

Social Egg Freezing in Islamic Law: Conditional Permissibility through a Maqāṣid al-Sharī'ah and Gender Justice Perspective

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Abstract

This study analyzes the practice of social egg freezing for unmarried women from the perspective of Islamic law and its relevance to maqāṣid al-sharī'ah and gender justice. The phenomenon of modernity has led Muslim women to delay marriage and pregnancy for education and careers, creating tension between professional demands and biological reproductive limitations. This qualitative research employs a library-based method with a normative-theological approach, integrating tafsir, maqāṣid al-sharī'ah, qiyās, and sadd al-dharī'ah. Data were obtained from primary sources including Qur'anic verses, classical and contemporary tafsir works, and authoritative fatwas, supported by modern scientific literature. The findings indicate that social egg freezing can be understood as a form of human agency (ikhtiyar) to preserve reproductive potential while responding to the social realities of modern women. Legally, this practice falls within the framework of the "Conditional Permissibility Doctrine" (al-ibāḥah al-muqayyadah), namely conditional permissibility prioritizing lineage protection (ḥifẓ al-nasl). This permissibility requires use only within a valid marriage, prohibition of donation and surrogacy, medical safety guarantees, and control of lineage mixing risks. From a maqāṣid perspective, this practice relates to the protection of lineage, intellect (ḥifẓ al-'aql), property (ḥifẓ al-māl), and human dignity. Thus, social egg freezing can be positioned as a preventive and adaptive instrument of maṣlaḥah. This study affirms that Islamic law possesses methodological flexibility to respond to biotechnological developments justly and contextually, while strengthening women's position as autonomous legal subjects without disregarding Sharia principles.
Keywords: Conditional Permissibility; Gender Justice; Lineage Protection; Maqāṣid Al-Sharī'ah; Social Egg Freezing.

Abstrak

Penelitian ini menganalisis praktik *social egg freezing* (pembekuan sel telur untuk indikasi non-medis) bagi perempuan lajang dalam perspektif hukum Islam serta relevansinya dengan *maqāṣid al-sharī'ah* dan keadilan gender. Fenomena modernitas telah mendorong perempuan Muslim untuk menunda pernikahan dan kehamilan demi pendidikan serta karier, sehingga menciptakan ketegangan antara tuntutan profesional

dan keterbatasan biologis reproduksi. Penelitian kualitatif ini menggunakan metode berbasis kepastakaan dengan pendekatan normatif-teologis yang mengintegrasikan tafsir, *maqāṣid al-sharī'ah*, *qiyās*, dan *sadd al-dharī'ah*. Data diperoleh dari sumber primer berupa ayat-ayat Al-Qur'an, kitab tafsir klasik dan kontemporer, serta fatwa-fatwa dari lembaga otoritatif, yang didukung oleh literatur ilmiah modern. Hasil penelitian menunjukkan bahwa *social egg freezing* dapat dipahami sebagai bentuk *ikhthiyar* (agenitas manusia) untuk menjaga potensi reproduksi sekaligus merespons realitas sosial perempuan modern. Secara hukum, praktik ini berada dalam kerangka "Doktrin Kebolehan Bersyarat" (*al-ibāḥah al-muqayyadah*), yaitu kebolehan yang diprioritaskan pada perlindungan nasab (*hiḥẓ al-nasl*). Kebolehan ini mensyaratkan penggunaan hanya dalam perkawinan yang sah, larangan donor dan *surrogacy*, jaminan keamanan medis, serta pengendalian risiko percampuran nasab. Dalam perspektif *maqāṣid*, praktik ini berkaitan dengan perlindungan nasab, akal (*hiḥẓ al-'aql*), harta (*hiḥẓ al-māl*), dan martabat manusia. Dengan demikian, *social egg freezing* dapat diposisikan sebagai instrumen *maṣlaḥah* yang bersifat preventif dan adaptif. Penelitian ini menegaskan bahwa hukum Islam memiliki fleksibilitas metodologis untuk merespons perkembangan bioteknologi secara adil dan kontekstual, sekaligus memperkuat posisi perempuan sebagai subjek hukum yang otonom tanpa mengabaikan prinsip-prinsip syariah.

Kata Kunci: Keadilan Gender; Kebolehan Bersyarat; Maqāṣid Al-Sharī'ah; Perlindungan Nasab; Social Egg Freezing.

INTRODUCTION

The phenomenon of modernity has brought a significant shift in women's roles in both public and domestic spheres.¹ In the context of Muslim women, this shift often creates a double burden, as women are expected to maintain the ideal mother role at home while also excelling in the labor market.² In response, many Muslim women now choose to prioritize education and career advancement before starting a family. Various surveys report that approximately 70–80% of women in

¹ Ilzam Hubby Dzikrillah Alfani et al., "Qur'anic Perspective of Gender Equality: Classical and Modern Tafsir," *Gender Equality: International Journal of Child and Gender Studies* 11, no. 1 (March 2025): 33, <https://doi.org/10.22373/equality.v11i1.26296>.

² Xiaorong Gu, "'You Are Not Young Anymore!': Gender, Age and the Politics of Reproduction in Post-Reform China," *Asian Bioethics Review* 13, no. 1 (March 2021): 57–76, <https://doi.org/10.1007/s41649-020-00157-9>; Justyna Nowotniak, "'The Private Is Political': The Problem of the Private/Public Divide in the Light of Feminist Theory of the Second Half of the 20th Century," *Środkowoeuropejskie Studia Polityczne*, no. 1 (June 2024): 99–118, <https://doi.org/10.14746/ssp.2024.1.6>; Ghassaani Arifah Dalimoenthe, "The Social Challenges of a Working Muslim Women in a Patriotic Society in Indonesia," *Jurnal Indonesia Sosial Sains* 6, no. 5 (June 2025): 1543–50, <https://doi.org/10.59141/jiss.v6i5.1666>.

prestigious professions intentionally delay pregnancy due to career demands.³

This sociological reality frequently triggers conflicts between professional ambitions and the biological limitations of women's reproductive age, which declines over time.⁴ Such delays have been shown to increase stress and the risk of infertility, with about one-third of professional women eventually requiring Assisted Reproductive Technology (ART).⁵ The tension between career demands and reproductive readiness thus becomes a crucial issue necessitating concrete solutions both through individual medical interventions like social egg freezing,⁶ and through reinterpreting Islamic discourse to support women as empowered agents without sacrificing either of their roles.⁷

³ Rachel Okine et al., "Undergraduate Students Have Low Fertility Knowledge and High Anxiety Regarding Future Fertility: An Opportunity for Education," *Heliyon* 9, no. 3 (March 2023): e14623, <https://doi.org/10.1016/j.heliyon.2023.e14623>; Jennifer B. Bakkensen et al., "Childbearing, Infertility, and Career Trajectories Among Women in Medicine," *JAMA Network Open* 6, no. 7 (July 2023): e2326192, <https://doi.org/10.1001/jamanetworkopen.2023.26192>; Anna Lee et al., "Family Planning, Fertility, and Career Decisions Among Female Oncologists," *JAMA Network Open* 5, no. 10 (October 2022): e2237558, <https://doi.org/10.1001/jamanetworkopen.2022.37558>.

⁴ Guangye He and Xiaogang Wu, "Family Status and Women's Career Mobility during Urban China's Economic Transition," *Demographic Research* 44 (February 2021): 189–224, <https://doi.org/10.4054/DemRes.2021.44.8>; Maomin Jiang et al., "Effect of Work–Family Conflict on Three-Child Fertility Intention of Working Women of Reproductive Age under the Background of Active Reproductive Support: The Moderating and Mediating Effects of Anxiety Disorders and Life Stress," *Sustainability* 14, no. 21 (November 2022): 14615, <https://doi.org/10.3390/su142114615>.

⁵ Bakkensen et al., "Childbearing, Infertility, and Career Trajectories Among Women in Medicine"; Lee et al., "Family Planning, Fertility, and Career Decisions Among Female Oncologists."

⁶ Lee et al., "Family Planning, Fertility, and Career Decisions Among Female Oncologists"; Bakkensen et al., "Childbearing, Infertility, and Career Trajectories Among Women in Medicine"; Okine et al., "Undergraduate Students Have Low Fertility Knowledge and High Anxiety Regarding Future Fertility."

⁷ Rezky Juniarsih Nur, Siti Komariah, and Wilodati Wilodati, "Siri' Na Pacce and The Reconstruction of Gender Roles: The Dynamics of Modern-Day Womanhood in Bugis-Makassar Society," *Potret Pemikiran* 28, no. 1 (June 2024): 104, <https://doi.org/10.30984/pp.v28i1.2893>; Rimmi Datta and Jayanta Mete, "An Authentic Overview Of The Educational Rights And Prospects Of Muslim Women," *Khazanah Pendidikan Islam* 3, no. 2 (March 2021): 54–62, <https://doi.org/10.15575/kp.v3i2.11708>.

The prevailing tensions have facilitated the emergence of a novel medical trend: social egg freezing for non-medical reasons. This phenomenon has transcended its perception as a mere medical trend in Western nations and has evolved into a significant discourse among Muslim women. Escalating professional demands and the need for financial stability increasingly compel women to postpone marriage until they are closer to the end of their optimal reproductive age.⁸ Social egg freezing offers women the opportunity to preserve healthy oocytes for future utilization when they are prepared to enter marriage and pursue parenthood.⁹ However, while this technology presents a potential resolution to the dilemma of the biological clock, it simultaneously engenders extensive debates among Islamic scholars.

The implications of this technology are multifaceted and have prompted fatwas in various Islamic jurisdictions, particularly regarding single women who choose to use it.¹⁰ Traditionally, Islamic jurisprudence on reproductive technologies has adopted a reactive stance, mandating a legitimate marital contract primarily to safeguard lineage integrity (hifzh al-nasl).¹¹ Lineage serves as the most profound connection between a child and their father, unifying familial

⁸ Nitzan Rimon-Zarfaty et al., “Between ‘Medical’ and ‘Social’ Egg Freezing: A Comparative Analysis of Regulatory Frameworks in Austria, Germany, Israel, and the Netherlands,” *Journal of Bioethical Inquiry* 18, no. 4 (December 2021): 683–99, <https://doi.org/10.1007/s11673-021-10133-z>.

⁹ Molly Johnston et al., “Employer-Sponsored Egg Freezing: Carrot or Stick?,” *AJOB Empirical Bioethics* 13, no. 1 (January 2022): 33–47, <https://doi.org/10.1080/23294515.2021.1941413>.

¹⁰ Alexis Heng Boon Chin, Sayyed Mohamed Muhsin, and Mohd Faizal Ahmad, “Islamic Perspectives on Elective Ovarian Tissue Freezing by Single Women for Non-Medical or Social Reasons,” *Asian Bioethics Review* 15, no. 3 (July 2023): 335–49, <https://doi.org/10.1007/s41649-022-00236-z>; Alexis Heng Boon Chin and Shaikh Mohd Saifuddeen, “Is Social Egg Freezing (Oocyte Cryopreservation) for Single Women Permissible in Islam? A Perspective from Singapore,” *The New Bioethics* 28, no. 2 (April 2022): 116–26, <https://doi.org/10.1080/20502877.2022.2063576>.

¹¹ Iffatin Nur, Umi Nurul Laelatul’zah, and Siti Marpuah, “Reproductive Fiqh: The Phenomenon of Egg Freezing Among Muslim Societies,” *KARSA Journal of Social and Islamic Culture* 30, no. 2 (December 2022): 298–327, <https://doi.org/10.19105/karsa.v30i2.8626>; Hassan Chamsi-Pasha and Mohammed Ali Albar, “Assisted Reproductive Technology: Islamic Sunni Perspective,” *Human Fertility* 18, no. 2 (April 2015): 107–12, <https://doi.org/10.3109/14647273.2014.997810>.

relationships into a resilient structure based on shared blood ties.¹² Nonetheless, social egg freezing appears to challenge the parameters of classical fiqh, which had not previously contemplated such technology as a preventive measure prior to marriage.¹³

As a concrete step, exploring Qur'anic verses related to health and reproductive functions through a tafsir approach serves as a fundamental starting point. The Qur'an provides a framework regulating human dignity, lineage preservation, and ethical boundaries in medical endeavors.¹⁴ Through comprehensive tafsir and interdisciplinary integration, we can critically assess whether reproductive preservation represents gratitude for maintaining public welfare or exceeds the bounds of natural creation (*taghyir khalq Allah*).¹⁵ This theological understanding is essential for deeper analysis of Islamic family law (*al-ahwal al-syakhshiyah*).¹⁶

Grounded in this foundation, the formulation of regulations in Islamic family law must recognize that social egg freezing intersects directly with lineage protection one of the primary objectives of *maqāsid*

¹² Nahdia Nazmi et al., “Legal Implications of Children Resulting from Free Sex ‘One Night Stand’ in Indonesian Legal System,” *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025), <https://doi.org/10.52496/mjhki.v3i2.28>.

¹³ Abdulah Pakarti, Muhammad Husni, Wahyudi Wahyudi, Ah. Fathonih, Fauzan Ali Rasyid, and Husain Husain, trans. 2025. “The Construction of Islamic Law on Marriage: A Normative Study of Rights, Harmony, and Its Limits”. *Al-Battar: Jurnal Pamungkas Hukum* 2 (2): 99-111. <https://doi.org/10.63142/al-battar.v2i2.172>; Tanoto, Ivan, and Andini Zelikho, trans. 2025. “Pernikahan Tanpa Persetujuan Salah Satu Pihak Dalam Perspektif Islam Dan Hukum Positif Di Indonesia”. *Al-Battar: Jurnal Pamungkas Hukum* 2 (1): 1-12. <https://doi.org/10.63142/al-battar.v2i1.84>.

¹⁴ Ali Abubakar et al., “The Integration of Fiqh and Science: The Pork Element in the Medical Fatwa’s of the Indonesian Ulema Council,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 3 (December 2025), <https://doi.org/10.22373/sjhk.v9.i3.31976>.

¹⁵ A. H. B. Chin et al., “Islamic Perspectives on Polygenic Testing and Selection of IVF Embryos (PGT-P) for Optimal Intelligence and Other Non-Disease-Related Socially Desirable Traits,” *Journal of Bioethical Inquiry* 21, no. 3 (September 2024): 441–48, <https://doi.org/10.1007/s11673-023-10293-0>; Muhammad Ahmad Ibrahim AlJahsh, “Science and Islamic Ethics: Navigating Artificial Womb Technology through Quranic Principles,” *Heliyon* 10, no. 17 (September 2024): e36793, <https://doi.org/10.1016/j.heliyon.2024.e36793>.

¹⁶ Edi Susilo, Budi Santoso, and Yessy Eka Ambarwati, “Transformation of Contemporary Fiqh through a Collective Ijtihad Approach in Resolving Lineage Issues Arising from Egg Freezing,” *MILRev: Metro Islamic Law Review* 4, no. 2 (July 2025): 728–60, <https://doi.org/10.32332/milrev.v4i2.10403>.

al-sharī'ah.¹⁷ Contemporary fiqh is thus called upon to address whether egg preservation can be accommodated as a form of *maṣlaḥah* (public interest) for career-oriented women.¹⁸ This analysis must also consider potential legal risks, such as the mixing or confusion of lineage in medical laboratories, given that lineage clarity is meticulously safeguarded in Islamic law.¹⁹

Existing Islamic bioethics literature largely addresses IVF within marital contexts, but lacks systematic analysis of preventive reproductive technologies such as social egg freezing for unmarried women. Against this background, this article aims to fill the aforementioned gap by further exploring the position of social egg freezing from an Islamic perspective, guided by two research questions: first, how does Islamic law conceptualize social egg freezing for unmarried women? and second, to what extent can *maqāṣid al-sharī'ah* justify its permissibility? Utilizing a library research methodology grounded in normative study, this writing offers fresh perspectives on Islamic family law that are equitable and gender-responsive, thereby harmoniously and humanely realizing the synchronization between modern biotechnology and the nobility of Sharia values.

RESEARCH METHODS

This research is a qualitative study employing library research methods, with a primary focus on conducting an in-depth examination of theoretical and normative literature concerning the practice of social egg freezing from an Islamic legal perspective. The normative-theological approach is justified as the most appropriate framework for analyzing modern medical phenomena through the lens of Qur'anic interpretation (*tafsir*) and the principles of Islamic family law (*fiqh*), given that the core issues lineage protection (*hifz al-nasl*), reproductive ethics, and women's welfare are inherently rooted in scriptural and jurisprudential traditions. The analytical framework integrates three interconnected tools: *maqāṣid al-sharī'ah* analysis to evaluate whether social egg

¹⁷ Restu Ashari Putra, Reza Pahlevi Dalimunthe, and Rizal Abdul Gani, "Konsep Perlindungan Nasab Dalam Perspektif Hukum Islam," *Mutawasith: Jurnal Hukum Islam* 4, no. 1 (July 2021): 32–41, <https://doi.org/10.47971/mjhi.v4i1.304>.

¹⁸ Isnain La Harisi and M. Wahid Abdullah, "Pembaharuan Hukum Keluarga Islam dalam Menghadapi Tantangan Sosial Kontemporer Persepektif Maqashid Syariah," *USRAH: Jurnal Hukum Keluarga Islam* 5, no. 2 (October 2024): 226–41, <https://doi.org/10.46773/usrah.v5i2.1358>.

¹⁹ Honainah Honainah, Dominikus Rato, and Dyah Octorina Susanti, "Status Nasab Dan Kewarisan Anak Hasil Sewa Rahim Perspektif Hukum Islam," *Rechtenstudent* 4, no. 1 (April 2023): 63–77, <https://doi.org/10.35719/rch.v4i1.225>.

freezing serves the higher objectives of Islamic law, particularly the protection of lineage as one of the five essential necessities (*al-dharuriyyat al-khams*); *qiyās* (analogical reasoning) and *sadd al-dharī'ah* (blocking the means to evil) to draw legal parallels with existing reproductive technologies such as IVF and to assess potential risks like lineage mixing or the use of donor gametes; and thematic content analysis to identify, code, and categorize recurring themes across the literature, including permissibility conditions, the scope of *maslahah* (public interest), and gender justice in Islamic bioethics.

Data sources are divided into primary and secondary categories, with explicit inclusion criteria to ensure methodological rigor. Primary data include Qur'anic verses related to human creation and reproduction (e.g., QS al-Mu'minun [23]: 12-14, QS al-Nahl [16]: 72), classical and contemporary *tafsir* works, fatwas from international and national Islamic legal institutions, as well as perspectives from gender scholars. Secondary data encompass books on Islamic family law, reputable scientific journals indexed in Scopus or Web of Science, and medical literature on egg freezing procedures. Inclusion criteria require, publications from the last twenty years (2004-2024) unless classical or foundational texts, sources explicitly addressing reproductive technologies, *maqāṣid*, or Islamic bioethics, and peer-reviewed academic works, while non-academic opinion pieces and sources lacking engagement with Islamic legal methodology are excluded.

The data analysis technique applied is content analysis²⁰ using a descriptive-analytical model. After the data has been collected, the researcher conducts data reduction to select the most relevant information concerning gender issues and the reproduction of single women. Subsequently, this data is interpreted using a deductive method, which involves drawing legal conclusions from the general principles of Sharia regarding social egg freezing. Through this process, it is hoped that the research can present a robust legal argument regarding the boundaries, conditions, and legality of this practice for Muslim women in the modern era.

RESULTS AND DISCUSSION

Anatomy of Social Egg Freezing and the Sociocultural Realities of Single Women

²⁰ M. B. Milles, A. M. Huberman, and Saldana, *Qualitative Data Analysis, A Methods Sourcebook*, 3rd ed., trans. Rohidi Tjeptjep (USA: Sage publications, 2014).

Oocyte cryopreservation from a medical perspective is a technology that preserves oocytes at specific temperatures, effectively pausing their biological activity temporarily. In the fields of medicine and legal ethics, a notable distinction exists between medical egg freezing and social egg freezing. Medical egg freezing is performed as a preventative measure for women who might lose their reproductive function due to serious illnesses like cancer that require chemotherapy.²¹ In contrast, social egg freezing, the main focus of this article, is a voluntary procedure performed by women without urgent medical needs, driven instead by external factors such as financial readiness, professional commitments, career goals, or personal situations that delay marriage.²²

As we explore this topic, it is essential to understand that the initial use of egg freezing technology was primarily for medical reasons; however, it has shifted significantly into the social realm. The American Society for Reproductive Medicine (ASRM) no longer considers oocyte cryopreservation experimental, acknowledging its increased success rate and safety profile.²³ This change has sparked a controversial debate within the framework of family law in Islamic contexts, with social egg freezing framed as a compassionate attempt by women to negotiate their "biological time."²⁴ While categorized medically as an emergency (*darurah*) for cancer patients, socially it becomes a necessity (*hajat*) to minimize hardships (*mafsadah*).²⁵ This transformation highlights the

²¹ Zeynep B. Gürtin et al., "Reconceiving Egg Freezing: Insights from an Analysis of 5 Years of Data from a UK Clinic," *Reproductive BioMedicine Online* 38, no. 2 (February 2019): 272–82, <https://doi.org/10.1016/j.rbmo.2018.11.003>.

²² Ana Borovecki et al., "Social Egg Freezing under Public Health Perspective: Just a Medical Reality or a Women's Right? An Ethical Case Analysis," *Journal of Public Health Research* 7, no. 3 (December 2018): jphr.2018.1484, <https://doi.org/10.4081/jphr.2018.1484>.

²³ Chin, Muhsin, and Ahmad, "Islamic Perspectives on Elective Ovarian Tissue Freezing by Single Women for Non-Medical or Social Reasons"; Chin and Saifuddeen, "Is Social Egg Freezing (Oocyte Cryopreservation) for Single Women Permissible in Islam?"

²⁴ Kylie Baldwin et al., "Running out of Time: Exploring Women's Motivations for Social Egg Freezing," *Journal of Psychosomatic Obstetrics & Gynecology* 40, no. 2 (April 2019): 166–73, <https://doi.org/10.1080/0167482X.2018.1460352>; Kit C. Myers and Lauren Jade Martin, "Freezing Time? The Sociology of Egg Freezing," *Sociology Compass* 15, no. 4 (April 2021): e12850, <https://doi.org/10.1111/soc4.12850>.

²⁵ Fadhila Tianti Mudi Awalia, Achmad Arif, and Asti Asti Lutfiah, "Freezing Of Single Woman's Egg Cells According To Sadd Al-Dzari'ah Analysis," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 6, no. 2 (December 2024): 483–94,

evolution of reproductive technology from a clinical solution to a proactive mechanism for addressing the risks and uncertainties surrounding the reproductive futures of single women.²⁶

A recent systematic review and meta-analysis published in the *Journal of Assisted Reproduction and Genetics* (2025) synthesized data from 20 quantitative studies across multiple countries. The findings reveal that the acceptance rate of social oocyte cryopreservation (SOC) among women in the general population is 56.5% (95% CI = 47.8–64.9%). Among female healthcare professionals and students, acceptance rates ranged between 42% and 66%. Country-specific data shows significant variation: Sweden reported a 70% acceptance rate in 2016, Australia 61.3% in 2023, Belgium 48.2%, and Denmark 45%. Lebanon showed a lower rate of 34%, attributed to cultural factors and knowledge gaps.²⁷

The meta-analysis identified the most frequently cited acceptable reasons for SOC as cost-recovery (67.9%, 95% CI = 58–76%) and inability to find a suitable partner (45.7%, 95% CI = 32.6–59.5%). Other motivations include career planning, educational goals, health concerns, and the desire to preserve future fertility options. A cross-sectional study across 24 countries found that over 60% of women planned to have children, yet 85% were unfamiliar with oocyte cryopreservation. Social media (56%) was the primary information source, followed by acquaintances (33%) and healthcare professionals (25%). Only 4.6% were actively considering the procedure, while 41.3% showed potential interest. Barriers included perceived lack of necessity, age concerns, financial constraints, and limited information.²⁸

<https://doi.org/10.37680/almanhaj.v6i2.5861>; Nur, Laelatul'zah, and Siti Marpuah, "Reproductive Fiqh."

²⁶ Eliza Brown and Mary Patrick, "Time, Anticipation, and the Life Course: Egg Freezing as Temporarily Disentangling Romance and Reproduction," *American Sociological Review* 83, no. 5 (October 2018): 959–82, <https://doi.org/10.1177/0003122418796807>; Claudia Bozzaro, "Is Egg Freezing a Good Response to Socioeconomic and Cultural Factors That Lead Women to Postpone Motherhood?," *Reproductive BioMedicine Online* 36, no. 5 (May 2018): 594–603, <https://doi.org/10.1016/j.rbmo.2018.01.018>.

²⁷ Özden Tandoğan, Gözde Küğcümən, and İlkey Güngör Satılmış, "Acceptance Rates and Reasons for Social Oocyte Cryopreservation among Women: Systematic Review and Meta-Analysis," *Journal of Assisted Reproduction and Genetics* 42, no. 5 (May 2025): 1525–38, <https://doi.org/10.1007/s10815-025-03425-5>.

²⁸ Pedro Brandão et al., "Exploring Awareness and Attitudes toward Oocyte Cryopreservation among Women of Reproductive Age," *Revista Brasileira de*

Evidence from global IVF centers demonstrates that success rates are highly dependent on age at freezing and number of oocytes preserved. For women under 35, freezing 20 mature oocytes yields approximately a 70-90% chance of at least one live birth.²⁹ A retrospective cohort study presented at the ASRM annual meeting (2025) found that among women who froze their eggs at 35 or older, the probability of live birth decreased by 13% per year (OR 0.79, 95% CI 0.74-0.84). Nearly half (49%) of patients who froze eggs between 35-37 achieved at least one live birth, while only 13% of those over age 42 did.³⁰ A study from Guy's Hospital, London, reported that among 167 women with a mean freeze age of 37.1 years, only 16% returned to use their frozen eggs, with a live birth rate of 35% per embryo transfer. Notably, a significantly higher live birth rate was achieved when 15 or more eggs were frozen per patient.

The sociological and medical evidence demonstrates that social egg freezing is a globally emerging phenomenon with moderate to high acceptance rates among women, driven primarily by partner absence and career considerations. However, significant knowledge gaps, financial barriers, and cultural factors continue to influence uptake. Success rates are contingent upon younger age at freezing (optimally under 35) and sufficient oocyte quantity (15-20 eggs). These empirical realities provide essential context for the subsequent Islamic legal analysis, as any fatwa or legal framework must be grounded in accurate understanding of the technology's capabilities and limitations.

The Legal Paradigm Shift and Sociological Dynamics

The legal paradigm shift is closely connected to the real-world dynamics in play. Sociologically, the growing interest in preservation techniques is rooted in changing societal structures that compel highly educated women to delay childbirth to enhance their professional competitiveness.³¹ At the same time, increased awareness of biological

Ginecologia e Obstetricia 47 (July 2025): e-rbgo53, <https://doi.org/10.61622/rbgo/2025rbgo53>.

²⁹ Sadhana Desai, Partha Guharoy, and Vijay Mangoli, "Nesting the Eggs on Another Day: Social Egg Freezing," *The Journal of Obstetrics and Gynecology of India* 75, no. 3 (June 2025): 192–98, <https://doi.org/10.1007/s13224-025-02157-x>.

³⁰ Rachael Robertson et al., "Freezing Eggs ASAP May Boost Chances of Live Birth in Women Over 35," *ASRM*, October 28, 2025, <https://www.medpagetoday.com/meetingcoverage/asrm/118184>.

³¹ Siddharth Zabak et al., "Exploring the Complex Landscape of Delayed Childbearing: Factors, History, and Long-Term Implications," *Cureus*, ahead of print, September 30, 2023, <https://doi.org/10.7759/cureus.46291>.

clocks has intensified anxieties about the diminishing window of reproductive time.³² In response to this challenge, many single women choose to postpone marriage, not because they reject motherhood but to avoid making hasty choices in finding partners who align with their aspirations and to ensure financial security. This sociocultural trend illustrates the dilemma faced by women who find themselves torn between the pursuit of professional success and the urgency of marrying before reaching their reproductive limits.

Continuing the discussion on inherent dilemmas, there is a clear existential conflict between women's professional ambitions and the constraints of their reproductive timelines. Sociological research confirms that, without fertility preservation interventions, women are particularly susceptible to the so-called motherhood penalty within professional settings.³³ Here, early pregnancies often result in biased recruitment practices, obstacles to promotions, and barriers to career advancement. To tackle these competitive pressures, social egg freezing has emerged as a strategic option for single women seeking to buy time.³⁴ This technology significantly enhances reproductive autonomy, allowing women to remain competitive in the workforce without relinquishing their rights and opportunities for motherhood in the future.

The sociocultural realities facing single women are not merely personal choices but structural responses to labor markets and social systems that have yet to fully accommodate maternal roles. A woman's decision to freeze her eggs represents a long-term investment in preserving her right to maintain fertility amidst contemporary life demands. Therefore, a factual and comprehensive understanding of this medical procedure including its potential success rates (70-90% for optimal candidates), associated risks (OHSS, multiple cycles), and utilization rates (as low as 16% in some studies) becomes a crucial prerequisite. This thorough understanding lays the groundwork for further exploration of how contemporary Islamic legal thought addresses

³² Martina Yopo Díaz, "The Biological Clock: Age, Risk, and the Biopolitics of Reproductive Time," *Sex Roles* 84, nos. 11–12 (June 2021): 765–78, <https://doi.org/10.1007/s11199-020-01198-y>.

³³ Rose Xueqing Zhang, "Racing Against a Career-Fertility Countdown: The Prospective Motherhood Penalty and Gendered Ageism in China's Workplace," *Gender, Work & Organization* 33, no. 3 (May 2026): 731–42, <https://doi.org/10.1111/gwao.70082>.

³⁴ S. A. Miner et al., "'It's Just Another Added Benefit': Women's Experiences with Employment-Based Egg Freezing Programs," *AJOB Empirical Bioethics* 12, no. 1 (January 2021): 41–52, <https://doi.org/10.1080/23294515.2020.1823908>.

this issue through the principles of *maqāṣid al-sharī'ah* and adaptive considerations of *maṣlaḥah-mafṣadah*, relevant to the changing needs of modern women.

Theological Construction of Reproduction: An Analysis of Interpretations of Related Verses

The theological foundation of reproduction in Islam is rooted in the recognition of Allah's absolute authority over the creation of human beings, as articulated in QS. Al-Shura [42]: 49.

لِلَّهِ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ ۖ يَخْلُقُ مَا يَشَاءُ ۚ يَهَبُ لِمَن يَشَاءُ إِنَاثًا وَيَهَبُ لِمَن يَشَاءُ الذُّكُورَ

Translation:

To Allah belongs the dominion of the heavens and the earth; He creates what He wills; He grants female children to whom He wills, and grants male children to whom He wills.

This verse not only affirms that offspring are a divine gift but also invites deeper reflection on human responsibility in managing reproductive potential. Within the framework of contemporary Islamic bioethics, divine sovereignty is not interpreted in a fatalistic manner; rather, it coexists with the concept of human agency (*ikhtiar*), which is directed toward the realization of *maqāṣid al-sharī'ah*, particularly the preservation of lineage (*hifẓ al-nasl*).³⁵

A critical epistemological examination reveals significant divergence between classical and contemporary interpretations of reproductive verses. Classical *mufasssirun* (exegetes) such as al-Tabari and Ibn Kathir tended to interpret QS. Al-Shura [42]: 49 through a predominantly theological-literalist lens, emphasizing God's absolute prerogative over reproduction without substantial discussion of human intervention or reproductive technology.³⁶ Ibn Kathir, in his *Tafsir al-Qur'an al-'Azim*, focused on the verse as evidence of divine omnipotence, explaining that God alone determines the sex and existence of offspring, with human effort being secondary and entirely contingent upon divine will. Similarly, al-Qurtubi in *al-Jami' li-Ahkam al-Qur'an* used this verse to refute pre-Islamic beliefs that considered

³⁵ Sayyed Mohamed Muhsin et al., "Synthetic Human Embryos, Embryo Models and Embryo-like Structures in Islam," *Theology and Science* 22, no. 4 (October 2024): 790–815, <https://doi.org/10.1080/14746700.2024.2399902>.

³⁶ Muḥammad ibn Jarīr al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān* (Beirut: Dār al-Ma'ārif, 2000); Ismā'īl ibn 'Umar Ibn Kathīr, *Tafsīr Al-Qur'ān Al-'Azīm* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1999).

female children inferior, but did not extend his analysis to questions of reproductive planning or technological intervention.³⁷

Contemporary *mufasssirun*, by contrast, have adopted more contextual and purposive approaches. Muhammad Abduh and Rashid Rida in *Tafsir al-Manar* interpreted the same verse as affirming not only divine power but also human responsibility to understand and utilize natural laws (*sunnat Allah*) governing reproduction.³⁸ Wahbah al-Zuhayli in *al-Tafsir al-Munir* explicitly addressed modern reproductive technologies, arguing that the verse's emphasis on divine will does not preclude human efforts to overcome infertility or preserve reproductive potential, provided such efforts respect ethical boundaries.³⁹ Quraish Shihab in *Tafsir al-Misbah* further develops this by distinguishing between *khalq* (creation) as a divine act and *ikhtiyar* (human choice) as a legitimate sphere of human agency within divinely established natural laws.⁴⁰

The classical interpretive tradition exhibits several epistemological limitations when applied to contemporary reproductive technologies. First, classical *tafsir* operated within a pre-modern biomedical paradigm that lacked understanding of oocyte cryopreservation, in vitro fertilization, or genetic screening; consequently, classical rulings on reproduction were formulated without anticipating technologies that separate conception from marital intercourse temporally and spatially. Second, classical exegetes tended to prioritize theological assertions of divine sovereignty over questions of human reproductive autonomy, often eliding the distinction between *causation* (God as ultimate creator) and *means* (human-initiated medical interventions).⁴¹ Third, classical

³⁷ Abū ‘Abd Allāh Muḥammad ibn Aḥmad al-Anṣārī al-Qurṭubī, *Al-Jāmi‘ Li Aḥkām al-Qur‘ān* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2006).

³⁸ Muḥammad ‘Abduh and Muḥammad Rashīd Riḍā, *Tafsīr Al-Manār* (Beirut: Dār al-Ma‘rifah, 1935).

³⁹ Wahbah ibn Muṣṭafā al-Zuḥaylī, *Al-Tafsīr al-Munīr Fī al-‘Aqīdah Wa al-Sharī‘ah Wa al-Manhaj* (Damaskus: Dār al-Fikr, 1991).

⁴⁰ Muḥammad Quraish Shihab, *Tafsīr Al-Miṣbāḥ Fī Tafsīr al-Qur‘ān al-Karīm* (Jakarta: Lentera Hati, 2001).

⁴¹ Farid, Diana, and Muhammad Husni Abdulah Pakarti, trans. 2024. “Penetrasi Konsep Hibah Sebagai Solusi Dalam Proses Pembagian Waris”. *Al-Battar: Jurnal Pamungkas Hukum* 1 (3): 139-50. <https://doi.org/10.63142/9td8h174>; Amar Yusuf Abdurrohman, Misbahuzzulam, Muhammad Husni Abdulah Pakarti, Imran Ahmad Sajid, and Fateema Muslihatun Najihah. 2025. “The Law of Adoption of Children Out of Wedlock in the Perspective of Islamic and Indonesian Law”. *An-Nisa: Journal of Islamic Family Law* 2 (4): 299-314. <https://doi.org/10.63142/an-nisa.v2i4.347>.

interpretations frequently reflected patriarchal social structures in which women's reproductive capacity was subordinated to male authority and lineage concerns, without critical examination of how gender power relations shaped exegetical conclusions. These epistemological limitations do not render classical *tafsir* invalid but necessitate methodological supplementation through *maqāṣid*-oriented and gender-responsive readings.

Building upon this foundation, Muslim gender scholars offer more contextual and progressive insights that directly critique classical patriarchal readings. Amina Wadud advocates for a *tawhīdic* approach to Qur'anic interpretation that emphasizes the ontological equality of men and women.⁴² From this perspective, women's reproductive capacity is not merely a biological function constrained by patriarchal social norms but a divine trust inherently linked to their autonomy.⁴³ Consequently, a woman's decision to utilize reproductive technologies such as social egg freezing can be understood as an expression of responsible agency rather than a deviation from religious principles. Wadud's critique of classical *tafsir* centers on its androcentric assumptions, arguing that male exegetes historically interpreted reproductive verses in ways that reinforced male control over female bodies.⁴⁴

In a similar vein, Asma Barlas critiques patriarchal readings of religious texts that tend to position women as passive objects within familial and reproductive structures. She argues that the Qur'an does not inherently justify female subordination; rather, patriarchal interpretations are historically contingent readings shaped by pre-modern social contexts. Within this interpretive framework, the use of reproductive technologies by single women may be seen as a form of

⁴² Amina Wadud, "Inside the Gender Jihad: Women's Reform in Islam," *Praktyka Teoretyczna*, no. 08 (2013): 249–62, <https://www.cceol.com/content-files/document-99767.pdf>.

⁴³ Amina Wadud, *Qur'an and Women: Rereading Sacred Text From a Women's Perspective* (Kuala Lumpur: Penerbit Fajar Bakti, 1992).

⁴⁴ Hayati, Mala, Fakhurrazi M. Yunus, and Gamal Achyar. 2025. "Child Rights Fulfillment in Families Practicing Early Marriage: A Juridical-Empirical Analysis of Child Protection Law Implementation in Blangkejeren, Gayo Lues Regency". *An-Nisa: Journal of Islamic Family Law* 2 (4): 361-76. <https://doi.org/10.63142/an-nisa.v2i4.474>; Muhammad Husni Abdulah Pakarti, Aden Rosadi, Usep Saepullah, and Husain. 2025. "The Principle of Guardianship in Marriage: A Philosophical Analysis of the Harmonization of Islamic Law and Indonesian Positive Law". *An-Nisa: Journal of Islamic Family Law* 2 (2): 69-83. <https://doi.org/10.63142/an-nisa.v2i2.188>.

reclaiming agency an effort to regain control over their bodies and future while remaining within the ethical boundaries of Islam. Barlas' epistemological contribution lies in her insistence on distinguishing between the Qur'an's *text* (divine) and its *interpretations* (human, fallible, historically situated).⁴⁵

Kecia Ali highlights the importance of distinguishing between classical legal norms and contemporary ethical needs in Islamic family law. She notes that many classical juristic rulings were formulated within socio-historical contexts that differ significantly from present realities, including assumptions about marriage age, women's economic participation, and reproductive lifespan.⁴⁶ Therefore, practices such as egg freezing should not be assessed solely through a rigid legal-formal lens but must also consider dimensions of justice, public welfare (*maṣlahah*), and the lived realities of modern women, who often navigate intersecting pressures of education, career, and biological aging.

In the broader Muslim context, including Indonesia, thinkers such as Musdah Mulia emphasize that reproductive rights form an integral part of human rights that must be safeguarded. She argues that women possess the right to make reproductive choices, provided these do not contradict the fundamental principles of Islamic law. From this standpoint, social egg freezing can be viewed as a form of social *ijtihad* in responding to contemporary challenges, particularly for unmarried women seeking to preserve the possibility of future motherhood.⁴⁷

Furthermore, the principle of human dignity, which forms the ethical foundation of bodily autonomy for women, is enshrined in Surah Al-Isra, verse 70.

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا

Translation:

And We have certainly honored the children of Adam and carried them on land and sea and provided for them of the good and preferred them over much of those We have created, with [definite] preference

⁴⁵ Asma Barlas, "Muslim Women and Sexual Oppression: Reading Liberation from the Quran," *Macalester International* 10, no. 1 (2001): 15.

⁴⁶ Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* (Simon and Schuster, 2016).

⁴⁷ Musdah Mulia, *Muslimah Reformis for Milenial* (Elex Media Komputindo, 2021).

Classical exegetes such as al-Tabari interpreted this verse primarily as affirming human superiority over other creatures, with minimal attention to gender-specific implications for bodily autonomy.⁴⁸ Ibn Kathir focused on the honor conferred through intellect, speech, and upright physical form, but did not extend this honor to justify women's independent reproductive decision-making.⁴⁹ Contemporary interpretations, by contrast, read the verse as establishing an ethical floor beneath which no legal or social practice may descend, human dignity is inviolable regardless of gender, marital status, or reproductive choices. This interpretive shift reflects an epistemological move from *textual literalism* to *purposive ethics*, prioritizing the *maqṣad* (objective) of dignity preservation over rigid textual applications.

Nevertheless, these scholars also acknowledge the necessity of ethical boundaries. Reproductive autonomy must remain grounded in moral and social responsibility. In Islamic teachings, this is closely linked to the preservation of lineage (*hifẓ al-nasl*) and the prohibition of commodifying the human body.⁵⁰ Accordingly, the practice of egg freezing must be accompanied by strict legal and ethical regulations to prevent misuse such as anonymous egg donation, posthumous fertilization without prior consent, or commercial trading of oocytes and to ensure that it remains aligned with Islamic values.

When connected to the concept of *hifẓ al-nasl*, these perspectives collectively expand its meaning beyond mere biological continuity to encompass the quality, preparedness, and well-being of future generations. In this sense, egg freezing is not merely a medical procedure but also an ethical strategy aimed at ensuring that reproduction occurs under more optimal biological and social conditions.

The integration of Qur'anic theological foundations, *maqāṣid al-sharī'ah*, and the insights of Muslim gender scholars provides a comprehensive framework for understanding social egg freezing. Rather than being viewed solely as a medical issue or moral controversy, this practice can be situated within the broader dynamics of contemporary *ijtihād*, which seeks to reconcile divine will, social realities, and individual needs. Within this framework, women are no longer

⁴⁸ al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān*.

⁴⁹ Ibn Kathīr, *Tafsīr Al-Qur'ān Al-'Aẓīm*.

⁵⁰ Nasiri Nasiri, "Reassessing Hifdz Al-Nasl in the Age of Assisted Reproduction: A Maqashid Al-Shari'ah Perspective on Donor Artificial Insemination," *Syaikhuna: Jurnal Pendidikan Dan Pranata Islam* 13, no. 01 (2022): 109–18, <https://syaikhuna.iaisyaichona.ac.id/index.php/syaikhuna/article/view/7834>.

positioned as passive subjects of reproductive norms but as active moral agents with the authority to make informed decisions about their bodies and futures, while remaining within the ethical boundaries of Islam. However, this conclusion is conditional upon rejecting classical epistemological assumptions that conflate divine sovereignty with the prohibition of all human reproductive interventions, and upon adopting a *maqāṣid*-oriented hermeneutic that prioritizes the protection of dignity, lineage, and well-being over literalistic readings of scripture.

The Legality of Egg Freezing in Contemporary Fiqh and the Protection of Nasab: Toward a Conditional Permissibility Doctrine

The determination of the legal status of social egg freezing within contemporary jurisprudence is mandated by a universal principle stating that the original legal ruling for everything that brings benefit is permissible (*mubah*). Based on the fundamental jurisprudential principle of *al-ashlu fi al-asyya' al-ibahah hatta yadulla al-dalilu 'ala tahrimihi* (the original ruling of something is permissible as long as there is no evidence indicating its prohibition), this medical innovation is positioned as an allowable endeavor, provided it does not conflict with principles of Sharia that are definitive (*qath'i*). This legal evaluation is reinforced through additional jurisprudential rules, such as the principle of eliminating harm (*al-darar yuzal*), to ensure that this procedure genuinely brings benefit to women. The absence of explicit texts in the Qur'an or Hadith regarding the freezing of reproductive cells has prompted scholars to engage in collective *ijtihad* (*ijtihad jama'i*).⁵¹ Within this academic context, the legality of egg freezing heavily relies on how far the technology can guarantee strict protection of lineage (*nasab*).⁵²

This article proposes that the most coherent legal framework for social egg freezing is what may be termed the Conditional Permissibility Doctrine" (*doktrin al-ibahah al-muqayyadah*). This doctrine represents a new *ijtihad* that neither categorically prohibits nor unconditionally

⁵¹ Mansooreh Saniei and Mehdi Kargar, "Modern Assisted Reproductive Technologies and Bioethics in the Islamic Context," *Theology and Science* 19, no. 2 (April 2021): 146–54, <https://doi.org/10.1080/14746700.2021.1910914>.

⁵² Ayman Shabana, "Islamic Normative Principles Underlying Fatwas on Assisted Reproductive Technologies: Al-Azhar Fatwa on Artificial Insemination¹," *The Muslim World* 111, no. 3 (June 2021): 511–33, <https://doi.org/10.1111/muwo.12406>; Dimitra Katsani et al., "Social Egg Freezing—A Trend or Modern Reality?," *Journal of Clinical Medicine* 13, no. 2 (January 2024): 390, <https://doi.org/10.3390/jcm13020390>.

permits the practice. Instead, it establishes a middle ground whereby the permissibility of social egg freezing is contingent upon the fulfillment of specific, rigorously defined conditions derived from *maqāṣid al-sharī'ah*, particularly the protection of lineage (*hiḥzh al-nasl*). This doctrine differs from existing legal approaches in three significant ways.⁵³ First, it explicitly recognizes preventive reproductive preservation as a legitimate form of *ikhtiyar* (human agency) rather than merely a reactive treatment for infertility. Second, it shifts the legal question from Is egg freezing permitted? to Under what conditions can egg freezing be permitted? Third, it integrates contemporary medical knowledge about optimal reproductive age with classical legal principles, thereby producing a ruling that is both textually grounded and contextually responsive.

The Conditional Permissibility Doctrine is constructed upon five sequential conditions. First, the egg freezing procedure must be performed during the woman's optimal fertile age (generally under 35 years) to maximize future reproductive success and avoid subsequent harm. Second, the frozen eggs may only be fertilized by the sperm of a legitimate husband within an ongoing marital contract, with no exception for post-divorce or post-widowhood scenarios. Third, the practice absolutely prohibits any form of egg donation to third parties or the use of surrogate wombs (*surrogacy*). Fourth, fertility clinics and storage laboratories must adhere to strict operational and safety standards to prevent the mixing of eggs (*ikhṭilat al-nasab*). Fifth, a binding written agreement for the destruction of frozen eggs must be executed in the event of the owner's death or permanent cancellation of marriage plans. These five conditions collectively transform social egg freezing from a potentially problematic innovation into a legally regulated *maslahah*-oriented practice.

The lack of explicit guidelines also has implications for institutional fatwas in Indonesia. Given that the Indonesian Ulema Council (MUI) has yet to release a specific fatwa regulating social egg freezing for single women, its legal framework is analogized (*qiyas*) both lexically and substantially from the MUI fatwa concerning In Vitro Fertilization (IVF). This fatwa fundamentally provides space for the utilization of reproductive technology on the condition that fertilization

⁵³ Emerson H. Tiller and Frank B. Cross, "What Is Legal Doctrine," *Nw. UL Rev.* 100 (2006): 517, https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/illlr100§ion=32.

must use eggs and sperm from a legally married husband and wife, does not involve third parties or donors, and must be incubated within the wife's womb.⁵⁴ The proactive cautionary spirit (*sadd al-dzari'ah*) in this fatwa is applied stringently solely to prevent ambiguity or the mixing of lineage. Ultimately, the general logic behind this caution serves as a very relevant and proportional foundation for mapping out the ethical boundaries of social egg freezing within the legal framework of Islamic law in Indonesia. Within the Conditional Permissibility Doctrine proposed here, the MUI's IVF fatwa is not merely a precedent but a foundational analogy that demonstrates how Islamic law can accommodate reproductive technology while maintaining lineage protection as its non-negotiable core.

Building on this general logic and caution, the understanding of the essence of social egg freezing can be contextualized in a more constructive manner. From the perspective of *Maqasid al-Shariah*, this practice is recognized as an important instrument to support the principle of *hifzh al-nasl* (preservation of lineage). For single women who delay marriage due to demands for economic independence or careers, the risk of decreased quality and quantity of eggs at an older age poses a real threat to the continuity of generations.⁵⁵ By undertaking egg freezing while still within the optimal fertile age range, women are, in fact, taking proactive steps to secure the existence of their descendants in the future. This safeguarding effort resonates strongly with the substance of Shariah, which mandates Muslims to produce resilient future generations, both physically and biologically. The Conditional Permissibility Doctrine thus reinterprets *hifzh al-nasl* not merely as *preventing lineage confusion* (the classical emphasis) but also as *actively preserving the biological capacity for lineage* (a contemporary extension). This expanded understanding represents a significant development in *maqāṣid* theory as applied to reproductive bioethics.

However, the high value of benefit in lineage preservation does not render the use of this technology unlimited. The legality of egg freezing for single women in the context of Islamic family law remains highly conditional and not absolute, precisely as articulated in the Conditional

⁵⁴ Nabilah Kautsar et al., "Bayi Tabung Dalam Islam: Studi Literatur Atas Prosedur Yang Diperbolehkan Dan Dilarang," *Jurnal Inovasi Dan Kolaborasi Nusantara* 6, no. 2 (2025), <https://ejournals.com/ojs/index.php/jikn/article/view/2460>.

⁵⁵ Isabel V. Sawhill, *Generation Unbound: Drifting into Sex and Parenthood without Marriage* (Bloomsbury Publishing USA, 2014).

Permissibility Doctrine.⁵⁶ The most fundamental prerequisite establishes that the egg must later be fertilized exclusively by the sperm of a legitimate husband within the context of an ongoing marriage.⁵⁷ The logical consequence of this rule is a complete prohibition against the woman proceeding with IVF using her frozen eggs if her marital status has changed, whether due to divorce or the husband's death. This layered restriction is constructed to ensure that every child born will have a clear lineage, both legally and religiously. Ultimately, these strict provisions serve as a moral safeguard so that advancements in medical innovation do not sacrifice the basic rights of children or undermine the sanctity of family institutions in the future.

Additionally, Islamic law expressly prohibits the practice of egg donation to third parties or the use of surrogate wombs (*surrogacy*).⁵⁸ This prohibition is based on the principle of *sadd al-dzari'ah*, a preventive action aimed at closing off avenues that could lead to greater harm, in this case, confusion regarding lineage (*ikhhtilat al-nasab*).⁵⁹ Medical laboratories that facilitate egg storage also bear religious responsibility to ensure the safety of data and the physical eggs to prevent them from being mixed with those belonging to others. This safety guarantee is crucial because in Islamic family law, clarity of lineage is a fundamental right of the child that must be strictly protected to validate inheritance rights and guardianship.⁶⁰

The integration of the principles of permissibility, protection of lineage, and precaution ultimately provides a secure space for single

⁵⁶ Hazikahtus Shafiqoh, "Pembekuan Sel Telur (Egg Freezing) Perspektif Hukum Islam Dan Relevansinya Dengan Konsep Keluarga Maşlahah" (PhD Thesis, Fakultas Syari'ah dan Hukum Universitas Islam Alaudin Makasar, 2025), <https://repository.radenintan.ac.id/eprint/41834>.

⁵⁷ Trudie Gerrits, "It's Not My Eggs, It Is Not My Husband's Sperm, It Is Not My Child," *Critical Kinship Studies*. London, 2015, 65–80.

⁵⁸ Made Dinda Saskara Putri and Marzyadiva Camila Mashudi, "Komparasi Praktik Sewa Rahim Di Indonesia Dan Iran Dalam Perspektif Hukum Perdata Dan Hukum Islam," *Ranah Research: Journal of Multidisciplinary Research and Development* 7, no. 4 (2025): 2424–33, <https://www.jurnal.ranahresearch.com/index.php/R2J/article/view/1542>.

⁵⁹ Resti Rahmadika Akbar et al., "Bayi Tabung Sebagai Solusi Infertilitas Pada Pasangan Sah: Kajian Literatur Medis Dan Etis," *Nusantara Hasana Journal* 5, no. 3 (2025): 162–73, <https://nusantarahasanajournal.com/index.php/nhj/article/view/1610>.

⁶⁰ Sahara Hertina, "Tinjauan Hukum Islam Terhadap Pembekuan Sel Telur (Egg Freezing) Pada Wanita (Studi Pemikiran Ulama KH Yahya Zainul Ma'arif)" (PhD Thesis, UIN Raden Intan Lampung, 2025), <https://repository.radenintan.ac.id/eprint/37359>.

women to utilize medical advancements without violating the boundaries of Islamic law. Furthermore, when the principle of welfare in Islam is combined with the strictness of positive law, it creates a governance model based on *maqāṣid al-sharī'ah* that synergizes preventive, repressive, and restorative approaches within a cohesive institutional framework. Through comprehensive regulations of this kind, social egg freezing is no longer viewed as a threat to the traditional family structure but rather as an illustration of Islamic law's legal adaptability in responding to contemporary dynamics. This *maqāṣid* perspective not only strengthens the social legitimacy of the medical policies implemented but also broadens the dimension of protection, both for the future of women's reproduction and the assurance of lineage for children. Thus, this legal certainty provides women with peace of mind that their efforts remain aligned with the values of obedience. Ultimately, the harmonious integration of scientific innovation, state institutions, and the steadfastness of ethical Shari'ah demonstrates that the discourse of *fiqh* is always capable of presenting constructive solutions, honoring reason, and consistently safeguarding human dignity amidst the complexities of modern civilization.

In summary, the Conditional Permissibility Doctrine proposed here constitutes a new *ijtihad* that fills the gap left by classical *fiqh*, which had no category for preventive reproductive preservation. This doctrine offers Muslim women and Islamic legal institutions a coherent, principled, and practical framework for navigating the ethical complexities of social egg freezing without abandoning either the demands of modern professional life or the imperatives of Sharia.

Reproductive Justice: Balancing Career Rights and Gender

Once practical legal certainty has been established through *fiqh*-based parameters, the question of justice for women as legal subjects becomes an indispensable concern. Discussions of reproduction within Islamic family law frequently remain confined to normative legal formulations, without adequately engaging the lived realities of biological inequality experienced by women. In biological terms, men possess a significantly longer reproductive span, whereas women are limited by menopause.⁶¹ This asymmetry produces a dual burden for contemporary Muslim women. They are expected to excel in

⁶¹ Susan R. Davis et al., "Menopause—Biology, Consequences, Supportive Care, and Therapeutic Options," *Cell* 186, no. 19 (September 2023): 4038–58, <https://doi.org/10.1016/j.cell.2023.08.016>.

professional domains while simultaneously confronting the pressure of a steadily advancing biological clock. When Islamic law is interpreted in a rigid manner, women appear to be placed in a forced choice between career advancement and early marriage for reproductive purposes, a dilemma that is not equally imposed on men.

From a gender-just perspective grounded in Sharia, social egg freezing may be conceptualized as a form of negotiating reproductive time. This notion can be situated within the classical framework of *maqāṣid al-sharī'ah* as articulated by al-Ghazālī and further developed by al-Shāṭibī. Al-Ghazālī underscores that the primary objective of the law lies in the preservation of essential human interests, including lineage (*ḥifẓ al-nasl*) and human dignity.⁶² Al-Shāṭibī complements this by emphasizing that the realization of *maṣlaḥah* must remain responsive to changing contexts, provided that it does not violate foundational principles.⁶³ Within this framework, reproductive technologies such as egg freezing may be understood as contemporary instruments that contribute to the protection of lineage while also safeguarding women's agency and well-being.

Islamic law, which is fundamentally oriented toward the realization of public benefit, should not lead to a condition in which women forfeit their reproductive rights merely because they prioritize participation in public or professional life.⁶⁴ By framing egg freezing as a means of empowerment, women are afforded the autonomy to plan their reproductive futures without being constrained by biological anxiety. This perspective resonates with the ethical spirit of Islam, which recognizes women as full moral agents endowed with both social and spiritual rights, including the right to professional engagement and the right to pursue motherhood under dignified circumstances.⁶⁵ In this regard, technology does not function as a means of opposing nature, but

⁶² M. Anggi Heriyanto, "Telaah Komparatif Terhadap Perlindungan Anak Angkat Dalam Perspektif Maqashid Al-Syari'ah (Hifdz al-Nasl) Imam Al Ghazali Dan Ketentuan Undang-Undang Nomor 23 Tahun 2002" (PhD Thesis, HKI UIN Siber Syekh Nurjati, 2025), <https://repository.syekh Nurjati.ac.id/id/eprint/17345>.

⁶³ Muhammad Nur Khaliq and Aji Pangestu, "Teori Maqasid Syari'ah Klasik (Asy-Syatibi)," *Risalah Jurnal Pendidikan Dan Studi Islam* 11, no. 1 (2025): 149–62, http://jurnal.faiunwir.ac.id/index.php/Jurnal_Risalah/article/view/1330.

⁶⁴ Safrida Ramadhania, "Maqasid Syariah Dan Kesetaraan Hak Perempuan," *MLIJo: Maliki Law and Islamic Journal* 1, no. 1 (2025): 1–9, <https://urj.uin-malang.ac.id/index.php/MLIJo/article/view/18035>.

⁶⁵ Siti Ropiah and M. SH, *Fiqh Ramah Wanita: Jalan Menuju Keadilan Gender Dalam Islam* (PT Penerbit Qriset Indonesia, 2025).

rather as a mechanism for managing divine endowments in a responsible and context-sensitive manner.

The use of this technology can serve as a protective mechanism against structural discrimination in professional environments. Women frequently encounter a dual stigma. Those who delay marriage in pursuit of career advancement are often perceived as neglecting their natural roles, whereas those who become pregnant early in their careers are frequently judged as less productive.⁶⁶ Empirical studies, including those by Benard and Correll, identify the phenomenon of the motherhood penalty, wherein mothers are evaluated as less competent, subjected to stricter standards, and disadvantaged in hiring and compensation.⁶⁷ Similar findings by Thébaud and Taylor, as well as Schlehofer, indicate that mothers are often regarded as less suitable for leadership positions and must exert greater effort to maintain professional credibility.⁶⁸ In this context, social egg freezing provides a strategic option that enables women to pursue professional aspirations without relinquishing future reproductive possibilities.

Within the *maqāsid* framework, this practice also intersects with the preservation of intellect (*ḥifẓ al-‘aql*) and wealth (*ḥifẓ al-māl*), as it facilitates intellectual development and economic participation. At the same time, it supports the preservation of lineage (*ḥifẓ al-nasl*) by ensuring that reproductive capacity is not diminished due to temporal and structural constraints. This integrative approach reflects the holistic vision of Islamic law advanced by classical scholars, in which various dimensions of human welfare are interrelated and must be harmonized.

A gender-responsive interpretation of Islam therefore regards advancements in medical technology as a form of divine facilitation that should be utilized to promote justice and equitable opportunity. The conditional permissibility of egg freezing for unmarried women, provided that it adheres to ethical safeguards concerning lineage, illustrates the adaptive and justice-oriented nature of Islamic law. Within

⁶⁶ M. Ali Rusdi and Muhiddin Bakri, “Pertimbangan Karier Dalam Penundaan Kehamilan: Perspektif Maqāsid Al-Syarī‘ah,” *Al-Hukamaa: Jurnal Hukum Keluarga Islam* 3, no. 3 (2025): 46–54, <http://ejurnal.iainpare.ac.id/index.php/hukamaa/article/view/16050>.

⁶⁷ Stephen Benard and Shelley J. Correll, “Normative Discrimination and the Motherhood Penalty,” in *Working in America* (Routledge, 2015), 271–82.

⁶⁸ Sarah Thébaud and Catherine J. Taylor, “The Specter of Motherhood: Culture and the Production of Gendered Career Aspirations in Science and Engineering,” *Gender & Society* 35, no. 3 (June 2021): 395–421, <https://doi.org/10.1177/08912432211006037>.

this paradigm, Muslim women are no longer positioned merely as biological subjects constrained by time, but are recognized as autonomous agents with control over their reproductive futures. Ultimately, this perspective affirms that professional achievement and motherhood are not mutually exclusive trajectories, but can be meaningfully integrated within a Sharia framework that is both principled and responsive to contemporary realities.

CONCLUSION

This study affirms that the practice of social egg freezing for unmarried women within Islamic law cannot be evaluated in binary terms of absolute permissibility or prohibition. Through a *maqāṣid al-sharī'ah* approach combined with integrative tafsir analysis, social egg freezing may be regarded as a legitimate form of human agency in preserving reproductive potential, provided that it remains within the ethical and legal boundaries of Islamic principles. The proposed Conditional Permissibility Doctrine positions this practice as conditionally permissible, with strict emphasis on safeguarding lineage (*ḥifẓ al-nasl*). This framework also reinterprets *ḥifẓ al-nasl* beyond the prevention of lineage confusion, extending it to a proactive effort to preserve generational continuity.

This study contributes to Islamic legal theory by introducing the “Conditional Permissibility Doctrine” as a new *ijtihād* framework for addressing preventive reproductive technologies. It expands the classical understanding of *maqāṣid al-sharī'ah*, particularly *ḥifẓ al-nasl*, by shifting it from a predominantly protective and preventive orientation toward a more proactive and anticipatory dimension. Furthermore, the study integrates classical fiqh, contemporary tafsir, and gender-sensitive perspectives, thereby enriching the epistemological development of Islamic bioethics in responding to modern reproductive technologies.

The findings suggest that Islamic legal and regulatory institutions may consider developing clear guidelines for the use of social egg freezing, particularly for unmarried women, within a tightly regulated ethical framework. Such policies should ensure strict safeguards against lineage ambiguity, including prohibitions on gamete donation, surrogacy, and non-marital fertilization, while allowing medically and ethically supervised reproductive preservation. In addition, policymakers are encouraged to recognize reproductive autonomy as part of gender justice within Islamic ethical norms, thereby enabling a

balanced integration between technological advancement, women's rights, and the foundational objectives of Sharia.

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