



Deconstruction of Maqāṣid al-Usrah in the Childfree Discourse: A Review of Contemporary Indonesian Islamic Family Law Philosophy

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ARTICLE INFO

Keywords: Family Law
Philosophy, Procreation Ethics,
Maṣlaḥah Reinterpretation,
Demographic Jurisprudence,
Critical Discourse Analysis

Received: 19, June

Revised: 20, July

Accepted: 30, August

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ABSTRACT

Discourse on childfree choices among Indonesian Muslim families has largely been examined through fatwa commissions applying fiqh al-usrah, leaving the deeper philosophical architecture of maqāṣid al-usrah (the higher objectives of family law) analytically untouched. This gap matters because normative rulings alone cannot capture how demographic shifts challenge the very rationale underlying family-oriented Islamic jurisprudence. This article aims to deconstruct maqāṣid al-usrah as a philosophical construct and test its coherence against contemporary childfree discourse in Indonesia. Employing library research, the study combines a philosophical-hermeneutic reading of classical and contemporary family-fiqh texts with critical discourse analysis of childfree narratives circulating in Indonesian public and scholarly discourse. Sources were selected based on thematic relevance to family objectives, procreation, and demographic ethics, then analyzed through thematic and comparative techniques to trace conceptual tensions. The analysis reveals that maqāṣid al-usrah, conventionally anchored to procreation (nasl) as an almost fixed pillar, exhibits internal fluidity when confronted with childfree reasoning grounded in autonomy, ecological concern, and psychological well-being. The study proposes a reconstructed reading of maqāṣid al-usrah that accommodates plural family trajectories without abandoning its ethical core, offering a philosophical bridge between classical family jurisprudence and contemporary demographic realities, while acknowledging that empirical validation of lived experiences remains a task for future field-based inquiry.

INTRODUCTION

Being childfree is no longer merely a lifestyle choice for a handful of urban couples, but rather a discourse that compels family jurisprudence to confront a fundamental question: Is the birth of children truly an inseparable part of the *maqāṣid al-usrah*, or merely a historical consequence of how classical scholars interpreted the texts within specific social contexts? This debate has intensified in Indonesia precisely because society still views reproduction as the primary marker of a successful marriage, so the childfree choice is often interpreted as a moral deviation rather than as a new space for *ijtihad*. In fact, when examined philosophically, the very construction of *maqāṣid al-usrah* emerged from an interpretive process that was not divorced from the context of its time; just as the renewal of Islamic legal thought demands the courage to reinterpret classical *fiqh* categories that have long been taken for granted (Mustafid, 2018).

This issue becomes more complex when linked to the concept of justice in Islamic law. Justice, within the framework of Islamic legal philosophy, is not a static concept fully formulated by medieval scholars, but rather a principle whose relevance to changing human realities must continually be tested (Amin, 2015; Helmi, 2015). If the *maṣlaḥah* of the family is measured solely by a couple's willingness to have children, then room for psychological, economic, ecological, and even women's reproductive health considerations will be simply excluded from legal deliberations—even though it is precisely these aspects that legal subjects most tangibly experience in their daily lives. Such disparities reveal that family *fiqh* reasoning has thus far tended to favor a normative-textual logic over the logic of substantive justice, which should be the very spirit of the *maqāṣid al-syarī'ah* itself.

This is the source of the academic unease that prompted this essay. The “childfree” discourse, rather than being viewed as a threat to the institution of the family, should be interpreted as a symptom of a deeper epistemological tension: between family jurisprudence oriented toward biological-generative continuity and the demands of the times, which call for family jurisprudence oriented toward the quality of relationships, equality, and the psychological well-being of couples. Contemporary studies in the philosophy of Islamic law have not yet directly addressed this issue; most of the literature remains focused on issues of inheritance, polygamy, or the minimum age for marriage (Alwani, 2023; Afrizal & Fauzan, 2024; Faiz, 2020), while the question of whether reproduction is a necessary condition for the validity of *maqāṣid al-usrah* has scarcely ever been seriously deconstructed. It is this gap that this article aims to fill.

This article is based on the premise that deconstruction does not mean negation, but rather the dismantling of a structure of thought that has long been regarded as singular and definitive, so that it may then be reinterpreted more contextually and equitably. Drawing on the framework of Islamic family law philosophy, this paper seeks to position the “childfree” discourse not as an object to be immediately judged as *halal* or *haram*, but as a gateway to reexamine the fundamental assumptions that have long underpinned the

concept of *maqāṣid al-usrah*. The concept of justice in Islamic law, which positions humans as subjects in a continuous process of development (Masruchi, 2021), serves as a crucial foundation for understanding that the family—like other legal institutions—is inextricably linked to historical dynamics and ever-changing human needs. It is from this standpoint that the problem statement, objectives, and framework of argumentation for this article are developed in the following sections.

Background & Context

The discourse on “childfree” —the conscious choice not to have children within a marital union—has shifted from being merely an individual preference to becoming a subject of debate in Islamic family law in Indonesia. This debate touches on the most sensitive aspect of the *maqāṣid al-syarī’ah* framework, namely *ḥifẓ al-nasl* (preservation of the lineage), which has long been understood as the fundamental purpose of the institution of marriage. When a couple chooses to be childfree, the question is not merely a matter of *fiqh*—whether it is permissible to delay or refuse pregnancy—but rather a more fundamental philosophical question: Are the *maqāṣid al-usrah*—the objectives of sharia within the institution of the family—singular and fixed, or are they open to reinterpretation in light of changing social contexts?

Islamic legal philosophy provides a framework for considering such issues not merely as normative violations, but as a field of interpretation that links text, public interest, and justice. The concept of justice in Islamic legal philosophy, as emphasized by (Amin, 2015) and (Helmi, 2015), does not stop at formal compliance with the text but demands harmony between the law and the public interest it seeks to achieve. The question is, what kind of justice can serve as a foundation when the decision to remain childfree confronts the doctrine of *ḥifẓ al-nasl*, which has historically been built on the assumption that reproduction is the inevitable purpose of every marital union. Herein lies a tension that has not yet been extensively explored philosophically: should *ḥifẓ al-nasl* be interpreted as a reproductive mandate binding on every individual, or is it more accurately understood as the protection of the continuity of the lineage at the collective—communal—level, such that a personal choice not to have children does not automatically undermine that *maqṣad*?

The Indonesian context complicates this issue because family law here does not exist in a vacuum of classical *fiqh* alone, but rather intersects with positive law, diverse religious interpretations, and strong sociocultural pressures regarding the obligation to procreate. (Masruchi, 2021) asserts that the essence of legal philosophy within an Islamic framework constantly navigates between textual certainty and contextual demands—a dialectic that becomes increasingly sharp when the “childfree” discourse, which originally developed in the secular Western sphere, is absorbed into the discursive space of Indonesian Muslims, the majority of whom still uphold the paradigm of the extended family as the ideal norm. Ironically, opposition to the “childfree” movement often stops at normative-doctrinal arguments without addressing the philosophical roots of why *ḥifẓ al-nasl* was formulated in such a way by classical scholars, or the socio-historical context in which that *maqṣad* emerged.

It is this gap in philosophical interpretation that serves as the starting point for this article. Rather than treating “childfree” merely as an anomaly that must be rejected or legitimized haphazardly, a deconstructive effort is needed to unravel the assumptions underlying the very construction of *maqāṣid al-usrah* itself—whether it is a transcendent given, or whether it is also a product of human *ijtihād* bound by space and time, just as the renewal of Islamic legal thought has been proposed in various contemporary theories of *hudud* (Mustafid, 2018). It is this interconnection between justice, *maslahat*, and the contemporary context that will pave the way for identifying research gaps in the following section.

Brief Overview & Research Gaps

The study of contemporary Islamic legal philosophy in Indonesia has developed quite rapidly, particularly regarding issues of justice, the reform of family law, and the reinterpretation of *maqāṣid al-syarī'ah*. However, upon closer examination, discussions specifically targeting *maqāṣid al-usrah*—*maqāṣid* oriented toward the sustainability and welfare of the family institution—in relation to the “childfree” phenomenon are almost nonexistent. Masruchi (2021) asserts that the philosophy of Islamic law essentially serves to bridge normative texts with an ever-changing social reality—a framework that should be flexible enough to accommodate contemporary reproductive issues such as the “childfree” movement. Unfortunately, the available literature tends to remain at a general theoretical level without delving into the concrete cases currently unfolding in the Indonesian public sphere.

Some of the literature, however, revolves around related domains but does not directly address the substance of the childfree movement. Amin (2015) and Helmi (2015), for example, provide an in-depth analysis of the concept of justice in Islamic legal philosophy, but neither includes the dimensions of reproductive rights or women’s bodily autonomy as variables of family justice. Faiz (2020) and Afrizal (2024) elaborate on justice in the context of inheritance law—a realm that intersects with family structure but remains distant from the debate over the decision not to have children. Meanwhile, Alwani (2023), who examines the prevention of child marriage from the perspective of Islamic legal philosophy, shows that contemporary family issues have indeed begun to be addressed, but the focus of the study remains on child protection, rather than on the discourse surrounding the postponement or refusal of reproduction by adult couples.

A crucial point missing from this bibliography is the tension between a largely textual-normative interpretation of *maqāṣid al-usrah* and the deconstructive demands put forward by the “childfree” discourse—demands that challenge the assumption that reproduction is an absolute and non-negotiable purpose of the family institution. Mustafid (2018), through his study of Muhammad Syahrur’s thoughts on *hudud*, demonstrates a methodological precedent showing that the renewal of Islamic law can be achieved without undermining its normative foundations—an approach that is relevant but has not yet been specifically directed toward the *maqāṣid* of the family. Siregar (2024) also emphasizes the importance of a contextual framework for Islamic

political theory, reinforcing the argument that Islamic family law cannot be interpreted in isolation from contemporary sociopolitical dynamics.

From this overview, it is clear that no study has yet specifically deconstructed the *maqāṣid al-usrah* to reexamine the legitimacy and contestation of the “childfree” discourse within the framework of contemporary Indonesian Islamic family law philosophy. Existing studies tend to fall into one of two extremes: defensively upholding normative doctrine without elaborating on its philosophical arguments, or adopting a secular critique of the family institution without attempting to reconnect it to the framework of *maqāṣid al-syarī'ah*. As a result, public debates on the “childfree” movement in Indonesia are often trapped in a superficial “normative versus liberal” polarization, lacking an epistemological framework capable of bridging the two positions through reasoned argument.

This research gap becomes even more pronounced when considered in light of the methodological requirements outlined by Masruchi (2021) regarding the nature of the philosophy of law from the perspective of Islamic legal philosophy—namely, that any reinterpretation of family norms must be grounded in a clear epistemological framework, rather than merely an apologetic reaction. Thus, this research is positioned to fill that gap: examining *maqāṣid al-usrah* not as a closed doctrine, but as a philosophical construct that can—and must—be critically deconstructed to respond to the social reality of contemporary Indonesian families, including the “childfree” phenomenon that is increasingly prominent in public discourse.

Novelty, Objectives, and Research Questions/Hypotheses

The novelty of this article lies in its attempt to deconstruct *maqāṣid al-usrah* not as a closed doctrine, but as a philosophical construct that must be re-examined when confronted with the “childfree” phenomenon, which stems from modern rationality—bodily autonomy, ecological calculations, and intergenerational trauma. Studies in the philosophy of Islamic law have thus far tended to treat *maqāṣid* as a fixed framework that simply needs to be applied to new cases (Masruchi, 2021; Helmi, 2015), whereas the very nature of *maqāṣid*, as demonstrated in the renewal of contemporary Islamic legal thought, is in fact open to reinterpretation when the social context undergoes fundamental shifts (Mustafid, 2018). This article positions itself at this point of tension: not to reject *maqāṣid al-usrah*, but to unpack the assumptions behind it to determine whether it remains fully relevant or whether it requires a new articulation that is more accommodative of individual justice, as emphasized in the discourse on Islamic legal justice in general (Amin, 2015; Faiz, 2020).

This study has three interrelated objectives. First, to map the epistemological structure of *maqāṣid al-usrah* in classical and contemporary family *fiqh* to identify which elements are *tsawābit* (fixed) and which are *mutaghayyirāt* (variable). Second, to analyze the “childfree” discourse in Indonesia as a social text with its own argumentative logic, rather than treating it merely as a deviation that must be judged *a priori*. Third, to formulate a reconstructive proposal for *maqāṣid al-usrah* capable of bridging the tension between the collective welfare of the family and the right to individual

autonomy, in line with the spirit of Islamic legal philosophy that emphasizes substantive justice over normative formalities (Helmi, 2015; Afrizal & Fauzan, 2024).

Based on these objectives, this study is guided by three central questions. First, how has the maqāsidī structure of the family institution in Islamic fiqh been constructed from a historical-philosophical perspective, and what anthropological assumptions underpin it? Second, to what extent do the arguments behind the childfree choice contradict or, conversely, intersect with the fundamental values of maqāsid al-syarī'ah – particularly ḥifẓ al-nasl – when interpreted beyond their literal meaning? Third, what kind of model for reconstructing maqāsid al-usrah can respond to the reality of the childfree lifestyle without losing its theological-philosophical coherence?

Because it is conceptual and literature-based, this article does not propose a hypothesis in the statistical sense, but rather an initial proposition to be tested through argumentation: that maqāsid al-usrah can be reconstructed without being detached from its theological roots, provided that the interpretation of ḥifẓ al-nasl is shifted from a reproductive-biological meaning toward a broader meaning of the continuity of values and generational responsibility.

LITERATURE REVIEW

A Synthesis of the Current Literature

Recent studies in the philosophy of Islamic law have revealed an interesting trend: justice is no longer treated as an abstract, standalone value, but rather as an operational principle that must be tested in concrete cases. Amin (2015) asserts that justice from the perspective of Islamic legal philosophy is substantive, not merely procedural—it demands that legal outcomes align with the maṣlaḥah that exists within society. Helmi (2015) reinforces this argument by comparing the concept of justice in general legal philosophy and Islamic legal philosophy, concluding that their common ground lies in the rejection of legal certainty that is blind to social context. These two studies are important as an epistemological foundation for the deconstructive argument presented in this article, because the “childfree” discourse is essentially a test of the ability of Islamic family law to respond to realities that were unimaginable to classical fiqh.

On a more fundamental level, Masruchi (2021) asserts that the philosophy of Islamic law serves as a critical tool for dissecting the assumptions underlying legal norms, rather than merely confirming their validity. This perspective aligns with the reform project proposed by Mustafid (2018) through a reinterpretation of Muhammad Syahrur's theory of hudud, which presents legal boundaries as a flexible framework rather than rigid provisions closed off from contextual interpretation. If this logic is applied to the realm of the family, then norms surrounding reproduction and childbirth should also be viewed as a domain of ijtihad open to reinterpretation, rather than as a final doctrine resistant to interpretation. Mustafid's position provides methodological legitimacy for the deconstruction proposed in this article regarding the conventional maqāsid al-usrah.

Meanwhile, studies on the reform of Islamic family law in Indonesia remain focused on technical and procedural issues, such as the prevention of child marriage (Alwani, 2023) or the distribution of substitute heirs (Afrizal & Fauzan, 2024). These two studies demonstrate that contemporary Islamic legal philosophy in Indonesia is more frequently used to justify reforms in procedural aspects rather than to question the ontological assumptions underlying the institution of the family itself. This gap represents a significant gap: there has been no study in Islamic legal philosophy that explicitly examines *maqāṣid al-usrah* in light of the “childfree” discourse, even though this issue touches on the core of the debate regarding the nature and purpose of the family in Islam. Faiz (2020), who explores the philosophy of justice in Islamic inheritance law, also highlights a similar pattern—intra-family justice is consistently tested through distributive cases, rather than through questions regarding the inevitability of reproduction as part of the purpose of marriage.

From this synthesis, it is clear that the existing literature provides adequate methodological and epistemological tools for reinterpreting *maqāṣid al-usrah*; however, no one has yet directly applied these tools to the issue of childfree living. This gap serves as the starting point for the theoretical framework that will be developed in the following subsection.

Theoretical/Conceptual Framework

The conceptual framework of this article is built upon three mutually reinforcing pillars: the classical theory of *maqāṣid al-syarī'ah* as a starting point, the idea of Islamic legal reform as a method of deconstruction, and the concept of justice as a measure of the validity of the outcome. These three elements do not stand alone but form a single line of reasoning that allows for a reinterpretation of *maqāṣid al-usrah* without losing its epistemological roots.

The first starting point is the understanding that *maqāṣid al-sharī'ah* is not a closed doctrine, but rather a framework of values that is constantly tested by social change. Masruchi (2021) asserts that the essence of Islamic legal philosophy lies in its ability to reinterpret the objectives of sharia in accordance with the evolving context of the public interest, rather than merely repeating old formulations. From this perspective, *maqāṣid al-usrah*—as a derivative of *ḥifẓ al-nasl*—should be viewed not as a singular command to have children, but as a value framework that allows for multiple interpretations, including the question of when and how the birth of a child truly supports the *maṣlaḥah* of the family.

The second pillar is the method of deconstruction borrowed from the tradition of renewal in Islamic legal thought. Mustafid (2018) demonstrates, through a study of Muhammad Syahrur’s theory of *ḥudūd*, how classical fiqh concepts can be reinterpreted contextually without severing their connection to normative sources. The author employs the same logic to dissect *maqāṣid al-usrah*: not to reject it, but to peel away the layers of historical-patriarchal assumptions that have long been attached to it. Deconstruction here functions as an analytical tool, not as a project aimed at negating the authority of sharia.

The third pillar, justice, serves as the benchmark for assessing whether this reformulation of *maqāṣid al-usrah* is philosophically sound. Amin (2015)

and Helmi (2015) both position justice as the core of Islamic legal philosophy, not merely a supplementary principle. If justice is the standard, then the “childfree” discourse cannot be judged solely from the perspective of textual compliance; it must also be examined in terms of its implications for relational justice within the family – whether women are still positioned as autonomous subjects or, conversely, reduced to mere instruments of reproduction. In his study of the philosophy of justice in Islamic inheritance law, Faiz (2020) demonstrates that the principle of justice in classical fiqh is, in fact, proportional and contextual, not rigid and uniform. This analogy is relevant: if inheritance justice can be reinterpreted according to the socioeconomic context, why can’t justice in family reproductive relationships undergo a similar reinterpretation?

The author weaves these three pillars – *maqāṣid*, deconstruction, and justice – into a single, mutually supportive conceptual framework. *Maqāṣid al-syarī’ah* provides the normative basis; the method of deconstruction provides the tools for reinterpretation; and justice provides the measure of the validity of the results of that reinterpretation. These three do not stand alone but operate cyclically: the determination of the objectives of sharia triggers a deconstructive reading; the results of deconstruction are tested against the principle of justice; and the findings of justice, in turn, enrich our understanding of *maqāṣid* itself. This conceptual framework underscores that the deconstruction of *maqāṣid al-usrah* is not a one-way, linear process, but rather a dialectic that continuously corrects itself.

This framework subsequently serves as a basis for situating the study’s contribution within the previously mapped literature, while also highlighting the gap that this article aims to fill.

The Significance and Contribution of This Study

The two previous subsections reveal a fairly clear gap: studies of *maqāṣid al-syarī’ah* in the realm of the family have thus far oscillated between two poles that rarely converge. On one hand, there are normative-textual studies that emphasize the necessity of reproduction as part of *ḥifẓ al-nasl* (Masruchi, 2021; Helmi, 2015); on the other hand, studies in the philosophy of Islamic law have emerged that are beginning to challenge the rigidity of classical fiqh categories in related issues, such as the distribution of inheritance (Afrizal & Fauzan, 2024; Faiz, 2020), the minimum age for marriage (Alwani, 2023), or even Syahrur’s deconstructive approach to hudud (Mustafid, 2018). Unfortunately, this deconstructive boldness has not yet directly addressed the issue of childfree living. This study positions itself precisely at this unexplored intersection: not merely to add to the body of research on Islamic families, but to link the tradition of *maqāṣid* criticism with a phenomenon that, while sociologically present, is still treated – from a philosophical and legal perspective – as an anomaly to be rejected rather than understood.

The first contribution of this study is conceptual: it offers a reinterpretation of *ḥifẓ al-nasl* that goes beyond the literal meaning of “preservation of biological lineage” and extends toward the preservation of the family institution as a space of *maṣlaḥah* that can be realized through various means – including childless families that continue to fulfill the functions of

mawaddah wa rahmah. This claim is not a rejection of the authority of the text, but rather a methodological refinement: just as studies of justice in Islamic legal philosophy affirm that justice is contextual and multi-layered (Amin, 2015; Helmi, 2015), so too should the application of *maqāṣid al-usrah* not be subject to a single interpretation. This is where the author's critical stance lies: the deconstruction in question is not the destructive deconstruction characteristic of secular relativism, but rather a methodological deconstruction that remains grounded in the epistemology of *maqāṣid* itself.

The second contribution is methodological and thematic in nature. As far as the available literature is concerned, the issue of childfree living has been discussed primarily within the fields of psychology, reproductive health, or positive law (compare, for example, studies on the psychosocial aspects of health issues that highlight the importance of personal-social context in bodily and family decision-making, Utami 2017), while an Islamic legal-philosophical analysis of this phenomenon is virtually nonexistent. This study fills that gap by proposing an analytical framework that simultaneously links the theory of *maqāṣid*, contemporary critiques of Islamic law, and the social reality of the "childfree" movement in Indonesia—rather than treating them as separate entities, as in previous studies. Thus, the contribution of this study lies in its effort to open a space for dialogue between orthodox family fiqh and the dynamics of contemporary life, without getting trapped in either apologetics or total rejection, while also laying the groundwork for the theoretical framework that will be elaborated upon in the following subsections.

METHODOLOGY

This study is designed as a literature review (library research) using a qualitative-interpretive approach grounded in Islamic legal philosophy. This choice is not without reason: the discourse on childfree living within the context of *maqāṣid al-usrah* cannot be approached through quantitative measurement because what is at issue is the structure of legal reasoning, not the frequency of behavior. The focus is on dismantling—or, in the terms used in the title, deconstructing—the normative assumptions that have long underpinned the claim that reproduction is an integral part of the sharia's objectives for family life. This kind of work requires a close reading of texts, not a survey of a population.

All data used consists of written secondary sources: journal articles, studies on the philosophy of Islamic law, and writings on justice and *maqāṣid* relevant to the structure of family-related arguments in fiqh. Inclusion criteria were established along three axes: (1) texts that explicitly discuss Islamic legal philosophy and justice as operational principles, as found in studies on justice from the perspectives of legal philosophy and Islamic legal philosophy (Helmi, 2015; Amin, 2015); (2) texts that discuss the renewal of Islamic legal thought and the reinterpretation of classical fiqh concepts in addressing contemporary issues, as seen in studies on Muhammad Syahrur's theory of hudud (Mustafid, 2018); and (3) texts that link Islamic family law to issues of gender justice and power relations within it, including a study on the prevention of child marriage from the perspective of Islamic legal philosophy (Alwani, 2023) and a legal-

philosophical review of substitute inheritance distribution (Afrizal & Fauzan, 2024; Faiz, 2020). Sources that are merely descriptive and lack philosophical argumentation were excluded from the corpus of analysis, as the purpose of this study is not to map practices but to dissect the underlying structures of reasoning.

The analytical technique used is qualitative content analysis combined with a hermeneutic-critical reading, based on the premise that Islamic legal texts are never neutral but are always bound to the epistemological context of their interpreters (Masruchi, 2021). The procedure consists of three mutually reinforcing stages. First, the thematic mapping stage: all sources are grouped based on how each treats the relationship between the birth of a child and the objectives of family law—whether as primary objectives (*ḍarūriyyāt*) or secondary objectives (*ḥājiyyāt/taḥsīniyyāt*). Second, the argumentative comparison stage, in which opposing positions are brought together to identify conceptual points of tension, following the method commonly used in studies of Islamic inheritance justice that link the principles of formal and substantive justice (Faiz, 2020). Third, the stage of critical synthesis, which involves formulating new propositions regarding the status of *maqāṣid al-usrah* following deconstruction, while maintaining accountability to the primary and secondary sources cited.

The validity of the analysis is ensured through source triangulation—comparing more than one study of Islamic legal philosophy that addresses the themes of justice and family law reform—so that interpretations do not rely on a single perspective. This step is crucial, given that the childfree discourse is prone to being reduced to a superficial moral debate if it is not grounded in an argumentative *maqāṣid* framework. With this design, the study aims not to pass judgment on the rightness or wrongness of the “childfree” choice, but rather to examine the extent to which the construction of *maqāṣid al-usrah*—which has long been considered standard—is truly grounded in sound sharia reasoning, or whether it is instead largely supported by socio-historical assumptions that have been frozen into theological norms.

Research Design & Approach

This study is designed as a literature review (library research) based on a qualitative-normative approach with a philosophical-hermeneutic orientation. This choice is not a methodological coincidence but a direct consequence of the nature of the object under study: *maqāṣid al-usrah* is a normative value construct that exists within texts, interpretations, and social discourse, not a variable that can be measured quantitatively. A literature review allows the researcher to trace the trajectory of arguments across different periods—from classical *fiqh* to contemporary debates on the “childfree” movement—without having to reduce the complexity of ideas to numbers or closed categories (Sedayu & Adiyasa, 2024; Lubis, 2023).

The philosophical approach here is understood not as an abstract analysis detached from legal reality, but rather as a way of interpreting Islamic family law as a product of reasoning whose validity is constantly being challenged. Masruchi (2021) asserts that the philosophy of Islamic law is

fundamentally an effort to understand the ratio legis behind the norms, rather than merely memorizing their positive provisions. In line with this, Helmi (2015) and Amin (2015) position justice as an operational principle that anchors legal reasoning to the social context in which it is applied. This premise is relevant when *maqāṣid al-usrah* is confronted with new realities such as the decision to remain childfree, which was once unimaginable in classical *fiqh* discourse.

Deconstruction, in the context of this article, is used not as a nihilistic project that dismantles without direction, but as a critical reading technique that lays bare the hidden assumptions behind the concept of the “ideal family” in *fiqh* discourse. It builds on Mustafid’s (2018) premise regarding the renewal of Islamic legal thought, which demands the courage to question conceptual boundaries that have long been considered final. The author’s position here is constructive-critical: deconstruction is used to open up new interpretive spaces for the *maqāṣid*, not to invalidate their authority as an ethical framework for the family.

A comparison with positivist-empirical approaches is essential to clarify the methodological boundaries of this study. While survey research or field case studies measure childfree behavior as an observable social phenomenon, this study instead explores how that phenomenon is represented, evaluated, and debated through texts and discourse (Siregar & Yuliansyah, 2024). Consequently, the claims to truth produced here are not statistical generalizations, but rather interpretive proposals whose coherence can be tested logically and argumentatively—a characteristic that distinguishes the philosophy of law from positive legal science, which is oriented solely toward normative certainty.

The approach used is qualitative-normative in nature with a hermeneutic-philosophical orientation, combining the reading of classical *fiqh* texts with a critical analytical framework for contemporary discourse. This model draws on the spirit of the contextual approach, as emphasized by Suriadi (2018) in the field of *fiqh* studies, which holds that religious texts never exist in a vacuum but are always intertwined with the social-historical context of their interpreters. In this study, that context is contemporary Indonesian society, which is currently experiencing a shift in family values due to urbanization, women’s higher education, and the globalization of discourse on reproductive rights. The author positions herself reflectively: not as a detached, neutral observer, but as an interpreter who consciously acknowledges the involvement of values in the analytical process—a methodological necessity in the study of Islamic legal philosophy based on text and meaning.

The non-empirical nature of this study also means that the validity of the arguments does not depend on the representativeness of the sample, but rather on the logical coherence of the arguments and the accuracy of the interpretation of primary and secondary sources. This design is consistent with the tradition of literature review in Islamic legal philosophy, which positions intertextual dialogue—between the *nas*, the interpretations of classical scholars, and contemporary discourse—as the primary arena of proof. Thus,

methodologically, this research design guides the reader on how the data and sources were collected and analyzed, which will be elaborated upon in the following subsection.

Data, Population, Sample, and Instruments

In this literature review, the term “data” does not refer to numbers or informants’ responses, but rather to the corpus of texts that is the subject of analysis. The corpus in this article consists of two layers: primary data in the form of classical and contemporary fiqh texts that contain the concept of *maqāṣid al-usrah*—particularly works that frame the birth of a child as part of *ḥifẓ al-nasl*—as well as contemporary *ijtihād* that addresses modern family issues (Masruchi, 2021; Mustafid, 2018); and secondary data consisting of journal articles, studies on the philosophy of Islamic law, and relevant literature on justice and family law reform serving as analytical comparators (Amin, 2015; Helmi, 2015; Faiz, 2020). This distinction is important because the proposed deconstruction cannot rely solely on normative texts but also requires a critical discourse that demonstrates how *maqāṣid* are reinterpreted in the public sphere.

Since no human population was surveyed, “population” here is understood as the entirety of written discourse on family, children, and childfree individuals within the body of contemporary Indonesian Islamic law—a population that is practically unlimited and therefore requires strict delimitation (Lubis, 2023; Sedayu & Adiyasa, 2024). The sample was selected purposefully, not randomly, based on three inclusion criteria: first, the text must explicitly address the relationship between childbirth and the objectives of family sharia; second, the text must reflect a variety of schools of thought—both those leaning toward textualism and those more focused on *maqāṣid*—to ensure the argumentative landscape is not one-sided; and third, the texts must have sufficient influence or representativeness within the discourse of Indonesian family fiqh, rather than merely being opinions without an academic foundation (Afrizal & Fauzan, 2024; Alwani, 2023). Exclusion criteria were applied to filter out texts that merely touch on the “childfree” concept in passing without any analyzable *maqāṣidī* arguments, as their inclusion would only obscure the study’s focus without adding interpretive depth.

In the context of a literature review such as this, the research instrument is not a questionnaire or a physical measurement tool, but rather a reading framework that the author has developed by synthesizing the concepts of procedural and substantive justice as outlined in the theoretical framework chapter. This framework serves as a lens for identifying three elements in each text: first, the ontological assumptions about children and families that underpin the arguments; second, the reasoning mechanisms that link these assumptions to the legal permissibility or prohibition of being childfree; and third, the normative gaps that emerge when these assumptions are confronted with contemporary social realities (Amin, 2015; Masruchi, 2021). This interpretive framework is not an instrument free from the author’s position—it is consciously designed to deconstruct the taken-for-granted assumption that reproduction is the only legitimate manifestation of *maqāṣid al-usrah*; thus, its

application to the corpus of data will directly lead to the deconstructive thesis that forms the backbone of this article's argument.

Analysis Procedures and Validity Reliability

The analysis was conducted in three sequential stages: thematic reduction, conceptual categorization, and critical synthesis. Thematic reduction sorted the texts—including the Qur'an, classical fiqh texts, and contemporary articles—based on their relevance to the five *maqāṣid al-usrah* identified in Chapter 2. Categorization then groups the arguments into conservative pro-hifẓ al-nasl, revisionist *maqāṣidi*, and sociological-pragmatist positions, in line with the typology echoed in Syahrur's debates on the reform of Islamic law (Mustafid, 2018). The critical synthesis, the final stage, brings these three categories together to identify their points of convergence and divergence—not merely to summarize, but to examine whether revisionist arguments are truly grounded in *maqāṣidi* reasoning or merely borrow its terminology loosely.

The technique used is qualitative content analysis combined with a hermeneutic-contextual approach. Content analysis allows for the systematic grouping of argumentative patterns, while contextual hermeneutics—following the spirit of the contextual approach in fiqh studies (Suriadi, 2018)—interprets each perspective within its social-temporal framework, rather than as an ahistorical proposition. This combination is important because the "childfree" discourse cannot be understood solely through normative texts; it is also a product of contemporary socioeconomic conditions that are reshaping how people weigh the public interest.

Validity is ensured through source triangulation: each theme emerging from classical fiqh is compared with interpretations from contemporary Islamic legal philosophy (Amin, 2015; Helmi, 2015; Masruchi, 2021) to ensure that the author's interpretations are not isolated from an established scholarly tradition. This type of triangulation aligns with the principles of qualitative data validity, which emphasize cross-checking among sources to ensure the credibility of findings (Mekarisce, 2020), although in a literature review context, triangulation applies to texts rather than informants. Interpretive reliability is pursued through an audit trail: each categorization is documented with an explicit rationale for why a text was included in a particular typology, so that the reasoning process can be retraced by other readers—a requirement also emphasized in systematic literature reviews (Lubis, 2023; Sedayu & Adiyasa, 2024).

Limitations are acknowledged. Because the data is textual and interpretation is inherently subjective, a claim of absolute objectivity cannot be sustained; what is sought here is procedural transparency and consistency in argumentation. Thus, the findings in the following chapter should be read as a methodologically grounded interpretive proposal, not as the sole truth regarding the relationship between *maqāṣid al-usrah* and the childfree choice.

RESULTS AND DISCUSSION

A review of the corpus of contemporary Islamic legal philosophy reveals that the "childfree" discourse does not stand alone as an ethical anomaly, but rather intersects with a broader epistemological shift in the way thinkers

approach the *maqāṣid al-syarī'ah*. Three schools of thought can be identified from this literature review, each with different epistemological foundations and legal implications regarding the role of childbirth within the *maqāṣid al-usrah*.

The first school of thought is textualist-normative. This group treats *hifẓ al-nasl* as a given *maqṣad*, not open to renegotiation, so that the birth of a child is viewed as an almost inevitable consequence of the marriage contract. This perspective aligns with an interpretation of family law that equates justice with formal adherence to the text (Helmi, 2015), leaving little room for individual contextual considerations.

The second current is a moderate contextualist-*maqāṣidi* approach. Here, justice is treated as an operative principle that must be adapted to social and personal realities, as demonstrated in studies on the prevention of child marriage that prioritize psychological and biological well-being over the formal requirements of the marriage age (Alwani, 2023). A similar logic can be drawn from studies on the renewal of Islamic law that shift the focus from textual certainty to the achievement of the law's own social objectives, as seen in an analysis of Syahrur's theory of *hudud*, which emphasizes maximum and minimum limits rather than a single, fixed standard (Mustafid, 2018). Applied to the issue of the "childfree" lifestyle, this logic opens up the possibility of arguing that *hifẓ al-nasl* can be achieved through various means—including parenting, the endowment of knowledge, or other social contributions—without reducing that *maqṣad* solely to biological reproduction.

The third school of thought, which is the smallest but philosophically significant, is deconstructive-critical in nature. This group questions whether *hifẓ al-nasl* truly stands as an autonomous *maqṣad*, or whether it is in fact a derivative of a more fundamental *maqṣad*, namely the preservation of justice and the well-being of the family as an institution. This interpretation aligns with the assertion that justice in both Islamic jurisprudence and the philosophy of Islamic law always function as an overarching principle that governs derivative provisions (Amin, 2015; Masruchi, 2021), not the other way around. Consequently, when the birth of a child has the potential to cause harm — whether psychological, economic, or ecological—for the family in question, then the *maqāṣidi* argument can be reversed: refraining from reproduction becomes another form of *hifẓ al-nafs* and *hifẓ al-māl* that actually supports the integrity of the family's overall *maqṣad*.

A tabulation of these three trends reveals a pattern of shifting perspectives: from viewing the birth of a child as a given obligation, to seeing it as a goal that can be achieved in various ways, and, at the extreme, as a variable that can be negotiated in the interest of a higher *maqṣad*. This pattern of shift can be summarized.

Another equally important finding concerns the relationship between *qawwamah* and women's reproductive autonomy within the family. A review of the literature indicates that gender justice in contemporary family *fiqh* is increasingly positioned as a balance of reciprocal rights and obligations, rather than a one-way hierarchy (Faiz, 2020). If this principle is applied to the childfree sphere, then the decision not to have children—provided it is mutually agreed

upon within the marital bond—cannot automatically be categorized as a form of *nusyūz* or defiance against the purpose of marriage; rather, it is more accurately interpreted as an expression of the couple's personal *ijtihād* regarding the *maqṣad* of the family they believe in. This interpretation certainly still requires further examination of the applicable normative boundaries, but it underscores that the deconstruction of *maqāṣid al-usrah* within the childfree discourse is not a rejection of sharia, but rather an effort to interpret it more contextually and equitably.

Key Findings

A review of the corpus of contemporary Islamic legal philosophy reveals that the “childfree” discourse is not addressed as a standalone topic, but rather is scattered throughout broader discussions on justice, *maqāṣid al-syarī'ah*, and methodological renewal in *ijtihād*.

The first clear finding: nearly all studies addressing the relationship between family law and the value of justice take *maṣlaḥah* as the starting point for their arguments, rather than relying solely on specific textual passages (Amin, 2015; Helmi, 2015). This trend is significant because it opens the door to the reasoning that the obligation to have children—which has long been understood as an integral part of *hiḏ al-nasl*—can be reconsidered when personal and social interests so require.

Second, studies on the renewal of Islamic legal thought reveal patterns of argumentation relevant to understanding the philosophical legitimacy of the childfree lifestyle. Mustafid (2018), through an analysis of Muhammad Syahrur's theory of *hudud*, demonstrates how a reinterpretation of textual norms can be carried out without departing from the framework of sharia, provided that the intent of such renewal is directed toward adapting the law to a changing social context. This line of thinking, although it does not directly address the childfree lifestyle, sets a methodological precedent: that family norms—including those regarding procreation—are not static but rather a field of interpretation that continually evolves in response to social realities (Mustafid, 2018).

The third finding concerns patterns of argumentation surrounding age and readiness for family life, which indirectly intersect with the “childfree” discourse. Alwani's (2023) study on the prevention of child marriage shows that contemporary Islamic legal philosophy is increasingly inclined to prioritize individual well-being—physical, psychological, and social—as a determining factor in assessing the suitability of forming a family relationship. Taken further, this logic is actually consistent with the arguments of some advocates of the “childfree” movement: that readiness and well-being are not merely administrative requirements, but substantive prerequisites for the fulfillment of the family's very purpose.

Fourth, in the realm of inheritance law and the distribution of substitute heirs, a similar pattern emerges: distributive justice is understood contextually, rather than rigidly based solely on biological lineage (Afrizal & Fauzan, 2024; Faiz, 2020). This pattern of argumentation reinforces the general impression that contemporary Islamic family law philosophy in Indonesia is shifting

toward an emphasis on *maṣlaḥah* and substantive justice, even though no explicit discussion of the “childfree” concept is found in the classical *fiqh* sources cited in these studies. The absence of such direct discussion is, in fact, a significant finding in its own right: it indicates that the discourse on “childfree” emerges as an issue stemming from contemporary social shifts, and thus the response to it must be formulated through contextual *ijtihād*, rather than merely through textual analysis (Masruchi, 2021).

Overall, the descriptive patterns emerging from the literature review reveal three interrelated trends: first, the strengthening of substantive justice as the basis for family law arguments; second, a methodological shift from a textual-normative approach to a contextual-*maqāṣid* approach; and third, the absence of explicit discussion regarding “childfree” in the available corpus of *fiqh*, which actually opens up space for contemporary Islamic legal philosophy to formulate a new position. These three trends serve as the foundation for a deeper thematic analysis in the following subsections.

Inferential Thematic Findings

Behind the descriptive patterns presented above, three major themes can be drawn from the corpus of literature examined. The first theme is the shift in the meaning of *hiḍ al-nasl* from a literal reproductive obligation to the protection of the quality of offspring and the well-being of the family as a whole. This interpretation aligns with the view that justice in Islamic law does not stand as an abstract value, but rather as an operational principle that must be reinterpreted according to the social context (Amin, 2015; Helmi, 2015). The implications are serious: if *hiḍ al-nasl* is interpreted as safeguarding quality – rather than merely the quantity of births – then arguments equating the “childfree” lifestyle with an absolute rejection of *maqāṣid al-usrah* become overly hasty. This position calls for caution: the decision not to have children – arising from careful consideration of one’s economic, psychological, or reproductive health capacity – differs qualitatively from a stance that rejects the family as an institution in and of itself. It is this difference in intent (*qaṣd*) that should serve as the focal point of legal assessment, not merely the outcome of whether or not one has offspring.

The second theme concerns the tension between *qawwāmah* as a normative structure and individual autonomy as a rational legal subject. Studies on justice in Islamic legal philosophy emphasize that power relations within the family must be subject to the principle of the common good, not unilateral domination (Masruchi, 2021). When the “childfree” discourse emerges from mutual negotiation between partners – rather than a unilateral decision that disregards the other partner’s rights – the substance of the *qawwāmah* structure is actually preserved, even if its form deviates from the classical model. This demonstrates that the deconstruction of *maqāṣid* does not entail the abolition of family authority, but rather a shift in the locus of authority from a given hierarchy toward a dialogical agreement.

The third, and perhaps most crucial, theme is the emergence of a new space for *ijtihād* that has not yet been adequately mapped out in contemporary Indonesian family *fiqh*. The renewal of Islamic legal thought demonstrates a

precedent that concepts such as hudud and family law can be reinterpreted without betraying the spirit of sharia, provided that *usul al-fiqh* arguments are rigorously constructed (Mustafid, 2018). The “childfree” discourse, therefore, is not an anomaly that must be reflexively rejected, but rather a field of *ijtihad* that demands a more adaptive *maqāṣid* framework—one capable of distinguishing between a rejection of the institution of the family and a realignment of its objectives in accordance with changing social realities.

Tables, Visualizations, and Summary of Findings

To facilitate the interpretation of the patterns outlined in the previous two subsections, the descriptive and inferential findings can be condensed into a single conceptual table that maps three academic positions against the four dimensions of *maqāṣid al-usrah*. This consolidation is not merely an administrative summary; it explicitly highlights where the actual points of convergence and divergence in the arguments lie, so that readers do not need to revisit the entire corpus to grasp the structure of the debate.

Table 1. Comparative Map of Positions on the Dimensions of *Maqāṣid al-Usrah* in the Childfree Discourse

Dimensions of <i>Maqāṣid</i>	Traditionalist Position	The Reformist- <i>Maqāṣidi</i> Position	Critical Position – Childfree
The essence of <i>ḥifẓ al-nasl</i>	Having children as a literal commandment, almost a normative obligation	<i>Ḥifẓ al-nasl</i> as a collective value of the Muslim community, not an absolute individual obligation	<i>Ḥifẓ al-nasl</i> can be achieved without personal biological reproduction
The Measure of <i>Maṣlaḥah</i>	Determined by the <i>naṣṣ</i> and the consensus of the classical <i>fuqahā'</i>	Shifting toward contextual <i>maṣlaḥah</i> – economic, psychological, ecological	Individual <i>maṣlaḥah</i> (bodily autonomy, mental well-being) is equivalent to collective <i>maṣlaḥah</i>
The Principle of Justice	Justice as adherence to the established legal order	Justice as the proportional distribution of the burden of reproduction (Amin, 2015; Helmi, 2015)	Justice as the recognition of choices that are not a priori deemed sinful
The Scope of <i>Ijtihad</i>	Narrow, almost exclusively focused on birth-related issues	Conditionally open, using a framework for the reform of Islamic law (Mustafid, 2018)	A broad perspective, calling for a total reconstruction of <i>maqāṣid al-usrah</i>

This table shows that the point of contention among the three positions lies not in the acceptance or rejection of the *maqāṣid* themselves, but rather in who has the authority to reinterpret their order of priority. The traditionalist position upholds a relatively fixed hierarchy of values, while the reformist-*maqāṣidi* position—in line with analyses of justice as an operational principle in Islamic legal philosophy (Helmi, 2015; Masruchi, 2021)—allows for a reweighing of priorities without departing from the sharia framework. The

critical-childfree position goes a step further by shifting the locus of authority from the community of jurists to the individual legal actor—a shift that is philosophically close to discussions on the renewal of Islamic law that reject rigid literalism (Mustafid, 2018), though its c

Three propositions can be drawn from this synthesis as a summary of the chapter's findings. First, the tension surrounding the "childfree" discourse in family fiqh is not a conflict between Sharia and secularism, but rather a conflict between interpretations of maqāṣid al-usrah itself—a finding that refutes the generalization that rejecting childbearing automatically contradicts Islamic law. Second, the shift from ḥifẓ al-nasl as a procreative obligation toward ḥifẓ al-nasl as the protection of the quality of offspring opens an epistemological opening for the conditional legitimization of the "childfree" choice, particularly in cases of documented health conditions, structural economic factors, or psychological trauma—not merely as a lifestyle preference without consideration of maṣlaḥah. Third, the authority to interpret maqāṣid remains an unresolved point of contention: do contemporary Muslim individuals possess the capacity for personal ijtihād regarding their reproductive decisions, or do such decisions still require the mediation of collective religious authority?

These three propositions are interlinked and form a clearer argumentative framework than if each perspective were considered in isolation. The table and discussion above are therefore not intended to put an end to the debate, but rather to serve as an analytical framework that will be explored in greater depth in subsequent discussions—particularly regarding the implications of each position for the broader reform of Islamic family law in Indonesia.

Interpretation of Findings Vs the Literature

The findings in Chapter 4 indicate that the childfree discourse cannot be reduced to a matter of normative compliance alone, but rather reveals an epistemological shift in how maqāṣid al-usrah is interpreted. This finding aligns with a line of thought that positions justice not as a given, final value, but as an operational principle that must be continually negotiated within changing social contexts (Amin, 2015; Helmi, 2015). If justice is understood statically—merely as formal conformity to the text—then the "childfree" choice is automatically judged as a deviation. However, if justice is interpreted as the relationship between the intent of sharia and the reality of human life, the scope for ijtihad actually widens, as also demonstrated in studies of the philosophy of inheritance law, which demand substantive justice over mere textual certainty (Faiz, 2020; Afrizal & Fauzan, 2024).

A comparison with the literature on the renewal of Islamic law reinforces this position. Syahrur's reinterpretation of the doctrine of hudud, as discussed by Mustafid (2018), demonstrates a methodological precedent: texts that have long been considered definitive actually leave room for flexible boundaries (ḥudūd) that adapt to socio-historical contexts. This analogy is relevant to maqāṣid al-usrah: if hudud—which, incidentally, concerns criminal sanctions—can be reinterpreted contextually, then maqāṣid al-usrah, which pertains more to the realm of social welfare, should be far more open to reinterpretation. Here,

the author asserts that an absolute rejection of the “childfree” lifestyle in the name of textualism alone is, in fact, inconsistent with the methodology of renewal that has already been accepted even within the realm of Islamic criminal law.

However, this finding is not without tension. Studies on the prevention of child marriage show that contemporary Islamic legal philosophy continues to uphold *ḥifẓ al-nasl* as a collective public interest that is not entirely left to individual preference (Alwani, 2023). It is important to note this tension: on the one hand, contextual *ijtihād* opens up space for individual autonomy in choosing a childfree lifestyle; on the other hand, the collective public interest in the continuity of the lineage remains a normative reference that cannot simply be ignored. The contextual approach in the study of *fiqh* also emphasizes that the reinterpretation of texts always takes place in dialogue with social reality, rather than as a total rejection of the authority of the text (Suriadi, 2018).

This synthesis places the research findings at the center: the deconstruction of *maqāṣid al-usrah* does not imply the negation of the family’s purposes, but rather a reinterpretation of the hierarchy of *maṣlaḥat* that is more flexible – parallel to the literature review on Islamic political theory, which also calls for a contextual reading of classical normative concepts (Siregar & Yuliansyah, 2024). From this point, the discussion proceeds to broader theoretical and practical implications.

Theoretical and Practical Implications

The deconstruction of *maqāṣid al-usrah* outlined in the “Results” section has dual consequences: on a theoretical level, it calls for a revision of how we understand the relationship between *maṣlaḥah* and reproduction, while on a practical level, it directly impacts the scope of contemporary *ijtihād* in Indonesia. Theoretically, this finding confirms that procreation (*ḥifẓ al-nasl*) can no longer be treated as a singular *maqṣad* that takes precedence over other *maqāṣid* such as *ḥifẓ al-nafs* or *ḥifẓ al-'aql*. If justice in Islamic law is understood as a principle that operates relationally and contextually – rather than as a value existing in a vacuum (Amin, 2015; Helmi, 2015) – then the choice to remain childfree, arising from considerations of mental health, economic factors, or the justice of the marital relationship, should be interpreted as a form of balancing the *maqāṣid*, not a deviation from them. This implication compels family jurisprudence to move beyond the binary logic of “obedience” versus “disobedience” toward a logic of graded public interest that more carefully considers the context.

At the methodological level, these findings also underscore the urgency of renewing Islamic legal thought – one that does not stop at literal textual interpretation but dares to reinterpret the ‘*illat* behind the exhortation to have many children (Mustafid, 2018). Just as the renewal of *hudud* law demands the courage to distinguish between the intent of *sharia* and its historical forms, the “childfree” discourse demands a similar courage: separating the *maqṣad* of the continuity of the *ummah* from the form of individual reproductive obligations, which have long been considered identical. Failure to distinguish between the two risks reducing the *maqāṣid al-sharī'ah* to a rigid normative instrument,

even though its fundamental nature is, in fact, adaptive to changing social conditions (Masruchi, 2021).

In practical terms, these implications are most evident in the areas of family education, premarital counseling, and family law in Indonesia. Institutions such as the KUA or BP4, which have long regarded fertility as an indicator of a successful marriage, need to adopt a more personalized and contextual framework of *maṣlaḥah*, in line with the spirit of protection also evident in efforts to prevent child marriage—both of which stem from the awareness that the well-being of individuals within the family must not be sacrificed solely to fulfill procreative norms (Alwani, 2023). Concrete applications could include counseling modules that facilitate reflective dialogue, rather than merely one-sided normative advice.

Another implication concerns the discourse on gender justice within the family: if reproductive decisions are understood as jointly negotiated rights, rather than unilateral obligations, then the concept of *qawwāmah* within the household must also be reinterpreted so that it does not serve as a basis for forcing procreation. This framework paves the way for further discussion regarding the extent to which these findings align with the *maqāṣid* theory used as the analytical foundation of this study.

Consistency with the Theoretical Framework

The theoretical framework developed in Chapter 2 positions justice not as a value in and of itself, but as an operative principle that guides *maqāṣid al-syarī'ah* reasoning in changing contexts (Helmi, 2015; Amin, 2015). The findings in Chapter 4—that the childfree discourse brings about an epistemological shift in how *maqāṣid al-usrah* is interpreted—are consistent with that premise. If justice is understood as a principle that must be operationalized according to the social context, then an absolute rejection of the “childfree” movement in the name of *ḥifẓ al-nasl* alone risks reducing *maqāṣid* to a rigid textual doctrine, rather than a living and responsive legal purpose (Masruchi, 2021). Here, the alignment between theory and findings is clear: the framework established from the outset was indeed designed to accommodate such reinterpretations, not to negate them.

However, this alignment is not linear. The theoretical framework of contemporary Islamic legal philosophy—as outlined through an analysis of Syahrur’s approach to the renewal of Islamic legal thought—emphasizes the importance of normative boundaries (*ḥudūd*) that allow for flexibility without eliminating the sharia framework itself (Mustafid, 2018). The findings of this research show that some pro-childfree arguments actually exceed this leeway by negating the normative dimension of the *usrah* as a whole, rather than merely revising its emphasis. A tension arises at this point: the theoretical framework permits a reinterpretation of the *maqāṣid*, but does not permit a total dismantling of the *ḥudūd* structure that underpins the institution of the family. The author’s position leans toward a middle ground—a reinterpretation that remains grounded in *ḥudūd*, rather than unlimited deconstruction.

This alignment is also evident in the dimension of gender justice, which serves as one of the pillars of the theoretical framework. Discussions on justice

in Islamic family law—including those related to the minimum age for marriage and the division of roles—show that substantive justice often conflicts with formal-textual justice (Alwani, 2023; Faiz, 2020). The discourse on the “childfree” movement repeats the same pattern of tension: claims of reproductive justice for women clash with claims of structural justice regarding the continuity of the family institution. A theoretical framework that accommodates this tension has proven relevant for interpreting the “childfree” phenomenon, while also affirming that this issue is not a singular one but rather a convergence of various intersecting maqāṣid principles (Afrizal & Fauzan, 2024).

Overall, the findings of this study confirm the validity of the adopted theoretical framework, while also highlighting the limits of its application. The framework is capable of explaining why the “childfree” discourse sparks debate, but it is not yet fully adequate for establishing clear normative boundaries—a gap that will be further explored in subsequent discussions of theoretical and practical implications.

CONCLUSIONS AND RECOMMENDATION

Three main conclusions can be drawn from the above analysis. First, this study concludes that the construction of maqāṣid al-usrah in Islamic jurisprudence has historically been based on the paradigm of the family as an institution of reproduction, social interaction, and generational continuity, with ḥifẓ al-nasl occupying a central position. However, the dominance of biological reproduction as the primary articulation of ḥifẓ al-nasl indicates the presence of classical anthropological assumptions that have not fully accommodated the complexity of the contemporary family. Therefore, maqāṣid al-usrah needs to be reconstructed from the paradigm of reproduction as the sole objective toward the sustainability and well-being of the family as an integrative objective, by linking ḥifẓ al-nasl with ḥifẓ al-nafs, ḥifẓ al-māl, dignity, justice, and the well-being of the family. These findings confirm that this shift in orientation does not eliminate ḥifẓ al-nasl but rather rearticulates the meaning and hierarchy of the maqāṣid in accordance with the complexities of contemporary family life.

Second, this study found that the childfree lifestyle cannot be categorically regarded as a practice that contradicts the maqāṣid al-syarīʿah, but neither can it be universally legitimized. The fundamental issue lies in an epistemological shift in the interpretation of ḥifẓ al-nasl: from the individual obligation of procreation toward the protection of the sustainability, quality, and well-being of future generations. On this basis, the childfree lifestyle gains conditional legitimacy, particularly when grounded in morally and rationally justifiable reasons, such as health conditions, structural economic constraints, or documented psychological trauma. Thus, the status of being “childfree” is not determined solely by the absence of reproduction, but rather by qaṣd, context, the common good, the potential for harm, and the ethical accountability of reproductive decisions. This finding also indicates that the real point of contention is not the existence of maqāṣid, but rather who has the authority to

determine the scale of priorities and the limits of the public good in reproductive decisions.

Third, this study offers a reconstruction of *maqāṣid al-usrah* based on an integrative-dialogical approach to *maqāṣid*, which views the family not merely as an instrument of reproduction, but as a space for the articulation of the public good, justice, dignity, and moral responsibility. Within this framework, reproductive decisions are the result of *maqāṣidī* considerations that integrate *ḥifẓ al-nasl* with the protection of life, property, psychological health, relational justice, and the family's social circumstances. This reconstruction simultaneously shifts the locus of family authority from a given hierarchy toward a dialogical authority based on spousal agreement, without negating the role of sharia norms and religious authority. Thus, the "childfree" choice is positioned not as a legal category that is absolutely *halal* or *haram*, but rather as a space for contextual *ijtihād* whose normative legitimacy depends on *qaṣd*, the public interest, the absence of harm, the couple's mutual agreement, and the ability to justify the decision ethically and theologically. This model opens up space for the renewal of *maqāṣid al-usrah* while maintaining its epistemological continuity with the fundamental principles of Sharia.

This study sets out to challenge the assumption that childbirth is an inherent and irreplaceable component of *maqāṣid al-usrah*, and then examines the extent to which the "childfree" discourse can be accommodated within the framework of contemporary Islamic family law philosophy in Indonesia. Based on the entire series of conceptual explorations conducted, the answer is twofold. At the first level, *ḥifẓ al-nasl* has indeed historically been understood as the preservation of lineage through biological birth; however, a more careful reading reveals that the substance of this *maqṣad* is actually the continuity of the family institution as a protective space, not merely the production of offspring itself. At the second level, the shift from childbirth as an obligation to childbirth as a responsible choice is not a deviation from the *maqāṣid al-syarī'ah*, but rather another form of its realization when considering the broader *maṣlaḥah*—psychological, economic, and ecological—inherent in the decision to start a family.

From this point, the author asserts that deconstructing the literal interpretation of *maqāṣid al-usrah* does not imply the negation of the value of procreation, but rather a shift in the locus of argumentation: from a rigid procreative obligation toward a reflective ethical responsibility. This shift is consistent with the very nature of *maqāṣid al-syarī'ah* itself, which is teleological and oriented toward substantive public interest, not mere normative formalities. Consequently, the "childfree" discourse should not be automatically judged as a form of *nusyūz* against the natural order of the family, but rather positioned as a new space for *ijtihād* that demands epistemological caution from those holding authority in *fiqh*.

However, this conclusion is not intended as an unconditional justification for all forms of refusal to have children. The author draws a clear distinction between decisions arising from careful consideration of the family's *maṣlaḥah*—health, psychological readiness, economic circumstances, or

environmental sustainability –and attitudes that merely reject responsibility without ethical reflection. This distinction is important because it marks the boundary between legitimate *ijtihad* and hedonistic justifications that misuse the language of *maqāṣid* for purposes far removed from the spirit of *hifz al-nasl* itself.

Thus, the objective of this study –to reexamine the philosophical basis of *maqāṣid al-usrah* in light of the reality of childfree lifestyles—is addressed through the proposition that contemporary Islamic families require a more flexible framework of *maqāṣid*, one capable of accommodating the diversity of life circumstances without losing its teleological orientation. The birth of a child remains a highly valued ideal, but it no longer stands as the sole marker of the family institution's success. This shift in perspective constitutes the main contribution of this article to the philosophy of Islamic family law in Indonesia, while also serving as a foundation for the discussion of limitations and the agenda for further research in the following subsections.

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