ بَعْدَ الْإِيلاجِ، فَكُلُّ ذَلِكَ تَرَكَ لِأَفْضَلِ  
وَلَيْسَ بِإِزْتِكَابٍ هَيِّ. وَلَا فَرْقٌ إِذِ الْوَلَدُ يَتَكَوَّنُ بِوُقُوعِ النُّطْفَةِ فِي الرَّحْمِ

*I think that 'azl is not legally makruh with the meaning of makruh tahrm or makrûh tanzh because to stipulate a prohibition on something can only be done based on text (nash) or qiyâs on texts. There are no texts (nash) or sources of qiyâs that can be used as arguments to impair 'azl. In fact, what exists is the qiyâs that allows it, it was “not getting married at all”, “not having sex after marriage”, or “not doing inzâl or spilling sperm after inserting the penis into the vagina. Because everything is only an act of abandoning virtue, not an act of prohibiting. Everything makes no difference because a new child will have the potential to form by placing sperm in the woman's womb.”<sup>8</sup>*

But, al-Ghazali emphasizes that married life is a preparation for the hereafter and the main purpose of marriage is having pious children, following the creation of the penis and sperm for men, the womb for women, which God then gives lust to each of the men and women to reproduce and preserve God's creation,<sup>8</sup> From this, the researcher conclude al-Ghazali allowing 'azl is not for not having children at all (*childfree*), but more for birth control.

Lust and children are fated things, and between the lust and children there is a close bond, like defecating from eating.<sup>9</sup> In *Ihya' 'Ulum ad-Din*<sup>0</sup> it is mentioned, that a well-known Sufi Al-Junaid likens the need for sexual intercourse (*jima'*) to his need for food.<sup>9</sup> Al-Ghazali emphasizes<sup>1</sup>

<sup>8</sup> Abu Hamid Al-Ghazali, *Ihyâ' 'Ulum al-din*, (Beirut: Dar al-Ma'rifah, 1997), 51

<sup>8</sup> Imam al-Ghazali, *Ihya Ulumuddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1122.

<sup>9</sup> Imam al-Ghazali, *Ihya Ulumuddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1129-1130.

<sup>9</sup> Imam al-Ghazali, *Ihya Ulumuddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1133.

that the main purpose of marriage is having children, and having children is a workship, because it is related to:<sup>9</sup> 2

- 1) Pursuing God's love for maintaining human existence
- 2) Pursuing Rasulullah's love and making him proud for multiplying his followers
- 3) Looking for the blessing of the child's pray
- 4) Seeking intercession through the death of the young child

In this case, there is an explanation that marriage is part of Allah's favor, as well as sustenance and offspring:

...فَالآنَ بَاشِرُوهُمْ وَأَبْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ ۗ

... So now, have relations with them and seek that which Allah has decreed for you... (Al-Baqarah [2] : 187)<sup>9</sup> 3

According to Ibn Qayyim al-Jauziyah, the sentence “*seek that which Allah has decreed for you*” in this verse is a recommendation to multiply offspring, this opinion is reinforced by several salaaf scholars such as Ibn Abbas, Mujahid, Ikrimah, Hasan al-Basri, etc. Ibn Qayyim also strengthened his argument with the hadith that the Messenger of Allah ordered his people to marry and give birth.<sup>9</sup> 4

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<sup>9</sup> Imam al-Ghazali, *Ihya Ulun`uddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1121.

<sup>9</sup> Shahih International, <https://www.alquranenglish.com/quran-surah-al-baqarah-187-qs-2-187-in-arabic-and-english-translation>

<sup>9</sup> Winona Lutfiah, “Pandangan Al-Qur’an tentang Childfree, Muslimah Karir dan Tujuan Pernikahan dalam Islam” *Tafsirquran.id*, Dec 20, 2021 accessed Dec 30, 2021 <https://tafsiralquran.id/pandangan-al-quran-tentang-childfree-muslimah-karir-dan-tujuan-pernikahan-dalam-islam/>

There are several virtues in the effort of having children. In his book, Al-Ghazali wrote:<sup>9</sup>

وَفِي التَّوَاصُلِ إِلَى الْوَلَدِ قُرْبَةٌ مِنْ أَرْبَعَةٍ وَجُوهٍ هِيَ الْأَصْلُ فِي التَّرَغِيبِ فِيهِ عِنْدَ أَمْنٍ مِنْ غَوَائِلِ الشَّهْوَةِ حَتَّى لَمْ يُحِبَّ أَحَدٌ أَنْ يَلْقَى اللَّهَ عَزَبًا الْأَوَّلُ مُوَافَقَةُ اللَّهِ بِالسَّعْيِ فِي تَحْصِيلِ الْوَلَدِ الثَّانِي طَلَبُ مَحَبَّةِ الرَّسُولِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي تَكْثِيرِ مَنْ بِهِ مُبَاهَتُهُ الثَّلَاثُ طَلَبُ التَّيْرُكِ بِدُعَاءِ وَلَدِ الصَّالِحِ بَعْدَهُ الرَّابِعُ طَلَبُ الشَّفَاعَةِ بِمَوْتِ الْوَلَدِ الصَّغِيرِ إِذَا مَاتَ قَبْلَهُ

*“Efforts to have offspring become an act of worship from four sides. These four aspects are the main reasons for recommending marriage when a person is safe from impotence so that no one likes to meet Allah in a single or unmarried state. First, seek the pleasure of Allah by producing offspring. Second, seek the love of the Prophet by increasing the proud human population. Third, hope for blessings from the prayers of a pious child after he dies. Fourth, hoping for intercession for the death of the child who preceded him.”<sup>9</sup>*

According to Al-Ghazali the man who had a pious child will get the reward of *tasabbub* as being the cause of the child's birth. This hadith is for a recommendation. If someone chooses to not have children, he absolutely leaves the virtues (*tarku al-afdhal*) of a very prioritized recommendation.<sup>9</sup>

إِنَّ الرَّجُلَ لِيُجَامِعَ أَهْلَهُ فَيُكْتَبُ لَهُ بِجَمَاعِهِ أَجْرُ وَلَدٍ ذَكَرَ قَاتَلَ فِي سَبِيلِ اللَّهِ فُقُتِلَ

<sup>9</sup> Imam al-Ghazali, *Ihya Ulumuddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1121.

<sup>9</sup> Abu Hamid Al-Ghazali, *Ihyá' 'Ulum al-din*, 51.

<sup>9</sup> Nano R. Auliya, Muhammad K. Umam, “Childfree Pasca Pernikahan: Keadilan Hak-Hak Reproduksi Perempuan Perspektif Masdar Farid Mas’udi dan Al-Ghazali,” 161 <http://dx.doi.org/10.19105/al-manhaj.v3i2.5325>

*"Indeed a man will have intercourse with his wife, and the intercourse caused the reward of a son who strives for jihad fi sabilillah and then martyrs."*<sup>9</sup>

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So by releasing sperm into the wife's womb, the husband has already got the reward for that. Therefore, al-Ghazali considers this hadith to be only a recommendation and it is permissible if someone chooses not to do it or chooses not to have children.

Al-Ghazali likens God as the master who hands over seeds and agricultural equipment to his slaves (humans) to work on them. People who decide to be childfree/ single are like turning away from agriculture, wasting seeds and available equipment that Allah has given.<sup>9</sup> It is *makruh* to leave the Prophet's command and the purpose of the body's creation which also be as worship because it follows what Allah loves.

نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ ۖ وَقَدِّمُوا لِأَنفُسِكُمْ ۗ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّكُمْ مُلَاقُوهُ ۗ وَبَشِّرِ الْمُؤْمِنِينَ

*"Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish and put forth [righteousness] for yourselves. And fear Allah and know that you will meet Him. And give good tidings to the believers (Al-Baqarah [2] : 223)"*<sup>1</sup>

<sup>9</sup> Muhammad ibn Muhammad al-Husaini al-Zabidi, *Ithafu al-Sadah al-Muttaqin bi Syarh Ihya Ulum al-Din*, (Beirut: Muassasah al-Târikh al-'Arabi, 1994 ), 379-380.

<sup>9</sup> Imam al-Ghazali, *Ihya Ulumuddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1125.

<sup>1</sup> Shahih International, <https://www.alquranenglish.com/qur'an-surah-al-baqarah-223-qs-2-223-in-arabic-and-english-translation>

The Quran does not prohibit birth control, nor does it forbid a husband or wife to space pregnancies or limit their number. Thus, the great majority of Islamic jurists believe that family planning is permissible in Islam.<sup>1</sup>

In another section it is mentioned

مَنْ تَرَكَ النِّكَاحَ مَخَافَةَ الْعِيَالِ فَلَيْسَ مِنَّا ثَلَاثًا رَوَاهُ أَبُو مَنْصُورٍ الدَّبْلَمِيُّ فِي مُسْنَدِ الْفَرْدَوْسِ  
مِنْ حَدِيثِ أَبِي سَعِيدٍ بِسَنَدٍ ضَعِيفٍ

"Anyone who leaves a marriage because he is worried about having trouble taking care of his wife and children is not one of me. The Holy Prophet said it three times." (Narrated by Abu Manshur ad-Dailami in Musnadul Firdaus from hadiths Abu Sa'id with sanad dha'îf).<sup>1</sup>

According to al-Ghazali, the meaning of the Prophet's words: "Then it is not from me", is not following the sunnah and his path, did not do a choice of charity that is more important.<sup>1</sup>

Many hadiths contain recommendations for marrying and multiplying offspring, but al-Ghazali also explains many disadvantages of marriage that must be considered. Some of these points are:<sup>1</sup>

- 1) The inability to seek gain lawful,
- 2) Failure to uphold wives' rights,

<sup>1</sup> Syekh Muhammad Yusuf Qardhawi, *Halal dan Haram dalam Islam* (Surabaya: Bina Ilmu, 1993), 270.

<sup>1</sup> Abu al-Fadhl al-'Iraqi, *al-Mughni 'an Haml al-Asfâr*, (Riyadh: Maktabah Thabariyyah, 1995), 369.

<sup>1</sup> Nano R. Auliya, Muhamad K. Umam, "Childfree Pasca Pernikahan: Keadilan Hak-Hak Reproduksi Perempuan Perspektif Masdar Farid Mas'udi dan Al-Ghazali," 161 <http://dx.doi.org/10.19105/al-manhaj.v3i2.5325>

<sup>1</sup> Imam al-Ghazali, *Ihya Ulumuddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1143.

### 3) Distractions from remembering Allah

According to al-Ghazali, there are several factors encourage someone choose to not have children, such as:<sup>1</sup>

- 1) A master has sex with his slave in the *'azl* way (he did not want to have children) so that the slave remains his property
- 2) To keep his wife's beauty
- 3) Fear of doing illegal things because of the need to provide for many children

Even though it seems contrary to *tawakkal* about Allah's guarantee of sustenance, according to al-Ghazali this motive is still allowed. This is different from reasons related to bad intentions or wrong beliefs in the Sunnah of the Prophet, such as deciding not to have children because too afraid of giving birth to a baby girl (the belief of *jahiliyyah*), or they don't want to get pregnant and have children because they are too hygienic.<sup>1</sup>

The purpose of having children for some people is to get pleasure in this world and many virtues for the hereafter. The soul needs to be entertained with various kinds of pleasure at some time, man can get it from women and children. However, many people are amused by nature, and some people are not even interested in marriage and children.<sup>1</sup>

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<sup>1</sup> Nano R. Auliya, Muhammad K. Umam, "Childfree Pasca Pernikahan: Keadilan Hak-Hak Reproduksi Perempuan Perspektif Masdar Farid Mas'udi dan Al-Ghazali," 162 <http://dx.doi.org/10.19105/al-manhaj.v3i2.5325>

<sup>1</sup> Nano R. Auliya, Muhammad K. Umam, "Childfree Pasca Pernikahan: Keadilan Hak-Hak Reproduksi Perempuan Perspektif Masdar Farid Mas'udi dan Al-Ghazali," 162-163 <http://dx.doi.org/10.19105/al-manhaj.v3i2.5325>

<sup>1</sup> Imam al-Ghazali, *Ihya Ulumuddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1138.

Getting married to have children also has consequences for earning a living for the children. Islam places great importance on the quality of a child as a new generation. Protecting children from destruction is more important than having them.<sup>1</sup> Allah SWT. said in surah an-Nisa [4]: 9

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وَلْيَحْشَ الَّذِينَ لَوْ تَرَكُوا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَافًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا

سَدِيدًا

*“And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate justice.”* (an-Nisa [4]: 9)<sup>1</sup>

The responsibility of the family is not only to provide physical needs, but what is important is to provide for educational needs of children.<sup>1</sup>

The word "weak" in the paragraph above is understood as the low quality of human resources. One of the reasons for the low human quality is the low level of welfare, which often happen in living due to the large number of children in the family,<sup>1</sup> that's why al-Ghazali allowed family control.<sup>1</sup>

So families need to plan and prepare for a better life. Deciding to not having children, especially for having fun is leaving many virtues (*tarku al-afdhal*) provided by Allah. Married life with his wife and children is a

<sup>1</sup> Imam al-Ghazali, *Ihya Uluhuddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1148.

<sup>1</sup> Shahih International, <https://www.alquranenglish.com/quran-surah-an-nisa-9-qs-4-9-in-arabic-and-english-translation#Sahih-International>

<sup>1</sup> Mardhiyah, “Pengaruh Keikutsertaan Keluarga Berencana terhadap Peningkatan Pendidikan Anak di Kelurahan Pulau Kijang”, (Thesis, Universitas Islam Negeri Suska Riau, 2012), 4.

<sup>1</sup> Rifdatus Sholihah, “Hukum Mencegah Kehamilan Perspektif Imam Ghazali dan Syekh Abdullah Bin Baaz,” *Al-Hukama*, The Indonesian Journal of Islamic Family Law Vol. 09, No. 01(2019): 74 <https://doi.org/10.15642/alhukama.2019.9.1.76-102>

preparation for the hereafter; therefore he has to deliberate whether to marry or not. According to al-Ghazali, everything depends on the needs and conditions of each individual.

## 5. Biography of Nur Rofiah

Nur Rofiah is woman scholar of the Quranic Exegesis who teaches in the postgraduate program of *Perguruan Tinggi Ilmu Alquran* (PTIQ) or Quranic Higher Education College who actives in spreading the values of gender justice and Islam in Indonesia. She was born in Pemalang, Jawa Tengah on September 6<sup>th</sup> 1971. After graduating from elementary school, Nur Rofiah continued her study at *Madrasah Salafiyah Syafi'iyah* (MASS) Pesantren for Girls in Seblak Jombang, founded by Nyai Khoiriyah Hasyim Asy'ari in Seblak Jombang East Java for 6 years (1984-1990).<sup>1</sup>

In 1990, she studied at UIN Sunan Kalijaga Yogyakarta majoring in Tafsir Hadist and was involved in thought-provoking classes related to gender issues. She also continued her non-formal education in *komplek Hindun Yayasan Ali Maksum Krapyak* Yogyakarta (1993-1996).<sup>1</sup> She received her undergraduate education at UIN Sunan Kalijaga Yogyakarta in 1995 and completed her master's (1999) and doctoral degrees (2001) at Ankara University, Turkey in the Tafsir Quran Department.<sup>1</sup>

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<sup>1</sup> Pera Soprianti, Tia Istianah, "Nur Rofiah: the Initiator of Substantive Justice for the Benefit of Women", *Swara Rahima*, Januari 18, 2022 accessed May 1, 2022 <https://swarahima.com/en/2022/01/18/nur-rofiah-the-initiator-of-substantive-justice-for-the-benefit-of-women/>

<sup>1</sup> Arivia Adhillani, "Pemberdayaan Nalar Kritis Perempuan Dalam Forum Ngaji Keadilan Gender Islam (Analisis Feminisme Amina Wadud)" (Undergraduate thesis, Universitas Islam Negeri Sunan Ampel Surabaya, 2017), 45 <http://digilib.uinsby.ac.id/49711/>

<sup>1</sup> Muhammad, "Mengenal Nyai Nur Rofi'ah, Tokoh Muda NU Penggerak Pemberdayaan Perempuan" *Bangkit Media*, Nov 4 2019, accessed November 2 2021,

Nur Rofiah was involved in several organizations that were concerned with women empowerment in Indonesia such as P3M, Rahima, Alimat, LKK NU, Sisters in Islam (SIS), and Musawah Global Movement, etc.<sup>1</sup> She had been a Nasaruddin Umar's assistant lecturer majoring in Tafsir-Hadith UIN Syarif Hidayatullah and ever been a guest lecturer at the Women's Study Program University of Indonesia (2003). She often became a speaker at women's events both nationally and internationally. Nur Rofiah is one of the initiators the Indonesian Women Ulama Congress (*Kongres Ulama Perempuan Indonesia/ KUPI*) in 2017.<sup>1</sup>

As an academic and gender justice activist, Nur Rofiah promotes her thoughts through writings on the topic of family, women, social justice, and the method of studying the Quran. Her thoughts are formed from the social environment, the cases of humanity, the education and books (one of them was *Perempuan di titik nol* by Nawal El Sadawi). Some scholars who influenced her though are Abdurahman Wahid, Nur Cholis Majid, Ahmad Wahib, Fazlur Rahman, Hasan Hanafi, Riffat Hasan, and Amina Wadud.<sup>1</sup> She always reminds<sup>1</sup> the mission of Islam<sup>7</sup> which full of humanity. The methodology of her interpretation is based on the theory of

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<https://bangkitmedia.com/mengenal-nyai-nur-rofiah-tokoh-muda-nu-penggerak-pemberdayaanperempuan>

<sup>1</sup> Pera Soparianti, Tia Istanah, "Nur Rofiah: the Initiator of Substantive Justice for the Benefit of Women", *Swara Rahima*, Januari 18, 2022 accessed May 1, 2022 <https://swarahima.com/en/2022/01/18/nur-rofiah-the-initiator-of-substantive-justice-for-the-benefit-of-women/>

<sup>1</sup> Tempo Team, "Potensi tafsir Bias Gender masih Tinggi" May, 8 2021 accessed November 28, 2021 <https://majalah.tempo.co/read/wawancara/163154/wawancara-cendekiawan-muslim-nur-rofiah-dakwah-untuk-keadilan-gender-bagi-perempuan>

<sup>1</sup> Muhammad, "Mengenal Nyai Nur Rofi'ah, Tokoh Muda NU Penggerak Pemberdayaan Perempuan" accessed November 29 2021, <https://bangkitmedia.com/mengenal-nyai-nur-rofiah-tokoh-muda-nu-penggerak-pemberdayaanperempuan>

justice and equality, where men and women are only distinguished based on the quality of piety (*taqwa*).

Some of Nur Rofiah's works are:

- a. *Nalar Kritis Muslimah, Refleksi atas Keperempuanan, Kemanusiaan, dan Keislaman* (Book, Afkaruna 2020)
- b. *Seksualitas Kaum Sodom dalam Perspektif Al-Qur'an (Revitalisasi Hokmoseksual dalam Kisah Kaum Luth as Berbasis Tafsir Ilmi)* (Research, Institut PTIQ Jakarta 2019)
- c. *Kajian tentang Hukum dan Penghukuman dalam Islam: Konsep Ideal Hudud dan Praktiknya* (Book, Komnas Perempuan 2018)
- d. *Memecah Kebisuan. Agama Mendengar Suara Perempuan, Korban Kekerasan demi Keadilan* (Book, Komnas Perempuan 2010)
- e. *Al Burhan Journal, Revitalisasi Peran Profetik Sarjana Tafsir Hadis*, (Institut PTIQ Jakarta, Volume 1 No. 1 2014)
- f. *Al Burhan Journal, Gerakan Sekularisasi di Turki*, (Institut PTIQ Jakarta, Volume 1 No. 10 2009)
- g. *Pandangan Islam atas Perkosaan dalam Perkawinan* (2007)<sup>1</sup>

Nur Rofiah also established a learning forum called *Lingkar Ngaji Keadilan Gender Islam* (mid-2019) as a form of her effort against negative stigma about women in society which often appear in religious views.<sup>1</sup>

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<sup>1</sup> Pascasarjana PTIQ, "Dr. Nur Rofiah, Bil. Uzm" <https://pasasarjana-ptiq.ac.id/dosen/32-dr-nur-rofiah-bil-uzm?page=2&per-page=15>

<sup>1</sup> Imas Damayanti, "Nur Rofiah: Bangun Kesadaran Keadilan Gender Islam", *Republika*, December 4, 2021 accessed January 2 2022 <https://republika.co.id/berita/qktjuc483/nur-rofiah-bangun-kesadaran-keadilan-gender-islam>

With her various efforts, it can be seen that Nur Rofiah is very persistent in strengthening women as an important part of the Muslim community.

6. *Lingkar Ngaji Keadilan Gender Islam (KGI)*

*Lingkar Ngaji Keadilan Gender Islam (KGI)* is a forum for people who want to gain knowledge related to the values of gender justice in Islamic perspective. In this forum, Nur Rofiah promotes her perspective on equality, building awareness about the humanity of women in all aspects, primarily to ease the burden of women's biological experiences, those are menstruation, pregnancy, giving birth, puerperal, and breastfeeding, as well as eliminating forms of gender inequality in social experiences, those are stigmatization, subordination, marginalization, violence, and double burden.<sup>1</sup>

*Ngaji KGI* has been held through small gatherings in Jakarta and its surroundings for free. To organize an offline *Ngaji KGI* outside the city, Nur Rofiah had to wait for another invitation in the city, so the organizers only needed to prepare the needs of the event without covering her needs as a speaker. The aim is *Ngaji KGI* can be held independently and free of charge.<sup>1</sup> Since the pandemic, *Lingkar Ngaji KGI* has been held online every Friday using the Zoom application, and it reached more participants who came from various regions, gender and background.<sup>1</sup>

<sup>1</sup> Adhillani, "Pemberdayaan Nalar Kritis Perempuan Dalam<sup>0</sup>Forum Ngaji Keadilan Gender Islam (Analisis Feminisme Amina Wadud)", 50.

<sup>1</sup> Adhillani, "Pemberdayaan Nalar Kritis Perempuan Dalam<sup>1</sup>Forum Ngaji Keadilan Gender Islam (Analisis Feminisme Amina Wadud)", 50.

<sup>1</sup> Adhillani, "Pemberdayaan Nalar Kritis Perempuan Dalam<sup>2</sup>Forum Ngaji Keadilan Gender Islam (Analisis Feminisme Amina Wadud)", 49.

In this forum, Nur Rofiah discusses the history of Islamic struggle with its social problems, especially gender inequality. She gave special attention to the family issue, especially the equal relationship between husband and wife. She reviewed several interpretations of the Quranic verses which were deemed to ignore the principles of justice, equality and humanity towards women.<sup>1</sup>

*Lingkar Ngaji KGI* provides four free facilities that are held on Zoom and can be followed by the whole community by filling out the link on Instagram @ngaji\_kgi. The four platforms are:<sup>1</sup>

#### 1. *Ngaji KGI Reguler (Tematik)*

This study was held on a random Friday night. For joining this platform, participants only need to register once and the *KGI* team will send a zoom link before study.<sup>1</sup> The topics are basic matters, targeted through the Lens of Substantive Justice for Women, those are:

- a. Biological experience: morals of sexual intercourse in Islam, Islamic messages to humans regarding pregnancy, childbirth and breastfeeding, Islamic guidance to support women during childbirth, menopause and andropause in an Islamic perspective

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<sup>1</sup> Elma Adisya, "Nur Rofiah Dorong Kajian Gender dalam Islam yang Lebih Inklusif," *Magdalene*, 29 Januari 2020 accessed Januari 10 2022 <https://magdalene.co/story/nur-rofiah-dorong-kajian-gender-dan-islam-yang-lebih-inklusif>

<sup>1</sup> Nur Rofiah, "Berproses Melalui Ngaji KGI" *Mubadalah*, January 28, 2021 accessed October 25 2021 <https://mubadalah.id/berproses-melalui-ngaji-kgi/>

<sup>1</sup> Ngaji KGI, "Keadilan Gender Islam (KGI) Serial" *Ngaji KGI*, July 27, 2021 accessed March 1, 2022 <https://www.instagram.com/p/CRz5hC4ra9S/>

- b. Social Experience: the history of Islam as the beginner of eliminating gender-based violence against women, the theme surrounding several harmful practices against women in an Islamic perspective, wary of misogynistic values in understanding Islam
- c. The marriage and family system: Absolute Obedience for the Wife, protection and protection, the basis area of gender relations in marriage
- d. Current Issues: Childfree, female genital cutting and wounding (FGM) including female circumcision, child marriage, working women, women's leadership in public spaces, single parents, LDR, etc.

## 2. *Ngaji* KGI Serial (Metodologis)

This study consists of 3 series, and each series is 3 hours (9 hours in a day). Each series is a requirement to follow the next series. Everyone who wants to participate must state their commitment by filling out the statement form provided by the KGI team. The topics in this platform are:<sup>1</sup>

- a. Concept of Substantive Justice for Women (S1)
- b. Gender Relations in Arabic and Tafsir (S2)
- c. Islam and Full Humanization of Women (S3)

## 3. Post *Ngaji* KGI Serial

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<sup>1</sup> Ngaji KGI, "Lingkar Ngaji KGI (Keadilan Gender Islām)" *Ngaji KGI*, November 2, 2021 accessed February 12, 2022 <https://www.instagram.com/p/CVxEhT4vwDw/>

Participants who have completed the *Ngaji* KGI Serial will be invited to take the Post *Ngaji* KGI Serial. This platform aims to learn more about the theory of Islamic Study Methods and Social Sciences from the perspective of Substantive Justice for Women (Lens of Substantive Justice). Participants must attach a *Ngaji* KGI Serial certificate to join this study. The three topics discussed in this platform are:<sup>1</sup>

- a. Key/ main concepts that have developed in Islamic science, such as Al-Quran and Tafsir Science, Hadith Science, *Usul Fiqh* in perspective of Substantive Justice for Women (the Lens of Substantive Justice)
  - b. Key/ main concepts in general science, especially social science in the perspective of Women's Justice (the Lens of Substantive Justice)
  - c. The Islamic and gender-exclusive themes
4. Training of KGI

The diligent participants in the Post *Ngaji* KGI Serial will be invited to take part in special training, designed to enable *Ngaji* KGI participants to become Substantive Justice trainers. The training will be conducted limited only for 20 people. People who finished this study called by “Laskar KGI” (KGI Warriors).<sup>1</sup>

<sup>1</sup> Nur Rofiah, “(Platform Lingkaran Ngaji KGI Keadilan Gender Islam)”, *Nur Rofiah*, Sept 25, 2021 accessed March 23 2022 [https://twitter.com/n\\_rofiah/status/1441562345021456386](https://twitter.com/n_rofiah/status/1441562345021456386)

<sup>1</sup> Ngaji KGI, “Lingkaran Ngaji KGI (Keadilan Gender Islam)” *Ngaji KGI*, October 21, 2021 accessed March 12, 2022 <https://www.instagram.com/p/CVSAKKt96H/>

*Lingkar Ngaji KGI* has been attended by thousands of participants, inside and outside the country. The Information related to this forum can be accessed through the official Instagram account @ngaji\_kgi created on October 2, 2019. On March 24, 2022, *Ngaji KGI*'s Instagram has 315 posts and 6,681 followers.<sup>1</sup>

Nur Rofiah's idea from *Lingkar Ngaji KGI* is an interpretation captured from the perspective of substantive justice (the Lens of Substantive Justice), a perspective which focuses on similarities, differences and diversity for building awareness of the unique conditions of women socially (stigmatization, marginalization, subordination, violence and double burden) and biologically (menstruation, pregnancy, giving birth, puerperal, and breastfeeding) because the organs, functions, periods, and impacts of women's reproduction are different from men,<sup>1</sup> For her, Al-Quran must always be contextualized by humans themselves, especially Muslims.

Nur Rofiah emphasized the biological experience of women because gender injustice often occurs in the family environment, where women still do the domestic work, even though she is sick or get the biological sensations, which the Quran called by pain (*adza*), fatigue (*kurhan*), also great pain and fatigue (*wahnan 'ala wahnin*). Through the terms used by

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<sup>1</sup> Instagram Ngaji KGI, [https://www.instagram.com/ngaji\\_kgi/](https://www.instagram.com/ngaji_kgi/)

<sup>1</sup> Ngaji KGI, "Lingkar Ngaji KGI (Keadilan Gender Islam)" *Ngaji KGI*, January 27, 2021 accessed, August 12 2021 <https://www.instagram.com/p/CKjROIYACYq/>

the Quran, Islam is reminding all humans to always be empathetic towards women.<sup>1</sup>

According to Lies Marcoes, these two special conditions must always be considered in understanding the reality of women's lives as well as related religious texts. To realize the public goodness for human life on earth, people must look at the diversity and everything about life using gender as a perspective, like a lens that sticks to the eye.<sup>1</sup>

The concept of "The Lens of Substantive Justice" was formed as a response to the assumption that Islam is legalized injustice and oppression to women, whereas it comes from religious understanding influenced by patriarchal<sup>1</sup> traditions or Middle East medieval culture.<sup>1</sup> In fact, Islam forbids any absolute obedience and worship except to Allah, (whether in the form of material, power systems, or figures) and it is called *Tauhid*.<sup>1</sup> *Tauhid* brings universal teachings about human equality whether by race, gender, or social class.<sup>1</sup>

Something is fair if the "special needs" of groups are facilitated (by ensuring the disabilities and women get their facilities and ensuring their 5

<sup>1</sup> Ngaji KGI, "Perbedaan al-Qur'an dengan Pemahamannya" *Ngaji KGI*, August 13, 2021 accessed, February 2, 2021 <https://www.instagram.com/p/CSgSx4HIOzG/>

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 16.

<sup>1</sup> Patriarchy is a system in which men have all or most of the power and importance in a society or group <https://www.collinsdictionary.com/dictionary/english/patriarchy>

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 16.

<sup>1</sup> According to Britannica, *Tawhid*, also spelled *Tauhid* in Islam is the oneness of God, in the sense that he is one and there is no god but he, as stated in the *shahādah* ("witness"). Tawhid further refers to the nature of that God—that he is a unity, not composed, not made up of parts, but simple and uncompounded.

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 53

social experiences didn't happen). Some of the Substantive Justice concepts are:<sup>1</sup>

1. Something is called fair if it is also fair to women
2. Relational action: if it has a good impact on men, but has a bad impact on women then it must be prevented
3. Non-relational action: if it has a good impact on men, but has a bad impact (dangerous) on women, it must be treated differently
4. Guarding religion, soul, mind, honor, lineage, property

#### 7. Marriage in Nur Rofiah's Perspective

In *Lingkar Ngaji KGI*, Nur Rofiah always emphasizes that Islam has changed the basic pillars of marriage in the *jahiliyyah* (The age of ignorance),<sup>1</sup> which considers women as objects to satisfy men's sexual desires<sup>1</sup> and oppress the weak. Islam is a process toward a mercy for all, where the weak and the strong obey absolutely to Allah by the value of the common good.<sup>1</sup> Islam is perfecting morals, ensuring that the weak are not humiliated and elevating the position of mothers as parents.

The contract of marriage in Islam carried out by the father and husband is intended as a transfer of responsibility for the protection of women from the father to the husband, not the transfer of property rights as happened in the *jahiliyyah* system. Men and women are pairs (*zawaj*),

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<sup>1</sup> Nur Rofiah, "Childfree dan Childcare Perspektif Islam", Webinar Lingkar Ngaji KGI (Keadilan Gender Islam). Zoom Meeting: August 27 2021

<sup>1</sup> an Islamic concept referring to the period of time and state of affairs in Arabia before the advent of Islam in 610 CE. It is often translated as the "Age of Ignorance". The term *jahiliyyah* is derived from the verbal root *jahala* "to be ignorant or stupid, to act stupidly"

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 60

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 85.

so they have to help each other as a partner. There is no ownership and no control in a marriage.<sup>1</sup>

Being husband and wife have an inherent status as vicegerents on earth (*khalifah fi al-ardh*), both are subjects. As state in surah Al-Baqarah [2]: 30:

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً ۗ قَالُوا أَتَجْعَلُ فِيهَا مَنْ يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ ۗ قَالَ إِنِّي أَعْلَمُ مَا لَا تَعْلَمُونَ

“And [mention, O Muhammad], when your Lord said to the angels, “Indeed, I will make upon the earth a successive authority.” They said, “Will You place upon it one who causes corruption therein and sheds blood, while we declare Your praise and sanctify You?” Allah said, “Indeed, I know that which you do not know.”<sup>1</sup>

According to Nur Rofiah, there are several principles of marriage in Islam:<sup>1</sup>

- a. *Zawaj/* pair or complement each other (Al-Baqarah [2]: 187, Ar-Rum [30] : 21)
- b. *Mitsaqan Ghalidzan /* Solemn covenant (An-Nisa [4]: 21)
- c. *Muasyarah Bil Maruf/* Polite and civilized behavior ( An-Nisa [4]: 19).
- d. *Musyawah/* Warm and intense communication (Al-Baqarah [2]: 233)
- e. *Taradhin/* Willing and sincere (Al-Baqarah [2]: 233)

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 60

<sup>1</sup> Shahih International, <https://www.alquranenglish.com/quran-surah-al-baqarah-30-qs-2-30-in-arabic-and-english-translation#Sahih-International>

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 125

Marriage is one form of Islamic worship. Every action in marriage must involve two parties to develop the concept of relationship.<sup>1</sup> It should make benefits and good impact on both parties and society. The relation between husband and wife must consider the ethics of *halalan toyyiban* and *ma'rufan*. "*Halal*" pays attention to the law regarding the legality of cases in religion, "*thayyib*" pays attention to whether a case is good or not, and "*ma'ruf*" pays attention to whether a case is appropriate or not.<sup>1</sup> Marriage legalizes sexual relations between<sup>5</sup> two parties in a dignified manner (*Mu'asyarah bi al-Ma'ruf*), and does not diminish his body as a servant of God.

Islam builds awareness that men and women are created from one soul (*nafsul wahidah*, an-Nisa [4]: 1)<sup>1</sup> then created into a physical figure. They must learn together and manage their souls to find tranquillity, affection and mercy in life (Ar-Rum [30]:21) until die in a state of peace (*nafs al muthmainnah*).<sup>1</sup>

According to Nur Rofiah, although there are many explanations about the virtues of marriage, the only parameter of human quality before Allah is piety (*taqwa*). Someone single and pious is better than a husband and wife who are not pious. Similarly, a pious married couple is better than a

<sup>1</sup> Faqihuddin Abdul Kodir, *Pèempuan (Bukan) Sumber Fitnah!*, 14

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 56

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 61

<sup>1</sup> Tabayyun Pasinringi, "Bagaimana Islam Menilai 'Childfree'? Sebuah Penjelasan Lengkap," *Magdalene*, Speaker: Nur Rofiah, August 31 2021 accessed Feb, 23 2022 <https://magdalene.co/story/bagaimana-islam-menilai-childfree-sebuah-penjelasan-lengkap>

single person who is not pious.<sup>1</sup> The purpose of human life is to be the best version of themselves. Everyone must recognize their respective potentials and realize goodness as much as possible based on faith in Allah.

## 8. Childfree in Nur Rofiah's Perspective

According to Nur Rofiah, childfree is closely related to the awareness of women's humanity, where the position of women in any history is very far from 'independence'. This phenomenon could be a response to the marriage/ family system that exists to this day, and has a problem for one party.<sup>1</sup>

Analyzing 'childfree' in an Islamic perspective cannot be separated from analyzing Islam as a teaching system because in the Islamic teaching system there is a mission to create a great life system, such as the system of life, health, individuals, society, religion, to the state.

In responding to a phenomenon related to women, Nur Rofiah mentions 3 levels of the social system which are clarified based on the society's perspective development on women's humanity. The three levels of women's humanitarian awareness are:<sup>1</sup>

### 1. Lowest Level: Rejecting women as human beings

This level of awareness does not view bad actions against women as a violation. This level can be identified based on society's view

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 54.

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 35-36, and Nur Rofiah,<sup>9</sup> "Childfree dan Childcare Perspektif Islam", Zoom Meeting: August 27 2021

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 140-141, and Nur Rofiah,<sup>0</sup> "Childfree dan Childcare Perspektif Islam", Zoom Meeting: August 27 2021

that humans are only men, women are not human so they are treated inhumanely. Men are the sole subjects and women are objects, so justice is only for men.

2. Intermediate Level: rejecting women's biological experiences as part of humanity

This level of awareness has improved, women are human but men are their standard of humanity (Men are primary subjects, women are secondary subjects). The typical experience of women has not been considered as part of humanity. For example, rape that afflicts women is not considered a humanitarian problem, but a woman's problem.

3. The highest level: Seeing women as fully human as men

Women's experiences are considered as part of humanity, so bad actions and difficulties experienced by women are solved together.

This is what is called substantive justice.

These three levels of society's consciousness to women's humanity are related to her own methodology of reading the Qur'an through women's experiences in interpreting a verse with a goal of achieving substantive justice for women.<sup>1</sup>

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<sup>1</sup> Rofiah, *Nalar Kritis Muslîmah*, 141, and Nur Rofiah, "Childfree dan Childcare Perspektif Islam", Zoom Meeting: August 27 2021

1. *Titik berangkat* (Departure point)

This is a verse that describes patriarchy, where men are the sole subject and women are the object. The message under this verse will continue to change towards empowerment.

(example: verses about women as decorative accessories for men, and verses about angels in heaven)

2. *Target antara* (Intermediate Target)

This is a verse that describes soft patriarchy, where men are described as primary subjects and women become secondary subjects to move continuously towards a gender-justice social system.

(example: the verse on the inheritance of daughters and the witness of women in debts, the verse on polygamy)

3. *Tujuan final* (Final Goal)

This is a verse that describes justice, where men and women are described as subjects who have complete equality. This “Final Goal Verse” is an understanding of whole verses and messages, not taking pieces of the existing verse.

(example: the verse on the mission and moral foundations, fair monogamy, the equal share of the inheritance of father and mother 1/6 when their died child has a child, and the same 5 times witness of women and men in the *li'an*)

These are related to humanity and personal choices of life, where society has no right to judge them. Islam wants to create a full bless-life system for the universe, including women who also want to spread benefits to society. Nur Rofiah believes that apart from sex women have their priorities. This is also a difference from the *jahiliyyah* era where the husband has full authority over his wife in making every decision. Islam came by turning oppression into empowerment and making deliberation and mutual pleasure part of the foundation of the family.

The decision to marry or being single, childfree or being parents must be deliberate on internal and external benefits using the purpose of goodness. In the internal benefit, childfree decisions must go through deliberation from both parties and have an impact on the wider benefit like the decision of scholars not to marry for being wise to their followers without having to violate their obligations as a father or husband and as much as possible avoid destruction.<sup>1</sup>

Having child is a husband and wife's choice and consequence personally. People must understand their abilities and responsibilities for their choices, because humans as spiritual beings will return to their God individually and take responsibility for all their deeds to Allah as themselves.<sup>1</sup>

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<sup>1</sup> Tabayyun Pasinringi, "Bagaimana Islam Menilai 'Childfree'? Sebuah Penjelasan Lengkap," Speaker: Nur Rofiah, accessed Feb, 22 2021 <https://magdalene.co/story/bagaimana-islam-menilai-childfree-sebuah-penjelasan-lengkap>

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 85.

وَلَقَدْ جِئْتُمُونَا فُرَادَىٰ كَمَا خَلَقْنَاكُمْ أَوَّلَ مَرَّةٍ وَتَرَكْتُمْ مَا خَوَّلْنَاكُمْ وَرَاءَ ظُهُورِكُمْ ۗ وَمَا نَرَىٰ  
مَعَكُمْ شُفَعَاءَكُمُ الَّذِينَ زَعَمْتُمْ أَنَّهُمْ فِيكُمْ شُرَكَاءَ ۗ لَقَدْ تَقَطَّعَ بَيْنَكُمْ وَضَلَّ عَنْكُمْ مَا كُنْتُمْ  
تَزْعُمُونَ

*[It will be said to them], “And you have certainly come to Us alone as We created you the first time, and you have left whatever We bestowed upon you behind you. And We do not see with you your ‘intercessors’ which you claimed that they were among you associates [of Allah]. It has [all] been severed between you, and lost from you is what you used to claim.” (al-An’am [6] : 94)*<sup>1</sup>

Islam encourages its follower to have children because children and family is one of the ways used as an intermediary to get closer to Allah. Children are soul conditioning, but children also have the potential to be enemies to parents (Al-Anfal [8]: 28).<sup>1</sup> Therefore, the recommendation is strongly bound by commitment to responsibility to God for his choice to become parents. Deciding to have children requires extraordinary preparation, they must be educated properly

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّ مِنْ أَزْوَاجِكُمْ وَأَوْلَادِكُمْ عَدُوًّا لَكُمْ فَاحْذَرُوهُمْ ۗ وَإِنْ تَعْفُوا  
وَتَصْفَحُوا وَتَغْفِرُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

*“O you who have believed, indeed, among your wives and your children are enemies to you, so beware of them. But if you pardon and overlook and forgive – then indeed, Allah is Forgiving and Merciful. (at-Taghabun [64] : 14)”*<sup>1</sup>

<sup>1</sup> Shahih International, <https://www.alquranenglish.com/quran-surah-al-anam-94-qs-6-94-in-arabic-and-english-translation#Sahih-International>

<sup>1</sup> Shahih International, <https://www.alquranenglish.com/quran-surah-al-anfal-28-qs-8-28-in-arabic-and-english-translation#Sahih-International>

<sup>1</sup> Shahih International, <https://www.alquranenglish.com/quran-surah-at-taghabun-14-qs-64-14-in-arabic-and-english-translation#Sahih-International>

Islam builds human awareness as intellectual and spiritual beings, which should feel that they have to get God's blessing in every action. Believing that the pleasure of Allah depends on the pleasure of his partner (*Tarodin*).<sup>1</sup> According to Nur Rofiah, husband and wife must be deliberate before deciding everything, including sexual relations and talking about children. Obedience is only for the common good. there is no absolute obedience except to Allah.

لَا طَاعَةَ فِي مَعْصِيَةِ إِبْنِهَا الطَّاعَةَ فِي الْمَعْرُوفِ

*“There is no obedience to anyone if it is disobedience to Allah. Verily, obedience is only in good conduct.”*<sup>1</sup> 5

Women and men also have different life experiences and conditions, so it is important to always consider what kind of condition they are in and didn't make other parties the sole standard of “*khairunnas*” for themselves. There are some families who expect better life and condition if they have children, there are also those who feel some bad things will happen if they have children, like poverty, domestic violence or others. Marriage in Islam aims to bring peace of mind for both parties. All choices must be centered on goodness, so the decision to be childfree is also not something completely wrong.<sup>1</sup> 5 9

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 60. 7

<sup>1</sup> Team Daily Hadits Online, “Hadith on Obedience: No<sup>8</sup> obeying creation if disobeying the Creator”, Daily Hadits Online Sahih al-Bukhari 6830, Shahih Muslim 1840 <https://www.abuaminaelias.com/dailyhadithonline/2012/03/17/no-obedience-creator/>

<sup>1</sup> Tabayyun Pasinringi, “Miliki Anak Atau Tidak, Islam<sup>9</sup> Anjurkan Pilihan yang Maslahat”, *Magdalene* (Speaker: Nur Rofiah), October 18, 2021 accessed March, 23 2022, <https://magdalene.co/story/miliki-anak-atau-tidak-islam-anjurkan-pilihan-yang-maslahat> dan Nur Rofiah, “Childfree dan Childcare Perspektif Islam”, Zoom Meeting: August 27 2021

A person's quality standard is judged by the commitment of *Tauhid* and piety to God. *Tauhid* is the boost to make great benefits, good deeds or good actions on the earth. So All decisions, especially a long impact-decisions must be based on:

- a. The common good and the principle of piety to Allah (*taqwa*)
- b. The purpose of marriage: *sakinah* (peace of the soul), *mawaddah* (affection), and *rahmah* (compassion)<sup>1</sup>

Islam has a mission to create a great life system that blesses the universe, including women. Islam is not only required to be *shalih-shalihah* (a good person), but also *mushlih-mushlihah* (conciliator, reformer, people who bring improvement and change in life). So, the decision to have children must be based on mutual agreement, especially for women who experience various kinds of physical experiences that are not inevitable, starting from the process of getting pregnant until giving birth.<sup>1</sup> Becoming Islam is a process of proving commitment throughout life, as evidenced by the effort to become the best self by realizing the goodness on earth both inside and outside the home with the foundation of faith in Allah.

So, people should be able to distinguish childfree reasons because they are selfish or want to be more useful. Being childfree does not eliminate the social responsibilities to neglected children, orphans, disability, child labor, victims of domestic violence, pedophilia, sexual

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<sup>1</sup> Nur Rofiah, "Childfree dan Childcare Perspektif Islam", Zoom Meeting: August 27, 2021

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 43

violence against children and children in conflict areas. The best of humans are those who are the best versions of themselves so that they can give benefit and good impact.

## **B. The Similarities and The Differences of Abu Hamid al-Ghazali and Nur Rofiah's Perspective on Childfree**

### 1. The Similarities Between Abu Hamid al-Ghazali and Nur Rofiah's Perspective on Childfree

a. Both al-Ghazali and Nur Rofiah agree that there is no prohibition on being childfree, so they do not consider childfree as something forbidden (*haram*)<sup>1</sup> 6 2

b. Both al-Ghazali and Nur Rofiah explain the virtues and problems of having children, and they do not require a person to have children. Deciding to be childfree is not a sin, but according to al-Ghazali, many virtues are lifted (*tarkul afdhal*)

c. Both al-Ghazali and Nur Rofiah strongly emphasize that both husband and wife must equally fulfill the rights of their partners to create a *sakinah* (peace of the soul), *mawaddah* (affection), and *rahmah* (compassion) family

### 2. The Differences Between Abu Hamid al-Ghazali and Nur Rofiah's Perspective on Childfree

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<sup>1</sup> forbidden or proscribed by Islamic law

- a. Al-Ghazali as a male and classical Islamic scholar emphasized the male leadership. He taught how men lead the family well. Meanwhile, Nur Rofiah as a female and contemporary Islamic scholar emphasized the balance-gender leadership. She prioritizes the condition of women in deciding childfree as a person who will get the long impact of pregnancy. She considers that in the matter of having children, the decision should be more on women because women will get the impact and many changes in having children
- b. Al-Ghazali likens someone who has organs to reproduce as a servant who is given seeds, field and agricultural equipment from his master which should be used as well as possible. Meanwhile, Nur Rofiah said that having a reproductive organ, the ability to conceive and breastfeed is a natural condition (*qudrat*), but using it is an option (*ikhtiar*). She prioritizes family circumstances and their choices (based on wise reason and pleasure or *tarodhin*), especially women as vicegerents on earth who have the right to live in a meaningful life with a variety of ways
- c. Al-Ghazali with his wisdom in seeing the unstable socio-political conditions divided positions fairly. He prioritizes the division of labor between husband and wife in the public and domestic sectors. He honors women by placing them in domestic positions and making them the main educators for children. The discussions about women are mostly associated with children and household

work, including the needs of family and husbands. While Nur Rofiah Rofiah is anxious about seeing reality. She voiced the problems that women feel, from restraint to domestic violence with her persistence. She prioritizes the equal sharing of responsibilities and women's freedom doing their roles whether contributing in the public/domestic sphere, being a mother/ career woman or with/without children as long as remains responsible for neglected children and social roles

- d. From the work of al-Ghazali and Nur Rofiah, the author concludes that decision of childfree for people who are capable of having them for having fun is *makruh*<sup>1</sup> because they leave many virtues (*tarkul afdhal*), leave the command of the prophet and the mandate of Allah to preserve human beings. Meanwhile, as long as both partners are equally trying to spread the benefit to the world, Nur Rofiah is more inclined to permissible (*mubah*)

### **C. The Basis of Abu Hamid al-Ghazali and Nur Rofiah's Perspective on Childfree**

The thought and interpretation are closely related to the social context, and generally raised after experiencing a long social dialectical process. To understand the thinking of the scholars objectively, there are two things that need to be considered, first intellectual development and second, the objective reality surrounding his life. Knowledge of intellectual

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<sup>1</sup> disliked or offensive act <sup>6</sup>

development can avoid them from subjectivity and simplification. Meanwhile, knowledge of the objective reality will be able to capture the factors that encourage them to articulate their ideas, views and attitudes, even the methods adopted to realize the ideas.<sup>1</sup> 6

To understand the thoughts of al-Ghazali and Nur Rofiah regarding the goals of marriage and childfree objectively, what needs to be considered is the context or objective reality surrounding them and the background of their intellectual development. Al-Ghazali lived in an era where usually men stand to be a leader and women do the domestic work. In contrast with Nur Rofiah's era where women were able to access the same education as men and began to move towards the desired career.

According to al-Ghazali, marriage is required to have children as a factor for the sustainability of the human population in the world, so child is the main purpose of marriage.<sup>1</sup> It is based on the Prophet's command to *ummah* "Marry so that you have offspring"<sup>1</sup> and the Prophet Muhammad's suggestion to find a loving and fertile wife, based on the hadith: 5

تَزَوَّجُوا الْوَلُودَ الْوَدُودَ ، فَإِنِّي مُكَاتِرٌ بِكُمْ الْأُمَّمَ يَوْمَ الْقِيَامَةِ

*“Marry the one who is fertile and loving, for I will be proud of your great number before the nations on the Day of Resurrection.”*<sup>1</sup> 6

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<sup>1</sup> M. Atho Mudzhar, *Membaca Gelombang Ijtihad antara Tradisi dan Liberasi*, Yogyakarta: Titian Ilahi Press, 1998, 105.

<sup>1</sup> Imam al-Ghazali, *Ihya Ulughuddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1122.

<sup>1</sup> Abu Hamid Al-Ghazali, *Ihya' 'Ulum al-din*, 25. 6

<sup>1</sup> Sunan an-Nasa'i 3227, Book 26, Hadith 32 <https://sunnah.com/nasai:3227>

Although in his book women are often described as a second role behind their husbands, as a scholar and Sufi who wants to improve human morals, he taught how men lead their households well, including paying attention to the rights of wives and family members.

According to him, men have great obligations in Islam. Imam Ghazali also advises men to be selective in choosing women (righteous and have the potential for having many children) because, in addition to helping men with completing household matters, women are also expected able to have many children for pursuing god and prophet's love and seeking the blessings of child's pray.

In the book of *Ihya'* he wrote when he experienced a lot of heartbreak and left Baghdad with all the luxury and honor (488 H / 1095 AD) with a fondness for seclusion (*khalwat*), I'tikaf and worshipping at the Damascus Mosque, and moved to Baitul Maqdis. He continued his journey for Hajj and then a pilgrimage to the Prophet's Tomb.<sup>1</sup> The seclusion (*khalwât*) and I'tikaf made him see that creation of Allah must continue to exist, including marriage as the main way of continuing offspring, as in his book he explained that

*"Everyone who does not want to marry is turning away from agriculture, wasting seeds and agricultural equipment, squandering the purpose of events and wisdom, which is understood from the evidence of creation written on the limbs with the divine inscription, not with lettered and voiced writing, so it can be read by anyone who*

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<sup>1</sup> Heris Hermawan, Yaya Sunfarya, *Filsafat Islam*, 90.

*has the eyes of a divine hearth (bashirah rabbaniyyah) that are translucent to obtain subtle azaliyah wisdom.*"<sup>1</sup> 6

On the other hand. Nur Rofiah as a contemporary Islamic female scholar sees the reality that giving birth is not an easy thing.<sup>1</sup> Women as parties who will experience a long reproductive process must get attention to their reproductive rights. Based on the pillars of marriage in Islam, the decision of having children-being childfree can be made if both husband and wife want it and no one feels burdened by each other. 7

For Nur Rofiah, the main purpose of marriage is to get happiness/peace of mind (*sakinah*) based on love (*mawaddah warahmah*) with three levels of ethics in every action, those are *halal* (permissible/not according to religion), *thayyib* (good/not for life) and *ma'ruf* (appropriate/not in behavior). It is based on the Quran:<sup>1</sup> 7

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ۗ إِنَّ فِي

ذَٰلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

*"And of His signs is that He created for you from yourselves mates that you may find tranquillity in them, and He placed between you affection and mercy. Indeed in that are signs for a people who give thought."* (Ar-Rum [30] : 21)<sup>1</sup> 7 2

<sup>1</sup> Imam al-Ghazali, *Ihya Uluhuddin: Menghidupkan Ilmu-Ilmu Agama*. Terj. Ismail Yakub, 1122.

<sup>1</sup> Ngaji KGI, "Perbedaan al-Qur'an dengan Pemahamannya" *Ngaji KGI*, August 13, 2021 accessed, February 2, 2021 <https://www.instagram.com/p/CSgSx4HIOzG/>

<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 56

<sup>1</sup> Shahih International, <https://www.alquranenglish.com/quran-surah-ar-rum-21-qs-30-21-in-arabic-and-english-translation#Sahih-International>

In addition, the experience of the marginalization that had occurred between the roles of men and women in the organization's leadership she was previously involved in, and her interest in gender and women's issues made her very sensitive to the negative views, narratives and harmful traditions against women, Nur Rofiah does not put "have children" as the main purpose of a marriage, because she understands that not all women have the ability to pregnant. Also, although there are many narratives explaining that women have a womb to give birth, actually women also have a mind to think, a body to move, and ideas to build civilization. So the utilization of all these organs is an option (*ikhtiyar*) based on wisdom and *ridho* to spread the benefits as widely as possible as vicegerent on earth (*Khalifah fil ardhi*).<sup>1</sup>

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<sup>1</sup> Rofiah, *Nalar Kritis Muslimah*, 40 & 189.

## CHAPTER IV

### CLOSING

#### A. Conclusion

After discussing the perspective of Abu Hamid al-Ghazali and Nur Rofiah about childfree, it can be concluded that al-Ghazali didn't discuss childfree specifically, but looking at his statement about the purpose of marriage, the author concludes that the decision of childfree is leaving virtues (*tarku al-afdhal*), and if it was chosen because of selfishness or for having fun, childfree is *makruh*. On the other, according to Nur Rofiah being childfree is permissible (*mubah*), but it must be based on wise reason and be approved by both parties. She emphasizes that childfree does not eliminate the social responsibilities to neglected children, orphans, disabilities, child laborers, victims of domestic violence and pedophilia, also children in conflict areas.

There are some similarities and differences between al-Ghazali and Nur Rofiah's perspectives on childfree. The similarities are: First, both al-Ghazali and Nur Rofiah agree that there is no prohibition on being childfree, so they do not consider childfree as something forbidden (*haram*). Second, they explain the virtues and problems of having children, and they do not require a person to have children. Third, they strongly emphasize that both husband and wife must fulfill the rights of their partners to get peace of soul. The differences are: First, al-Ghazali as a male and classical Islamic scholar emphasized the male leadership. He taught how men lead the family well. Meanwhile, Nur Rofiah as a female and contemporary Islamic scholar

emphasized the balance-gender leadership. She prioritizes the condition of women in deciding childfree as a person who will get the long impact of pregnancy. Second, al-Ghazali likens someone who has organs to reproduce as a servant who is given seeds, field and agricultural equipment from his master which should be used as well as possible. Meanwhile, Nur Rofiah said that having a reproductive organ, the ability to conceive and breastfeed is a natural condition (*qudrat*), and using it is an option (*ikhtiar*). Third, al-Ghazali prioritizes the division of labor between husband and wife (public-domestic sectors), and the discussions about women are mostly associated with children and household work, while Nur Rofiah prioritizes the equal sharing of responsibilities and women's freedom doing their roles whether contributing in the public/domestic sphere, being a mother/ career woman or with/without children as long as remains responsible for neglected children and social roles. Fourth, the author concludes that in al-Ghazali's perspective, the decision of childfree is leaving virtues (*tarkul afdhol*), and if it was chosen because of selfishness or for having fun, childfree is *makruh*. Meanwhile, as long as both parties have a strong and wish reason, and try to spread the wider benefit in the world, Nur Rofiah said that childfree permissible (*mubah*).

According to al-Ghazali, the basis of children existence as the main purpose of marriage is the hadith of *Rasulullah* who calls on his friends to get married and have children. The Prophet also strongly recommends someone marry a loving and fertile woman to get many children. Unlike Nur Rofiah,

she discusses that the main purpose of marriage is written in Surah Ar-Rum [30]: 21 which states that Allah has decreed marriage to find tranquillity, affection and mercy to make a better world as *Khalifah fi al-ardh*.

## **B. Suggestion**

### **1. Researcher**

This research only discusses the decision to be childfree in the perspective of Abu Hamid al-Ghazali as an classical Islamic scholar and Nur Rofiah as a contemporary Islamic female scholar also the comparison between them. The researcher suggests to the next researcher to raise other issues related to husband-wife relations more critically based on the perspectives of classical and contemporary scholars with various surrounding aspects such as gender equality or reproductive rights between them.

### **2. Public**

- a. Deliberation is very important. Everyone has different experiences and living conditions. Childfree is quite complex, some people make it as a way of life/ideology. So decisions to be childfree should be conveyed and discussed together before deciding to get married.
- b. Childfree is not the solution for childhood trauma. If the decision to be childfree is due to mental health factors, it would be better for someone to consult and do therapy with an expert.

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