

Reframing *Ḥifẓ al-Nasl*: Childfree Discourse among Indonesian Celebrities in the Perspective of *Maqāṣid al-Ushrah*

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Abstract

The shifting marriage paradigm toward individual autonomy has triggered the childfree trend, challenging Indonesia's normative-pronatalist values. This study addresses whether childfree constitutes a betrayal of ḥifẓ al-nasl or a contextual realization of maqāṣid when parenting capacity is compromised. The research gap lies in the polarization between sociological and normative studies that fail to integrate socio-legal analysis with family-specific maqāṣid. This qualitative study employs a socio-legal approach, analyzing the narratives of five Indonesian celebrities via virtual loci and a coding framework based on Jamāluddīn 'Atīyyah's Maqāṣid al-Ushrah. Findings indicate that childfree among these celebrities is a contextual maqāṣid realization, not a betrayal of ḥifẓ al-nasl. There is a shift from quantitative regeneration (al-tanāsul) to quality of life (al-injāb). This choice serves as a preventive instrument (sadd al-dhārī'ah) to avoid parenting injustice and maintain sakīnah amid mental or financial unreadiness. Reframing ḥifẓ al-nasl as a qualitative commitment to human dignity allows contemporary Islamic law to balance individual autonomy with social stability. Consequently, the government should formulate maqāṣid-based family policies prioritizing parenting quality and mental health over fertility targets.

Keywords: *Childfree; Maqāṣid al-Ushrah; Reproductive Autonomy; Islamic Family Law; Ḥifẓ al-Nasl.*

Abstrak

Pergeseran paradigma pernikahan menuju otonomi individu memicu tren *childfree* yang menantang nilai normatif-pronatalis di Indonesia. Studi ini menjawab masalah sentral apakah *childfree* merupakan pengkhianatan terhadap *ḥifẓ al-nasl* atau realisasi kontekstual *maqāṣid* saat kapasitas pengasuhan terkompromi. Kesenjangan penelitian diidentifikasi pada polarisasi studi sosiologis dan normatif yang gagal mengintegrasikan analisis sosio-legal dengan kerangka *maqāṣid* khusus keluarga. Kebaruan penelitian ini terletak pada reframing *ḥifẓ al-nasl* dari mandat biologis statis menjadi komitmen kualitatif. Penelitian kualitatif ini menggunakan pendekatan sosio-legal untuk membedah narasi lima selebriti Indonesia melalui teknik lokus virtual dan *coding framework*. Data dianalisis secara kritis menggunakan dimensi *Maqāṣid al-Ushrah* Jamāluddīn 'Atīyyah. Penelitian ini menyimpulkan bahwa fenomena *childfree*

di kalangan selebriti Indonesia merupakan realisasi kontekstual *maqāṣid* saat kapasitas pengasuhan terkompromi, bukan pengkhianatan terhadap *hifẓ al-nasl*. Melalui lensa *Maqāṣid al-Usrah* Jamāluddīn ‘Aṭīyyah, ditemukan pergeseran fokus dari regenerasi kuantitatif (*al-tanāsul*) menjadi kualitas kehidupan (*al-injāb*). Pilihan ini berfungsi sebagai instrumen preventif (*sadd al-dhari’ah*) untuk mencegah kezaliman terhadap hak anak dan menjaga *sakīnah* di tengah ketidaksiapan mental maupun finansial. Penelitian ini menawarkan solusi bagi hukum Islam kontemporer untuk tetap relevan dalam keseimbangan antara otonomi individu dan stabilitas sosial. Pemerintah perlu merumuskan kebijakan ketahanan keluarga berbasis *maqāṣid* yang memprioritaskan kualitas pola asuh dan kesehatan mental daripada sekadar target fertilitas.

Kata Kunci: *Childfree*; *Maqāṣid al-Usrah*; *Otonomi Reproduksi*; *Hukum Keluarga Islam*; *Hifẓ al-Nasl*.

INTRODUCTION

The paradigm shift in marriage within the modern era is an inevitable global phenomenon, characterized by a transition from reproduction-oriented unions toward individual autonomy and quality of life. Globally, the Total Fertility Rate (TFR) has plummeted from 4.7 in the 1960s to 2.2 in 2023, falling below replacement levels in many developing nations. In Indonesia, a consistent decline to 2.1 in 2023 indicates that the “childfree” trend, the conscious choice of married couples not to have children is not an isolated anomaly but part of broader socio-demographic dynamics.¹ This trend is further amplified when voiced by celebrities, whose media reach transforms private choices into provocative public discourses that challenge dominant values regarding family and generational continuity.² In this context, the childfree choice serves as a litmus test for the tension between traditional normative family constructions and the existential complexities of modern life, such as economic instability and mental health concerns.³

In Eastern and Muslim-majority societies like Indonesia, children are religiously sacralized as Divine blessings and symbols of lineage

¹ UN Population Division, “Fertility Rate, Total (Births per Woman),” World Bank, accessed February 21, 2026, <https://data.worldbank.org/indicator/SP.DYN.TFRT.IN>.

² Jiseon Han and George Balabanis, “Meta-analysis of Social Media Influencer Impact: Key Antecedents and Theoretical Foundations,” *Psychology & Marketing* 41, no. 2 (February 21, 2024): 394–426, <https://doi.org/10.1002/mar.21927>.

³ Kei Nomaguchi and Melissa A. Milkie, “Parenthood and Well-Being: A Decade in Review,” *Journal of Marriage and Family* 82, no. 1 (February 5, 2020): 198–223, <https://doi.org/10.1111/jomf.12646>.

(*nasab*) continuity.⁴ This pro-natalist stance gains its strongest legitimacy through textual interpretations of *hadith* that advocate for marriage and procreation as a source of pride for Prophet Muhammad (PBUH) before other nations.⁵ Consequently, the childfree choice is often stigmatized as a deviation from the primary purpose of marriage. However, such textual rigidity frequently overlooks other fundamental Islamic principles, such as responsibility (*mas'uliyah*), public interest (*maṣlahah*), and the prevention of harm (*muḍarāt*).⁶ This contradiction triggers an interpretative crisis: is the preservation of progeny (*ḥifẓ al-nasl*) merely a quantitative biological mandate, or can it be reframed as a qualitative commitment to human dignity? The negotiation between normative texts and modern contextual realities creates significant pressure on the traditional *maqāṣid al-syarī'ah* framework.⁷

Existing academic literature has analyzed the childfree phenomenon from various angles, yet a critical gap remains. Current studies tend to be polarized: they are either purely sociological, viewing childfree as a resistance to patriarchy,⁸ or purely normative-juridical, debating its validity based on classical *fiqh* arguments.⁹ Although systematic reviews have attempted to link the childfree choice to *maqāṣid*, they often treat *maqāṣid al-syarī'ah* in its general classical sense (the five essential needs/*dharūriyyāt al-khams*), which is frequently too abstract to address domestic complexities.¹⁰

⁴ Mochammad Ikhsan, Acep Ihsan Rohmatulloh, and Eni Zulaiha, "Childfree in the Qur'an: Overview of the Feminist Interpretation Paradigm," *AL-AFKAR: Journal for Islamic Studies* 8, no. 4 (2025): 2043, <https://doi.org/10.31943/afkarjournal.v8i4.1880.Childfree>.

⁵ Abū 'Abd al-Raḥmān Aḥmad ibn Shu'ayb Al-Nasā'ī, *Al-Sunan Al-Kubrā*, ed. Ḥasan 'Abd al-Mun'im Shalabī (Beirut: Mu'assasat al-Risālah, 2001), juz v, hal.160.

⁶ Dedisyah Putra and Nuriza Acela, "Human Rights Protection in the Islamic Family Law: A Case Study Concerning Domestic Violences," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (September 26, 2023): 1, <https://doi.org/10.22373/ujhk.v6i1.18511>.

⁷ Moch Aufal Hadliq Khaiyyul Millati Waddin and Moch. Nurcholis, "Fenomena Childfree Di Kalangan Muslim Milenial," *Minhaj: Jurnal Ilmu Syariah* 7, no. 1 (January 2, 2026): 67, <https://doi.org/10.52431/minhaj.v7i1.4199>.

⁸ Allecyra Nor Malita Sari and Rini Fidiyani, "The Phenomenom of Childfree as a Culture That Contradicts Patriarchal Ideology in Indonesia," *Law Research Review Quarterly* 11, no. 2 (August 7, 2025): 578, <https://doi.org/10.15294/lrrq.v11i2.27809>.

⁹ Joko Roby Prasetyo and Krisbowo Laksono, "The Childfree Phenomenon: Perspectives from Hadith and Sociology," *El-Hayah* 13, no. 2 (June 19, 2024): 31, <https://doi.org/10.22515/elha.v13i2.9367>.

¹⁰ Humam Balya and Zulkarnain, "Childfree by Choice: A Systematic Literature Review on Islamic Perspectives and Socio-Cultural Dynamics in Indonesia," *Jurnal*

This research identifies a major weakness in previous studies: the failure to integrate formal socio-legal analysis with a family-specific *maqāṣid* framework (*maqāṣid al-usrah*). This study argues that the classical *maqāṣid* approach is inadequate as it often reduces *ḥifẓ al-nasl* to biological reproduction. Conversely, the *maqāṣid al-usrah* framework proposed by Jamaluddin al-'Athiyah offers a more relevant, granular, and multidimensional lens focusing on quality of life, psychological well-being (*sakīnah*), and institutional rights rather than mere biological quantity. This article addresses a central question: Is the childfree choice a betrayal of *ḥifẓ al-nasl*, or is it a contextual realization of *maqāṣid* when caregiving capacity is compromised? By focusing on the narratives of five Indonesian celebrities (Gita Savitri, Coach Justin, Ariel Tatum, Anya Dwinov, and Chef Juna), this study moves beyond descriptive narratives toward a problem-driven analysis. The novelty of this research lies in the reframing of *ḥifẓ al-nasl* through 'Athiyah's *Maqāṣid al-Usrah*, which synthesizes socio-legal realities with dynamic interpretations of *sharia*. This integration seeks to bridge the gap between individual-religious dimensions and structural-legal responsibilities, offering a theoretical solution for family resilience that prioritizes human welfare and individual rights within contemporary Islamic law.

RESEARCH METHODS

This qualitative research operates under the interpretivist-constructionist paradigm, which, within the legal realm, posits that legal reality is not a singular entity but is constructed through subjective meanings and social interactions.¹¹ Employing a socio-legal approach, this study does not view law merely as an autonomous norm (*law in books*), but as a negotiated social institution (*law in action*). This approach enables the researcher to dissect how the childfree discourse challenges the traditional doctrine of *ḥifẓ al-nasl*. Primary data were obtained through virtual loci on YouTube and the social media platforms of five Indonesian celebrities selected via purposive sampling. The selection of Justin Lhaksana, Gita Savitri, Chef Juna, Anya Dwinov, and Ariel Tatum is justified by their heterogeneous representation (encompassing gender, professional background, and age spectrum) and

Ilmiah Ahwal Syakhshiyah 7, no. 2 (2025): 399, <https://doi.org/10.33474/jas.v7i2.24159>.

¹¹ Thomas A. Schwandt, *Handbook of Qualitative Research: Constructivist, Interpretivist Approaches to Human Inquiry*, ed. Norman K. Denzin & Yvonna S. Lincoln (Thousand Oaks: Sage Publications, 1994), 118.

their significant influence in shaping digital public opinion in Indonesia. Secondary data include positive law regulations, *Maqāṣid* literature, and relevant demographic reports.

Data collection was conducted through digital observation and documentary studies of speech transcripts, official statements, and social media posts to capture the subjects' motives and rationalities. Regarding digital research ethics, the researcher accessed only publicly available data (public domain) while respecting the integrity of the subjects' narratives without decontextualization. Data validity was ensured through source triangulation across various media platforms. The data were then processed through a detailed coding framework, classifying narratives into four primary categories: (1) Reproductive Autonomy (bodily rights); (2) Economic Rationality; (3) Psychological-Medical Stability; and (4) Social Responsibility. Data analysis followed the Miles & Huberman interactive model, comprising data reduction, display, and verification, which were subsequently subjected to a critical content analysis based on the seven dimensions of Jamaluddin al-'Athiyah's *Maqāṣid al-Usrah*.

This study is limited by the performative identity nature of the data, where celebrity narratives in digital spaces may have undergone public image curation (*personal branding*) and could potentially contain media bias. Furthermore, as a case study of public figures, the findings do not aim for population generalization but rather provide an in-depth understanding of the shifting family law paradigm at a sociological level. The primary instrument is the researcher themselves (human instrument), acting as a critical analyst to bridge the tension between normative texts and contemporary realities. Through these procedures, the research generates a theoretical synthesis that positions the childfree choice within an Islamic legal discourse responsive to the social dynamics of modern Indonesian society.

RESULT AND DISCUSSION

Childfree and the Dialectics of Autonomy: Between Liberal Rights and Communitarian Maslaḥah

The concept of "childfree" refers to the voluntary decision of individuals or married couples to remain without offspring, which fundamentally differs from the condition of being "childless" due to infertility factors. This choice is driven by lifestyle preferences, economic rationality, ecological urgency, and the deconstruction of

specific personal values.¹² Childfree by choice is understood as a manifestation of modern family structure transformation, characterized by the rise of individualism, the escalation of female labor market participation, and the redefinition of marriage from a purely reproductive institution into one of affection and equal partnership. A study in the *Journal of Marriage and Family* indicates that this decision is often intertwined with long-term quality-of-life evaluations and competitive career aspirations.¹³ Meanwhile, the *Population and Development Review* views the global fertility decline as a logical consequence of modernization and increased female literacy.¹⁴ Thus, being childfree is not merely a personal anomaly but an expression of structural changes and global demographic shifts that challenge the boundaries of traditional autonomy.

From a social psychological perspective, the childfree decision represents a form of identity resistance against pro-natalist norms that position child-rearing as an absolute moral and social obligation. A study in *Sex Roles* asserts that individuals, particularly women who choose to be childfree frequently face social pressure and stigmatization for deviating from conventional gender roles.¹⁵ This indicates that childfree is not simply a technical reproductive choice but a field of contestation for power relations and social legitimacy. However, the liberal autonomy discourse underpinning this choice is often criticized for overemphasizing “atomistic freedom” while neglecting human interdependence. In the perspective of international law, although reproductive rights are recognized as human rights, as analyzed in *Human Rights Quarterly* the fulfillment of such rights in a childfree

¹² Angelica Abigail, Margareth Ayu Caroline, and Gabriella E.V.A Pangaribuan, “Childfree: Pengertian, Dan Pengaruhnya Untuk Kesehatan,” www.siloamhospitals.com, 2025, https://www.siloamhospitals.com/informasi-siloam/artikel/apa-itu-childfree#mcetoc_1hjcbfasa3n.

¹³ Ken Chih-Yan Sun, “Reconfigured Reciprocity: How Aging Taiwanese Immigrants Transform Cultural Logics of Elder Care,” *Journal of Marriage and Family* 76, no. 4 (August 3, 2014): 875–89, <https://doi.org/10.1111/jomf.12119>.

¹⁴ Parfait Eloundou-Enyegue, Sarah Giroux, and Michel Tenikue, “African Transitions and Fertility Inequality: A Demographic Kuznets Hypothesis,” *Population and Development Review* 43, no. S1 (May 2017): 59–83, <https://doi.org/10.1111/padr.12034>.

¹⁵ Leslie Ashburn-Nardo, “Parenthood as a Moral Imperative? Moral Outrage and the Stigmatization of Voluntarily Childfree Women and Men,” *Sex Roles* 76, no. 5–6 (March 11, 2017): 393–401, <https://doi.org/10.1007/s11199-016-0606-1>.

context must contend with dominant social obligation narratives.¹⁶ Communitarian critics emphasize that autonomy should be understood as relational autonomy, where individual freedom still carries moral responsibility toward community sustainability and social balance.¹⁷

Furthermore, the discourse of individual autonomy in the childfree context triggers a sharp theoretical dialogue with Islamic communitarian perspectives and the concept of *fiṭrah*. Philosophically, reproductive autonomy is indeed recognized as a legal individual right in contemporary bioethics.¹⁸ However, while individual autonomy is respected within Islamic epistemology, it is not absolute autonomy;¹⁹ rather, it is bound by the framework of *maqāṣid al-syarī'ah*, which is oriented toward attaining benefit (*maslaḥah*) and averting harm (*madarāt*),²⁰ including maintaining harmony between personal rights and the protection of progeny (*ḥifẓ al-nasl*). Herein lies the theoretical tension: while liberalism views the childfree choice as a right to privacy,²¹ Islamic communitarianism views it through the lens of *fiṭrah*, the innate human inclination to reproduce for the survival of civilization.²² Rejecting children without a strong emergency (‘*illah*) is seen as risking the neglect of the *maqāṣid darūriyyāt* (essential needs) level that guarantees the existence of humanity.²³ Therefore, socio-legal

¹⁶ Carolyn Dresler and Stephen P. Marks, “The Emerging Human Right to Tobacco Control,” *Human Rights Quarterly* 28, no. 3 (August 2006): 599–651, <https://doi.org/10.1353/hrq.2006.0032>.

¹⁷ Eric MacGilvray, “Democratic Doubts: Pragmatism and the Epistemic Defense of Democracy,” *Journal of Political Philosophy* 22, no. 1 (March 10, 2014): 105–23, <https://doi.org/10.1111/jopp.12017>.

¹⁸ Bert Molewijk, Anne Slowther, and Mark Aulisio, “The Practical Importance Of Theory In Clinical Ethics Support Services,” *Bioethics* 25, no. 7 (September 26, 2011), <https://doi.org/10.1111/j.1467-8519.2011.01917.x>.

¹⁹ Muhammad Farhan Abdul Rahman, Nur Rofiah, and Nurbaiti Nurbaiti, “Islamic Bioethics Construction,” *Journal of Comprehensive Science (JCS)* 4, no. 3 (March 25, 2025): 1163, <https://doi.org/10.59188/jcs.v4i3.3091>.

²⁰ Syehk Izzuddin bin Abdussalam, *Terjemah Kitab Syajaratul Ma'arif*, trans. Dedi Slamet Riyadi & Kaserun a.s Rahman, cet. ke-8 (Jakarta: Penerbit Qaf, 2024), 41.

²¹ Djamaluddin Ahmad As Shultony and Zakiyatul Ulya, “Childfree Perspektif Teori Liberalisme Klasik, HAM, Dan Hukum Islam,” *Insight: Indonesian Journal of Social, Humanity, and Education* 1, no. 3 (2025): 148, <https://doi.org/10.70742/insight.v1i3.520>.

²² Asrori and Munawir, *Anomali Perilaku Remaja: Dialektika Fitrah Manusia Dan Pendidikan Islam*, ed. Moh. Faizal Arifin, cetakan ke (Malang: Literasi Nusantara, 2020).

²³ Ragil Friedenta Pantow and Shofiyun Nahidloh, “Childfree Dalam Perkawinan Perspektif Hak Asasi Manusia Dan Maqashid Asy-Syari'ah Hifdz An-

analysis and *maqāṣid al-usrah* become crucial in bridging this dialectic; assessing the extent to which reproductive autonomy can be accommodated as a form of *taysīr* (facilitation) without sacrificing the greater collective interest and the *fiṭrah* values that form the basis of family stability.

Socio-Legal Approach in the Context of Indonesian Family Law

The socio-legal approach emerged as a critique of legal positivism, which views law merely as an autonomous written norm detached from social reality. This approach positions law as a living social institution that is both shaped by and shapes social structures, cultural values, power relations, and community economic dynamics.²⁴ In this perspective, law is understood not only as law in books but also as law in action, how norms are implemented, negotiated, or even contested within social practices.²⁵ Furthermore, in family law cases, socio-cultural norms and religious reasoning serve as significant considerations for women in pragmatically upholding or reinterpreting family law.²⁶

In Indonesia, this dialectic is clearly visible in the tension between Law No. 1 of 1974 concerning Marriage (as amended by Law No. 16 of 2019) and the Compilation of Islamic Law (KHI), which normatively position procreation as a sacred goal and the reality of modernity that has given rise to the childfree phenomenon. The Indonesian Marriage Law underwent a significant amendment through Law No. 16 of 2019, which changed the minimum marriage age to 19 for both men and women as an effort to protect children and prevent early marriage, which negatively impacts the quality of human resources. This amendment also reflects a positive legal response to the Constitutional Court's decision, emphasizing the importance of benefit (*maṣlaḥah*) and the prevention of harm (*mafsadah*) in family law.²⁷ Underage marriages often produce

Nasl," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (November 30, 2023): 811, <https://doi.org/10.47467/as.v6i1.5622>.

²⁴ Andrew Shandy Utama, "Law and Social Dynamics of Society," *International Journal of Law and Public Policy* 3, no. 2 (September 25, 2021): 107–12, <https://doi.org/10.36079/lamintang.ijlapp-0302.266>.

²⁵ Emily Hudson, *Drafting Copyright Exceptions* (New York: Cambridge University Press, 2020), <https://doi.org/10.1017/9781107338012>.

²⁶ Nur Fadhillah et al., "Reevaluating Nafkah Obligations: Female Muslim Scholars' Insight and Ethics of Gendered Finance in Indonesian Families," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 20, no. 2 (December 31, 2025): 458, <https://doi.org/10.19105/al-lhkam.v20i2.18461>.

²⁷ Muhidin et al., "The Economic and Legal Imperatives of Marriage Age Regulation: A Posnerian Analysis of National Productivity and Welfare," *JURNAL*

parents who lack understanding of supervision and education, thus becoming major contributors to the high rates of sexual violence against children.²⁸

Within the context of the Compilation of Islamic Law (KHI), contemporary *fiqh* norms also serve as a reference in managing family affairs and lineage (*nasab*), particularly regarding child status, marriage legitimacy, and the rights of mothers and children post-divorce. Academic studies show that while the KHI does not directly regulate all aspects of national family life, it remains pivotal in the interpretation of Islamic family law.²⁹ Banakar asserts that socio-legal studies seek to understand law through its interaction with social practices, institutional structures, and the subjective experiences of society.³⁰ This includes Islamic principles that continuously adapt to social dynamics.³¹ Consequently, this theory is relevant for analyzing the childfree phenomenon not merely through legal texts, but through the interaction between religious norms, positive law, and the individual choices of celebrities.

Epistemologically, the socio-legal approach is rooted in Eugen Ehrlich's concept of living law, which posits that true law resides in societal habits rather than formal legislation alone.³² Cotterrell emphasizes that social change has direct implications for changes in legal

ILMIAH GEMA PERENCANA 4, no. 3 (January 21, 2026): 1957, <https://doi.org/10.61860/jigp.v4i3.346>.

²⁸ Robi'atul Adawiyah et al., "Sexual Violence Against Children: Prevention Efforts in Jambi," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 2 (December 27, 2025): 74, <https://doi.org/10.30631/alrisalah.v25i2.1495>.

²⁹ Widia Astuti, Sri Wahyuni Ningsi, and Hamzah, "The Child's Civil Relationship under Indonesia's Compilation of Islamic Law: Reconciling Legal Legitimacy, Biological Paternity, and Guardianship Obligations," *QISTHOSIA : Jurnal Syariah Dan Hukum* 6, no. 1 (July 1, 2025): 99, <https://doi.org/10.46870/jhki.v6i1.1636>.

³⁰ Reza Banakar, "Having One's Cake and Eating It: The Paradox of Contextualisation in Socio-Legal Research," *International Journal of Law in Context* 7, no. 4 (December 11, 2011): 487, <https://doi.org/10.1017/S1744552311000267>.

³¹ Nofialdi et al., "Urf, Gender, and Customary Law: Negotiating Women's Participation in Boar Hunting in Minangkabau, Indonesia," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 2 (December 31, 2025): 279, <https://doi.org/10.18326/ijtihad.v25i2.279-303>.

³² O.V. Shcherbaniuk and A.Z. Manyk, "The Concept of 'Living Law' by E. Ehrlich from the Point of View of the Specificity of Social Relations in the Globalized World," *Analytical and Comparative Jurisprudence*, no. 4 (September 14, 2023): 652–56, <https://doi.org/10.24144/2788-6018.2023.04.102>.

meaning.³³ In the Indonesian context, the living law is shifting alongside changing perceptions of the ideal family. National population policies embodied in Law No. 52 of 2009 regarding Population Development and Family Development implicitly direct the family to become a “quality unit,” yet the childfree discourse challenges traditional interpretations of what constitutes a “quality family.” This theory allows for an analysis of how society responds to non-conventional reproductive choices amidst the normative pressure of family law, which remains pro-natalist.

Furthermore, socio-legal theory attends to the relationship between law and power through Michel Foucault’s concept of biopolitics, the state’s management of the population through birth regulation.³⁴ The government, through the BKKBN (National Population and Family Planning Board) and national demographic agencies, views the decline in marriage rates, delayed marriages, and the increasing proportion of couples choosing a childfree lifestyle as factors impacting national fertility levels. A decline in the Total Fertility Rate (TFR) and marriage rates amidst a “demographic bonus” could accelerate the transition toward an aging society and reduce economic momentum derived from a high productive-age population.³⁵ The state’s discourse on the demographic bonus emphasizes that maximizing this potential is not just about the quantity of the productive population, but also the quality of human resources and demographic structural sustainability. As childfree, waithood (delayed marriage), and voluntary childlessness become more popular, driven by economic factors, high living costs, and a redefinition of happiness the state perceives a serious challenge to a stable population structure.³⁶ Therefore, the childfree phenomenon among public figures is seen as a form of resistance against state biopolitics targeting

³³ Roger Cotterrell, “A Socio-legal Quest: From Jurisprudence to Sociology of Law and Back Again,” *Journal of Law and Society* 50, no. 1 (March 6, 2023): 3–16, <https://doi.org/10.1111/jols.12403>.

³⁴ Vanessa Lemm and Miguel Vatter, “Michel Foucault’s Perspective on Biopolitics,” in *Handbook of Biology and Politics* (Edward Elgar Publishing, 2017), 40–42, <https://doi.org/10.4337/9781783476275.00012>.

³⁵ M Zaid Wahyudi, “Number of Marriages Drops 30 Percent in a Decade, What’s the Impact?,” www.kompas.id, 2025, <https://www.kompas.id/artikel/en-jumlah-perkawinan-turun-30-persen-dalam-satu-dekade-apa-imbasnya>.

³⁶ Team Reporter VOI and Ferdinan, “The Minister Of Population Doesn’t Believe Young People Are Reluctant To Marry: Have There Been Research Yet?,” voi.id, 2024, <https://voi.id/en/news/427244>.

population sustainability.³⁷ Law often functions as an instrument of social control and a means of legitimizing dominant values; however, through a socio-legal lens, these celebrity choices can be understood as a negotiation of the “reproductive obligation” institutionalized by the state through population policies for the sake of macro-economic stability.

In recent developments, the socio-legal approach integrates dimensions of human rights and personal autonomy into family law.³⁸ A dialectic arises between collective norms, emphasized in the KHI and classical *maqāṣid* doctrines regarding the preservation of lineage and individual rights over one’s body and life planning. Socio-legal analysis enables researchers to proportionately weigh state interests (regarding the demographic bonus and social stability) against personal freedom, without falling into moralistic reductionism. This is crucial in dissecting the reasons behind celebrity childfree choices, which often intersect with mental health and financial readiness, issues that are substantively related to the quality of family welfare.

Ultimately, socio-legal theory provides a methodological framework to assess whether a phenomenon requires a new legal response or a reinterpretation of norms. This approach offers a reflective basis for legal reforms that are responsive to social change.³⁹ In this manuscript, the socio-legal approach serves as a strategic instrument to evaluate the extent to which Islamic family law and Indonesian positive law can respond to shifting reproductive paradigms. By integrating Jamaluddin al-’Athiyah’s *maqāṣid al-usrah* framework, this analysis offers a middle ground: balancing the state’s socio-demographic responsibilities with individual autonomy to achieve family welfare that focuses not just on the quantity of offspring, but on a dignified quality of life.

Theoretical Framework: Jamāl al-Dīn ‘Aṭiyyah’s *Maqāṣid al-Uṣrah* and the Dialectics of Contemporary *Maṣlaḥah*

³⁷ Bonnie Stabile, “Reproductive Policy and the Social Construction of Motherhood,” *Politics and the Life Sciences* 35, no. 2 (November 23, 2016): 18–29, <https://doi.org/10.1017/pls.2016.15>.

³⁸ Bill Bowring, “Dialectic And Difference: Dialectical Critical Realism And The Grounds Of Justice By Alan Norrie,” *Journal of Law and Society* 37, no. 3 (September 27, 2010): 531–37, <https://doi.org/10.1111/j.1467-6478.2010.00518.x>.

³⁹ Silvia Pasquetti, “Legal Emotions: An Ethnography of Distrust and Fear in the Arab Districts of an Israeli City,” *Law & Society Review* 47, no. 3 (September 1, 2013): 461, <https://doi.org/10.1111/lasr.12028>.

The identification of *maqāṣid al-usrah* (objectives of the family) proposed by Jamāl al-Dīn ‘Aṭiyyah represents a methodological breakthrough in contemporary Islamic legal studies, reconstructing classical *maqāṣid al-sharī’ah* theory to be more applicable to the domestic sphere. In his monumental work, *Nahw Taf’īl Maqāṣid al-Sharī’ah*, ‘Aṭiyyah deconstructs the traditionally abstract *dharūriyyāt al-khams* (five essentials) by formulating seven specific dimensions of the family. While Ibn ‘Āshūr, in *Maqāṣid al-Sharī’ah al-Islāmiyyah*, emphasized family objectives through the lenses of *fitrah* (innate nature), sociality, and general lineage preservation, viewing reproduction as a primary human instinct to ensure generational continuity,⁴⁰ ‘Aṭiyyah goes further by institutionalizing these dimensions into the governance of gender relations, the quality of offspring, emotional climate (*sakīnah*), protection of lineage (*nasab*), internalization of values, and financial aspects.⁴¹ Through this systematization, ‘Aṭiyyah offers a more operational framework for viewing family resilience as a central pillar of Islamic civilizational stability amidst the currents of modernity.

The first dimension, *tanzīm al-’alāqah bayn al-jinsayn* (regulation of gender relations), governs the relationship between men and women through a marriage contract based on the principle of equal dignity (*karāmah insāniyyah*). Sharia exists not to constrain freedom, but to provide a moral direction so that human desire does not devolve into exploitative practices. From this perspective, marriage is a socio-religious contract that proportionally balances rights and obligations, where leadership is coordinative rather than subordinative.⁴² Legal instruments, such as divorce regulations and *ishlāḥ* (reconciliation), function to protect individual dignity from violence and gender discrimination.⁴³ However, this approach demands critical analysis when conflicts arise between individual autonomy and traditional social

⁴⁰ Moh. Rafiqil Ulum, “Childfree Perspektif Maqasid Syariah Muhammad At-Thahir Ibnu Asyur,” *Al-Maqashidi: Journal Hukum Islam Nusantara* 7, no. 2 (2024): 1.

⁴¹ Galuh Widitya Qomaro et al., “Navigating Early Marriages: A Methodological Breakthrough in Family Resilience Measurement,” *Mazahib* 23, no. 2 (December 10, 2024): 477–528, <https://doi.org/10.21093/mj.v23i2.8027>.

⁴² Farida Ulvi Naimah et al., “Internalization of Local Traditions in Child Marriage from the Perspective of Maqasid Al-Usrah,” *El-Mashlahah* 14, no. 2 (October 14, 2024): 237–58, <https://doi.org/10.23971/el-mashlahah.v14i2.7942>.

⁴³ Muh Sholihuddin, Saiful Jazil, and Syamsun Ni’am, “Remarriage in the ‘Iddah Perspective of Maqāṣid Al-Usrah: Study in Wedoro Waru, Sidoarjo, Indonesia,” *Samarah*, 2024, <https://doi.org/10.22373/sjkh.v8i2.15061>.

expectations, where autonomy is often overshadowed by rigid narratives of obedience.

Furthermore, the dimension of *ḥifẓ al-nasl* (preservation of progeny) in ‘Aṭiyyah’s thought undergoes a substantial shift from quantity toward the quality of upbringing. Briefly, *ḥifẓ al-nasl* generally encompasses two aspects: production and protection.⁴⁴ However, ‘Aṭiyyah boldly distinguishes between *al-tanāsul* (biological regeneration) and *al-injāb* (procreation), arguing that the primary obligation of the family is to ensure the existence of quality human beings, not merely to produce new ones. He rejects the compulsion to have children without considering physical and mental capacities, as this violates the principle of *taysīr* (facilitation or ease).⁴⁵ This is where a conflict arises between *ḥifẓ al-nasl* and *ḥifẓ al-nafs* (preservation of the self/soul). In the case of being childfree, individuals prioritize *ḥifẓ al-nafs* (mental health and personal well-being) over quantitative *ḥifẓ al-nasl*. If Abd al-Majid al-Najjar emphasizes that the human objective is to be a *khalifah* (steward) who prospers the earth,⁴⁶ then the childfree choice for the sake of future caregiving quality can be viewed as a more contextual form of stewardship responsibility compared to reproduction without readiness.

The third dimension, *taḥqīq al-sakīnah wa al-mawaddah wa al-raḥmah* (attainment of tranquility, love, and mercy), creates a peaceful domestic ecosystem that transcends material needs toward psychological well-being. *Sakīnah* is built upon the practice of *mu’āsharah bi al-ma’rūf* (equitable and kind treatment between spouses).⁴⁷ However, the realization of this dimension often clashes with the conflict between *maṣlaḥah ‘āmmah* (public/social interest) and *maṣlaḥah khāṣṣah*

⁴⁴ Sukataman et al., “Maqāṣid Al-Sharī’ah and the Prohibition of Incest in Indonesian Legislation: An Analysis of the Protection of Lineage and Public Morals,” *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 2 (September 18, 2025): 205, <https://doi.org/10.24090/mnh.v19i2.14989>.

⁴⁵ Muhammad Fadlil Rohman, Sri Lumatus Sa’adah, and Abdul Wahab, “Women’s Rights in Marriage Perspective Maqasid Al-Usrah Jamaludin Athiyah,” *Indonesian Interdisciplinary Journal of Sharia Economics* 7, no. 2 (2024): 2768.

⁴⁶ Marwan Bukhari, A Hamid, and Zulkifli Hasan, “Maqasid Thought As a Basis for the Relationship Between Man and Nature Pemikiran Maqasid Sebagai Dasar Hubungan Antara Manusia Dan Alam,” *Al-Qanatir: International Journal of Islamic* ... 23, no. 2 (2021): 20, <http://al-qanatir.com>.

⁴⁷ Fatkul Chodir and Aspandi Aspandi, “Praktik Dan Implikasi Perkawinan Bawah Tangan Terhadap Tujuan Keluarga Perspektif Maqasid Al-Usrah,” *Indonesian Journal of Humanities and Social Sciences* 4, no. 3 (2023): 639–54.

(individual interest). Socially (*‘āmmah*), reproduction is deemed necessary for the continuity of the *ummah*; yet individually (*khāṣṣah*), a couple’s tranquility might only be achieved by delaying or opting out of parenthood. Unlike classical views that tend to prioritize public interest absolutely, ‘Aṭiyyah’s framework provides space for individual interest (*khāṣṣah*) as long as it is the key to achieving the emotional well-being that constitutes the essence of marriage itself.

The fourth dimension, *ḥifẓ al-nasab* (preservation of lineage), emphasizes the criticality of legal identity and social recognition for children through legitimate lineage. Clarity of lineage has broad legal implications, ranging from inheritance to maintenance (*naḥḥ*) obligations. ‘Aṭiyyah notes critically that ambiguity in lineage is a serious threat to social order that can lead to psychological destruction for the child.⁴⁸ Furthermore, to clarify lineage, the civil registration of marriage according to state law becomes crucial, even if the marriage has been legitimized by religion or traditional figures (*Kyai*).⁴⁹ Meanwhile, the final three dimensions, spiritual (*ḥifẓ al-tadāyyun*), institutional (*tanẓīm al-jānib al-mu’assasī*), and financial (*tanẓīm al-jānib al-mālī*) unify family aspects into a holistic *maqāṣid* entity. By integrating an equitable economic dimension and the internalization of moral values, ‘Aṭiyyah asserts that *maqāṣid al-usrah* transcends traditional private law boundaries.⁵⁰ This framework is oriented toward an equilibrium of the physical and spiritual, enabling Muslim individuals to navigate modern choices, such as being childfree, while remaining grounded in the ultimate goals of Sharia: authentic and dignified welfare.

Dialectical Analysis of Celebrity Childfree Discourse: Contesting Autonomy, Biopolitics, and Reinterpreting *Maqāṣid*

Before delving deeper into the childfree narratives of Indonesian celebrities through the lens of Jamāl al-Dīn ‘Aṭiyyah’s *maqāṣid al-usrah* within a socio-legal framework, the following are brief summaries of their perspectives:

⁴⁸ M. Heli Abrori Lutfi, “Engagement Relationship Ethics In Maqasid Al-Usrah Perspective,” *Mozaic: Islamic Studies Journal* 2, no. 2 (August 26, 2024): 10–21, <https://doi.org/10.35719/mozaic.v2i2.2152>.

⁴⁹ Baihaqi Baihaqi et al., “Legal Non-Compliance and Kiai Hegemony: The Practice of Unregistered Marriages among the Madurese Muslim Community of Kubu Raya,” *Journal of Islamic Law* 5, no. 2 (August 29, 2024): 242, <https://doi.org/10.24260/jil.v5i2.2819>.

⁵⁰ Jamāluddīn ‘Aṭiyyah, *Naḥwu Taḥqīq Maqāṣidi Al-Syarī‘Ah* (Damaskus: Dāru al-Fikr, 2003), 153–54.

- 1) Gita Savitri, views the childfree decision as a form of bodily autonomy and an honest assessment of one's capacity to avoid future injustice (*dhulm*) toward a child. She highlights how the pro-natalist culture in Indonesia often misinterprets this personal choice as a social attack, triggering cyberbullying, accusations of infertility, and the objectification of women. Along with her partner, Paul, she asserts that a person's legacy does not have to be biological offspring but can manifest through creative works, urging society to respect life choices as they would respect differences in personal taste.⁵¹
- 2) Coach Justin, bases his choice on deep contemplation regarding the immense responsibility of parenthood and a child's fundamental right to a happy life. Feeling that his personal and financial stability in his youth was insufficient to provide optimal care, he chose to live exclusively with his wife. Rather than bequeathing assets to biological heirs, he plans to allocate them through the Kochi Foundation to help children in need, believing that knowledge and social assistance offer broader benefits to society.⁵²
- 3) Ariel Tatum, underwent a transformation from desiring a large family to leaning toward a childfree choice due to an awareness of mental readiness and the severe impact of hormonal changes during pregnancy. The absence of a partner with a shared vision of parenting further strengthens her current decision. Moreover, her empirical experience in assisting street children has pushed her to focus her energy on community building to guarantee the basic rights of existing children, rather than forcing herself to have offspring in less-than-ideal conditions.⁵³
- 4) Anya Dwinov, explains that her decision stems from a sense of comfort and a lack of urgency or strong drive to have children. Beyond this comfort factor, she considers the

⁵¹ Gita Savitri Devi, "Childfree: Serba Salah Di Mata Warganet | PagiPagi Eps. 32," [www.youtube.com](https://www.youtube.com/watch?v=n3LBgK6jwMA&si=LzhF7WMZg3cYVhdp), 2023, <https://youtu.be/n3LBgK6jwMA?si=LzhF7WMZg3cYVhdp>.

⁵² Samuel Crist, "Alasan Coach Justin ChildFree," [www.youtube.com](https://www.youtube.com/watch?v=6BjX1jhKdzk&si=6rQpdcDxPSnOBQ7I), 2025, <https://youtube.com/shorts/6BjX1jhKdzk?si=6rQpdcDxPSnOBQ7I>.

⁵³ Fimeladotcom, "Cerita Ariel Tatum Yang Pilih Child Free, Ternyata Pertimbangan Alasan Ini," [www.youtube.com](https://www.youtube.com/watch?v=DO1GD-lyB7U&si=pqITXHVg7OZ1BRTE), 2025, <https://youtube.com/shorts/DO1GD-lyB7U?si=pqITXHVg7OZ1BRTE>.

reproductive health risks at her age and the magnitude of parenting responsibilities. There is also psychological anxiety regarding the inability to meet expectations in child-rearing, leading her to feel more at peace living her current life without the lifelong moral and physical burden of parenthood.⁵⁴

- 5) Chef Juna, emphasizes the principles of liberalism and full respect for a partner's sovereignty in deciding the childfree path. He argues that since women undergo the biological processes of pregnancy and childbirth, the final decision rests with the partner. For Juna, the commitment to raising a child must be based on genuine agreement and the willingness of both parties without social coercion; thus, he fully supports his partner if she feels unready or chooses not to have children in their relationship.⁵⁵

Discussion and Socio-Legal Synthesis

Analysis of the narratives provided by Gita Savitri, Coach Justin, Ariel Tatum, Anya Dwinov, and Chef Juna shows that the childfree discourse in Indonesia is not merely a lifestyle phenomenon, but a complex theoretical negotiation between individual autonomy and normative-collective structures. Epistemologically, their arguments intersect with the views of Al-Ghazali and Al-Zabidi regarding the permissibility of delaying or preventing pregnancy through the analogy of 'azl, which is inherently *mubah* (permissible) because a child is still a "potential existence" (*tarkul afḍhal*).⁵⁶ While no explicit text (*naṣṣ*) forbids being childfree, general *maqāṣid al-syarī'ah* continues to emphasize the importance of generational continuity.⁵⁷ However, the socio-legal reality in Indonesia reveals a tension between the living law

⁵⁴ Trans Tv Official, "Tidak Ingin Memiliki Anak Kandung, Ini Alasan Anya Dwinov | RUMPI (20/7/22) P2," [www.youtube.com](https://youtu.be/iGSpWbSfIL8?si=UZXmBauNOGXAY5-x), 2022, <https://youtu.be/iGSpWbSfIL8?si=UZXmBauNOGXAY5-x>.

⁵⁵ G-johnson1533, "Inilah Alasan Kenapa Chef Juna Belum Memiliki Anak," www.youtube.com, 2022, <https://youtube.com/shorts/dfICglrgzfl?si=AzQ22y6m5mDXBjSP>.

⁵⁶ Abu Hamid Al-Ghazali, *Ihyā' 'Ulūmiddīn* (Beirut: Dārul Ma'rifah, n.d.); Muhammad bin Muhammad al-Husaini az-Zabidi, *Ithāfus Sādātīl Muttaqīn Bi Syarhi Ihyā-i 'Ulūmiddīn* (Beirut: Muassasatut Tārīhīl 'Arabi, 1998), juz v, hal. 380.

⁵⁷ Ikhwannuddin Harahap, Fatahuddin Aziz Siregar, and Erie Hariyanto, "Understanding The Rise of Childfree Marriage: Avoiding Toxic Family, Being Happy and Well Without Children Despite Contradiction With Maqashid Al-Sharia," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (April 30, 2025): 303, <https://doi.org/10.29240/jhi.v10i1.9984>.

and the positive law (Marriage Law & KHI), which tend to be pro-natalist. These celebrity choices are often positioned as “resistance” against the state’s biopolitics, which targets the sustainability of the demographic bonus through population regulation and “ideal family” campaigns.

Through a Foucauldian lens, the state seeks to manage the bodies of its citizens for macro-economic stability, while narratives such as those of Chef Juna and Gita Savitri demand recognition of bodily autonomy and coordinative agreements in marriage, what ‘Aṭiyyah refers to as the principle of equal dignity (*karāmah insāniyyah*). In essence, a wife is not entirely obligated to obey every wish of her husband; therefore, communication between both parties in every decision is paramount.⁵⁸ When such equality is not maintained, it leads to discrimination, various forms of violence, and divorce.⁵⁹ Justice in social reality is inherently contained within this equality.⁶⁰

Furthermore, this discourse triggers a dialectical conflict between *ḥifẓ al-nafs* (preservation of the self/mental health) and *ḥifẓ al-nasl* (preservation of progeny). The narratives of Ariel Tatum and Anya Dwinov, which emphasize psychological anxiety and mental unreadiness, mark a crucial point where the quality of life is prioritized over biological quantity. This aligns with ‘Aṭiyyah’s deconstruction of *ḥifẓ al-nasl*, which distinguishes between biological regeneration (*al-tanāsul*) and quality procreation (*al-injāb*). While Ibn ‘Āshūr views reproduction as an innate *fitrah*, Abd al-Majid al-Najjar provides a counter-balance: the human duty as a *khalifah* (steward) is to prosper the earth, which can be realized through quality intellectual or social contributions, exemplified by Coach Justin’s vision of a legacy through an educational foundation rather than a mere bloodline. Thus, being childfree in this context is not seen as a betrayal of Sharia, specifically *ḥifẓ al-nasl*, but as a contextual realization of *maqāṣid* to avoid injustice

⁵⁸ Siti Mardiyah, Hamda Sulfinadia, and Abdurrahman Raden Aji Haqqi, “Resolution Of Household Conflicts Due To Different Choices Of Presidential Candidates Perspective Of Islamic Law,” *MAWADDAH: Jurnal Hukum Keluarga Islam* 3, no. 1 (2025): 43, <https://doi.org/10.52496/mjhki.v3i1.5>.

⁵⁹ Jumni Nelli et al., “Reconstructing the Ṣāliḥah Wife: Gendered Exchange, Religious Authority, and Divorce among Working Muslim Women in Indonesia,” *JURIS (Jurnal Ilmiah Syariah)* 25, no. 1 (February 9, 2026): 1, <https://doi.org/10.31958/juris.v25i1.16025>.

⁶⁰ Mohamed Sulthan Ismiya Begum et al., “Gender Equity in Muslim Family Law: Modern and Contemporary ‘Ulamā’s View,” *Al-Ahkam* 34, no. 2 (October 31, 2024): 221, <https://doi.org/10.21580/ahkam.2024.34.2.20773>.

in parenting and to ensure the attainment of *sakīnah* (emotional well-being), which is the primary soul of marriage itself.

Table. 1 Synthesis of Celebrity Childfree Narratives: Integrating Maqāṣid al-Usrah and Socio-Legal Frameworks

Subject	Primary Motives & Key Narratives	Dimensions of Maqāṣid al-Usrah (‘Aṭiyyah)	Legal & Socio-Legal Dialectics
Gita Savitri	Bodily autonomy, rejection of patriarchal stigma, and mental health.	<i>Tanzīm al-’alāqah bayn al-jinsayn</i> (Equality of Dignity).	Resistance against the objectification of women and pro-natalist state biopolitics.
Coach Justin	Financial responsibility, education, and redefinition of social legacy.	<i>Tanzīm al-jānib al-mālī</i> & <i>Ḥifẓ al-Nasl</i> (Quality).	Shifting the focus from biological lineage toward social contribution (<i>maṣlahah ‘āmmah</i>).
Ariel Tatum	Awareness of psychological-hormonal risks and focus on social service.	<i>Tahqīq al-sakīnah</i> & <i>Ḥifẓ al-Nafs</i> (Mental Health).	Prioritizing <i>ḥifẓ al-nafs</i> over reproduction to prevent parenting failure.
Anya Dwinov	Medical risks of reproductive age and absence of personal urgency.	<i>Ḥifẓ al-Nafs</i> (Health) & <i>Tanzīm al-jānib al-mu’assasī</i> .	Preventive action (<i>sadd al-dhari’ah</i>) against potential physical harm and parenting negligence.
Chef Juna	Liberal values, partner sovereignty, and voluntary agreement.	<i>Tanzīm al-’alāqah bayn al-jinsayn</i> (Coordinative Relationship).	Emphasis on individual autonomy as a prerequisite for the validity of domestic <i>maṣlahah</i> .

However, while the original legal status is permissible and does not contradict *ḥifẓ al-nasl*, the permissibility of being childfree is

conditional. It may become *haram* (forbidden) or contradict *ḥifẓ al-nasl* depending on the methods used and the influencing factors. Based on the Decision of the 28th NU Congress (1989), if childfree practices are carried out through extreme medical means, such as the total and permanent termination of the reproductive system without justified medical reasons, the status changes to *haram*. Thus, childfree remains within the corridor of *mubah* as long as it is achieved by delaying or preventing pregnancy without destroying the inherent creative functions of the human body,⁶¹ and without resorting to abortion, which is strictly prohibited in both Islamic and Indonesian positive law, except in cases involving the mother's safety or severe fetal anomalies.⁶²

CONCLUSION

This research concludes that the childfree phenomenon among Indonesian celebrities is not a betrayal of *ḥifẓ al-nasl*, but rather a contextual realization of *maqāṣid* when caregiving capacity is objectively compromised. Through the lens of Jamāl al-Dīn 'Aṭīyyah's *Maqāṣid al-Usrah*, the narratives of these celebrities demonstrate a shift in focus from quantitative regeneration (*al-tanāsul*) toward the quality of life (*al-injāb*). In conditions of mental, financial, or relational unreadiness, this choice serves as a preventive instrument (*sadd al-dhari'ah*) to avert injustice toward a child's rights and to preserve *sakīnah* as the essence of marriage. However, this permissibility is casuistic and contextual (*permissible in context*); it is not a general norm intended to replace the recommendation for procreation. Furthermore, choosing a childfree lifestyle through extreme measures, such as permanently terminating the reproductive system without valid medical reasons remains prohibited as it contradicts both *ḥifẓ al-nasl* and *ḥifẓ al-nafs*, in accordance with the Decision of the 28th NU Congress. This reframing successfully bridges the gap between the individual autonomy voiced in digital spaces and sociological-religious responsibilities, positioning *ḥifẓ al-nasl* not as a static biological burden, but as a qualitative commitment to higher human dignity.

From a socio-legal perspective, this trend reflects a shift in the *living law* that challenges the state's biopolitics regarding the

⁶¹ Tim LTN PBNU, *Ahkamul Fuqaha, Solusi Problematika Hukum Islam, Keputusan Muktamar, Munas, Dan Konbes Nahdlatul Ulama*, ed. A. Ma'ruf Asrori and Ahmad Muntaha AM, cetakan ke (Surabaya: Khalista, 2019), 448.

⁶² Ismail Jalili et al., "The Legitimacy of Abortion: A Socio-Legal Analysis of Islamic Jurisprudence and Indonesian Law," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 2 (December 17, 2024): 382, <https://doi.org/10.18860/j-fsh.v16i2.29077>.

demographic bonus, thereby necessitating a reinterpretation of family law (the Marriage Law and KHI) that is more responsive to human rights without neglecting social stability. This study asserts that future family resilience must be measured by holistic well-being (*equilibrium*) rather than mere member quantity. By integrating reproductive autonomy and legal responsibility through the principles of *taysīr* and *ḥifẓ al-naḥs*, the childfree discourse offers a foundation for a more humanistic reform of Islamic law. This allows for a proportional balance between state interests and individual privacy rights for the sake of quality civilizational development. Future researchers are encouraged to expand this study to the grassroots level and explore the integration of reproductive technology within a *maqāṣid* perspective. As a strategic step, it is recommended that the government, through the BKKBN and the Ministry of Religious Affairs formulate family resilience policies that do not focus solely on fertility targets but prioritize the quality of parenting and mental health through *maqāṣid*-based premarital counseling. This is essential for the state to accommodate shifting social paradigms through inclusive dialogue to realize a more dignified civilization and higher quality of human resources.

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